

234
MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
TOWN OF CHAPEL HILL, MONDAY, OCTOBER 23, 1989

Mayor Howes called the meeting to order.

Council Members in attendance were:

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

Council Member Wallace was absent excused.

Also in attendance were: Town Manager David Taylor, Assistant Town Managers Sonna Loewenthal and Florentine Miller, Public Safety Director Cal Horton, Assistant to the Mayor Beverly Kawalec, Planning Director Roger Waldon, Town Attorney Ralph Karpinos and Assistant to the Attorney Richard Sharpless.

Mayor Howes announced that there were no ceremonies or hearings evening.

Petitions

Thomas Mulligan, speaking on behalf of students and parents of the St. Thomas More School, stated that many parents are concerned about the two and a half year construction timeframe for the NC 15-501 bypass project. Mr. Mulligan expressed concern that planning for the project fails to provide traffic control assistance for access to St. Thomas More School. He noted that parents had requested that the North Carolina Department of Transportation reevaluate the situation, in an effort to improve traffic flow and patterns in the area of the school. Mr. Mulligan thanked the Council for any assistance they might render.

Mayor Howes noted that the Town had previously requested that a traffic signal be installed at the school. He expressed hope that the petition submitted to the Council by parents of St. Thomas More School students would offset the North Carolina Department of Transportation decision-making process.

Council Member Preston stated that she had visited the school, along with a student's parent, earlier in the day. Council Member Preston noted that there is a very intricate pattern for picking up children from St. Thomas More School. Council Member Preston said she fully appreciated the scope of the problem outlined by Mr. Mulligan. Council Member Preston said she hoped the Town staff would work with North Carolina Department of Transportation staff to reach a solution in this matter.

Mr. Waldon stated that it was difficult to quantify the cost of ordinance implementation. He stated that the ordinance could be implemented with existing Town staff. Mr. Waldon noted that additional administrative/enforcement staff may be needed in the future.

Mr. Waldon said that three key words summarized the efforts leading to the drafting of Ordinance B, recommended for Council adoption this evening: compromise, workable and enforceable. Mr. Waldon noted that there were two typographical errors in proposed ordinance B. Mr. Waldon stated that ordinance A was recommended for adoption by the Tree Protection Task Force, while ordinance B was recommended by the Town Manager.

Council Member Andresen inquired why Sourwood trees were excluded from the rare and specimen protected tree category. Mr. Waldon responded that Sourwood trees are not of the same rare quality as other trees included in this category. Mr. Waldon said that rare trees are those with a trunk diameter of greater than thirty-six inches. Mr. Waldon added that the average life of a Sourwood tree is approximately sixty to eighty years, as contrasted with three or four hundred years for rare trees.

Council Member Andresen inquired whether ordinance B included provisions to address the killing of large trees on properties during the installation of utilities. Mr. Waldon noted that the ordinance would require that trees be addressed early in the site design process. Mr. Waldon noted that this approach would force attention to the importance of tree preservation. Council Member Andresen inquired whether the Orange Water and Sewer Authority would be included in the tree/utility coordination process. Mr. Waldon said yes.

Council Member Herzenberg thanked the Town staff for their work on the proposed ordinance since the September 18th public hearing. Council Member Herzenberg suggested that ordinance B could be adopted, following the incorporation of two minor modifications.

Council Member Preston inquired who would decide about the practicability of tree replacement. Council Member Herzenberg stated that Town staff and prevailing conditions would both play roles in this process.

Council Member Godschalk noted that letters had been received from Duke Power and Southern Bell, stating that the proposed draft tree ordinance had satisfactorily addressed their utility concerns. Council Member Godschalk inquired whether the concerns of all utilities had been addressed. Mr. Waldon said that Town staff had met with all utilities and reached agreement on the changes to the ordinance concerning utility installation.

Mayor Pro Tem Pasquini inquired about Mr. Mulligan's preferred solutions for addressing traffic problems in the area of the school. Mr. Mulligan said that design changes to accommodate north and south access to the school would be most preferable. He added that installation of a traffic signal would also be acceptable.

Council Member Andresen requested that the staff report back to the Council before final action is taken in this matter.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PASQUINI, TO REFER THE MATTER TO STAFF. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Town Manager Taylor requested that item number eleven, consideration of the Noise Ordinance, be removed from the agenda, because University students were out of town for the Fall semester break. Mayor Howes noted that Student Liaison to the Council Bill Hildebolt was not in attendance at this evening's meeting.

Council Member Preston noted that she had requested that Public Safety Director Cal Horton provide a demonstration of decibel levels to the Council in the future.

Approval of Minutes of October 2, 1989

COUNCIL MEMBER GODSCHALK MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE MINUTES OF OCTOBER 2, 1989 AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

Tree Protection Ordinance/Landscaping Standards

Planning Director Roger Waldon noted that the process for drafting proposed tree and landscaping standards involved many hours of hard work by the Tree Protection Task Force, members of various community groups and businesses, citizens and Town staff. Mr. Waldon stated that trees had been unnecessarily lost in the past, during the development process.

Mr. Waldon stated that the proposed tree ordinance addresses the management of trees in the development process and a broad array of other tree development regulations. Mr. Waldon noted that many comments in support and opposition to the proposed tree ordinance were made at a September 18th Council Public Hearing. He noted that a recommended revised ordinance, addressing many of the earlier comments, was before the Council this evening.

Mr. Waldon noted that hundreds of changes had been made to the various drafts of the Tree Protection Ordinance. Mr. Waldon reviewed the key changes to the ordinance, including lot sizes, utility permit provisions, fines, establishment of a Tree Committee and related administrative matters.

that the Tree Committee would be a positive force in planting new trees around Town.

Mayor Pro Tem Pasquini, noting that the State and University were exempt from the Tree Ordinance, inquired whether the Town was similarly exempted. Town Manager Taylor said no, noting that the State and University are exempt so long as they are not constructing a building.

Mayor Pro Tem Pasquini inquired whether developers would be permitted to cut down specimen trees. Mr. Waldon stated that the draft ordinance does not prohibit removal of specimen trees.

Mayor Pro Tem Pasquini inquired whether a developer would have to apply for a permit if one large tree were located in the middle of a lot. Mr. Waldon said yes, noting that this situation would be addressed at the time of initial development review.

Council Member Herzenberg noted that Town Attorney Karpinos had recommended the addition of language in section 11.7.5 of the proposed ordinance (ordinance B). Council Member Herzenberg agreed to the modification, as did Council Member Preston.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT ORDINANCE B, WITH AMENDMENTS TO TEXT LANGUAGE. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

AN ORDINANCE ESTABLISHING A TREE PROTECTION ORDINANCE (89-10-23/O-1b)

WHEREAS, Chapel Hill is blessed with a diversity and abundance of trees, shrubs and soils; and

WHEREAS, such trees, shrubs, and soils are of economic value to the Town and make it a desirable place for both residents and visitors; and

WHEREAS, the appearance of Chapel Hill from the public ways contributes to the economic prosperity of the Town; and

WHEREAS, trees and other landscape elements help to naturally control flooding and erosion, moderate noise pollution, dust, and other airborne pollutants, moderate the Town climate, and shelter and feed its wildlife; and

WHEREAS, the growth and development attracted to the Town often necessitates the removal of trees, shrubs, and soils, thereby contributing to their depletion; and

WHEREAS, it is necessary to protect and manage these valuable assets and their habitat in order to protect the health, safety, and welfare of citizens in Chapel Hill and its extraterritorial jurisdiction; and

Council Member Godschalk inquired about the University's reaction to the ordinance. Mr. Waldon noted that O&I-3 zones would be exempt from provisions of the ordinance. Mr. Waldon stated that Town staff would seek voluntary compliance with the ordinance. He added that University officials were receptive to this idea.

Council Member Godschalk, noting that the proposed ordinance contained thirty-three pages of new regulations, said that additional staff would likely be needed in the future to enforce and administer the ordinance. Town Manager Taylor said it was likely that a second Urban Forester position would be needed in the future.

Council Member Werner inquired whether the State of North Carolina would be exempt from the tree ordinance. Mr. Taylor said yes. Council Member Werner inquired whether there had been discussions about voluntary compliance by the North Carolina Department of Transportation. Urban Forester Adam Kuby said no contacts had been made with the Department of Transportation concerning the tree ordinance. Mr. Kuby added that tree preservation efforts would be made with the contractor for the Fordham Boulevard (U.S. 15-501) project.

Council Member Werner inquired about the major impact of the ordinance. Mr. Waldon said that trees would be saved as development occurs and utilities are installed.

Council Member Wilkerson noted that many persons had expressed concern about the need for a landscaping protection supervisor on construction sites, at the September 18th public hearing. Council Member Wilkerson inquired whether this requirement was included in the proposed ordinance. Mr. Waldon said yes, noting the critical importance of having a person on-site to monitor the activity of bulldozers and other equipment while in operation. Council Member Wilkerson inquired about the fiscal impact on developers. Mr. Waldon said that it would not be necessary for most projects to hire another person to serve as on-site supervisor. Council Member Wilkerson inquired whether it was conceivable that there would be no additional development cost for personnel. Mr. Waldon said yes, adding that other modest additional development costs arising from the tree ordinance would be less than 1% of future home costs. Council Member Wilkerson inquired whether benefits would outweigh costs. Mr. Waldon said yes.

Council Member Andresen inquired whether training would be offered for on-site tree protection supervisors. Mr. Waldon said yes. Council Member Andresen thanked Council Member Herzenberg and the members of the Tree Protection Task Force for their help in the drafting of the tree ordinance. Council Member Andresen expressed disappointment that the ordinance was not more broadly drawn. Council Member Andresen said she was pleased that the University was willing to work with the Town on voluntary compliance. Council Member Andresen concluded her remarks by noting

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to issue the attached set of Standards and Specifications as a component of the Town's Design Manual, to be used as referenced in Article 11 of Chapel Hill's Development Ordinance.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to make minor adjustments to these standards and specifications as appropriate, with notice of such changes being provided to the Council.

This the 23rd day of October, 1989.

Town Manager Taylor thanked all parties who had worked on the tree ordinance. Council Member Herzenberg thanked Andy Sachs, Claire Cooperstein and Larry Touchstone for their assistance in composing the ordinance.

Mayor Howes inquired whether passage of the ordinance would make the Town eligible to participate in Tree City, USA programs. Mr. Kuby said yes, noting that information on this item would be brought to the Council in the future.

Mayor Pro Tem Pasquini noted that a member of the Northern California Sierra Club had contacted him, requesting a copy of the tree ordinance following its adoption. Ms. Cooperstein added that she had been unsuccessful in her efforts two years ago to locate a good adopted tree ordinance in the United States.

Watershed Protection

Council Member Godschalk said that he and Council Member Andresen were requesting that the Council approve a resolution supporting the work of the Orange-Chatham negotiating committee to date. Council Member Godschalk said the negotiated agreement is similar to the joint planning agreement, with considerable give and take by many parties. Council Member Godschalk said that the Town was currently in a good position to get the support of other area elected officials. Council Member Godschalk said that if the resolution were approved, a joint public hearing concerning watershed protection would be held early in the new year. Council Member Godschalk stated that the agreement supports a five acre minimum lot size to protect water quality. Council Member Godschalk added that a hardship provision would facilitate hardship cases, while maintaining the overall density of one unit per five acres.

Council Member Godschalk noted that if a lawsuit concerning watershed protection is filed against one jurisdiction, all parties to the interjurisdictional agreement would have a discussion concerning the suit.

WHEREAS, such protection and management would achieve the purposes of Chapel Hill's Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amends the Chapel Hill Development Ordinance, to add a new Article 11, and add to Articles 2 and 14, as described on the following pages.

BE IT FURTHER RESOLVED that this amendment to the Development Ordinance shall become effective on January 1, 1990.

This the 23rd day of October, 1989.

Mr. Waldon stated that the landscaping standards prescribe technical specifications. He added that the standards do not have the same rigidity as the tree ordinance.

Town Manager Taylor noted that the utility company comments on September 18th mainly addressed standards questions. Mr. Taylor noted that utility representatives concurred with the recommended specifications (resolution 1A). Mr. Taylor said that resolution 1A was recommended for Council adoption.

Council Member Godschalk inquired how boring would be handled. Mr. Kuby responded that boring at critical root zones was desirable but would not always be possible. Mr. Kuby said that the utility companies requested that prevailing conditions be taken into account when determining whether boring or trenching was the best approach.

Mr. Kuby noted that the installation of sleeves was suggested, so they could be used for future projects, if needed. Council Member Godschalk inquired whether it was correct that if a utility tried and failed to bore three times, trenching could be used as an alternative method. Mr. Kuby said this was correct.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER PRESTON, TO ADOPT THE STANDARDS, ADDING "KUDZU" TO SECTION 4.4 (D) OF THE STANDARDS. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION DIRECTING ISSUANCE OF A SET OF LANDSCAPING STANDARDS (89-10-23/R-1a)

WHEREAS, the Town of Chapel Hill has adopted a set of Tree Protection regulations as a part of its Development Ordinance (Article 11 of the Chapel Hill Development Ordinance); and

WHEREAS, the adopted Tree Protection regulations direct the Town Manager to prepare Landscaping Standards and Specifications to be used in conjunction with the Development Ordinance; and

WHEREAS, the Town Manager has developed the attached set of Landscaping Standards and Specifications, after consultation with local landscape professionals, utility companies, and citizens;

Taylor suggested adding the words "except alternative wastewater systems" to item 6 of the agreement. Council Member Andresen said that this was an important language addition.

Council Member Godschalk, noting that the watershed negotiations to date were very delicate, said it was important for the Town to express its views in this matter.

COUNCIL MEMBER ANDRESEN MOVED, SECONDED BY COUNCIL MEMBER GODSCHALK, TO ADOPT RESOLUTION 2, AS AMENDED, PROVIDING THAT USAGE OF ALTERNATIVE WASTEWATER SYSTEMS BE PERMANENTLY PROHIBITED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION REGARDING THE AGREEMENT PROPOSED BY REPRESENTATIVES OF ORANGE COUNTY, THE TOWN OF CARRBORO AND THE TOWN OF CHAPEL HILL (89-10-23/R-2)

WHEREAS, University Lake is a water supply source for almost 60,000 people in the Chapel Hill-Carrboro/southeast Orange County area, and may be a supplemental water source from time to time for the Town of Hillsborough; and

WHEREAS, the N.C. Environmental Management Commission has classified the University Lake watershed as a WS - 1 water supply, and this classification is the highest and most protective category for water supplies; and

WHEREAS, the Chapel Hill Town Council has in recent years adopted resolutions supporting conservative land use and utility policies to protect the quality of water which drains to University Lake from its watershed of approximately 167 square miles; and

WHEREAS, the Towns of Carrboro and Chapel Hill and Orange County entered into a Joint Planning Agreement dated November 2, 1987 which includes plans to address protecting the University Lake watershed, and policies restricting extension of public utilities and annexation; and

WHEREAS, in accord with the Joint Planning Agreement, the Orange Water and Sewer Authority commissioned a study by the highly qualified, experienced firm of Camp Dresser and McKee to establish a technical basis for policy decisions on protecting the University Lake watershed; and

WHEREAS, in accord with the Joint Planning Agreement, representatives of Orange County and the Towns of Carrboro and Chapel Hill have entered into joint discussions of watershed planning and protection procedures, standards and/or regulations which may be incorporated into ordinances and into the Joint Planning Agreement; and

Council Member Godschalk added that alternative wastewater system should not be permitted for installation in the watershed at this time.

Council Member Andresen said that the negotiating process had been a long and difficult one, with many compromises. Council Member Andresen said that the initial goal, causing minimal degradation to water quality, had been respected. Council Member Andresen said that alternative wastewater disposal systems might possibly be permitted after 1991. Council Member Andresen suggested that it might be appropriate to ban all alternative systems for five years and require bonds for failing systems.

Council Member Godschalk said the Council could adopt the resolution before them this evening, amend it, study it further, or defer the matter to November 13th. Council Member Godschalk said he would feel most comfortable if the Council went on record in support of the resolution this evening.

Mayor Howes inquired about the actions of neighboring jurisdictions in this matter. Town Manager Taylor said that the Town of Carrboro had established acceptable principles for holding a public hearing on watershed protection. Mr. Taylor added that Orange County had not yet considered this item.


Ed Holland, representing the Orange Water and Sewer Authority, said that Orange County is scheduled to consider watershed protection at its November 6th meeting.

Council Member Godschalk stated that all jurisdictions had received the same memorandum of understanding from Carrboro Alderperson Judith Wegner. Council Member Godschalk said that a lot of progress had been made in negotiating sessions. Council Member Preston inquired whether it was correct that the group would meet again on November 15th. Council Member Andresen said yes. Council Member Andresen said the final draft document would hopefully be completed by November 13th.

Council Member Werner said resolution on the matter could probably be attained this evening. Council Member Werner said that alternative systems were almost being encouraged, since only a one-and-a-half year ban was currently proposed. Council Member Werner added that the clustering provision was somewhat confusing. Council Member Godschalk reiterated that a minimum one unit per five acre density would be maintained. Council Member Godschalk added that there was a difference of opinion in the work group whether or not community systems are safe. Council Member Godschalk noted that community systems are prohibited in the proposed resolution.

Council Member Andresen observed that no time frame was identified concerning restrictions on alternative wastewater systems. Council Member Godschalk acknowledged this fact. Town Manager

I, Joyce A. Smith, Acting Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of Resolution 89-10-23/R-2, adopted by the Chapel Hill Town Council on October 23, 1989. This the 26th day of October, 1989.



Joyce A. Smith
Acting Town Clerk
Town of Chapel Hill

Mayor Howes extended commendations to Council Members Andresen and Godschalk for their work on the watershed protection negotiations. Mayor Howes similarly commended the other jurisdictions involved in the negotiating processes.

Council Member Godschalk noted that the Camp, Dresser, McKee study was very helpful as a watershed information source. Council Member Godschalk added that Ed Holland of OWASA had tested the Camp, Dresser, McKee model to see whether watershed quality would be adequately protected.

Mixed Use Plan Regulations

Mr. Waldon stated a September 18th public hearing was held to discuss a mixed-use plan development ordinance text amendment. Mr. Waldon added that development ordinance text amendment requests may be initiated by citizens, council members or the Town staff. Mr. Waldon said the mixed-use text amendment was initiated by a group of property owners in the vicinity of NC86 and Weaver Dairy Road, holding five to twenty acres each. Mr. Waldon said the staff found some merit in the applicant's proposed amendment, principally that it would encourage coordinated development. Mr. Waldon noted that a petition had also been received from the Cross-County Citizens Committee concerning mixed-use development.

Mr. Waldon said the applicants had requested that tracts of five to twenty acres be made eligible for mixed-use development incentives. Mr. Waldon said denial of the application was recommended by the Town Manager. Mr. Waldon added that the Town staff recommended responding to the applicant's petitions by undertaking an examination of current mixed-use development regulations. Mr. Waldon stated that the Town Manager recommended adoption of resolutions A & B. He added that Ordinance A would approve the development ordinance text amendment requested by Mr. Rudolph and his associates.

Dave Rudolph said he believed that all parties agree that the proposal has merit, but a question of timing is also involved, since the proposal may be somewhat premature. Mr. Rudolph said he was focusing his energies on getting developers to cooperate

WHEREAS, representatives of the above jurisdictions have proposed an agreement, which is attached hereto, for protecting the watershed;

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

1. Supports the water quality goal recommended by Camp Dresser and McKee:

"minimal degradation or preventing significant future deterioration in water quality."
2. Supports requiring a 5-acre minimum lot size as the basic means of protecting the University Lake watershed with lower risk and a greater factor of safety than the alternative of more dense development using stormwater detention ponds to limit pollution from non-point sources.
3. Believes, on the basis of experience in other areas, that extending public sewer creates the economic potential for dense development and ultimately leads to growth at urban densities which are contrary to the public health in a water supply watershed such as that of University Lake.
4. Supports prohibitions on extension of public sewer in University Lake watershed except to address a public health hazard;
5. Supports the prohibition of alternative community wastewater systems, such as low pressure pipe and spray irrigation, in the University Lake watershed because such systems have greater risks than individual septic systems, as documented in the Camp Dresser McKee report; and because such systems can support development at urban densities.
6. Except for alternative community wastewater systems, as noted in paragraph 5 above, endorses the attached proposed agreement as submitted to the Council on October 12, 1989, and particularly the emphasis on requiring a minimum lot size of 5 acres per housing unit (with limited exceptions), and on prohibiting the extension of public sewer into the watershed except to address public health hazards.

BE IT FURTHER RESOLVED that the Council expresses its appreciation and admiration to the representatives of the governing boards of Orange County and the Town of Carrboro for their diligent and extended work to resolve the complex and difficult issues of watershed protection in the best interest of the citizens we all serve.

This the 23rd day of October, 1989.

WHEREAS, the Council of the Town of Chapel Hill has acknowledged that a number of questions and concerns about the structure of the Mixed Use and Master Land Use Plan provisions have arisen;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to conduct a comprehensive examination of the Mixed Use and Master Land Use Plan provisions of the Development Ordinance and to report back to the Council upon completion of the examination, but in no case later than February, 1990;

This the 23rd day of October, 1989

Housing Assistance Plan

Housing and Community Development Director Tina Vaughn stated that a Housing Assistance Plan Program must be submitted annually to the U.S. Department of Housing and Urban Development. Ms. Vaughn said that the plan outlines the Town's housing goals for 1990, 1991 and 1992. Ms. Vaughn reviewed the proposed program, noting that the Housing Advisory Board had reviewed the proposed plan at its October 17th meeting. Ms. Vaughn stated that the Housing Advisory Board had recommended to the Council that the Plan be submitted to the U.S. Department of Housing and Development.

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

A RESOLUTION AUTHORIZING SUBMISSION OF A HOUSING ASSISTANCE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (89-10-23/R-6)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to submit a Housing Assistance Plan as submitted to the Town Council on October 23, 1989 to the U.S. Department of Housing and Urban Development (HUD) by October 31, 1989 and to provide such additional information as HUD may require.

This the 23rd day of October 1989.

West Franklin Street Fair on November 5th

Assistant Town Manager Sonna Loewenthal stated that Ms. Estelle Mabry had requested that a portion of West Franklin Street be closed on Sunday, November 5th, to hold a Street Fair. Ms. Loewenthal noted that this year's Festifall had been cancelled due to inclement weather. Ms. Loewenthal stated that no food sales or entertainment are proposed for the street fair event. Ms. Loewenthal stated that the fair would help artisans and craftspersons make sales which would have been made at Festifall.

with each other. Mr. Rudolph said he and his associates had spent approximately \$1,200 to date on the preliminary text amendment proposal. Mr. Rudolph said the opportunity to enact the text amendment could be lost if the subject properties were to be sold in the near future. Mr. Rudolph requested that the ordinance be approved by the Council on the basis of merit.

Council Member Werner said that the mixed-use ordinance should be review in its entirety prior to approving Mr. Rudolph's proposal. Council Member Werner said it was clear that changes to the mixed-use development ordinance will be necessary. Council Member Werner suggested modifying resolution B, by adding that Mr. Rudolph's proposal would be considered within the context of an overall ordinance review.

Town Manager Taylor said this approach would be agreeable to the Town staff.

Council Member Preston inquired whether Mr. Rudolph was encouraged by this proposed approach. Mr. Rudolph said it was difficult to answer. Mr. Rudolph said this outcome was better than an outright rejection, adding that he personally had no plans to do anything with his own property. Mr. Rudolph said he was prepared to accept any Council action in this matter.

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

A RESOLUTION FOR FURTHER STUDY OF THE MIXED USE ZONING AND MASTER LAND USE PLAN REGULATIONS OF THE DEVELOPMENT ORDINANCE (89-10-23/R-4)

WHEREAS, the Council of the Town of Chapel Hill adopted a Development Ordinance Text Amendment on October 27, 1986 which established the mixed use zoning district;

WHEREAS, the Council of the Town of Chapel Hill adopted a Development Ordinance Text Amendment on May 11, 1987 which established the Master Land Use Plan provisions;

WHEREAS, the Council of the Town of Chapel Hill has received a petition from the Cross County Citizens Committee, dated September 5, 1989, regarding an amendment to the Mixed Use regulations and requesting a moratorium on mixed use development at the Interstate 40/Highway 15-501 location and a petition from Mr. David Rudolph, the petitions will be examined simultaneously;

WHEREAS, the Council of the Town of Chapel Hill has received a petition, dated September 13, 1989, requesting that the Cross County Citizens Committee petitions be denied;

Council Member Werner inquired how long it would take to coordinate food and entertainment as a joint venture between Ms. Mabry's group and the Town. Ms. Mabry noted that the Town's Parks and Recreation Department had already done a great deal of groundwork on food and entertainment participation.

Dasha Jackson, a Chapel Hill High School student, requested that food vendors be allowed to participate in the street fair. Ms. Jackson said she had personally purchased ice, hot dogs and a booth in anticipation of making sales at Festifall. Ms. Jackson said proceeds from the food sale would be used for scholarships. Ms. Jackson noted that her cause has a deadline of November 15th. Ms. Jackson said she would lose all her money if the event does not include food sales.

Mayor Howes inquired about food sale permitting requirements. Town Manager Taylor said that Parks and Recreation Director Mike Loveman had handled these arrangements in the past. Ms. Jackson said that all requirements were customarily met the day before the event by undergoing an inspection by the Health Department.

Mayor Howes noted that Ms. Jackson had recently won a national oratorical contest sponsored by the Elks.

Mayor Pro Tem Pasquini said that if the fair were held, it should be planned very well, since people would associate the event with the Town's traditional Festifall.

Ms. Mabry stated that holding the event after November 5th would be risky, due to unpredictable climatic conditions.

Town Manager Taylor said it would not be possible to coordinate a Festifall type event in just two or three weeks.

Mayor Pro Tem Pasquini inquired about details of the Holiday Festival and parade. Mr. Taylor said that the tree lighting would be held on December 1st, followed by the Holiday Parade on December 2nd.

Ms. Mabry stated that the groundwork for the Street Fair event had been put in place. Council Member Wilkerson asked whether food could be coordinated for an event held on November 5th or 12th. Ms. Mabry said this would be possible, but she did not personally have adequate time to coordinate such an effort.

Mayor Howes said he was enthused by the initiative taken to the idea of holding alternate street fairs on the two portions of Franklin Street. Mayor Howes added the critical importance of professional planning and coordination of any such events. Mayor Howes said that Town cooperation and support, coupled with hard work by Ms. Mabry and her associates, would be needed to make the Street Fair a successful event.

Ms. Loewenthal noted that a registration fee of \$20 per booth would be charged for the event.

Estelle Mabry said that businesses in the area support the street fair proposal. Ms. Mabry said that Town officials could work with the businesses to close Franklin Street between Kenan and Roberson Streets. Ms. Mabry suggested that alternatively a portion of Church Street could be closed, supplemented by the use of Town parking lot number five. Ms. Mabry said that West Franklin Street would be a better location for the street fair.

Council Member Godschalk said that the parking lot might be a better location for an arts and crafts fair. Ms. Loewenthal noted that persons parking in the lot on a monthly basis would need to be notified, so that they could temporarily relocate their vehicles. Ms. Loewenthal added that Ms. Mabry's group favored the West Franklin Street fair location. Ms. Loewenthal noted that five public safety officers and additional street cleaning personnel would be needed to handle the street fair. Ms. Loewenthal said the total cost of these services would be approximately \$2,000. Mayor Howes asked how much it cost for Festifall security and cleaning services. Ms. Loewenthal stated that Festifall costs were higher since food is served at that event.

Council Member Werner stated that the Council had been resistant to closing streets in the past. Council Member Werner inquired whether sufficient time was being allowed to have adequate publicity for the event. Council Member Werner said if the street fair is held, it should be done well.

Mayor Pro Tem Pasquini noted that the event was not a rescheduling of Festifall, but an alternative event on a smaller scale. Mayor Pro Tem Pasquini expressed confidence that there was sufficient time to do a good job of planning events.

Ms. Mabry said the Town staff had been helpful in attempting to coordinate the street fair. Ms. Mabry said over thirty vendors had expressed interest in participating in the event. She added that food and entertainment would entail a lot of additional coordination efforts. Ms. Mabry said it would be preferable that the Town not charge for public safety officers or clean-up costs for the event. Ms. Mabry added that some of the vendors indicated that they wished to participate only if the event is held on West Franklin Street. Ms. Mabry stated that publicity would include flyers to merchants and advertisements in the Chapel Hill Herald, Village Advocate and The Chapel Hill Newspaper. Ms. Mabry added that community organizations and schools will be contacted to promote the street fair.

Council Member Andresen, noting that thirty vendors could be accommodated in parking lot number five, asked whether Ms. Mabry felt strongly about holding the fair on West Franklin Street. Ms. Mabry said yes.

WHEREAS, the Chapel Hill/Carrboro Chamber of Commerce, the Chapel Hill/Carrboro Downtown Commission, TriPark Securities, Inc., Eunice Brock and Associates, The Courtyard and Beskind and Rudolph propose to sponsor a street fair on West Franklin Street; and

WHEREAS, the sponsors will use the same criteria as the Chapel Hill Parks and Recreation Department in the selection of vendors and community groups for booth space at the street fair and encourage participation by food and entertainment vendors; and

WHEREAS, affected businesses, churches, and residences will be notified about the street fair; and

WHEREAS, access to the area for public safety and emergency vehicles will be maintained by public safety officers stationed at all barricades; and

WHEREAS, the sponsor will provide a certificate of insurance in the amount of \$1 million naming the Town of Chapel Hill as an additionally insured party; and

WHEREAS, any excess revenue raised by the street fair will be donated to Orange County Habitat for Humanity;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of West Franklin Street between Kenan Street and Roberson Street on Sunday, November 5, 1989 from 11:00 a.m. until 7:00 p.m., to allow the holding of a street fair including set-up and clean-up sponsored by private businesses, the Chapel Hill/Carrboro Chamber of Commerce, and the Chapel Hill/Carrboro Downtown Commission.

This the 23rd day of October, 1989.

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

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF WEST FRANKLIN STREET (89-10-23/0-3)

BE IT ORDAINED by the Council of the Town of Chapel Hill that on November 5, 1989 from 11:00 a.m. to 7:00 p.m. there shall be no parking on either side of West Franklin Street between Kenan Street and Roberson Street between the above hours.

The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said street during such hours on said date. The Police Department is further authorized to remove, tow and impound automobiles and vehicles of any kind which are parked on said street during such hours in contravention of the ordinance. In light of the large number of

Mayor Howes said he would feel better holding the fair in parking lot number five, since it did not present the complications of closing Franklin Street. Ms. Mabry said she would prefer to locate the fair on Franklin Street, but would not say no to having the fair in parking lot number five. Council Member Herzenberg said he would prefer holding the fair on West Franklin Street.

Ms. Mabry noted that vendors requiring electricity for their operations could deal directly with merchants along West Franklin Street. Ms. Mabry noted that ten food vendors were included on the Festifall vendors list.

Town Manager Taylor expressed hope that a street fair could be coordinated. He commended the private sector for their initiative in planning the street fair event.

Mr. Taylor added that the event could be held on either November 5th or 12th, with the fair running from 1 to 4 p.m. He added that it would be impractical to hold the event for a longer duration, due to daylight considerations. Mr. Taylor added that the event could be coordinated in either parking lot number five or along West Franklin Street.

Council Members Preston and Herzenberg proposed the adoption of resolution 7a, encouraging the participation of food vendors in the event. The council members noted that a vote of confidence was owed to the store owners and residents of West Franklin Street. Mr. Taylor noted that the Town could absorb clean-up and security costs for the street fair.

Council Member Wilkerson noted that any excess revenue from the event would be donated to Orange County Habitat for Humanity. Ms. Mabry noted that vendors selling goods would be charged \$20 for rental of a 10' x 10' space, while non-sellers would be charged \$10 for a similar space.

Mayor Pro Tem Pasquini said that if food is offered at the event, there also ought to be some form of entertainment. Town Manager Taylor said every effort would be made to accommodate this request. Mr. Taylor noted that booths for the event were being made available on a first-come, first-served basis.

Mayor Howes said he would vote in favor of the resolution in a spirit of cooperation. Mayor Howes said that credit should be given to the people who brought together the initiative for the street fair.

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

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF WEST FRANKLIN STREET FOR A STREET FAIR ON NOVEMBER 5, 1989 (89-10-23/R-7a)

neighborhood could be used as a pilot project. Council Member Preston added that if the Town did not have time to address the plan, University planning interns might be able to handle this as a class project. Mr. Waldon said that staff was trying to balance earlier Council planning priorities. Mr. Waldon added that the staff would do as the Council directed in this matter, which could involve taking away resources from other priorities.

Town Manager Taylor stated that a significant amount of time and resources would have to be devoted to the development of a Northside neighborhood plan.

Estelle Mabry said she liked the idea of hybrid zoning categories. Ms. Mabry said she would like to see zoning densities decreased somewhat in the Northside neighborhood.

COUNCIL MEMBER PRESTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT RESOLUTION 10, AMENDED WITH LANGUAGE TO INCLUDE THE DEVELOPMENT OF A NORTHSIDE NEIGHBORHOOD PLAN. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION CONCERNING NEIGHBORHOOD CONSERVATION INITIATIVES FOR THE NORTHSIDE NEIGHBORHOOD (89-10-23/R-10)

WHEREAS, the Northside neighborhood is an older, established neighborhood adjoining the Town Center experiencing development pressures; and

WHEREAS, the Northside neighborhood has a quality of design and a single family character that is worthy of protection and conservation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Manager to prepare an amendment to the Chapel Hill Land Use Plan showing the Northside neighborhood as a conservation area; to provide limited technical assistance to neighborhood residents in their efforts to establish a private nonprofit corporation; and to prepare a neighborhood plan.

This the 23rd day of October, 1989.

Library Committee Fundraising

Mayor Howes reported that the Library Committee is actively discussing fundraising for the proposed library facility. Mayor Howes noted that the Library Committee will make a final recommendation by November 14th. Council Member Preston said she did not understand why it would not be possible to consider a library bond issue in May.

Appointments to New Hope Corridor Greenways Committee

pedestrians expected in the street area, the Council hereby determines that vehicles in the restricted area would constitute a special hazard requiring prompt removal. The owner shall be responsible for and pay storage and moving costs of any vehicle removed pursuant to the provisions of the ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicle.

This the 23rd day of October, 1989.

Northside Neighborhood Conservation

Planning Director Roger Waldon said that residents of the Northside neighborhood had expressed the desire for some measures to protect their historic neighborhood, without too much regulation. Mr. Waldon said that there are four approaches to preserving residential character in neighborhoods: special neighborhood conservation status, preparation of a neighborhood conservation plan, establishment of a new zoning district, or creation of a non-profit corporation, to serve as a broker in the exchange of property.

Mr. Waldon stated that the first two approaches, neighborhood conservation status and a related plan would be important tools to provide additional neighborhood protection, but would necessitate a large amount of Town staff time and other resources. Mr. Waldon added that work had already begun on the establishment of a non-profit corporation for real estate brokerage. He added that the Town would provide any necessary advise in this regard.

Council Member Andresen inquired whether it would be possible to consider legislation for a neighborhood conservation area. Council Member Andresen said it was her understanding that conservation districts do not necessarily relate to architectural features of a neighborhood. Council Member Godschalk noted that since the Northside neighborhood is principally zoned single-family, enabling legislation is not needed to reject rezoning requests. Council Member Godschalk inquired what problems would be addressed by passage of enabling legislation. Council Member Andresen responded that the Northside neighborhood is fragile, with some sections zoned R-3. Council Member Andresen added that rental housing units had created some problems in the area.

Council Member Preston inquired about the feasibility of establishing a zoning overlay district. Mr. Waldon said that the land-use plan could be amended to include a statement that efforts are being made to preserve the residential character of the neighborhood.

Council Member Preston said she was disappointed that there is not sufficient time or resources to develop a Northside neighborhood plan. Council Member Preston suggested that the

254
 an ad hoc group. Mr. Heflin stated that this group had made recommendations on recycling and the landfill budget and associated fees in the past. Mr. Heflin noted that a broader recycling program was currently being examined. Mr. Heflin said that acquiring the next landfill site would be a difficult task, with the next one proving even more difficult to acquire.

Mr. Heflin said the site selection committee would consist of one representative from each of the seven townships in Orange County, three at-large members and three jointly selected (one from each member government) members. Mr. Heflin concluded his remarks by noting that the Town of Carrboro and Orange County had recently passed resolutions similar to the one before the Council this evening.

Council Member Preston said a conscious effort was being made to make the landfill site selection process an open one. Council Member Preston noted that representation from all portions of the county would be somewhat cumbersome, but should result in consensus-building early in the process. Council Member Preston said she hoped the process would be endorsed by the Council.

Council Member Werner inquired who would make the final landfill siting decision. Town Manager Taylor said that the landfill owner's group (the Towns of Carrboro and Chapel Hill and Orange County) would make the final recommendation to the governing bodies and the governing bodies would decide. Mr. Heflin noted that the final recommendation of the group was several years away. Council Member Werner asked about the worst case scenario for the size of the future landfill. Mr. Heflin said a site with a life of ten years would be the worst case, although if recycling programs were instituted, a twenty-five to thirty year site might be viable.

Council Member Godschalk suggested that it might be a good idea to consult with the Dispute Settlement Center in the early stages of the committee's formation.

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

A RESOLUTION ENDORSING A PROCESS FOR SELECTING SITES FOR A NEW LANDFILL FOR ORANGE COUNTY (89-10-23/R-11)

WHEREAS, the Council of the Town of Chapel Hill acknowledges the necessity of planning for future means of disposing of solid waste; and

WHEREAS, the current County landfill will reach its capacity by early 1997; and

WHEREAS, the Council of the Town of Chapel Hill desires to work together with the Town of Carrboro and Orange County as part of

Mayor Howes noted that one of the nominees, Gene Davis, a student at the University of North Carolina, was in attendance at this evening's meeting.

The Council voted to appoint Gene Davis, June Dunnick and Kathy Harris to the New Hope Corridor Greenways Committee. Original ballots are available for inspection in the Town Clerk's Office.

Mr. Davis said he would provide periodic reports to the Council on committee activities through Student Liaison to the Town Council, Bill Hildebolt.

Audit Report

Jan Llewelyn of Touche Ross and Company reported that an audit of Town financial records had culminated in an unqualified, clean report. Ms. Llewelyn reported that the Town would again be eligible for a Government Finance Officers Association certificate of reporting.

Ms. Llewelyn highlighted key audit findings. Ms. Llewelyn said that the Town's fund balance is still very healthy. She noted that the Town's General Fund revenues only exceed expenditures by \$50,000. Ms. Llewelyn stated that the single audit section of the report contained a comprehensive list of audit findings.

Ms. Llewelyn said that the letter of recommendations found no weaknesses in internal control mechanisms. One area identified for improvement was physical inventories. Ms. Llewelyn said that the Finance Department would work with the Public Works and Transportation Departments to improve this situation.

Council Member Godschalk inquired whether costs of services were catching up with revenues. Ms. Llewelyn said yes, noting that Federal funding sources are less plentiful.

Town Manager Taylor said he was pleased to present the audit report. Mr. Taylor said that the past year had been a difficult one. Mr. Taylor said that 98% of available monies had been expended in the past, whereas about 99% would be expended this year. Mr. Taylor noted that the Town had received Standard and Poor's second-highest rating of AA+.

Mr. Taylor said the only way to improve this to a AAA (highest) rating would be to significantly diversify the economy.

Landfill Sites

Public Works Director Bruce Heflin said that the Council was being asked to endorse a process for identifying future potential landfill sites. Mr. Heflin said that the Town had been using the same site since 1972, adding that the current site would be filled by the middle of 1997. Mr. Heflin said that the landfill owner's group, composed of three local government bodies (Chapel Hill, Carrboro and Orange County) had set up

256
 Council Member Werner stressed the importance of having the consulting engineers speak to Booker Creek/Millwood neighborhood residents about the drainage situation. Council Member Godschalk said that the drainage plans should be adapted to small area plans.

Town Manager Taylor stated that the cost of Town-wide drainage system improvements would greatly exceed past anticipated storm drainage analysis costs. Mr. Taylor said that the analysis could put future Capital Improvements Program needs for stormwater management in proper perspective.

Mayor Howes said it appeared that the Council was giving Mr. Small the go ahead to further investigate the storm drainage situation in the Booker Creek/Millwood area.

Response to Alliance of Neighborhoods Letter

Town Manager Taylor thanked the Alliance of Neighborhoods for their recent letter concerning Town service delivery. Mr. Taylor indicated that a response to the concerns had been forwarded to the Alliance of Neighborhoods. Mr. Taylor said that the Town staff's goal is to provide excellent quality services to community residents.

Briarbridge Lane Traffic Control

Town Engineer George Small said that a traffic control gate had prevented through traffic in the area. Mr. Small noted that the Church of Christ was a reluctant participant in allowing the gate to be installed. Mr. Small said that the gate was a give and take item. Mr. Small noted that the design of South Columbia Street was currently being analyzed. Mr. Small said his recommendation was to let the gate remain in place.

Council Member Werner asked how much longer the process for South Columbia Street planning would require. Mr. Small said hearings would be held throughout 1990, with actual improvements scheduled to take place in 1992. Council Member Werner inquired whether anything could be done to assist the Church of Christ with its concerns. Mr. Small stated that residents of the area could be encouraged to be good neighbors by not cutting through the church parking lot.

Consent Agenda

COUNCIL MEMBER WERNER MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO ADOPT THE CONSENT AGENDA AS PRESENTED. THE MOTION WAS ADOPTED UNANIMOUSLY (8-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (89-10-23/R-14)

the Landfill Owners' Group in planning for the County's solid waste disposal needs; and

WHEREAS, the Landfill Owners' Group is actively pursuing County-wide and regional solutions to the County's long-term solid waste needs including volume reduction through reuse, recycling, composting or incineration; and

WHEREAS, even though solid waste volume will be reduced by reuse, recycling, composting or incineration, some residue will need to be landfilled thereby necessitating a new landfill; and

WHEREAS, the Landfill Owners' Group has recommended a process by which the three governing bodies may proceed to select potential sites for the next landfill; and

WHEREAS, it is the intent of the three governments to create a process for selecting prospective sites which will include the public, and the proposed process provides for this access;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the process for selecting prospective sites for a new landfill recommended by the Landfill Owners' Group as described in the Town Manager's report of October 23, 1989, a copy of which shall be retained with the records of this meeting.

This the 23rd day of October, 1989.

Booker Creek/Millwood Drainage

Town Engineer George Small said the Booker Creek/Millwood area was one with a history of drainage problems. Mr. Small noted that some cursory research about these problems had been performed about one year ago. Mr. Small said that the McFarlane property was part of the sub-drainage basin. He noted that the Kirkwood development has detention basins. Mr. Small noted that future developments in the Booker Creek/Millwood may have to meet more stringent drainage standards.

Mr. Small said that the area's drainage system is poorly designed in some places, with inefficient inlets. Mr. Small said that the widening of Erwin Road has resulted in additional runoff in the Booker Creek Apartments area. Mr. Small stressed the importance of performing a comprehensive review of the Town's drainage system and an analysis of two or three levels of community protection. Mr. Small said the possible system-wide enhancements would be quite expensive.

Mr. Small said he did not feel that the Town has a direct legal liability for the flooding situation at the Booker Creek Apartments, since the Town can only offer protection to a certain level.

258

A RESOLUTION TEMPORARILY CLOSING JUSTIN PLACE (89-10-23/R-17)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of Justin Place to vehicle traffic from 2:30 to 5:30 p.m. on Sunday, October 29, 1989 (or on Sunday, November 5 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 5:30 p.m.
3. No alcohol shall be consumed in the public street right-of-way.
4. Participants in the event shall comply with reasonable directives of the Police and Fire Departments.

This the 23rd day of October, 1989.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1989" (89-10-23/O-5)

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

ARTICLE I

<u>APPROPRIATIONS</u>	<u>CURRENT BUDGET</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>REVISED BUDGET</u>
GENERAL FUND				
MAYOR	67,727	317		68,044
TOWN MANAGER				
INFO. SERVICES	228,859	2,329		231,188
PERSONNEL	299,478	7,972		307,450
FINANCE	463,401	1,735		465,136
PLANNING	565,911	39,692		605,603
INSPECTIONS	299,012	137		299,149
ENGINEERING	372,162	5,000		377,162
PUBLIC WORKS				
STREETS	1,394,038	386,841		1,780,879
EQUIP. SERVICES	624,472	7,826		632,298
SANITATION	1,827,260	73		1,827,333
GEN. SERVICES	844,500	6,538		851,038
POLICE				

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

- a. December holiday parade/tree ceremony (R-15 & 16, O-4).
- b. Justin Place closing request (R-17).
- c. Encumbrances (O-5).
- d. Authorizing General Obligation bond terms (R-18).
- e. Bid: cab and chassis (R-19).
- f. Bid: 1/2 ton trucks (R-20).
- g. Transit project ordinance (O-6).

This the 23rd day of October, 1989.

A RESOLUTION TEMPORARILY CLOSING PART OF HENDERSON STREET ON FRIDAY, DECEMBER 1, 1989 (89-10-23/R-15)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the temporary closing of Henderson Street between Franklin Street and Rosemary Street between 5 and 9:30 p.m. on Friday, December 1, 1989, in connection with a community sing and tree lighting ceremony.

This the 23rd day of October, 1989.

A RESOLUTION TEMPORARILY CLOSING PART OF FRANKLIN STREET ON SATURDAY, DECEMBER 2, 1989 FOR VEHICLE LINE-UP FOR THE ANNUAL HOLIDAY PARADE (89-10-23/R-16)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the temporary closing of East Franklin Street between Henderson and Hillsborough Streets from 7 a.m. to 10 a.m. on Saturday, December 2, 1989 for vehicle line-up before the annual holiday parade.

This the 23rd day of October, 1989.

AN ORDINANCE TO PROHIBIT PARKING ON FRANKLIN STREET ON THE MORNING OF A HOLIDAY PARADE (88-10-24/O-4)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby prohibits parking on Franklin Street from Boundary Street to the western Town limits on Saturday, December 2, 1989 from 6:00 a.m. to 12:30 p.m. and authorizes the Police Department to cover parking meters accordingly.

This the 23rd day of October, 1989.

A RESOLUTION PROVIDING FOR THE ISSUANCE OF \$5,000,000 IN GENERAL OBLIGATION BONDS (89-10-23/R-18)

WHEREAS, the bond orders hereinafter described have taken effect, and it is desirable to make provision for the issuance of bonds authorized by said bond orders; NOW, THEREFORE,

BE IT RESOLVED by the Town Council of the Town of Chapel Hill, North Carolina (the "Issuer"), as follows:

1. Pursuant to and in accordance with the street and sidewalk bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$1,500,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of twenty years, computed from November 1, 1989.

2. Pursuant to and in accordance with the library bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$1,150,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1989.

3. Pursuant to and in accordance with the parks and recreational facilities bond order adopted by the Town Council on September 8, 1986, the Issuer shall issue its bonds of the aggregate principal amount of \$850,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1989.

4. Pursuant to and in accordance with the parks and recreational facilities bond order adopted by the Town Council on March 6, 1989, the Issuer shall issue its bonds of the aggregate principal amount of \$1,500,000. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1989.

5. The bonds to be issued pursuant to the bond orders described in paragraphs one through four, inclusive, of this resolution shall be issued as one consolidated bond issue of the aggregate principal amount of \$5,000,000 and shall be designated "Public Improvement Bonds, Series 1989," and hereinafter referred to as the "Bonds." The Town Council has ascertained and hereby determines that the average period of usefulness declared in paragraphs one through four, inclusive, of this resolution is not less than twenty years computed from the date of the Bonds. The Bonds shall be dated November 1, 1989 and shall bear interest from their date at a rate or rates which shall be hereafter determined upon the public sale thereof and such interest shall be payable on May 1, 1990 and semi-annually thereafter on May 1 and November 1. The Bonds shall mature, subject to the right of prior redemption as hereinafter set forth, annually on May 1, as follows:

SUPPORT SERVICES	1,041,968	8,732	1,050,700
PATROL	2,676,211	2,634	2,678,845
DETECTIVE	449,908	145	450,053
FIRE			
ADMINISTRATION	189,306	845	190,151
SUPPRESSION	1,304,260	14,283	1,318,543
PREVENTION	94,286	10	94,296
PARKS & RECREATION			
ADMINISTRATION	221,626	4,400	226,026
GEN. RECREATION	763,953	23,806	787,759
PARKS MAINTENANCE	435,239	2,693	437,932
LIBRARY	848,303	12,343	860,646
NON-DEPARTMENTAL	2,712,876	2,595	2,715,471
PUBLIC HOUSING	1,360,979	31,428	1,392,407
LANDFILL FUND	2,127,700	88,037	2,215,737
TRANSPORTATION FUND			
ADMINISTRATION	458,756	16,430	475,186
OPERATIONS	2,938,498	6,073	2,944,571
MAINTENANCE	685,398	1,234	686,632
CAPITAL IMPROVEMENTS FUND	1,370,278	389,226	1,759,504

ARTICLE II

<u>REVENUES</u>	<u>CURRENT BUDGET</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>REVISED BUDGET</u>
GENERAL FUND				
FUND BALANCE	700,000	530,946		1,230,946
PUBLIC HOUSING FUND	1,360,979	31,428		1,392,407
LANDFILL FUND				
FUND BALANCE	171,200	88,037		259,237
TRANSPORTATION FUND				
FUND BALANCE	414,259	23,737		437,996
CAPITAL IMPROVEMENTS FUND				
FUND BALANCE	615,278	389,226		1,004,504

This the 23rd day of October, 1989.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date, or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest and any redemption premium on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

7. The Bonds shall bear the manual or facsimile signatures of the Mayor and the Town Clerk of the Issuer and the official seal or a facsimile of the official seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of said Commission or of a representative designated by said Secretary and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

8. The Bonds and the endorsements thereon shall be in substantially the following form:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
1991	\$225,000	2000	\$225,000
1992	225,000	2001	225,000
1993	225,000	2002	225,000
1994	225,000	2003	225,000
1995	225,000	2004	225,000
1996	225,000	2005	250,000
1997	225,000	2006	800,000
1998	225,000	2007	800,000
1999	225,000		

Debt service will be payable to the owners of Bonds shown on the records of the hereinafter designated Bond Registrar of the Issuer on the record date which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding a debt service payment date.

6. The Bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to The Depository Trust Company, New York, New York ("DTC"), and immobilized in its custody. The book entry system will evidence ownership of the Bonds in the principal amounts of \$5,000 or whole multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the Bonds will be payable at the times stated in the preceding paragraph, and principal of the Bonds will be paid annually on May 1, as set forth in the foregoing maturity schedule, in clearinghouse funds to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The Issuer will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Issuer determines that continuation of the book entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the Issuer will discontinue the book entry system with DTC. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will authenticate and deliver replacement Bonds in the form of fully registered certificates.

North Carolina, and pursuant to The Local Government Finance Act of the State of North Carolina, as amended, bond orders adopted by the Town Council of the Town on September 8, 1986 and March 6, 1989 (the "Bond Orders") and a resolution adopted by said Town Council (the "Resolution") to pay capital costs of improving the Town's streets and sidewalks, library facilities and parks and recreational facilities. The issuance of this bond and the contracting of the indebtedness evidenced thereby have been approved by a majority of the qualified voters of the Town voting at elections held in the Town on November 4, 1986 and May 2, 1989.

The bonds maturing on and after May 1, 2000 shall be subject to redemption prior to their stated maturities at the option of the Town on or after May 1, 1999, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent ($1/2$ of 1%) of the principal amount of each bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each bond to be redeemed, provided that such premium shall not exceed two percent (2%) of such principal amount. If less than all of the bonds of different maturities are called for redemption, the bonds to be redeemed shall be called in the inverse order of their maturities. If less than all of the bonds of any maturity are called for redemption, the bonds to be redeemed shall be selected by lot; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting bonds for redemption, the Bond Registrar shall treat each bond as representing that number of bonds which is obtained by dividing the principal amount of such bond by \$5,000.

Not more than sixty (60) days nor less than thirty (30) days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the Town shall cause a notice of such redemption to be mailed, postage prepaid, to The Depository Trust Company ("DTC") or its nominee. On the date fixed for redemption, notice having been given as aforesaid, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such bonds or portions thereof on such date and, if moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to DTC or its nominee upon the surrender hereof.

NO. R-

\$

United States of America
State of North Carolina

Town of Chapel Hill

PUBLIC IMPROVEMENT BOND, SERIES 1989

INTEREST RATE	MATURITY DATE	DATE OF ORIGINAL ISSUE	CUSIP
		November 1, 1989	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS

The Town of Chapel Hill (hereinafter referred to as "Town"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the registered owner named above, on the date specified above, upon surrender hereof, at the office of the Director of Finance of the Town, Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514 (the "Bond Registrar"), the principal sum shown above and to pay to the registered owner hereof, by check mailed to the registered owner at its address as it appears on the bond registration books of the Town, interest on such principal sum from the date of this bond or from the May 1 or November 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a May 1 or November 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on May 1, 1990 and semi-annually thereafter on May 1 and November 1 of each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond is registered at the close of business on the record date for such interest, which shall be the fifteenth day of the calendar month (whether or not a business day) next preceding such interest payment date. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

This bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of

266

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Orders or the Resolution until this bond shall have been endorsed by the authorized representative of the Local Government Commission of North Carolina and authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Town has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Mayor and the Town Clerk of the Town and [a facsimile of] its official seal to be [imprinted] [impressed] hereon, and this bond to be dated November 1, 1989.

(SEAL)

Mayor

Town Clerk

The bonds will be issued in fully registered form by means of a book entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity will be issued to DTC and immobilized in its custody. The book entry system will evidence ownership of the bonds in principal amounts of \$5,000 or whole multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. The Town will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

The Bond Registrar shall keep at its office the books of the Town for the registration of transfer of bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of bonds or any portion thereof and ending at the close of business on the day of such mailing or of any bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

268

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells,
assigns and transfers unto _____

the within Bond and irrevocably appoints _____

attorney-in-fact, to transfer the within Bond on the books kept
for registration thereof, with full power of substitution in the
premises.

Dated: _____

NOTICE: The signature to this
assignment must correspond with the
name as it appears upon the face of
the within Bond in every particular,
without any alteration whatsoever.

Signature Guaranteed:

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

John D. Foust
Secretary, Local Government
Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the issue designated herein and issued under the provisions of the within-mentioned bond orders and resolution.

DIRECTOR OF FINANCE
TOWN OF CHAPEL HILL
as Bond Registrar

BY: _____
Authorized Signatory

Date of Authentication: _____

redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof called for redemption, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest to the date of redemption.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption and the redemption premium, if any, on such principal amount, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

10. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The

9. The Bonds maturing on and after May 1, 2000 shall be subject to redemption prior to their stated maturities at the option of the Issuer on or after May 1, 1999, in whole at any time or in part on any interest payment date, at a redemption price equal to the principal amount of each Bond to be redeemed together with accrued interest thereon to the redemption date plus a redemption premium of one-half of one percent ($1/2$ of 1%) of the principal amount of each Bond to be redeemed for each calendar year or part thereof between the redemption date and the maturity date of each Bond to be redeemed, provided that such premium shall not exceed two percent (2%) of such principal amount. If less than all of the Bonds of any maturity are called for redemption, the Bonds to be redeemed shall be selected by lot; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof and that, in selecting Bonds for redemption, the Bond Registrar shall treat each Bond as representing that number of Bonds which is obtained by dividing the principal amount of such Bonds by \$5,000. For so long as a book-entry system is used for determining beneficial ownership of the Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC and its participants shall determine by lot which of the Bonds within a maturity are to be redeemed. If less than all of the Bonds of different maturities are called for redemption, the Bonds to be redeemed shall be called in the inverse order of their maturities.

Not more than sixty (60) days nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the Issuer shall cause a notice of such redemption to be mailed, postage prepaid, to DTC or its nominee. Each such notice shall identify the Bonds or portions thereof to be redeemed by reference to their numbers and shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the principal of and the redemption premium, if any, on the Bonds or portions thereof called for redemption as well as the interest accruing thereon to the redemption date thereof.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such date. If moneys sufficient to pay the

Commission, to execute the Bonds and have the Bonds endorsed and authenticated as provided herein and to deliver the Bonds to the purchaser or purchasers to whom they may be sold by said Local Government Commission.

13. The Official Statement dated October 13, 1989 setting forth financial and statistical data in connection with the offering of the Bonds, which was circulated with the Notice of Sale thereof, is hereby approved. In connection with this approval, the Town Council of the Issuer has examined copies of the Official Statement and has, to the extent and in the manner it has deemed necessary, discussed the contents thereof with officers of the administration of the Issuer. The Town Council of the Issuer does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said Official Statement contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

14. The Issuer covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), to the extent required to preserve the exclusion from gross income of interest on the Bonds for Federal income tax purposes.

15. The Issuer hereby represents that (i) the proposed \$5,000,000 Public Improvement Bonds, Series 1989, authorized by Section 5 hereof, are not private activity bonds as defined in the Code and (ii) the Issuer, together with any subordinate entities of the Issuer or any entities which issue obligations on behalf of the Issuer, reasonably expects that it will not issue more than \$10,000,000 of tax-exempt obligations (other than private activity bonds which are not qualified as 501(c)(3) bonds) during calendar year 1989. In addition, the Issuer hereby designates the above-mentioned Bonds as "qualified tax-exempt obligations" for the purposes of section 265(b)(3) of the Code.

16. The Mayor, the Town Clerk, the Director of Finance and other officers of the Issuer are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any and all financing statements, certificates, documents or other papers and to perform any and all acts they may deem necessary or appropriate in order to carry out the intent of this resolution and the matters herein authorized.

This the 23rd day of October, 1989.

Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made for exchanging or registering the transfer of Bonds under this resolution. The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to this Section 10.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or redemption price of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the redemption premium, if any, and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositaries or other agents and make such other arrangements as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then commercial standards and for the timely payment of principal, interest and any redemption premium with respect to the Bonds. The Director of Finance of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively, the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond Registrar, and as such shall keep at his office at the Town Hall, 306 North Columbia Street, Chapel Hill, North Carolina 27514, the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

11. The Local Government Commission of North Carolina is hereby requested to sell the Bonds and to state in the Notice of Sale of the Bonds that bidders may name one rate of interest for part of the Bonds and another rate or rates for the balance of the Bonds. The Bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said Bonds which shall be accepted by said Local Government Commission.

12. The Mayor and the Town Clerk of the Issuer are hereby authorized and directed to cause the Bonds to be prepared and, when they shall have been duly sold by said Local Government

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on September 17, 1989 in accordance with G.S. 143-129 for four (4) 1/2 ton trucks; and

WHEREAS, the following bids were received and opened on September 29, 1989:

<u>Vendor</u>	<u>Unit Price</u>	<u>Total Cost</u>
Bobby Murray Chevrolet Raleigh, N.C.	\$10,717.60	\$42,870.40
Don Lacefield Chevrolet Hillsborough, N.C.	\$10,946.60	\$43,786.40

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Bobby Murray Chevrolet in the amount of \$42,870.40 for four (4) 1/2 ton trucks.

This the 23rd day of October, 1989.

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT PROJECT (89-10-23/O-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

SECTION I

The project authorized is a Transit Capital and Planning Grant from FY 1987/88 federal funds, more specifically known as Urban Mass Transportation Administration Grant NC-90-X099, awarded under the Urban Mass Transportation Act of 1964, as amended. The project provides funds for transit capital purchases and planning activities.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the Urban Mass Transportation Administration and the North Carolina Department of Transportation and within the funds appropriated herein.

SECTION III

The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application.

Urban Mass Transportation Admin.

\$2,389,964

A RESOLUTION ACCEPTING BIDS FOR THE PURCHASE OF ONE (1) CAB AND CHASSIS AND REJECTING BIDS FOR A REAR-LOADING PACKER BODY (89-10-23/R-19).

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in The Chapel Hill Newspaper on September 6, 1989 in accordance with G.S. 143-129 for the purchase of one (1) cab and chassis equipped with a rear-loading packer body; and

WHEREAS, the following bids have been received and opened on September 13, 1989:

<u>Vendor</u>	<u>Cab & Chassis Unit Price</u>	<u>Packer Body Unit Price</u>
Nu-Life Environmental Easley, SC		\$17,616.00
Cavalier Roanoke, VA		\$17,865.00
Quality Equipment Charlotte, NC		\$18,992.00
Kabco Raleigh, NC		\$19,759.00
Simpson Equipment Wilson, NC		\$20,135.00
North State Ford Raleigh, NC	\$34,678.00	
Cardinal International Raleigh, NC	\$36,985.00	
Peterbilt of Dunn, NC	\$48,000.00	\$20,135.00 \$17,685.00
Sanco Corporation Winston-Salem, NC	\$36,832.00	\$19,832.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of North State Ford for a cab and chassis at a unit price of \$34,678 and rejects all bids for the rear-loading packer body.

This the 23rd day of October, 1989.

A RESOLUTION ACCEPTING A BID AND AWARDING A CONTRACT FOR FOUR (4) 1/2 TON TRUCKS (89-10-23/R-20)



N.C. Department of Transportation	298,745
Town of Chapel Hill (local match)	<u>298,746</u>
TOTAL	<u>\$2,987,455</u>

SECTION IV

The following amounts are appropriated for the project:

Transit Planning	\$ 85,345
Capital Equipment	2,782,110
Engineering and Design	<u>120,000</u>

TOTAL	<u>\$2,987,455</u>
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SECTION V

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

SECTION VI

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

This the 23rd day of October, 1989.

Adjournment

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

The meeting stood adjourned at 11:13 p.m.