

FEB 7 1995
B. Allen

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA, MONDAY, AUGUST 22, 1994 AT 7:30 P.M.

Mayor Broun called the meeting to order. Council Members in attendance were Joyce Brown, Joe Capowski, Mark Chilton, Pat Evans, Lee Pavão, Barbara Powell, Jim Protzman and Rosemary Waldorf. Also in attendance were Town Manager Cal Horton, Assistant Town Manager Florentine Miller, Planning Director Roger Waldon, Engineering Director George Small, Parks and Recreation Director Mike Loveman, Library Director Kathleen Thompson and Town Attorney Ralph Karpinos.

Item 1 Ceremony

Mayor Broun urged the Council to support and adopt a resolution recognizing September 11th as Knolls Development Association Day in Chapel Hill.

COUNCIL MEMBER BROWN MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO ADOPT RESOLUTION 1. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION RECOGNIZING ACCOMPLISHMENTS OF KNOLLS DEVELOPMENT ASSOCIATION AND DECLARING SEPTEMBER 11, 1994 AS KNOLLS DEVELOPMENT ASSOCIATION DAY (94-8-22/R-1)

WHEREAS, the Knolls Development Association has worked to create public-private partnerships to develop housing opportunities for low and moderate income Chapel Hill families; and

WHEREAS, the Association is nearing completion of the first five dwellings that will provide such housing opportunities; and

WHEREAS, the Association has scheduled a community celebration of these accomplishments, to be held at 1:30 pm on Sunday, September 11, 1994;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill congratulates the Knolls Development Association for its accomplishments to date in creating housing opportunities for low and moderate income families in Chapel Hill.

BE IT FURTHER RESOLVED that the Council declares September 11, 1994 to be "Knolls Development Association Day" in recognition of these accomplishments.

This the 22nd day of August, 1994.

Ted Parrish, representing the Knolls Development Association, thanked the Council for its support of the Association's affordable housing programs. Mr. Parrish invited Council Members to attend activities beginning at 1:30 p.m. on September 11th at the Lincoln Administration Building.

Item 3 Petitions

Mayor Broun noted that Ms. Anna Pliscz had signed up to speak on an information report item. Mayor Broun suggested that Ms. Pliscz's concerns be discussed during the petitions portion of the meeting. There were no objections to Mayor Broun's suggestion.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO REFER A PETITION TO THE MANAGER FROM THE YMCA CONCERNING FUNDING OF A DAY CARE PROGRAM IN THE KNOLLS NEIGHBORHOOD. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Sue Russell said that the Orange County Family Shelter Task Force had studied a number of options relative to dedication of land for a family shelter. She requested that the Council favorably consider a request for the donation of ten acres of Town-owned land for such a shelter.

Council Member Brown requested that staff investigate the feasibility of land trusts, especially efforts in other jurisdictions.

Noting that he served as the Council's liaison to the task force, Council Member Protzman thanked Ms. Russell and the members of the task force for their efforts. He also expressed hope that local governmental officials and citizens would be able to find a solution to a difficult problem.

COUNCIL MEMBER BROWN MOVED, SECONDED BY COUNCIL MEMBER PROTZMAN, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Betty Wheless, 1002 Willow Drive, speaking on behalf of the residents of Willow Terrace condominiums, stated that the volume and speed of traffic along Willow Drive was continuing to increase. Ms. Wheless expressed concern that there had been several incidents in recent months where cars had narrowly avoided collisions with pedestrians along Willow Drive. Ms. Wheless requested that the Council seriously consider a request for the installation of additional sidewalks in the Willow Drive area.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO REFER THE MATTER TO THE MANAGER.

Council Member Waldorf requested that the Town Arborist investigate tree-related matters pertaining to the possible installation of a sidewalk in the area.

THE MOTION TO REFER WAS ADOPTED UNANIMOUSLY (9-0).

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Lee Corum, representing the Historic District Commission, requested that the Council receive and refer a petition clarifying the definition of "University" in the Town's Development Ordinance.

Council Member Capowski requested that staff examine the petition relative to the University's mission statement regarding teaching, research and community involvement.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER CHILTON MOVED, SECONDED BY COUNCIL MEMBER WALDORF, TO REFER A PETITION CONCERNING RECOMMENDATIONS OF THE YOUTH COMMITTEE OF THE VIOLENT CRIME AND DRUG ABUSE PROGRAM.

Noting that the ice rink referenced in the task force's recommendations was located near the Town of Hillsborough, Council Member Brown suggested coordinating the matter with Hillsborough. Mayor Broun said this point was well-taken. Council Member Capowski inquired about the possibility of getting specific cost estimates for individual recommendations in the staff's follow-up report. Mr. Horton said staff would include this information to the extent feasible. Mayor Broun noted that Orange County was contemplating the hiring of a Youth Coordinator in the near future. Council Member Powell inquired whether the Town would have any financial responsibility for this position. Council Member Brown requested that the staff's follow-up report contain information on transportation-related program costs.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Ralph Paull presented a program overview for at-youth risk. A copy of Mr. Paull's proposal is on file in the Clerk's Office.

Mr. Horton noted that Engineering Director George Small had been working with Ms. Anna Pliscz concerning her request for the placement of cemetery marker in remembrance of her brother. Mr. Small noted that individual cemetery plots were privately owned. He noted that staff had suggested that Ms. Pliscz purchase a cemetery plot and place a marker remembering her brother in this area.

Ms. Pliscz stated that she did not intend to bury a body or ashes in the cemetery. Ms. Pliscz stated that her brother's last wish had been to have a memorial marker placed in the Town's limits. Mayor Broun noted that Town staff had offered to provide assistance in negotiating with plot owners for possible purchase of a cemetery plot. Council Member Pavão said he had contacted the owner of a local funeral home and obtained the names of two families no longer

residing in the Town who were possibly willing to sell their plots to Ms. Pliscz. Ms. Pliscz thanked Council Member Pavão for his assistance. Mayor Broun noted that the Manager's recommendation was that Ms. Pliscz work with the owners of burial plots to address her concerns.

Council Member Pavão urged the staff to vigilantly monitor traffic conditions at the intersection of Erwin and Weaver Dairy Roads. He noted that the construction of the proposed new high school on Weaver Dairy Road would be getting underway in the near future. Council Member Pavão also requested that staff provide a follow-up report on the unspecified concerns of early morning swimmers at the Town's Community Center.

Council Member Brown requested that staff provide a report on the possibility of using Powell Bill funds to pay for the constructing sidewalks and bicycle lanes. Mayor Broun noted that a recent report from the Governor's Office appeared to pledge support for the funding of greenways using Powell Bill funds. He added that the North Carolina Department of Transportation did not generally appear to support such arrangements.

Council Member Powell expressed concern that a number of University students and workers appeared to be illegally parking on Graham Street near the Police substation. Council Member Powell said this left limited parking spaces for area merchants. Council Member Powell also inquired about the possibility of relocating and beautifying some dumpsters in the Rosemary and Roberson Street areas. She asked whether it would be possible to paint murals on some of the dumpsters.

Council Member Capowski noted that a contractor had recently inadvertently cut down a tree buffer along Eubanks Road, adjoining a proposed park and ride lot. He inquired whether staff could guarantee that similar occurrences would not take place in the future for projects such as the new high school on Weaver Dairy Road. Mr. Horton said he did not know of any absolute failsafes for preventing these types of incidents.

Item 4 Board and Commission Vacancies

Mayor Broun noted that there were vacancies on a number of Council advisory boards and commissions. Council Member Waldorf suggested that the Council Review Committee on Committees might wish to review applications and the board and commission application process. Mayor Broun said he would be happy to reconstitute the committee. Council and Committee Members Capowski, Evans and Protzman expressed their willingness to reconvene the committee at the Mayor's direction in the future. Mayor Broun suggested that the matter be brought back before the Council during the next month. Council Member Chilton encouraged interested persons to apply for existing board and commission vacancies.

Item 5 Cable Television Franchise Renewal Process

Mr. Horton stated that staff recommended adoption of two resolutions, pending a ruling from the Federal Communications Commission concerning the use of signal converter boxes. He added that Cablevision was not bound to agreed to the proposed extension. Mr. Horton said he recommended adoption of Resolutions a and b, in the hope that Cablevision would agreed to the proposed extension. He also outlined other possible courses of action for the staff to take including going back to the bargaining table with additional instructions, seeking proposals from other cable providers and buying a cable system, to be administered by the Town.

Council Member Capowski said the Manager had done an excellent job of summarizing the situation. Council Member Capowski also said he recommended that the Council adopt resolutions a and b.

Council Member Protzman inquired about the amount of money spent to date on the cable television renewal process. Mr. Horton said approximately \$80,000 had been expended to date. He added that the cable company might compensate the Town for a portion of these costs.

COUNCIL MEMBER PROTZMAN MOVED, SECONDED BY COUNCIL MEMBER WALDORF, TO ADOPT RESOLUTION 2A.

Council Member Powell inquired about the possibility of notifying other cable providers of the Town's cable franchise renewal process. Mr. Horton said the process had been a very public one. Council Member Capowski said the cable television agreement was a non-exclusive franchise. He stated that although local competition between companies would be the best solution for customers, financial institutions would not fund installation of a second cable system in the area. Council Member Capowski also said that although cable companies were not a legal monopoly, they tended to be effective monopolies.

Council Member Brown inquired when a response from the Federal government (FCC) was anticipated. Mr. Horton said a response would likely take between five and six months.

COUNCIL MEMBER CAPOWSKI MOVED, SECONDED BY COUNCIL MEMBER BROWN, TO ADOPT RESOLUTION 2A. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING DISCUSSION WITH TIME WARNER ENTERTAINMENT, L.P., REPRESENTATIVES REGARDING TEMPORARY EXTENSION OF THE CABLE TELEVISION FRANCHISE (94-8-22/R-2a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town's negotiating team (Council Member Capowski, Town Manager, Town Attorney and the attorney retained by the Town for cable television matters) to draft and to discuss with

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Time Warner Cable representatives a proposed franchise amendment to extend the current franchise period through a date such as June 30, 1995, pending a determination by the Federal Communications Commission which definitively addresses issues raised in the Town's request for a ruling concerning treatment of converter boxes in local franchises.

This the 22nd day of August, 1994.

COUNCIL MEMBER POWELL MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO ADOPT RESOLUTION 2B. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION ADOPTING AND AUTHORIZING TRANSMITTAL OF CABLE TELEVISION FRANCHISE RENEWAL APPLICATION REQUIREMENTS
(94-8-22/R-2b)

WHEREAS, the Town of Chapel Hill has conducted an assessment of the community's cable television-related needs and interests including public hearings in January, 1992 and February, 1994 (minutes of which are available in the office of the Town Clerk and are hereby incorporated by reference); the work of the Cable Television Advisory Committee composed of citizens appointed by the Town Council; a technical audit by OWL Engineering in January, 1993; a community survey in the fall of 1993, the results of which are attached hereto; and through comments from citizens regarding cable television systems;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves and authorizes the Manager to transmit on behalf of the Town to Time Warner Cable a set of franchise application requirements substantially as recommended by the Manager and submitted on August 22, 1994 on this matter; including an application deadline of 5 pm on September 22, 1994 for transmittal of 40 copies of the application to the Town Manager and two copies to Adrian Herbst of Fredrikson and Byron, P.A.

This the 22nd day of August, 1994.

Oscar Sussman, a relative newcomer to the Town, said Cablevision and Time-Warner should think about how citizens of Town were being treated relative to the provision of cable television service. Mr. Sussman requested that the Council continue to be vigilant in its negotiations, especially concerning the use of cable converter boxes.

Item 6 Interim Report by Museum Study Committee

Council Member Pavão, the Committee's convener, said the Committee had recently appointed Victoria Tackett and Lee Corum as the Committee's Co-Chairs. He stated that the Committee might come back to the Council in the future for a clarification of its charge.

Committee co-chair Lee Corum thanked Mr. Horton for assigning Library Director Kathleen Thompson as the Committee's staff liaison. He also thanked the Council for appointing Council Member Pavão as the Committee's Council liaison. Mr. Corum noted that the Committee had met five times since its inception, including a five-hour retreat to review a variety of matters. Mr. Corum stated that the Committee met twice per month at 7:30 a.m. at the Library Conference Room. He said the Committee had heard presentations from a number of speakers who had worked actively with museums. Mr. Corum stated that the Committee would present a final report to the Council within one year.

Council Member Capowski asked whether the Committee was dissatisfied with its charge from the Council. Council Member Pavão said the Committee might find the charge somewhat limiting or restrictive with regard to future funding requests.

Item 7 Council Meeting Calendar

Mayor Broun said an informal community meeting to discuss the Town's development review process was proposed for Wednesday, September 21st.

Bob Reda, speaking on behalf of the Alliance of Neighborhoods, said the Alliance was enthusiastic about the proposed public dialogue. Mr. Reda requested that the Council consider holding a televised meeting in the Council Chamber on September 21st, rather than holding the meeting at the Friday Center or another location. He expressed concern that the Design Review Board was being underutilized in the Town's current development review process. Mr. Reda said he looked forward to taking part in the community discussion about the development review process. He also stated that a financial penalty might be warranted to discourage future incidents such as the recent inadvertent removal of buffering trees along Eubanks Road by a contractor.

Mayor Broun said that it was possible to televise the meeting from the Council Chamber. He stated that the community meeting would lose some of its spontaneity since it was not possible for cameras in the Council Chamber to easily show audience members at their seats. Mr. Horton said arrangements could be made to telecast the proceedings from the Council Chamber.

COUNCIL MEMBER CHILTON MOVED, SECONDED BY COUNCIL MEMBER CAPOWSKI, TO ADOPT RESOLUTION 3.

Council Member Brown said residents were used to attending meetings and community discussions in the Council Chamber. Council Member Brown stated that it was somewhat unclear what would be discussed at the meeting. Mayor Broun said the meeting topics would include the role of the Design Review Board and related topics. Council Member Waldorf said the purpose of the meeting would be to answer

questions and to clarify specific proposals relative to possible changes in the Town's development review process.

Council Member Brown said her point was that broad original goals should have been met to look at affordable housing and to make the development review system better. She stated that having the Design Review Board proposal as the center piece would amount to a loss of focus. Council Member Brown also noted the importance of citizen involvement in the community dialogue process.

Council Member Chilton said although he agreed that some people were accustomed to coming to Town Hall for meetings, it was not unprecedented for the Council to meet elsewhere. He added that the discussion about the possibility of making beneficial changes to the design review system would not be limiting.

Diane Bloom expressed concern that citizens might feel cut out if the meeting were held at a location other than the Council Chamber.

Noting the importance of having an effective citizen involvement process, Council Member Brown said she hoped serious consideration would be given to holding the community meeting in the Council Chamber. Mayor Broun asked whether logistics for use of the Council Chamber could be worked out. Mr. Horton said yes.

Council Member Evans said the proposed community meeting would offer an opportunity for an informal discussion between citizens and those proposing changes to the development review process. Council Member Brown expressed hope that the Council would include all advisory boards and commissions in the process. Council Member Evans stated that the Council had requested input from board and commission members or any other interested citizens. Noting that he would serve as meeting moderator, Mayor Broun stated that any board member or citizen could make proposals or comments at the community meeting.

RESOLUTION 3, AS AMENDED, TO HOLD THE MEETING AT THE COUNCIL CHAMBER, WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION CALLING A COMMUNITY MEETING TO DISCUSS PROPOSED CHANGES TO CHAPEL HILL'S DEVELOPMENT REVIEW SYSTEM (94-8-22/R-3)

WHEREAS, the Council held a Public Hearing in June, 1994, to consider a series of proposed changes to the system for review of development applications; and

WHEREAS the Council finds it desirable to hear further discussion of the proposals in an informal, "community meeting" format;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls such a Community Meeting for Wednesday,

August 22, 1994

September 21, 1994, at 7:00 pm. The meeting shall be held in the Council Chamber and advertised in local media.

This the 22nd day of August, 1994.

Mr. Horton said the staff was recommending that the Council that at least two additional work sessions be scheduled to discuss the Meadowmont development proposal. He noted that staff suggested that the work sessions be subject to the normal rules of public hearings. Mr. Horton added that advisory board and commission members would be notified of the proposed additional sessions.

Council Member Evans commended the Manager for coming forward with the proposal for two additional work sessions. She suggested that the Council consider a site visit in addition to the two additional meetings. Mr. Horton said staff would be happy to make these arrangements. Council Member Capowski asked whether the two additional work sessions would be cablecasted from the Council Chamber. Mr. Horton said yes. Council Member Capowski requested that the Attorney provide detailed information about the Council's roles relative to special use permit public hearings.

COUNCIL MEMBER CHILTON MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO ADOPT RESOLUTION 4, AS AMENDED, INCLUDING A SITE VISIT. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION SCHEDULING PUBLIC HEARINGS ON THE MEADOWMONT PROPOSAL (94-8-22/R-4)

WHEREAS, the Town of Chapel Hill has received applications for Master Plan approval and rezoning for a 350+ acre tract of land on the eastern edge of Chapel Hill known as the DuBose property; and

WHEREAS, the Council seeks opportunity to study the proposal, including existing site conditions and the components of the development proposal;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls two Public Hearings for the following purposes, to be held at the Chapel Hill Town Hall:

October 5, 1994, 7:30 pm.: To review the applicant's analysis of existing site conditions.

November 2, 1994, 7:30 pm: To review the applicant's proposed development plan.

BE IT FURTHER RESOLVED that the Council intends these to be preliminary discussions, with full Public Hearings to be scheduled for Spring, 1995.

This the 22nd day of August, 1994.

Mr. Horton said Resolution 5 offered a proposed Council meeting calendar for August, 1994 through December, 1995. Mayor Broun suggested that work sessions begin at 5:30 p.m., with the Council working through dinner hours.

COUNCIL MEMBER CHILTON MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO ADOPT RESOLUTION 5. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION ADOPTING A CALENDAR OF COUNCIL MEETINGS THROUGH DECEMBER, 1995 (94-8-22/R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the attached calendar of Council meetings as submitted on August 22, 1994, a copy of which shall be retained with the records of this meeting.
This the 22nd day of August, 1994.

Item 7.1 Council Position on Proposed NC 86 Improvements

Council Member Brown noted that the North Carolina Department of Transportation would hold a hearing in the Council Chamber on August 30th to receive public comment on possible NC 86 improvements. She stated that previous Council discussions had focused on the importance of keeping the impacts on adjoining neighborhoods to a minimum. Council Member Brown requested that Mayor Broun attend the hearing and resubmit the Council's previously adopted resolution on the proposed NC 86 project.

COUNCIL MEMBER BROWN MOVED, SECONDED BY COUNCIL MEMBER PROTZMAN, TO ADOPT RESOLUTION 5.1.

Mayor Broun said he would be pleased to attend the hearing and resubmit the resolution. Council Member Evans noted that some changes had occurred in the area, including the proposed construction of a high school and park and ride lot, since the adoption of the initial resolution. Council Member Evans said she did not feel that the Council had full information of proposed new development to commit itself to the previously adopted resolution.

Council Member Brown said she was requesting that the resubmit and reendorse a previously adopted resolution. Council Member Capowski said he shared some of Council Member Evan's concerns about rights-of-way on properties north of Weaver Dairy Road. Mr. Horton stated that right-of-way would principally be taken from commercial properties in the area.

RESOLUTION 5.1 WAS ADOPTED BY A VOTE OF 8-1, WITH COUNCIL MEMBER EVANS VOTING NO.

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT TO THE N.C.D.O.T. THE COUNCIL'S PREVIOUSLY ADOPTED RESOLUTION SUPPORTING A FOUR LANE CROSS SECTION FOR N.C. 86 AND AFFIRMING THE COUNCIL'S SUPPORT FOR

THE ADDITIONAL RIGHT OF WAY FOR THESE IMPROVEMENTS BEING ADDED ALONG THE PRESENT ROADWAY'S EASTERN SIDE (94-8-22/R-5.1)

WHEREAS, the Council of the Town of Chapel Hill, on April 12, 1993, adopted Resolution 93-4-12/R-2, endorsing a design for improvement to N.C. 86 to include a four lane cross-section with a 16 foot median, bike lanes and sidewalks; and

WHEREAS, in previous discussions the Council has indicated its support for the additional right of way for N.C. 86 improvements between Weaver Dairy Road and I-40 being acquired along the eastern side of the current roadway; and

WHEREAS, the N.C.D.O.T. will hold a public hearing on August 30, 1994, at 7:30 p.m., in the Council Chambers to receive public input on proposed improvements to N.C. 86;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Mayor to resubmit to the N.C. D.O.T. a copy of its resolution adopted on April 12, 1993, indicating support for a four lane cross-section for N.C. 86, with sidewalks and bike lanes and to affirm the Council's desire that additional right of way for these improvements be acquired from the east side of the existing N.C. 86 between Weaver Dairy Road and I-40.

This the 22nd day of August, 1994.

Item 8 Quarterly Reports

Council Member Brown noted that representatives from Hickory and Wilmington had recently joined the North Carolina Public Transit Coalition. She said the Coalition would be holding a meeting in Greensboro on September 16th to discuss transit alternatives and options around the State of North Carolina. Mayor Broun noted that he planned to attend this meeting.

Mr. Horton provided an overview of key items from the quarterly report, especially expressing thanks for the citizen volunteers who donated their time and labor for the community's recent bicentennial celebration. There were no comments from Council Members on the quarterly reports.

Item 9 Consent Agenda

Council Member Evans requested the removal of item j from the consent agenda.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER PROTZMAN, TO ADOPT RESOLUTION 6. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION ADOPTING MINUTES AND VARIOUS RESOLUTIONS AND ORDINANCES (94-8-22/R-6)

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

- a. Minutes of June 13, 20, 27 and July 5.
- b. Landfill budget amendment (O-1).
- c. Landfill compactor bid award (R-7).
- d. Transportation capital grants project ordinance (O-2).
- e. Additions to July 1 and September 1 pay and classification plans (O-3).
- f. Preliminary resolution of intent and calling a public hearing on Oaks drainage petition (R-8).
- g. Preliminary resolution of intent and calling a public hearing on Ward Street paving petition (R-9).
- h. Pritchard Park encroachment agreement (R-10).
- i. Deleted.
- j. Elizabeth Street parking restrictions (O-5).

This the 22nd day of August, 1994.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1994 (94-8-22/O-1)

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, 1994" as duly adopted on June 6, 1994 be and the same is hereby amended as follows:

ARTICLE I

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
APPROPRIATIONS				
LANDFILL FUND	6,910,000		51,000	6,859,000
GENERAL FUND				
Public Works				
Sanitation	2,038,354		25,000	2,013,354
Non-Departmental Contingency	50,125	25,000		75,125

ARTICLE II

REVENUES

LANDFILL FUND

LANDFILL FEES	2,903,000	92,000	2,811,000
FUND BALANCE	357,050	41,000	398,050

This the 22nd day of August, 1994.

A RESOLUTION AWARDING A BID FOR THE PURCHASE OF ONE (1) LANDFILL COMPACTOR (94-8-22/R-7)

WHEREAS, the Town of Chapel Hill solicited formal bids by legal notice in The Chapel Hill News on July 1, 1994, in accordance with G.S. 143-129 for a Landfill Compactor, and

WHEREAS, the following bids were received and opened on July 21, 1994:

<u>Vendor</u>	<u>Net Cost</u>
E. F. Craven Company, Inc.	\$251,450
Gregory Poole Equipment Co.	\$324,801

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of E. F. Craven Company, Inc. in the amount of \$251,450 for a Landfill Compactor in accordance with G. S. 143-129.

This the 22nd day of August, 1994.

AN ORDINANCE TO ADOPT GRANT PROJECT ORDINANCES FOR TRANSIT PROJECTS (94-8-22/O-2)

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 Section 9, Section 8 and Section 3 projects authorized are from 1995 federal funds from agreements with the Federal Transit Administration and from a pass through agreement with the City of Durham.

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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 agreements executed with the Federal Transit Administration and the N.C. Department of Transportation 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.

Section 9

Federal Transit Administration (FTA)	\$ 84,357
N.C. Department of Transportation (NCDOT)	10,545
Town of Chapel Hill (local match)	<u>10,544</u>
TOTAL	<u>\$105,446</u>

Section 8

City of Durham (FTA & NCDOT)	\$33,554
Town of Chapel Hill (local match)	<u>3,728</u>
	<u>\$37,282</u>

Section 3

Federal Transit Administration (FTA)	\$3,569,793
N.C. Department of Transportation (NCDOT)	446,224
Town of Chapel Hill (local match)	<u>446,224</u>
	<u>\$4,462,241</u>

SECTION IV

The following amounts are appropriated for the project:

Section 9 Planning Funds

Administrative Costs	<u>\$105,446</u>
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Section 8 Transit Planning

Administrative Costs	\$ 35,282
Capital Equipment	<u>2,000</u>
	<u>\$ 37,282</u>

Section 3 Capital Funds

Capital Equipment	\$4,342,241
Maintenance & Repair Vehicles	<u>120,000</u>
	<u>\$4,462,241</u>

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 22nd day of August 1994.

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN
(94-8-22/O-3a)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan and Longevity Plan for Employees of the Town of Chapel Hill and Bonds of Officials, beginning July 1, 1994 (94-6-6/O-2) and beginning September 1, 1994 (94-6-6/O-3)"

In Section IV, part C, in the Police Department (Patrol) delete the line

	Full-time	Part-time	GRADE
	# hrs.	# hrs.	
Master Officer/ Public Safety Officer/ Police Officer	57 40	- -	20-24

ADD the line

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	Full-time		Part-time		GRADE
	#	hrs.	#	hrs.	
Master Officer/ Public Safety Officer/ Police Officer	58	40	-	-	20-24

This the 22nd day of August, 1994.

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1994 (94-8-22/O-3b)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1994" as duly adopted on June 6, 1994 be and the same is hereby amended as follows:

ARTICLE I

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>APPROPRIATIONS</u>				
GENERAL FUND	3,124,646	10,800		3,135,446

ARTICLE II

REVENUES

GENERAL FUND

Charges for Services	607,765	10,800	618,565
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This the 22nd day of August, 1994.

A RESOLUTION OF INTENT TO UNDERTAKE STORM DRAINAGE IMPROVEMENTS AT BURNING TREE DRIVE (94-8-22/R-8)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for drainage improvements at Burning Tree Drive near N.C. 54.

1. The Town has received a petition for construction of stormdrainage improvements at Burning Tree Drive near N.C. 54, and the petition has been determined to be valid under G.S. 160A-217 (a); and

2. The project consists of the installation of drainage pipes under Burning Tree Drive and associated work, to relieve intermittent flooding on The Oaks Condominiums property; and
3. The Town would install drainage pipes and perform associated work, and assess owners of the condominium units on a pro-rata condominium unit basis; and
4. The assessment amount will be 100% of the actual, total project cost upon completion which costs could include design and construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and
5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 10 annual installments, the first of which will be due and payable concurrently with property taxes, at an annual interest rate of 8%; and
6. The Council herewith calls a public hearing at 7:30 p.m. on September 19, 1994 in the Town Hall, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above-described project.

This the 22nd day of August, 1994.

A RESOLUTION OF INTENT TO UNDERTAKE THE PAVING OF WARD STREET
(94-8-22/R-9)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council intends to undertake a project for the paving and other improvements to Ward Street.

1. The Town has received a petition for paving of Ward Street, without curb and gutter, and the petition has been determined to be valid under G.S. 160A-217 (a); and
2. Ward Street is comprised of approximately 780 linear feet of gravel road extending north from Barclay Road; and
3. The Town would pave Ward Street, without curb and gutter, and assess owners of property abutting the proposed improvements on a pro-rata front footage basis; and
4. The assessment amount will be 50% of the actual, total project cost upon completion (not including the cost of improvements made at street intersections), which costs could include design and construction, legal services, any interest charges, right-of-way acquisition, and publication expenses; and

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5. Owners of assessed property shall have the option of paying the assessment in one cash payment within 30 days after publication of confirmation of the final assessment roll, or in not more than 10 annual installments, the first of which will be due and payable concurrently with property taxes, at an annual interest rate of 8%; and
6. The Council herewith calls a public hearing at 7:30 p.m. on September 19, 1994 in the Town Hall, 306 N. Columbia Street, to consider adoption of a resolution to undertake the above described project.

This the 22nd day of August, 1994.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENCROACHMENT AGREEMENT TO ALLOW GROUNDWATER MONITORING IN PRITCHARD PARK (94-8-22/R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to execute an encroachment agreement substantially in the form of the document attached to permit the installation and operation of groundwater monitoring wells in Pritchard Park.

This the 22nd day of August, 1994.

Council Member Evans emphasized the need to address the parking needs of Bolin Creek greenway users accessing the trail from Elizabeth Street.

COUNCIL MEMBER CHILTON MOVED, SECONDED BY COUNCIL MEMBER POWELL, TO ADOPT ORDINANCE 5. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

AN ORDINANCE AMENDING CHAPTER 21 ON THE CODE OF ORDINANCES (94-8-22/O-5)

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

SECTION I

That section 21-27 "No Parking as to particular streets" is amended by inserting the following therein, in appropriate alphabetical order.

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Elizabeth Street	North	A point 218 feet west of the center Deepwood Road	A point 292 feet west of the center Deepwood Road
Elizabeth Street	South	Deepwood Road	A point 292 feet west of the center Deepwood Road

SECTION II

This ordinance shall become effective on September 6, 1994.

SECTION III

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

This the 22nd day of August, 1994.

Item 10 Information Reports

Council Member Waldorf urged the Council to consider whether it was seriously interested in pursuing a proposal for a veteran's cemetery in the near future. She suggested that the Council not have the staff prepare a report unless the Council was serious about pursuing such a proposal. Council Member Brown expressed her concurrence. Council Member Waldorf suggested that Mr. Wynn, the petitioner, could contact the American Legion about the possibility of establishing a veteran's cemetery. Mayor Broun whether it was correct that federal funding would be limited to one-half of the estimated cost of \$1.4 million for the cemetery. Mr. Horton said he was not certain about the funding match since staff had not performed this research. Mayor Broun said Mr. Wynn could work with the American Legion as one possibility.

Council Member Protzman thanked Council Member Waldorf for her level of candor and straightforwardness in dealing with the matter.

COUNCIL MEMBER WALDORF MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO DIRECT THE MANAGER TO HAVE MR. WYNN INVESTIGATE POSSIBILITIES FOR THE ESTABLISHMENT OF A VETERAN'S CEMETERY WITH THE AMERICAN LEGION. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

There was no need for an Executive (Closed) session. The meeting concluded at 9:18 p.m.