

1986  
MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF  
THE TOWN OF CHAPEL HILL, NORTH CAROLINA,  
TUESDAY, OCTOBER 10, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

Mayor Howes noted that Council Member Preston was absent excused.

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, Town Attorney Ralph Karpinos, Assistant to the Attorney Richard Sharpless, Assistant to the Mayor Beverly Kawalec and Student Liaison to the Council Bill Hildebolt.

Ceremony

Mayor Howes introduced Chris Barrett, President of the North Carolina Chapter of the American Society of Landscape Architects. Mr. Barrett said he was honored to be at this evening's meeting. Mr. Barrett stated that the American Society of Landscape Architects was founded in 1899, and has focused its attention on the quality of design and its relation to the environment since that time. Mr. Barrett noted that the State chapter seeks to create a better environment throughout the State in terms of appearance and social viability.

Mr. Barrett said that the Town of Chapel Hill is a unique community in North Carolina. Mr. Barrett stated that the "Master Landscape Plan" is a significant effort to maintain and enhance the Town's natural beauty. Mr. Barrett said that the compilation of the plan is a superior professional accomplishment. Mr. Barrett presented the Award to Mayor Howes.

Mayor Howes said that the Town Council and staff appreciated the award and recognition from the American Society of Landscape Architects. Mayor Howes noted the community's sensitivity to the quality of development. Mayor Howes recognized Long Range Planning Coordinator Chris Berndt as the principal Town staff person responsible for compilation of the award-winning report.

Ms. Berndt said that the Town staff was honored to receive the award. She recognized the efforts of Patton and Zucchini Architects and Planning Director Roger Waldon, Planning Coordinator Dave Roesler and Drafting Technician Scott Simmons.

## Petitions

C.J. Coates, a local businessman, said he had encountered problems with storm drainage at 304 West Franklin, during site development work. Mr. Coates said that storm drainage pipes on the site were undersized, requiring replacement. Mr. Coates said that the Town would have had to replace the pipes in the near future. Noting that 20% of his total project cost was for the replacement of storm sewer pipe, Mr. Coates requested Town reimbursement for his outlays for storm drainage.

Council Member Wilkerson inquired when this item could be back before the Council. Town Manager Taylor said either October 23 or November 13.

Council Member Wallace inquired how much Mr. Coates had expended to date on storm drainage. Mr. Coates said approximately \$23,000 to date.

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

Matthew Widen stated that a crosswalk across Airport Road to Town Hall was needed. Mayor Howes said he was sympathetic to this suggestion.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER TO THE TOWN MANAGER FOR A STAFF REPORT. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Carolyn Squires, 211 Pritchard Avenue, asked to address the Council concerning the Noise Ordinance. Ms. Squires said she represented the concerns of residents of Pritchard Avenue and Short Street. Ms. Squires noted that her neighborhood group had met with Public Safety Director Cal Horton on October 8th to discuss noise ordinance concerns.

Ms. Squires stated that there had been three recent noise-related incidents in her neighborhood. Ms. Squires suggested that the Council make several changes to the Noise Ordinance including: banning noise permits in residential neighborhoods (excluding sororities and fraternities); reducing the maximum permissible decibel level from 75 to 50 decibels; and prohibiting the performance of live bands after 9:00 p.m. Ms. Squires said that if the first two suggestions were not feasible, all residents within three hundred yards of a proposed party should be required to sign a release.

Ms. Squires expressed concern that some parties in the Short Street/Pritchard Avenue area last until 5 or 6 a.m. the following morning. Ms. Squires requested that the Police Department be given additional regulations to control disturbances of the

peace. Ms. Squires suggested that those found to be disturbing the peace be fined at least \$50, and more for repeat offenses. Ms. Squires requested that her proposals be implemented in the next month.

Council Member Andresen requested that Town staff follow-up Ms. Squires remarks with expeditious action. Ms. Squires asked when the Council would consider her suggestions. Mayor Howes stated that Public Safety Director Cal Horton would keep her informed of developments.

Council Member Werner requested a future report on the entire noise ordinance.

Mayor Pro Tem Pasquini inquired when a report on the noise ordinance could be presented to the Council. Town Manager Taylor said that an interim recommendation could be brought back to the Council within thirty days. Ms. Squires expressed hope that the suggestions of her neighbors could be incorporated into the ordinance.

Council Member Wallace expressed concern that the Short Street/Pritchard Avenue area had been invaded by excessive noise problems without sufficient intervention by the Town. Council Member Wallace said that the noise issue had to be examined more broadly before seeking solutions.

Student Liaison to the Town Council Bill Hildebolt said that he was sympathetic to the concerns of neighborhood residents, because students can be quite loud. Mr. Hildebolt said that a student residing in the Short Street/Pritchard Avenue area had never been contacted by Mr. or Mrs. Squires about noise concerns in the area. Mr. Hildebolt said that area residents have called Police directly about noise complaints. Mr. Hildebolt said that students have always been cooperative with Police directives.

Mr. Hildebolt expressed concern that students had never been invited to neighborhood group meetings. Mr. Hildebolt said that including students in such meetings would be preferable to periodic interactions with the Police Department.

Mayor Howes said that as the Town staff responds to Ms. Squires' concerns, all parties will be contacted for their input. Mr. Hildebolt expressed confidence that the situation can be resolved through cooperation and mutual respect. Ms. Squires noted that she and neighbors are willing to work with student residents.

Carla Shuford said she took exception with Mr. Hildebolt's remarks. Ms. Shuford said that she rented property to students. Ms. Shuford added that some students, like those at 212 Pritchard Avenue, are not approachable for compromise by neighborhood residents.

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

Council Member Werner asked when the Millwood Court drainage matter would return to the Council. Town Manager Taylor said a report would be presented on October 23.

Council Member Godschalk said that he and Council Member Andresen were continuing work with the Watershed Task Force. Council Member Godschalk noted that the Task Force will complete its recommendations in the near future. Council Member Godschalk requested feedback on how the Council would like to consider the Task Force report. Mayor Howes inquired whether it would be possible to place this item on the October 23rd Council agenda. Town Manager Taylor said yes. Town Manager Taylor suggested that the item could be considered as a report, with a follow-up work session, if deemed necessary by the Council. Council Member Andresen stated that a report would be furnished to the Council following the Watershed Task Force meeting on October 12th. Council Member Godschalk stated that negotiations and work on Task Force recommendations were proceeding well.

Mayor Howes stated that candidates for the Chapel Hill Town Council will appear on a candidate forum to be cablecast by Carolina Cable on Thursday, October 26th at 7:30 p.m. in the Municipal Building Meeting Room. Mayor Howes added that a phone-in forum for School Board candidates will be held on October 19th. Mayor Howes also noted that the League of Women Voters will hold a discussion on watershed protection on Wednesday, October 11th at 7:30 p.m. at Phillips Junior High School on Estes Drive.

#### Approval of Minutes of September 12, 18 and 25, 1989

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE MINUTES OF SEPTEMBER 12, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT THE MINUTES OF SEPTEMBER 18, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT THE MINUTES OF SEPTEMBER 25, 1989. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

#### Joint Planning Agreement

Planning Director Roger Waldon said that the resolutions before the Council would accomplish two desirable outcomes: water and sewer extensions into the rural buffer would be prohibited and policies of local governments would be clarified.

Mr. Waldon stated that approval of the two amendments to the Joint Planning Agreement are recommended to the Council.

Council Member Andresen inquired about the size of the water and sewer lines through the rural buffer. Mr. Waldon responded that a 4" sewer and 12" water line are proposed for use by the Orange County School Board for its high school facility. Council Member Andresen asked whether these lines were sized to meet minimum requirements. Mr. Waldon said it was his understanding that these lines were prescribed by school officials for their facility. Mr. Waldon noted that the water and sewer lines will not be used for additional development in the rural buffer.

Council Member Wilkerson inquired about the length of the proposed sewer line through the rural buffer. Mr. Waldon stated that the line would be approximately 2,000-3,000 feet long.

Council Member Pasquini inquired whether each governing body will determine the public necessity of water and sewer lines. Mr. Waldon said no, noting that the Orange County Board of Commissioners will review individual applications.

Council Member Andresen inquired whether a 12" line was needed for the school site. Council Member Wilkerson noted that many church facilities require 12" water lines. Town Manager Taylor stated that a 12" water line is necessary to maintain adequate fire flow. Town Manager Taylor added that a 3", rather than 4" force main is proposed. Town Manager Taylor stated that passage of the resolutions will strengthen previous planning agreements.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 1.1. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CONCERNING A JOINT PLANNING AMENDMENT FOR WATER AND SEWER EXTENSIONS (89-10-10/R-1.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council adopts the following proposed amendment to the Joint Planning Agreement as heard at a joint public hearing on September 14, 1989:

PROPOSED AMENDMENT TO JOINT PLANNING AGREEMENT

(The proposed Article 4 is an addition to the Joint Planning Agreement.)

ARTICLE 4. WATER AND SEWER EXTENSIONS

Section 4.1 Water and Sewer Extensions Within the Rural Buffer

The extension of public water and sewer lines through the Rural Buffer portion of the Joint Planning Area is permitted, provided the extensions are necessary to serve an essential public facility, such as a school, or to remedy a public health emergency not otherwise correctable, such as a failing septic tank or failing package treatment plant. In either case, the facility or site to be served may not be located in the Rural Buffer and no connections to lines so extended are permitted within the Rural Buffer. The extension of public water and sewer lines into or through the Rural Buffer for other purposes is prohibited.

BE IT FURTHER RESOLVED that the Council hereby authorizes the Mayor to execute an amendment to the Joint Planning Agreement on behalf of the Town of Chapel Hill incorporating this addition.

This the 10th day of October, 1989.

Mr. Waldon stated that adoption of resolution 1.2 would clarify that if water and sewer service is extended, it will not serve development in the rural buffer.

COUNCIL MEMBER WILKERSON MOVED, SECONDED BY COUNCIL MEMBER ANDRESEN, TO ADOPT RESOLUTION 1.2. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION COMMENTING ON A PROPOSED AMENDMENT TO THE ORANGE COUNTY WATER AND SEWER POLICY (89-10-10/R-1.2)

WHEREAS, Orange County proposes the following amendment to its adopted Water and Sewer Policy:

PROPOSED AMENDMENT TO ORANGE COUNTY WATER AND SEWER POLICY

(Proposed changes to the Water and Sewer Policy are underlined)

GOAL 3 - DEVELOPMENT PATTERNS

B. Service Capability/Capacity/Extension Policies

3. Outside of Transition Areas, extensions of water or sewer systems will only occur to provide service to an essential public facility, such as a school, or to remedy a public health emergency not otherwise correctable, such as a failing septic tank or failing package treatment plant. The extension of public water and sewer lines through the Rural Buffer may occur, but, in either case, the facility or site to be served may not be located in the Rural Buffer. The extension of public water and sewer lines into or through the Rural Buffer for other purposes is prohibited.

Generally, system extensions into areas outside of Transition Areas shall be sized according to the policies of the utility providing the water or sewer service. However, system extensions through the Rural Buffer or into and within Water Quality Control Areas (other than a Water Quality Critical Area located in the Rural Buffer) shall be sized to address only the concern for which the systems are extended. No connections to lines so extended are permitted within the Rural Buffer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the proposed amendment is consistent with the adopted Joint Planning Agreement and the Joint Planning Area Land Use Plan.

This the 10th day of October, 1989.

#### Montvale Rezoning

Planning Director Roger Waldon stated that the Council had heard comments on this item at a September 14th Joint Planning Public Hearing. Mr. Waldon stated that the subject property is twenty-five acres, straddling the Orange-Durham County line. Mr. Waldon stated that rezoning to Rural Transition (RT) zoning is appropriate, since it will have no impact on the integrity of the rural buffer concept. Mr. Waldon noted that the Council's recommendation on this matter would be passed along to the Orange County Commissioners for their final action. Mayor Howes noted that the Orange County Commissioners seek Town Council guidance in recommendations of this type.

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 2A. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION RECOMMENDING APPROVAL OF A REZONING REQUEST (89-10-10/R-2a)

WHEREAS, Orange County and the Town of Chapel Hill have received a request to rezone a 1.45 acre tract of land, identified as Lot 14 of Chapel Hill Township Tax Map 15; and

WHEREAS, the request is to rezone the property from its current Rural Buffer designation to Chapel Hill's Residential-1A designation; and

WHEREAS, the property is in the Joint Planning Area, as defined by the Joint Planning Agreement executed by the Chapel Hill Town Council, the Carrboro Board of Aldermen, and the Orange County Board of Commissioners; and

WHEREAS, the request is consistent with and promotes the purposes of the Joint Planning Area Land Use Plan, adopted by the Chapel Hill Town Council, the Carrboro Board of Aldermen, and the Orange County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council recommends that the Orange County Board of Commissioners approve the request.

This the 10th day of October, 1989.

Fine Arts Development Ordinance Text Amendment

Mr. Waldon stated that comments on this text amendment had been heard by the Council at the September 18th public hearing. Mr. Waldon noted that the amendment would create a new use, Fine Arts Educational Institution. Mr. Waldon said that if such facilities are permitted in R-5 or R-6 zoned areas, special use permits will be required. Mr. Waldon stated that staff recommends adoption of resolution B, approving the development ordinance text amendment.

Council Member Werner inquired why references to performance and exhibits had been added to the ordinance. Mr. Waldon stated that the staff was being as precise and complete as possible. Council Member Werner inquired whether admission fees could be charged. Mr. Waldon said there was nothing in the ordinance language to prohibit admission charges.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT ORDINANCE 2B. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (89-10-10/O-2)

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendment to the Chapel Hill Development Ordinance to allow a Fine Arts Educational Institution in particular zoning districts with specific restrictions, 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

INSERT a new Subsection 2.45.1, to read as follows:



- 2.45.1 Fine Arts Educational Institution: Private entities that provide instruction and facilities for training and education in the fine arts, such as ballet schools, music conservatories, and visual arts schools. These uses may include performances and exhibits as accessory activities associated with the principal use.

## SECTION II

AMEND the Schedule of Use Regulations in Section 12.3 to insert "Fine Arts Educational Institution" in Use Group B between "College or University" and "Fraternity or Sorority Dwelling," and to indicate under "TC-1", "TC-2", "CC", "NC", "OI-3", "OI-2", and "OI-1" that the use is Permitted as a Principal Use if floor area of proposed development is less than 20,000 square feet and area of disturbed land is less than 40,000 square feet by inserting "p."

## SECTION III

AMEND the Schedule of Use Regulations in Section 12.3 to insert "Fine Arts Educational Institution" in Use Group B between "College or University" and "Fraternity or Sorority Dwelling," and to indicate under "R-5" and "R-6" the requirement for a Special Use Permit by inserting "S."

## SECTION IV

ADD Subsection 12.6.3, to read as follows:

### 12.6.3 Fine Arts Educational Institutions

Fine Arts Educational Institutions shall be allowed as a Special Use in the R-5 and R-6 zoning districts only if:

- a) The zoning lot on which such use is located fronts on either an arterial or collector street.
- b) Special consideration is given to the design of driveway areas to adequately permit on-site drop-off and pick-up of students.

## SECTION V

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

This the 10th day of October, 1989.

Triangle J Land Use Resolution

Planning Director Roger Waldon said that a resolution was before the Council calling for each jurisdiction in the Triangle J Council of Governments region to analyze their growth policies and participate in a regional database. Mr. Waldon noted that the Council was not being asked to adopt Triangle J guidelines.

Council Member Andresen inquired how much staff time would be needed to collect data. Mr. Waldon said this would not be a major time commitment, since building permit and development application information is currently tabulated.

Mr. Waldon added that it would take a few months to implement the use of common land use classifications. He noted that this would not involve a significant amount of staff work.

Council Member Godschalk said there was great value in allowing all jurisdictions in the region to use the same land use language. Council Member Godschalk noted the importance of this relative to maintaining regional census data.

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO ADOPT RESOLUTION 4. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION SUPPORTING REGIONAL LAND USE PLANNING EFFORTS  
(89-10-10/R-4)

WHEREAS, the Triangle J Council of Governments has presented a report entitled "Triangle J Council of Governments, Land Use Guidelines," containing certain information and findings; and

WHEREAS, the Council of the Town of Chapel Hill recognizes that the increasingly urbanized and complex nature of the Region requires regional cooperation in order to preserve and protect those qualities that make the Triangle J Region a unique and desirable place to live;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that we pledge the following efforts:

1. assemble those documents which set forth our current policies related to growth (direction, intensity and pace), housing, critical environmental and natural areas, infrastructure, open space and economic development, analyze and summarize the documents, and provide the summary to the Triangle J Council of Governments,
2. an analysis of the local implications of implementing the recommending in the TJCOG report,

3. cooperation with the Council of Governments and the municipalities and counties in the Region in arriving at a common classification of existing and proposed land uses that is suitable for urban as well as regional planning, and
4. participation in the development of a regional database initially involving semiannual reports to the TJCOG as described in the attached "Regional Data Base Proposal." The initial phase of the database is to be operational by April 1, 1990 to coincide with the decennial Census of Population and Housing.

BE IT FURTHER RESOLVED that will participate with the Triangle J Council of Governments and the municipalities and counties in the Region in a continuing program to achieve coordinated growth policies.

This the 10th of October, 1989.

#### Asheton Hill Development Extension

Mr. Waldon said that a special use permit for ninety-one dwelling units along Erwin Road was approved in 1983. He noted that final plans for the first phase were completed in 1984. Mr. Waldon stated that there was not much additional activity until June, 1988, when final plans for the project were completed. Mr. Waldon said that the developer requested an extension to construction time limits in 1988. He noted that a reduction in units, to sixty-four, was also requested and granted at that time.

Mr. Waldon stated that the completion time limit for Asheton Hill had recently expired. The developer is requesting an additional time extension, since the Town Manager can only grant one twelve month time extension. Subsequent time extensions must be granted by the Council. Mr. Waldon said that the project meets current density, but not setback or landscaping, requirements. Mr. Waldon said setback requirements in 1983 were a minimum of twenty feet, contrasted with fifty feet at present. He noted that setbacks for Asheton Hill vary between twenty-seven and fifty-two feet. Mr. Waldon stated that landscaping and buffering requirements could be increased if the Council desired.

Council Member Werner said that the project had been originally approved in 1983. He added that this was one of the key developments that suggested buffer and setback requirements needed enhancement. Mr. Waldon stated that the applicant might want to address buffering and setback requirement modifications.

Mr. Waldon stated that the developer has two options: to request a time extension or to modify their special use permit. Mr.

Waldon noted that the latter could involve modifications to landscaping and setbacks.

Todd Zaploski said his firm had acquired the Asheton Hill property approximately one and a half years ago. He added that his firm had also developed Windover Apartments. Mr. Zaploski stated that the density of the Asheton Hills project had been reduced, but the same building footprints would be used as building sites. Mr. Zaploski said that some units would be lost if setback and buffer requirements were increased. Mr. Zaploski stated that the market has steadily declined for condominium projects.

Council Member Andresen inquired whether the pond would remain on the site. Mr. Zaploski said yes. He noted that additional efforts to improve the site would be made as the local market improves. Mr. Waldon noted that setbacks vary between twenty-seven and fifty-two feet, allowing some room for landscaping and buffering. Council Member Andresen inquired about the present setback standard. Mr. Waldon said fifty feet.

Council Member Godschalk stated that newer units have a variation in angle to Erwin Road, giving a less linear look.

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

A RESOLUTION APPROVING A REQUEST FOR AN EXTENSION OF THE COMPLETION TIME LIMIT FOR ASHETON HILL (FORMERLY MCGREGOR PLACE AND FORMERLY THE HIGHLANDS) (89-10-10/R-5a)

WHEREAS, the Council of the Town of Chapel Hill has considered the application of McGregor Glen Development Group, to extend the completion time limit of the Special Use Permit for Asheton Hill for twelve (12) months;

WHEREAS, the Council finds that the permit holder submitted the request within sixty (60) days of the completion date, the permit holder has proceeded with due diligence and good faith, and conditions have not changed so substantially as to warrant Council reconsideration of the approved development;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the completion time limit is hereby modified. The new completion time limit is August 17, 1990.

This the 10th day of October, 1989.

Appointments and NominationsNew Hope Greenway Corridor Committee

Town Manager Taylor stated that the Council had been provided with the names of applicants to the Greenways and Parks and Recreation Commission, who might be interested in serving on the New Hope Committee.

Council Member Andresen requested that the Assistant to the Mayor, Bev Kawalec, contact these persons to see if they would be interested in serving on the New Hope Greenway Corridor Committee

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO NOMINATE ALL NOMINEES PRESENTED TO THE COUNCIL. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Mayor Howes requested that former Alderman Ed Vicary come forward to be recognized. Mayor Howes noted Mr. Vicary's hard work in having Town Council meetings locally cablecasted. Mr. Vicary thanked the Mayor and Council, noting his confidence that they would continue their good work for the community at large.

Regional Transportation Authority

Mayor Howes noted that the Orange County Commissioners had recently appointed Commissioner Shirley Marshall to serve on the Regional Transportation Authority Advisory Board. Mayor Howes also noted that Alderman Bob Hinshaw of Cary had also been appointed to the panel. Mayor Howes noted that the Town was being asked to appoint a member to the Board.

Council Member Godschalk inquired whether Mayor Howes would be willing to serve on the panel. Mayor Howes said yes, noting that he was interested in seeing the formative process through.

Mayor Howes noted that some terms will be for two years, while others will be for four years.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO APPOINT MAYOR HOWES TO SERVE ON THE REGIONAL TRANSPORTATION AUTHORITY BOARD. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Horace Williams Airport

Assistant to the Town Manager Greg Feller stated that the staff's report included the status of several items, including private designation of the airport facility. Mr. Feller said that discussions concerning the private designation were being held with the Attorney General's Office.

Mr. Feller noted that the Town of Carrboro has asked to be informed of matters pertaining to airport operations. Mr. Feller added that both Chapel Hill and Carrboro were requesting annual operation reports from the airport.

Town Manager Taylor noted that the Town and University would continue to strive to enhance safety at the airport. Town Manager Taylor stated that the University has pledged to continue its dialogue with the Town about airport operations. Town Manager Taylor expressed his appreciation to Chancellor Hardin for the University's willingness to work with Town officials on this situation. Town Manager Taylor said adoption of resolution 6 was recommended to the Council.

Council Member Andresen expressed appreciation for the University's willingness to meet with Town officials concerning the status of the airport facility. Council Member Andresen proposed that two changes be made to resolution 6a prior to adoption by the Council. Town Manager Taylor concurred with Council Member Andresen's amendments to resolution 6a.

Council Member Werner requested further information concerning the term "private" facility. Town Manager Taylor stated that aviators could not use the facility without permission, except in case of emergency. Town Manager Taylor said that transient aircraft would not be permitted to land at a private facility. Council Member Werner inquired what would happen when aircraft are diverted, noting that he did not want to generate a situation where pilots would have to land on area roadways. Town Manager Taylor noted that planes directed to land at Horace Williams by personnel at Raleigh-Durham air control will be permitted to do so.

Council Member Wilkerson stated that the individual killed in the recent aircrash near Horace Williams had not been directed to land at Horace Williams by RDU personnel.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO ADOPT RESOLUTION 6A, AS AMENDED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CONCERNING THE NEED TO MINIMIZE SAFETY RISKS ASSOCIATED WITH HORACE WILLIAMS AIRPORT (89-10-10/R-6a)

WHEREAS, the location of and aircraft operations associated with Horace Williams Airport have been of concern to the Town for many years; and

WHEREAS, the Chancellor and other representatives of the University of North Carolina at Chapel Hill have participated in several discussions with representatives of the Council and with interested citizens; and

WHEREAS, in his letters of August 4 and 31, 1989 to the Mayor and Council, the Chancellor has described in detail the consideration and implementation of measures to limit activities and enhance safety of the Airport; and

WHEREAS, the Council desires with the University to build upon the progress achieved to date in addressing concerns related to the Airport; and

WHEREAS, all but one of the accidents associated with Horace Williams Airport in recent years have involved flights by transient aircraft, whose use of Horace Williams Airport should be eliminated at the earliest feasible time; and

WHEREAS, increasing commercial operations at RDU and the consequent limitation of general aviation at RDU are likely to increase demand for use of other airfields in the region, including Horace Williams Airport; and

WHEREAS, the Chancellor has affirmed the position that the University does not have plans to expand operations at Horace Williams Airport and the University's intention to continue efforts to minimize transient use of the facility;

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

1. The Council affirms its desire that, pending its relocation, Horace Williams Airport

--be designated as "private," to eliminate its use by transient aircraft;

--be closed to non-University operations between the hours of 9 p.m. and 6 a.m.; and

--be continuously monitored as to the volume, aircraft type and purposes of aircraft operations;

2. The Council requests that the University provide a status report to the Towns of Chapel Hill and Carrboro before the end of the 1989 calendar year regarding the matters identified as under consideration in the Chancellor's letters of August 4 and 31, 1989 to the Mayor and Council.

3. The Council requests the University provide information to the Chapel Hill Town Council and Carrboro Board of Aldermen annually regarding:

\* The level and types of aircraft activity at the Airport.

\* A review of significant Airport regulations important in limiting safety risks associated with aircraft operation

around the airport, including limits on types and levels of activity such as those identified in the Chancellor's letters of August 4 and 31, 1989.

- \* Planned or potential measures to further increase safety and/or reduce activity levels, and the University's plans in general for the Airport.

The Council requests the opportunity for the Town and other interested parties to receive information on proposed procedural changes and to offer comments.

- \* An assessment of the effectiveness of previous changes in the regulation of Airport-related activities.

4. The Council requests the University to continue to enhance the safety of air operations associated with the Airport, with the goal of making safety improvements whenever practical.
5. The Council affirms its desire that air operations at Horace Williams Airport, other than those for public purposes, be carefully limited until they are relocated.
6. The Council welcomes and requests the opportunity from time to time to have discussions among representatives of the University, the Town, and other interested entities including community organizations, in the spirit of cooperation and good faith efforts to address matters of interest to the University.

BE IT FURTHER RESOLVED that the Council expresses its appreciation to Chancellor Hardin and the University administration for their diligent work to respond to concerns of citizens, to better control activities at the Airport and to make the Airport operations safer.

This the 10th day of October, 1989.

Mayor Howes noted that the University had been forthcoming in its willingness to discuss airport operations with Town officials and citizens. Council Member Wilkerson stated that the airport issue is a highly emotional one. Council Member Wilkerson said that Orange County Commissioners should be working on relocating the facility to a site in the County.

#### Coventry Townhomes

Public Works Director Bruce Heflin stated that the memorandum before the Council this evening recounted the history of refuse collection at Coventry Townhomes. Mr. Heflin noted that Mr.



Higgs, the developer of the property, chose to have private refuse collection. Mr. Heflin said that Mr. Higgs had cited the cost of development and community appearance as the reasons for this approach. Mr. Heflin added that no dumpster pads were created or required at the time of project completion.

Mr. Heflin stated that Mr. Arthur Dodd, on behalf of Coventry Townhome owners, had approached the Council earlier in the year, requesting that rear yard collection service be provided to Coventry residents. Mr. Heflin noted that if the development application were to come in now, the developer could use a private collector, but dumpster pads would be required.

Mr. Heflin stated that bulk or dumpster refuse collection could be offered to Coventry residents, but rear yard collection would be inefficient.

Council Member Andresen inquired whether satisfactory sites for dumpsters had been identified. Mr. Heflin said yes, noting that some shrubbery would have to be removed. He added that there would be a minimal impact on parking. Council Member Andresen noted that Coventry residents prefer backyard pick-up. Council Member Andresen inquired whether this method was more expensive. Mr. Heflin said yes. Council Member Andresen inquired about the staff's feelings about private collection.

Mr. Heflin noted that private collection could present some complications. Town Manager Taylor said that he felt strongly about his recommendation to the Council. Town Manager Taylor stated that he would feel more comfortable if Mr. Dodd were present at the meeting. Mayor Howes concurred that Mr. Dodd felt strongly about this issue, adding his surprise that Mr. Dodd was not in attendance this evening.

Council Member Andresen requested staff feedback on the use of private refuse collection service. Town Manager Taylor said that a report to the Council could be made in the future. Mayor Howes noted that Coventry's petition could be addressed again at the October 23rd Council meeting.

#### Peddling and Soliciting

Assistant to the Town Manager Greg Feller provided an overview of the Town's current peddling and solicitation regulations. Mr. Feller stated that the Town enforces State Laws concerning the offense of trespassing. Mr. Feller added that the Town can not regulate the hours of commercial solicitation.

Council Member Herzenberg suggested added the word "commercial" between the words "no soliciting" in the third paragraph of the proposed ordinance.

Council Member Andresen noted that if residents post "no soliciting" signs on their property, they will theoretically have no interruptions from solicitors. Mr. Feller said this was correct, noting that signs of up to two square feet could be posted in conformity with sign regulations. Council Member Andresen said it was unfortunate that a broader solution could not be implemented. Mr. Feller said that State Law precluded other approaches such as banning nighttime peddling.

Council Member Godschalk inquired why "no trespassing" signs could not be used by individual property owners.

Mayor Howes inquired about the pleasure of the Council in this matter. Council Member Werner noted that Mr. Kessler concerns were about solicitations after dark. Town Attorney Karpinos acknowledged that this was correct, adding that the enforcement of specific solicitation hours was not recommended due to previous court rulings. Council Member Werner said that he did not want to see a spate of no soliciting or no trespassing signs on properties throughout Town.

Mayor Howes said it appeared that the Council did not wish to take action on this item at this time.

THE COUNCIL TOOK NO ACTION ON THIS MATTER.

#### NC 86 Speed Limit

Town Engineer George Small noted that Mayor Pro Tem Pasquini had recently requested an investigation of speed limits along NC 86. Mr. Small stated that this request had been approached in a manner similar to Estes Drive Extension. Mr. Small said that the observed 85% percentile speed limit along NC 86 was 42 MPH. He added that a 45 MPH speed limit would not be appropriate given this outcome. Mr. Small noted that the speed limit along NC 86 had been discussed with North Carolina Department of Transportation officials.

Mr. Small stated that NC 86 narrows north of Homestead Road, with rear-end accidents being quite common in this area. Mr. Small noted that an inadequate number of lanes contributed to these accidents, but reducing the speed limit might also reduce the incidence of accidents. Mr. Small suggested that it would be a good idea to implement a consistent speed limit along NC 86 from Rosemary Street to Weaver Dairy Road.

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

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES  
(89-10-10/0-5)

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

SECTION I

That Section 21-11(3) of the Town Code of Ordinances "Speed Regulations" is amended by deleting the following:

- (d) Airport Road (N.C. 86) from Rosemary Street to a point 0.10 mile north of Estes Drive.

That Section 21-11(4) of the Town Code of Ordinances "Speed Regulations" is amended by deleting the following:

- (j) Airport Road (N.C. 86) from a point 0.10 mile north of Estes Drive to a point .46 mile north of Homestead Road.
- (k) Airport Road from a point .19 mile south of Weaver Dairy Road northward to the corporate limits of Chapel Hill.

SECTION II

That Section 21-11(3) of the Town Code of Ordinances "Speed Regulations" is amended by inserting the following in appropriate order:

- (d) Airport Road (N.C. 86) from Rosemary Street to the northern corporate limits.

SECTION III

This ordinance shall be effective beginning Monday, November 13, 1989.

SECTION IV

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

This the 10th day of October, 1989.

Council Member Andresen noted that NC 86 between Weaver Dairy and Homestead Roads is very narrow, resulting in a number of recent accidents. Council Member Andresen expressed hope that reducing the speed limit will be helpful in reducing the number of accidents.

Council Member Wilkerson stated that passing the ordinance was a good idea, but needed to be supplemented by vigorous enforcement of posted speed limits. Council Member Werner said it was his observation that the Town was doing a good job of enforcing reduced speed limits.

Mayor Pro Tem Pasquini asked when the new speed limit signs would be posted. Mr. Small indicated that most signs are posted within thirty days. Mr. Small added that Town staff will meet with North Carolina Department of Transportation officials this week to discuss the widening of NC 86 near Stateside Drive.

#### Tandler Homeownership Program

Town Manager Taylor noted that there had been twenty seven closings to date, with three units still to be sold.

#### Compensation of Manager and Attorney

Mayor Howes stated that the Council reviews the performance of the Town Manager and Town Attorney on an annual basis. Mayor Howes noted that this year's review process had been coordinated by Council Member Godschalk. Mayor Howes added that the Council had met with Town Manager Taylor and Town Attorney Karpinos to discuss their individual performances.

Mayor Howes stated that the Town has outstanding employees in Mr. Taylor and Mr. Karpinos. Mayor Howes noted that areas of improvement had also been discussed during the reviews of the Manager and Attorney.

Mayor Howes stated that the Town Manager and Town Attorney have provided excellent service to the Council and community during the past year. Mayor Howes said that 6% adjustments to the Manager and Attorney's salaries are recommended, to respective levels of \$89,570 and \$63,600.

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

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (89-10-10/O-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bonds of Officials Beginning October 1, 1989" (89-5-22/O-4) as follows:

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Section IV, part B, DELETE the lines:

	No	Salary
Town Manager	1	\$84,500
Town Attorney	1	60,000

And ADD the lines:

Town Manager	1	\$89,570
Town Attorney	1	63,600

with these new salaries to be effective as of October 1, 1989.

This the 10th day of October, 1989.

### Consent Agenda

Council Member Andresen requested that item G be pulled from the consent agenda.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT THE CONSENT AGENDA (ITEMS A-F AND H) AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND AN ORDINANCE (89-10-10/R-7)

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

- a. Mat and seal street improvements (R-8.1 - 8.5).
- b. Countryside street improvements (R-9).
- c. Bridge inspection agreement (R-10).
- d. Acceptance of grant funds for public housing improvements (R-11).
- e. Bus bids (R-12).
- f. Calling hearing on Marilyn Lane improvements (R-13).
- h. Designation of persons to serve as Acting Manager (R-14).

This the 10th day of October, 1989.

Mat and Seal Street Improvements

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON COKER LANE (89-10-10/R- 8.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Coker Lane with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON EVERGREEN LANE (89-10-10/R-8.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Evergreen Lane with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied after completion and determination of actual, final cost of the improvements, on the basis of frontage abutting the project, at an equal rate per foot of frontage.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON GLANDON DRIVE (89-10-10/R- 8.3)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Glandon Drive with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied after completion and determination of actual, final cost of the improvements, at an equal share per lot basis.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and

payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON MASON FARM PLACE (89-10-10/R-8.4)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Mason Farm Place with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied after completion and determination of actual, final cost of the improvements, at an equal share per lot basis.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR MAT AND SEAL STREET IMPROVEMENTS ON HILLCREST CIRCLE (89-10-10/R-8.5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake mat and seal street improvements on Hillcrest Circle with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.



BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied after completion and determination of actual, final cost of the improvements, at an equal share per lot basis.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.
3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 3 annual installments, with interest at an annual rate of 8%, the first of which shall be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

Countryside Street Improvements

A RESOLUTION ADOPTING AN ASSESSMENT RESOLUTION FOR STREET IMPROVEMENTS ON COUNTRY ROAD, ROUNDTREE ROAD, VILLAGE LANE, AND CREEKSIDE LANE (89-10-10/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to undertake street improvements on Country Road, Roundtree Road, Village Lane, and Creekside Lane with related improvements as described in the preliminary resolution adopted by Council on August 28, 1989.

BE IT FURTHER RESOLVED by the Council that pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes:

1. Special assessments shall be levied, after completion and determination of actual, final cost of the improvements on an equal share per lot basis.
2. One hundred percent of actual, final costs of the project, including those of construction (excluding intersections), legal services, interest charges, right-of-way acquisition, and publication expenses, shall be assessed from the owners of property abutting the project.

3. An owner of property abutting the project may pay an assessment (a) in one cash payment for the entire amount of the assessment, without interest, within 30 days after publication of a notice of confirmation of the assessment roll, or (b) in not more than 10 annual installments, with interest at an annual rate of 8%, the first of which would be due and payable concurrently with property taxes, and subsequent annual installments shall be due and payable on the same date in each successive year until the assessment is paid in full.

This the 10th day of October, 1989.

Bridge Inspection Agreement

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR BRIDGE INSPECTION (89-10-10/R-10)

WHEREAS, the Town of Chapel Hill has requested the Department of Transportation to perform certain work under the Federal Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the reinspection and analysis of all public bridges on the Municipal Street System in the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a consulting engineering firm retained by the Department of Transportation will reinspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80%) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the Town of Chapel Hill shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the Council and the Manager of this Municipality is hereby empowered to sign and execute the required agreement between the Town of Chapel Hill and the Department of Transportation.

This the 10th day of October, 1989.

Acceptance of Grant Funds for Public Housing Improvements

A RESOLUTION AUTHORIZING EXECUTION OF ANNUAL CONTRIBUTIONS CONTRACT (89-10-10/R-11)

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

The Contract, numbered Contract No. A-3963, Amendment No. 7 (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 PHA, and the Secretary is hereby authorized and directed to impress and attest the official seal of the PHA, 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. 89-10-10/R-11 was properly adopted at a regular or special meeting properly held on October 10, 1989.

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

(SEAL)

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(Signature)

Bus Bids

A RESOLUTION AWARDING A CONTRACT FOR THE PURCHASE OF FOURTEEN (14) THIRTY-FIVE FOOT ADVANCED DESIGN TRANSIT COACHES (89-10-10/R-12)

WHEREAS, the Council of the Town of Chapel Hill has solicited formal bids by legal notice on July 18, 1989 in accordance with G.S. 143-129 for the purchase of fourteen (14) thirty-five foot advanced design transit coaches; and

WHEREAS, in accordance with the specifications, life cycle costs, performance standardization values have been added to the total price bid; and

WHEREAS, the following bids have been received and opened on September 28, 1989:

<u>Item</u>	<u>Transportation Mfg. Corporation</u>		<u>Neoplan Corporation</u>	
	<u>Unit Price</u>	<u>Total</u>	<u>Unit Price</u>	<u>Total</u>
Fourteen Advanced Design Transit Coaches	\$167,523	\$2,345,322	\$170,710	\$2,389,940
Delivery	<u>1,448</u>	<u>20,272</u>	<u>1,450</u>	<u>20,300</u>
TOTAL*		<u>\$2,365,594</u>		<u>\$2,410,240</u>

\*These amounts represent the actual dollar amount that would be subject to award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that a contract for the purchase of fourteen (14) thirty-five foot advanced design transit coaches, in the amount of \$2,365,594 be awarded to the low bidder, Transportation Manufacturing Corporation.

This the 10th day of October, 1989.

Marilyn Lane Improvements

A RESOLUTION CALLING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR IMPROVEMENTS ON MARILYN LANE (89-10-10/R-13)

WHEREAS, total project costs have been compiled for improvements on Marilyn Lane; and

WHEREAS, a preliminary assessment roll has been established for this project and is on file with the Town Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith calls a public hearing at 7:30 p.m. on November 20, 1989 in the Municipal Building, 306 North Columbia Street, to hear comments on the preliminary assessment roll for improvements on Marilyn Lane.

This the 10th day of October, 1989.

Designating Acting Manager

A RESOLUTION APPROVING DESIGNATION OF PERSONS TO SERVE AS ACTING MANAGER (89-10-10/R-14)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves, and authorizes the Manager in accord with N.C. GS 160A-149 to designate as Acting Manager the following persons:

Sonna M. Loewenthal  
 Florentine A. Miller  
 W. Calvin Horton

This the 10th day of October, 1989.

Conner Drive Parking Restrictions

Council Member Andresen inquired about visibility problems relative to the turn lane along Conner Drive. Mr. Small said that the turn lane would be tapered to allow cars to get in and out along the two hundred and forty feet of Conner Drive. Council Member Andresen observed that some motorists use Conner Drive as a cut-through along Franklin Street. Mayor Howes noted that this short-cut is not very expeditious. Council Member Herzenberg inquired whether the roadway through Sunstone Apartments is a public road. Mr. Small said no.

COUNCIL MEMBER PASQUINI MOVED, SECONDED BY COUNCIL MEMBER WERNER, TO ADOPT ITEM F OF THE CONSENT AGENDA. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (89-10-10/O-7)

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

SECTION I

That Section 21-27 of the Town Code of Ordinances, " No parking as to particular streets," is amended by inserting the following therein in appropriate alphabetical order.

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Conner Dr.	Both	The center of Willow Dr.	A point 240 feet west of the center of Willow Dr.

## SECTION II

This ordinance shall be effective on Monday, November 6, 1989.

## SECTION III

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

This the 10th day of October, 1989.

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

The regular meeting stood adjourned at 9:52 p.m.

A MOTION WAS DULY MADE AND SECONDED TO ADJOURN FROM EXECUTIVE SESSION.