

**SUMMARY MINUTES OF A BUSINESS MEETING
OF THE CHAPEL HILL TOWN COUNCIL
MONDAY, JUNE 14, 2004, AT 7:00 P.M.**

Mayor Kevin Foy called the meeting to order at 7:00 p.m.

Council members present were Sally Greene, Ed Harrison, Cam Hill, Mark Kleinschmidt, Bill Strom, Dorothy Verkerk, Jim Ward, and Edith Wiggins.

Staff members present were Town Manager Cal Horton, Deputy Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Town Information Officer Catherine Lazorko, Parks and Recreation Director Kathryn Spatz, Interim Finance Director Kay Johnson, Assistant Library Director Mark Bayles, Assistant Parks and Recreation Director Bill Webster, Engineering Director George Small, Planning Director Roger Waldon, Police Chief Gregg Jarvies, Interim Public Works Director Bill Terry, Traffic Engineer Kumar Neppalli, Human Resources Director Pam Eastwood, Assistant Human Resources Director Anissa Graham-Davis, Public Works Administrative Analyst Randy Ballard, Library Director Kathy Thompson, Fire Chief Dan Jones, Principal Planner Gene Poveromo, Senior Long Range Planning Coordinator Chris Berndt, and Town Clerk Joyce Smith.

Item 1 - Ceremonies:

a. Proclamation: Optimist Club in Honor of Childhood Cancer Awareness Month.

Mayor Foy read the proclamation, which stated that the Optimist Club International prides itself on bringing out the best in children and is dedicated to ridding the world of childhood cancer through its Childhood Cancer Campaign. Chapel Hill was declaring June as National Childhood Cancer Awareness Month, he said, noting that 10,000 children in North America would be diagnosed with cancer this year. One third of those children would die, said Mayor Foy.

Optimist Club President Jim Casey stated that cancer was the number one disease killing children in North American. The Town's proclamation would call attention to the work that the Optimist Club in Chapel Hill was doing, he said. Mr. Casey explained that the Optimist Club gathers the resources to help support children with cancer, as well as their families and healthcare providers, and provides childhood cancer research. They need everyone's help in this endeavor, Mr. Casey said, and he asked those who can help to give the Optimist Club a call.

b. Greenways and Open Space Awards.

Greenways Commission Chair Peter Calingaert presented the awards for successful initiatives by those who preserve or enhance open space and greenways in Chapel Hill. Mr. Calingaert and Mayor Foy distributed awards in four categories to the following individuals.

- Joe Herzenberg -Vision Award. Mr. Herzenberg had contributed to greenways and open space by working for many years as a member of the Town Council, Greenways Commission, Community Design Commission, and numerous other citizen advisory

boards and committees. In most of these situations he served the groups in a leadership role.

- Lightning Brown - a posthumous Honor Award. Mr. Brown had worked for many years to preserve and protect open space along Bolin Creek, especially by bringing wastewater problems to the attention of State officials. He also served as Chair of the Chapel Hill Greenways Task Force, which recommended the formation of the Town's Greenway Commission.
- Sally Almekinders – Citizens Award. She had worked to maintain and improve open space areas in her neighborhood for many years.
- Will Hussey - Citizen Award. Mr. Hussey had built a segment of the Dry Creek Trail.
- Sam Wurzelmann - Citizen Award. Mr. Wurzelmann had built a segment of the Pritchard Park Trail.

Item 2 - Public Forums and Hearings:

Item 2.1 - Continuation of Public Forum on a Proposal to Rename Airport Road in Honor of Dr. Martin Luther King, Jr.

Mayor Foy proposed an action that was in addition to and different from the Naming Committee's recommendations. Noting that this evening was the third public forum on this matter, he said that he had personally been persuaded that the community needed to honor Dr. King and that renaming Airport Road was an appropriate way to do so. Mayor Foy pointed out that the monument to Dr. King in the United States is roads throughout the country.

Mayor Foy remarked that he had also been surprised and concerned about the community's reaction to the proposal and had concluded that this was an opportunity for citizens to engage each other in a discussion about race. He suggested that citizens get together and talk about why it was important to honor Dr. King, how it was best to do so, and how doing so would enhance the Town. Mayor Foy stated that the Council had made a mistake at the start when they assumed that “renaming” would be the same thing as “naming”, which is something the Council does frequently.

Mayor Foy noted that the suggestion to rename Airport Road had engendered a great deal of concern in the community. He pointed out that Chapel Hill believes in taking the time to reach conclusions that the community views as having been thoroughly discussed and vetted. Even though he has a personal opinion about this, he said, he wanted the community to engage in this discussion rather than allowing it to become a racially divisive issue. Mayor Foy pointed out that not one African American citizen had come forward to oppose the renaming. He stated the issue was important to many people in the community, urged citizens to try and understand why. Mayor Foy explained that he did not feel comfortable taking an action that he believed would result in people shouting at each other.

Mayor Foy proposed that Council members recognize their mistake, reconsider the process, and bring people together to talk about it. Referring to the Council, he stated "We don't impose the will of nine people in the community." Mayor Foy suggested that the discussions include people who live on Airport Road, members of the NAACP, long-time Chapel Hill residents, and newcomers. It would be similar to the committee for Apple Chill, he said, and like other committees that the Town had created to address issues. "I think that the least we can do for our community is to talk about it in the way that we talk about everything else," he said.

Mayor Foy pointed out that the Naming Committee had suggested renaming Airport Road by May 2005, which would give the Town plenty of time to have this dialogue. "So, my suggestion is that we take a step back and take a deep breath. We don't shout across the table at each other. We try to do things the way that we should do them in Chapel Hill. And we work this out."

In conclusion, Mayor Foy said that tonight's hearing would address his proposal as well as the Naming Committee's proposal to rename Airport Road and establish a task force to study and make recommendations about other additional means of honoring Dr. King. He noted that this would include changing the address of Town Hall to Martin Luther King, Jr. Boulevard. Mayor Foy asked those present to engage in constructive dialogue and to be willing to think about other people's perspectives and motivations. Those are not always rooted in suspicious or bad intent, he said.

John Maddry, a 70-year resident of Airport Road, objected to the renaming because of the "pure aggravation and trouble of having to notify so many people." However, he could see that Council members had already made up their minds, he said, and were merely following procedure. Mr. Maddry read a list of those that he would have to notify if his address were changed, and concluded that those Council members who had "closed minds" were dividing the community. He asked that the Town not change the name but amend it to Airport Road/Dr. Martin Luther King, Jr. Memorial Highway. Or, Mr. Maddry stated, abandon the idea altogether and come up with something "more original and more meaningful as a tribute to Dr. King."

Fred Conner, a lifelong resident of Chapel Hill, noted that Connor Drive had been named for his family. He owned a business on Airport Road, he explained, and was against the renaming. Although his reasons were financial, he stated he opposed the renaming primarily because it would not honor Dr. King as much as something else would. Mr. Conner suggested naming the planned third high school after Dr. King, noting that nearly every city in the South had a road named after him.

Bill Shaler stated that housekeeping workers at UNC and UNC Hospitals were being treated as badly as the sanitation workers were during Dr. King's time. Naming the road that runs right down to the Hospital and University would be a fitting tribute to Dr. King and his efforts to advocate for workers rights, Mr. Shaler said.

Eugene Farrar, representing the NAACP, urged the Town to move forward with renaming Airport Road, because the longer the process gets drawn out the less likely it is that it will happen. Change comes about when people come together, he said, pointing out that Dr. King

was a Nobel Peace Prize winner. Mr. Farrar pointed out that Chapel Hill could be the model for other small cities and towns.

Bishop L. Gene Hatley expressed admiration for Mayor Foy's attempt to create dialogue about the issue in order to reach an amicable decision. However, he had been back in Chapel Hill for 16 years, he said, and he could not recall one issue involving African Americans where everyone sat down and discussed it and it came out to everybody's satisfaction. Bishop Hatley pointed out that his own address had been changed three times and that the Postal Service had never called him to ask if he wanted to talk about that. "As much as we don't want to admit it, it's a racial issue," he said. "If we discuss this until Jesus comes it's still going to be a divisive issue."

Bishop Hatley noted that Chapel Hill was not the "Southern Part of Heaven" for some. Having discussions that lead to understanding is good, he said, but he proposed that most of those in the room would not change their minds. Bishop Hatley stated that changing the name was the right thing to do and that tonight was the right time to vote on it.

Garland M. King, Jr. described Chapel Hill as a beacon of enlightenment and a veritable utopia compared to some places. People come to Chapel Hill from all over, he pointed out. Mr. King noted that some local Blacks had been a part of the community for eight to ten generations. His wife's family had been on the same tract of land for 104 years, he said. Mr. King stated that many local African Americans had seen their labor and talents usurped, unrewarded and uncompensated for hundreds of years. Dr. King was not just a liberator for black people but for America and the world, he said. Mr. King stated that "some of us have been carrying the burden of the perpetrators of inequity for too long. We need to be enlightened and uplifted." He asked if there would be as much resistance to renaming Airport Road if the suggestion were to call it "Ronald Reagan Thoroughfare."

Mildred Council said that naming a building after Dr. King would not be a proper tribute because there is no building large enough. She said that Dr. King did not march for a building but for what was inside buildings that Blacks were not getting. When African-Americans marched in Chapel Hill they came on foot from every street and road in Town, she said. Ms. Council asked the Town not to name a building after Dr. King because the struggle for civil rights took place in the streets. The struggle was for education, jobs and money, for what was inside the buildings that Blacks could not have, Ms. Council pointed out.

Charles B. Carver noted that more than 700 citizens had signed petitions to protect the integrity of the name of Airport Road. He asked the Council to pass the alternative proposal that Mayor pro tem Wiggins had presented to the Renaming Committee on June 1, 2004. That proposal asked that the name of Airport Road continue to be the mailing address of all citizens and businesses located on Airport Road but that the road be dedicated to the memory and honor of Dr. King. Mr. Carver also suggested that an area in the expanded Chapel Hill Library be dedicated to Dr. King where writings and books pertinent to the Civil Rights Movement would be maintained. "We feel that this would be a truly fitting memorial to the greatness of the man, his dream, and his teachings," Mr. Carver said.

Melissa J. Lankford said that she felt "mildly encouraged" by Mayor Foy's suggestion because "it validates the primary concern of those of us opposed to renaming Airport Road." No individual or business on Airport Road had been consulted regarding the impact to them and the feelings of history and pride that citizens have in Airport Road, she said. Ms. Lankford expressed hope that Mayor Foy's suggestion would be approved and that a proper review and compromise would be reached. She discussed the potential cost to those whose address would be changed and expressed mystification over why those opposed to the renaming must continue to justify their positions.

Ms. Lankford criticized Council Member Hill, in particular, for a remark attributed to him in the Chapel Hill News. She said that he had characterized the opposition to renaming Airport Road as "veiled racism," and that his comment had bordered on slander. Citizens were not against changing the name to Dr. Martin Luther King, Jr. Boulevard, she said, they were against changing the name at all.

Kathleen Thompson stated that she honestly believed it was the Town's duty to honor Dr. Martin Luther King, Jr. But, she objected to renaming the road because of the cost to businesses of changing their addresses, she said. Ms. Thompson recommended that the Town find a better way to honor Dr. King.

Diane McArthur expressed appreciation for Mayor Foy's suggestion. She remarked that many citizens of Chapel Hill, especially those on Airport Road, had been excluded from the process. They had not had an opportunity to give input except by their own initiative, she said, and they were being asked to give up a name that was a source of pride and history to them. Ms. McArthur mentioned that citizens' objections had been characterized as disguised racism and that they had been criticized for not giving compelling reasons why the name should not be changed. Who sets the standards for compelling reasons, she asked. "Is it subjective, and subject to change with changing Council members?" Ms. McArthur asked the Council to receive and review the petition that Mr. Carver had presented on behalf of citizens. She also requested that they vote to accept Mayor Foy's recommendation.

Chip Foushee expressed opposition to the name change and support for more constructive dialogue. He would oppose any name change, whether it is in honor of Ronald Reagan or his own dad, he said. But, if he did want to change the name, he would find out what the legal process was and who was going to be impacted, Mr. Foushee said. He added that he would also consult with historical societies, businesses, chambers of commerce and merchants' associations, and would have open dialogue and address the objections before the process began. Mr. Foushee described such a process as the "right, fair and just thing to do." He quoted Dr. King as saying "injustice anywhere is a threat to justice everywhere" and applauded Mayor Foy's recommendation for more dialogue. Mr. Foushee proposed that Council members were afraid to refuse because of the skin color of those who were asking for the change.

Dan Coleman suggested that anyone who wanted to understand the motivation and feelings of those advocating for renaming the road should read The Free Men by John Ehle. That book tells about the struggle for a public accommodations law in Chapel Hill, he said. Mr. Coleman explained that after months of protests, sit-ins, demonstrations and violent reprisals, the Chapel

Hill Board of Aldermen had proposed that the mayor at the time head up a committee composed of interested parties to serve as a mediation committee. It was much like the Mayor's proposal tonight, he said. Mr. Coleman explained that the result had been that Chapel Hill did nothing. The Town never passed a public accommodations law until after a federal law superseded the need for that, he said.

Mr. Coleman acknowledged that the stakes were not as high tonight, but that the meaning (at least on a symbolic level), the implications for future engagement, and the struggle for civil rights and justice in this community were similar, he said. He commented that a proposal such as the renaming might reveal racial divisions, but does not create them. Mr. Coleman argued that going ahead and honoring Dr. King in a way that might cause a little discomfort for some was the right thing to do. Those who don't want their address changed will still resist after the summer, he said. Mr. Coleman urged Council members to vote for the change as the Naming Committee had recommended.

Historian Yonni Chapman stated that history would judge Chapel Hill and each individual by the stand they take on this issue. He spoke in favor of changing the name, adding that people needed to be reminded of the values for which Dr. King had died. These values should be at the center of people's lives and should set the tone for the Town, he said. Mr. Chapman urged the Town Council to reassert and re-emphasize the values that Dr. King and hundreds of others had struggled for. This was the tangible victory that would be achieved by renaming Airport Road, he said.

Mr. Chapman noted that Chapel Hill had once been half Black and half White. But the African American percentage had dwindled since 1900 due to University and Town expansion that had not provided equal opportunities for African Americans, he said. Mr. Chapman noted that the civil rights struggles of the 1960s had cost this community hundreds of thousands of dollars. But the dwindling trend has continued, he said, and in all areas where African Americans had suffered in the past they were still second class citizens today. The fact that everyone opposing the name change was White indicated something about race, he said. Mr. Chapman noted that none of those who had opposed the change had addressed the concerns that the Black community had expressed about how they had paid the price. He advised the Town Council to rename the road and to initiate other renamings and honorings and a wider process for discussion.

Kara Baldwin expressed support for renaming the road so that children can look back on Dr. King's legacy. "Please, please help us keep the dream alive," she said.

Mary C. Johnson said that she had no problem with renaming the road, but that naming UNC's Carolina North after Dr. King was also a possibility. Ms. Johnson discussed Dr. King's life and said that that UNC's new science complex could be named after him. She read from Dr. King's Nobel Prize acceptance speech and asked that the community come together in prayer before coming together in dispute.

Steven Sherman commented that Dr. King probably was the most revered American in the last 50, if not 100, years. Most Americans across the political spectrum appreciate the basic vision of respecting a person for the content of their character and not the color of their skin, he said,

adding that there is a tremendous reference for Dr. King's method of nonviolent struggle. Mr. Sherman stated that he would like to see a major road named after Dr. King and that Airport Road seemed like a logical choice. He proposed that all citizens of Chapel Hill be part of the decision, not just those who own property along Airport Road. Mr. Sherman noted that many things the Town does (widening roads, allowing Carolina North) inconveniences people. Changing a road name did not strike him as one of the great changes that people have to adapt to, he said.

Michelle Cotton Laws explained that she was born and raised in Chapel Hill. The Town and its people were near and dear to her heart, she said. Ms. Laws stated that she had been saddened by what this issue had revealed. Some may refer to the Town as "Southern Part of Heaven," she said, but others might see it as the "Northern Tip of Hell." Ms. Laws expressed support for Mayor Foy's desire to have an open and respectful discourse about this issue. But it appeared that issues driven by a large groundswell of support in the Black community always have to go back and renegotiate and meet again and again, she said. Ms. Laws described this as a "disturbing" phenomenon. She asked the Council to decide in favor of the road renaming tonight.

Brenda Brown challenged those present to read a book entitled Black Like Me. She did not view herself as better than or inferior to anyone else in the room, she said, so she wondered where the remarks about prejudice were coming from. Ms. Brown pointed out that Airport road property owners do not own that street, and they could easily change their addresses, she said. It sounds as though people are saying that they don't want to live on a street that has Dr. King's name on it even though that might not be what they mean, Ms. Brown said.

COUNCIL MEMBER KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER STROM, TO CLOSE THE PUBLIC FORUM. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER STROM, TO ADOPT R-1A.

Council Member Kleinschmidt expressed gratitude to those who had participated in "an extraordinary public discussion and process that began about a year ago during candidate forums." The three public forums had laid out just about every position that one could take on this issue, he said. Council Member Kleinschmidt explained that he had considered both sides of the issue and had been persuaded that renaming Airport Road was the better thing to do. He expressed concern about extending the discussion and recommended that the Council resolve the issue tonight. That would free all concerned to have that larger discussion about naming the library or Parking Lots 2 and 5 after Dr. King, Council Member Kleinschmidt remarked.

Council Member Strom expressed appreciation for Mayor Foy's proposal but characterized it as a polite way to refuse the petition. The Naming Committee had offered a reasonable proposal to continue the dialogue, he said, adding that he hoped the Town would engage in such a discussion after passing R-1a. Council Member Strom stressed that it was time for Chapel Hill to take its place and participate in the living, evolving national monument that honors Dr. King. He saw

the petition opposing it as a sign of healthy political life, he said, but thought that the "Chapel Hill way" ought to end tonight with Council action. Council Member Strom explained that he had been a pre-teen during the tumultuous 1960s and had not been able to make sense of what was happening in the world during that time. "For me, personally, this just feels right." He described the renaming as "an opportunity to put my touch and have my town participate in a memorial to the 60s that really profoundly changed America."

Council Member Verkerk noted that one speaker had described Chapel Hill as "a municipal utopia." She wanted to support the Mayor's proposal, she said, because she viewed Chapel Hill as a municipal utopia because "we talk to each other."

COUNCIL MEMBER VERKERK OFFERED A SUBSTITUTE MOTION, SECONDED BY COUNCIL MEMBER HARRISON, TO SUPPORT MAYOR FOY'S PROPOSAL TO FORM A COMMITTEE AND HAVE A THOROUGH AND OPEN COMMUNITY DIALOGUE REGARDING THE RENAMING OF AIRPORT ROAD.

Council Member Kleinschmidt argued that prolonging the discussion would weaken the effort. The substitute motion essentially was a de facto vote on R-1a, he said.

Mayor Foy argued that "that is just not a fair characterization," noting that the discussion had already shown how easy it is for people to label each other. It was a narrow view to believe that there is no value in dialogue, he said. Mayor Foy explained that his objective was to bring everyone together as a community. "We have a long, sorry history. Let's talk about it. That's my proposal," he said. Mayor Foy emphasized that his proposal was to talk and confront themselves. "It is not a 'no,'" he said.

Council Member Greene agreed that there were many reasons to talk. But she had been impressed by the information that Dan Coleman had shared about a similar scenario when the Town ended up not taking action, she said. Council Member Greene recommended that the Council vote as they were inclined to do after the long process and series of public forums.

Council Member Ward reviewed the renaming process to date and said that the Council had endeavored to uphold the community's very high standards by providing ample opportunity for public input. He, among others, had asked the Town staff to send additional letters to Airport Road residents and business owners, he said. Council Member Ward stated that he still felt, however, that the public process had not adequately served the Town. He expressed support for the Mayor's resolution to continue and expand the conversation.

Council Member Ward disagreed with Council Member Strom's and Kleinschmidt's characterization that a vote in favor of the Mayor's resolution was a vote against renaming Airport Road, he said. He argued that process often is as important as the goal when people are discussing difficult issues. Council Member Ward described Dan Coleman's comment about delay leading to denial as "a poignant one" and he promised to make sure that the Council did not make that mistake in this decision. It was worth the effort to clearly articulate why many in the community believe that naming Airport Road after Dr. King was the best way to honor him, he said.

Council Member Hill explained what it had been like for him as a White child growing up in Chapel Hill during the racially segregated 50s and 60s. His mother had worked, he said, and he had been raised by a succession of Black women who were paid the going rate of less than a dollar an hour. No matter how much people talked about how things were getting better, said Council Member Hill, "it was clear that it wasn't a level playing field." In 1978, he said, he bought a house in a Black Chapel Hill neighborhood. But the Black residents in his neighborhood were eventually replaced by students, he said. Council Member Hill stated that Chapel Hill had now become too expensive for people of lower economic means to live here, and that this included many African Americans. Council Member Hill said that Chapel Hill owed a tremendous debt to its African American community, who had been disappointed over and over again. "And I don't want to disappoint them tonight," he said. Council Member Hill suggested that the Council go ahead and rename the road.

Council Member Harrison noted that he had seconded Mayor Foy's proposal. Doing so was not a refusal, he said, but it is an invitation to talk, "not from the podium or the letters to the editor columns, but face to face across the table." Council Member Harrison explained that as "Citizen Ed" he probably would have signed up to speak in favor of renaming Airport Road. But being a Council member is different, he pointed out, because Council members are stewards for the entire Town. "And there are obviously unresolved issues for a large number of people," he said, noting that some of those issues must be valid because so many people had brought them up. Council Member Harrison said that Mayor Foy had laid out a Chapel Hill process that is open, honest and fair.

Mayor Foy read his motion:

That the Council appoint a special committee to consider the petition submitted by the Chapel Hill-Carrboro branch of the NAACP and to develop recommendations for appropriate memorials to the life and legacy of Dr. Martin Luther King, Jr. by appointing a committee composed of:

- Members of the Council
- Members of the NAACP
- Residents of Airport Road
- Diverse group of citizens at large
- Persons familiar with the history of the community, the facilities involved, the person(s) being honored, and other contextual issues.

who would meet to arrange and conduct public forums, workshops, and such other meetings as would be useful in developing options and recommendations for the Council's consideration; and that the opportunities for participation by citizens interested in participating in the proposed re-naming and any related matters be widely publicized through multiple media; and that the Committee conduct its business at the deliberate pace necessary for effective civic process.

Mayor pro tem Wiggins stated that "no one in the room would like to see a road in Chapel Hill named in honor of Dr. Martin Luther King, Jr. any more than I would." She was a member of the Renaming Committee, she said, noting that every recommendation the Committee had brought to the Council had been for renaming. But at one Council meeting, Mayor pro tem Wiggins said, another Council member had asked who, besides the NAACP, the Naming Committee had met and discussed this issue with, and explained that she had not been able to give the name of any other group or person. "It bothered me," Mayor pro tem Wiggins said, "even though I continued to support the renaming. "And when the Mayor in the last few days came forth with a proposal, it satisfied that uneasiness that I had."

Mayor pro tem Wiggins pointed out that all citizens were entitled to respect when they have a stake in a decision. She expressed appreciation to Mayor Foy for bringing his proposal to the Council. She had been in favor of renaming the road, she said, "but not in an in-your-face, I-don't-care-what-anybody-else-thinks approach. And that has been very much a part of the process." Mayor pro tem Wiggins emphasized that such an approach was not the way to gain consensus and bring people together and that she believed that members of the community could sit down and reach unanimous support for renaming Airport Road. It happened with Apple Chill, she said, adding "that was definitely a race issue...and we came out with a much better Apple Chill."

Council Member Kleinschmidt said that he still contended that a vote for the substitute motion was a vote against renaming. It was problematic to say there was time to discuss this because the renaming would not occur until May 2005, he said, noting that some of the associated costs would be aggregated by the delay. Council Member Kleinschmidt pointed out that the plan had been to make a decision now so that people could exhaust their stationery and business cards by May. He said that the idea of creating a task force had come up at the first public forum but the Council had chosen not to do it then. Council Member Kleinschmidt also expressed disappointment in the committee structure, noting that half of those Council members on the Renaming Committee who had recommended renaming were planning to vote for the Mayor's proposal.

Council Member Greene said that she would vote against the Mayor's proposal. But, if the Council did pass it she suggested that they give it their "best shot." Council Member Greene ascertained from Mayor Foy that the new committee could include 20-25 people.

Michelle Laws, speaking out of order and without being recognized by the Mayor, stood up in the audience and expressed anger over her perception that the Council continued to ignore the desires and wishes of the Black community. "You do it over and over and over again," she said. Mayor Foy invited Ms. Laws to participate in the committee if it was created, but she refused. As Ms. Laws stood and left the room she was alluding to Maya Angelou's poem "Still I Rise."

THE SUBSTITUTE MOTION WAS ADOPTED (5-4), WITH COUNCIL MEMBERS VERKERK, HARRISON, WARD, FOY AND WIGGINS VOTING AYE AND COUNCIL MEMBERS KLEINSCHMIDT, GREENE, STROM AND HILL VOTING NAY.

THE SUBSTITUTE MOTION IS NOW THE MAIN MOTION.

THE MAIN MOTION WAS ADOPTED (5-4), WITH COUNCIL MEMBERS VERKERK, HARRISON, WARD, FOY AND WIGGINS VOTING AYE AND COUNCIL MEMBERS KLEINSCHMIDT, GREENE, STROM AND HILL VOTING NAY.

**Item 2.2 - Public Forum on Proposed Ordinance regarding
Lobbying and Ethical Guidelines for Elected Officials**

Town Attorney Ralph Karpinos explained that the legislation would require paid lobbyists to register and submit quarterly expense reports. Public officials and persons acting on their own behalf would be exempt from the lobbying regulations, he said. Mr. Karpinos noted that there was also a provision requiring Town officials to disclose contacts that they believe to be from unregistered lobbyists.

Mr. Karpinos said that the proposed ethical guidelines recommend that Council members disclose contacts with public agency representatives. The guidelines also recommended that they disclose gifts and gratuities if those appear to be an attempt to influence decisions, he said. In addition, the guidelines would call on publicly elected officials to not accept gifts and gratuities in excess of \$80, with certain exemptions for general admission tickets. Mr. Karpinos explained that the ethical guidelines would also call for elected officials to avoid certain types of communications with regard to quasi-judicial matters pending before the Town Council. He noted that the Manager's memo included estimates on the legislation's potential impact on staff time and expense. Following tonight's hearing, the Council could determine what further action to take, including referral back to the staff for further evaluation, he said.

Scott Gardner, District Manager for Local Government Relations at Duke Power Company, expressed opposition to the proposed ordinance. He described it as an example of over regulating to address a problem that either does not exist or is so small that it needs a simpler solution. Mr. Gardner pointed out that he would have to register to speak with a Council member under the proposed ordinance. Duke Power believes that as long as they pay taxes, own property, hire employees, and provide a service to citizens of the Town, they should be able to meet with elected officials or members of the Town staff to discuss issues of concern without having to register, he said.

Mr. Gardner questioned the cost and effect of the ordinance on Town government and stated that an unintended consequence would be to discourage people from discussing and clarifying situations and conditions with the Town. He disagreed with what he described as a basic assumption that the Town Council was not capable of managing a relationship with people who have issues with the Town. Present and previous councils and the Town staff were "fully capable" of doing so, Mr. Gardner said.

Aaron Nelson, Director of the Chapel Hill-Carrboro Chamber of Commerce, made the following three points on behalf of its membership and board:

- The ordinance would discourage dialogue and would do so with the wrong people. The Chamber believes that one should be able to petition one's government and that having to register to do so would be overly burdensome.

- The University would be able to call the Council at any time and have a private conversation every day to try to influence them on an issue. Those who would be impacted are non-profit executives, staff, and non-owner employees.
- The ordinance has the potential to create a logistical nightmare.

Rather than voting for this ordinance, Mr. Nelson suggested that the Council identify the problem, "whatever it is," and find other ways to solve it.

Charlie Fisher, Chair of the Chamber of Commerce Government Relations Committee, expressed concern that the ordinance would discourage dialogue. He had been an elected official in another state and had witnessed the impact that such regulations have on dialogue, he said. Mr. Fisher wondered why the ordinance was even being considered since it would not pertain to UNC, which is why the petition was originally brought to the Council. He described the ordinance as a broad brush approach that catches up a lot of other people in the community. Mr. Fisher recommended that Council members "clarify your target, focus your aim, and use a smaller brush" before acting.

Delores Bailey, an employee of EmPOWERment, Inc., a local non-profit organization, pointed out that many of the worthwhile projects the Council had enabled them to do was developed through emails, phone conversations, and lunch meetings. This legislation would jeopardize that, she said, pointing out that she was one that this ordinance would hurt. "I don't think that's what you're intending to do," Ms. Bailey said, and she asked Council members to vote against the ordinance.

Council Member Kleinschmidt wondered if human service agencies' discussions about funding from the Town should count against their threshold limit. He asked that this be discussed when the Council discusses the issue again. Council Member Kleinschmidt pointed out that the IRS understands that "survival lobbying is exempted and doesn't count toward a threshold amount." Therefore, he did not think that survival lobbying by any organization that the Town gives money to should count against them.

Council Member Greene suggested that the Town set the percentage of public money that it distributes to non-profit organizations at a level that would allow them to qualify as federal, State, or local government agencies. Then they would be as exempt as UNC, she said.

Council Member Strom asked for a description of the potential staffing implications referred to in Paragraph C/Page 4 of the Manager's memo. It seemed to him that the reporting burden would be more on the lobbyist's than the staff's side, he said. Mr. Horton replied that most of the burden would be to provide information and answer questions. And there is no way of precisely estimating how much time that would take, he said. Mr. Horton estimated that it would take 2-10 hours a week.

Council Member Greene noted that Mr. Nelson had wondered about things such as making preparations or sending emails being counted as lobbying. She had understood that it would

count, she said, and she recommended making sure that the definition of lobbying included preparation. Council Member Greene pointed out that the \$800 threshold might be too low, and said that she would be willing to consider raising it to \$1,000 or \$2,000.

Council Member Ward wondered about removing the quarterly reporting restriction, thereby reducing the paperwork.

Council Member Greene agreed that doing so might be worth considering, but cautioned against letting the more aggressive organizations slip through the gaps.

Council Member Harrison said that he had once been a paid lobbyist for the Audubon Society and did not have to register. He was having a hard time seeing a need for this ordinance in a local government setting, he said. Council Member Harrison noted that it did not seem to address any problem in local government or the valid concerns expressed by citizens in the petition that had come to the Council in January.

COUNCIL MEMBER HILL MOVED, SECONDED BY COUNCIL MEMBER WARD, TO RECESS THE PUBLIC HEARING TO JUNE 30, 2004. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Item 2.3 - Public Forum on Draft Options for Traffic Calming Policy and Procedures

Engineering Director George Small explained that the Council had held a work session on November 24, 2003, and had discussed several alternatives for Traffic Calming Policy and Procedures. The alternatives presented were:

- (1) Continue the current process of dealing with traffic calming requests on a first come/first served basis when each request is received.
- (2) Establish formal policy and procedures for receiving, evaluating, prioritizing, and funding traffic calming requests; and
- (3) Include a mechanism in the policy and procedures to allow assessment of some or all of the costs of traffic calming projects to benefited properties.

The Council had stated a preference for establishing policy and procedures for receiving, evaluating, prioritizing and funding traffic calming requests without assessment of costs to property owners, he said. Mr. Small stated that the staff had developed a couple of options for Council consideration: a formal petition that neighborhood representatives would initiate and work through the neighborhood; and, a neighborhood survey that the staff would develop. Mr. Small noted that traffic-calming devices affect the area around the street as well as the street itself. He suggested creating a ranking system and recommended that the staff make a report to the Council each year.

Transportation Board Chair George Cianciolo recommended the survey procedure, adding that the staff should determine the affected area after an initial applicant had proposed a traffic-calming procedure. Then surveys should be sent out informing residents that a request had been made and asking them to affirm their support, he said. Acknowledging that this puts a little more burden on the staff, Mr. Cianciolo noted that the availability of mailing keeps it from becoming an undue burden. He pointed out that neighborhoods that have an association and a high degree of internet connection would have an advantage over those that do not. The Transportation Board was trying to help the less advanced neighborhoods to participate in the process as well, Mr. Cianciolo explained. Speaking as an individual citizen, he stated that speed bumps had made a difference on his street and encouraged the Council to install them wherever possible.

Eric Plow suggested that any traffic-calming criteria the Town comes up with take into account that speed bumps increase gas emissions and the ozone. He suggested that the Town do away with the idea of longevity points. Mr. Plow asked that each neighborhood be considered on its own merits and that the decision not relate to how long the neighborhood had been there. One good way to find out true neighborhood support would be to do some kind of assessment, he said, even if it is 20% or 25%.

Glen Lennox resident Janna Dieckmann asked that the resolution include all residents, not just landowners. She opposed the approach of using speed bumps, humps and tables since those cause pain for her and others with chronic health problems. Ms. Dieckmann recommended that the Council carefully evaluate the types of traffic-calming measures that they do implement.

COUNCIL MEMBER STROM MOVED, SECONDED BY COUNCIL MEMBER WARD, TO RECESS THE PUBLIC HEARING TO JUNE 30, 2004. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Item 2.4 - Public Hearing regarding the Library's Internet Safety Policy

Mr. Horton explained that one of the three options that Public Library Director Kathy Thompson would present tonight had been developed after the Library Board last considered the issue. There still was time for the Board to comment before the Council takes action on June 30, 2004, he said.

Ms. Thompson noted that the Council had adopted the Library's Internet Safety Policy two years ago. This policy provides unfiltered Internet access for adults and children, she said. Ms. Thompson explained that all libraries were informed last year that they must filter their Internet computers or lose eligibility for about \$5,000 in federal funding. The intent was to protect children by blocking access to child pornography, obscenity, and material that is harmful to minors, she said.

Ms. Thompson pointed out that installing filters was optional. But, if the Council does choose to accept the federal funds, it must hold a public meeting, receive citizen comment, and have the filters installed by July 1, 2004, she said. Ms. Thompson outlined three Internet policy options and listed the advantages and disadvantages of each. She explained that the Manager had recommended Option A and that the Library Board had recommended Option B. Ms. Thompson

pointed out that the Manager's recommended option had not been developed when the Library Board considered the issue.

Mayor Foy proposed holding the public forum open until June 30th to give the Library Board time to review the new option.

COUNCIL MEMBER GREENE MOVED, SECONDED BY COUNCIL MEMBER STROM, TO HOLD THE PUBLIC FORUM OPEN UNTIL JUNE 30, 2004. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Item 3 - Petitions by Citizens and Announcements by Council Members

a. Petitions by citizens on items not on the agenda.

3a(1). Lawrence Walters for the Orange County Visitors Bureau regarding Request for Increased Funding.

Visitors Bureau Chair Lawrence Walters asked the Council to reconsider its decision to reduce its grant to the Visitors Bureau. He reminded Council members that it is the only walk-in visitor's center in the community. State and local tax revenues from Orange County in fiscal year 2001-2002 represented a \$73 tax savings for each County resident, Mr. Walters said. He discussed the economic impact of the Town's investment and urged the Council to continue its full investment in the Chapel Hill/Orange County Visitors Bureau. There was no other organization that provided this type of return on the investment to the community, Mr. Walters said.

Mayor Foy suggested that the Council receive and refer the petition to itself, for consideration during the Council's discussion and action on budget issues (Agenda #6).

COUNCIL MEMBER STROM MOVED, SECONDED BY COUNCIL MEMBER HILL, TO RECEIVE AND REFER THE PETITION TO THE TOWN COUNCIL. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

3a(2). From Various Citizens regarding Request to Keep the Historic Name of Airport Road, or Consider Renaming to Ronald Reagan Boulevard.

COUNCIL MEMBER KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER GREENE, TO RECEIVE AND REFER THE PETITION TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

3a(3). Joe Capowski and Martin Feinstein regarding Front Yard Parking.

COUNCIL MEMBER WARD MOVED, SECONDED BY COUNCIL MEMBER VERKERK, TO RECEIVE AND REFER THE PETITION TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

3a(4). Orange Water and Sewer Authority regarding Request for Expedited Review of the Special Use Permit for the I-40 Water Booster Pump Station Project.

COUNCIL MEMBER STROM MOVED, SECONDED BY COUNCIL MEMBER KLEINSCHMIDT, TO RECEIVE AND REFER THE PETITION TO THE MANAGER AND ATTORNEY. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

- b. Petitions by citizens on items on the agenda.** None.
- c. Announcements by Council members.** None.

Item 4 - Consent Agenda

COUNCIL MEMBER KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER WARD, TO ADOPT R-3. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (2004-06-14/R-3)

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

- a. Nominations to Various Advisory Boards and Commissions (R-4).
- b. Response to a Petition Requesting that the Town Use Town-Owned Property in the Pine Knolls Neighborhood for Recreation Purposes (R-5).
- c. Proposal to Place a Radio Receiving and Transmitting Antenna on a Town-Owned Light Pole at Scroggs Athletic Field (R-6).
- d. Franchise for Madison River Communications, LLC to Provide Voice and Data Telecommunications Services – First Reading (O-1).
- e. Authorization to Enter into Negotiations to Renew a Franchise Agreement with The Peoples Channel, Inc. (R-7).
- f. Response to Request by Habitat for Humanity to Reallocate 2001-2002 Community Development Funds to Use for Infrastructure Construction for the Rusch Hollow Subdivision (R-8).
- g. Traffic Regulations Ordinance Amendment for Public Streets Recently Accepted by the Town Serving New Developments (O-2).
- h. Dobbins Road Right-of-Way Dedication for Super Street Project at the Intersection of US 15-501/Erwin Road (R-9).
- i. Budget Ordinance for the Southern Community Park (O-3).
- j. Project Ordinance for a FY 2003-2004 Transportation Engineering and Design Grant (O-4).
- k. Project Ordinance for a FY 2003-2004 Advanced Technology Grant (O-5).
- l. Project Ordinance for Real-Time Passenger Information and Automatic Vehicle Location System (O-6).

- m. Acceptance of Bid for Comprehensive Rehabilitation Work at the Airport Gardens Public Housing Neighborhood (R-10).
- n. Rejection of Bids for Town Hall Generator Project (R-11).
- o. Rejection of Bids for Police Department Generator Project (R-12).
- p. Recommendation for Position and Classification Changes (O-7).
- q. Extension of Terms to the Technology Committee (R-12.1).

This the 14th day of June, 2004.

A RESOLUTION NOMINATING APPLICANTS TO VARIOUS ADVISORY BOARDS AND COMMISSIONS (2004-06-14/R-4)

WHEREAS, the applications for service on an advisory board or commission or other committees listed below have been received; and

WHEREAS, the applicants have been determined by the Town Clerk to be eligible to serve;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the following names are placed in nomination to serve on an advisory board or commission:

Bicycle and Pedestrian Advisory Board

Mary Blake
Brian Decker
Floyd Fried

Community Design Commission

Bonnie Schaefer

Downtown Economic Development Corporation

René Campbell
Robert Epting
Pat Evans
J. Allen Fine
Keith Freeman
Bill Harrison
Greg Owens
Nicholas Paliouras
Claire Reeder
Andrea Rohrbacher
Bonnie Schaefer
Larry Short
Susan Traub

Housing and Community Development Advisory Board

Seth Chadbourne
Bobby Clapp
Richard Loeber
Carl Martin
Gordon Merklein
Melody Peak
Matthew Scheer
Carol Siebert
Elizabeth Welsby

Orange Water and Sewer Authority

Philip Berke
Bobby Clapp
Floyd Fried
William Kaiser
Karim Kheireddine
Bernard Law
Carl Martin
Gordon Merklein
Penny Rich
Judy Weseman

Technology Committee

Evelyn Daniel
Gregg Gerdau
Steve Irving

This the 14th day of June, 2004.

A RESOLUTION AUTHORIZING THE MANAGER TO PROCEED WITH A PROCESS TO DETERMINE A SUITABLE PROGRAM FOR USE OF THE PROPERTY ADJACENT TO THE PINE KNOLLS COMMUNITY CENTER (2004-06-14/R-5)

WHEREAS, in 1993 the Town acquired two lots in the Pine Knolls neighborhood; and

WHEREAS, on March 22, 2004, Daneeda Hicks petitioned the Council requesting that the Town convert parcels of Town property adjacent to the Pine Knolls Community Center into a recreation area and;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to proceed with a process to determine a suitable program for use of the property adjacent to the Pine Knolls Community Center and report back to the Council with recommendations.

This the 14th day of June, 2004.

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A LEASE AGREEMENT FOR USE OF A TOWN-OWNED LIGHT POLE AT SCROGGS ATHLETIC FIELD FOR THE PURPOSE OF ALLOWING PUBLIC GALLERY OF CARRBORO, INC. (WCOM COMMUNITY RADIO) TO INSTALL AND MAINTAIN A MAST WITH RADIO RECEIVING AND TRANSMISSION ANTENNA (2004-06-14/R-6)

WHEREAS, Public Gallery of Carrboro, Inc. desires to start a community-based radio station to be known as WCOM Community Radio; and

WHEREAS, WCOM Community Radio requires receiving and transmitting antenna; and

WHEREAS, Public Gallery of Carrboro, Inc. has requested permission from the Council to attach a mast and corresponding antennas to an existing light pole at Scroggs Athletic Field in a manner that is acceptable to the Council; and

WHEREAS, the mast and antennas could provide a service to the citizens of Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to execute a site lease agreement with Public Gallery of Carrboro, Inc. that would allow the installation and operation of a mast with radio receiving and transmission antennas on top of an existing light pole at Scroggs Athletic Field in a manner that is acceptable to the Manager.

This the 14th day of June, 2004.

AN ORDINANCE GRANTING A FRANCHISE TO MADISON RIVER COMMUNICATIONS, LLC TO PROVIDE VOICE AND DATA TELECOMMUNICATIONS SERVICES IN THE TOWN OF CHAPEL HILL (2004-06-14/O-1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby grants a franchise to Madison River Communications, LLC to operate a telecommunications system in the Town subject to the following conditions:

Scope of Services

The company may provide the following services:

Telephone and Data Communications Services, pursuant to authority granted by the Federal Communications Commission.

This franchise does not authorize the company to provide cable television or video services, for which a separate franchise could be requested. This franchise does not authorize placement of public use telephones on Town property or public rights-of-way.

Relocation of Equipment

Any of the company's equipment which may be located in public rights-of-way or other Town property shall be subject upon 180 days' written notice by the Town to removal or relocation at the company's sole expense to other place(s) satisfactory to the Town Manager; provided that places satisfactory to the Town Manager are available within such period and will not result in a material adverse affect on the quality of the company's telephone and data communications service provided to the Town; otherwise, such time period shall be extended as reasonably necessary for the company to find an adequate relocation site, provided, however, that the Town Council approves a separate lease agreement.

Subject to the time frames referenced in the preceding paragraph, removal or relocation may also be required by the Town due to street or utility improvements in general, due to public health and safety problems upon a determination by the Town or for other just and reasonable cause as may be determined by the Town.

Upon the Town's determination of an emergency need to remove equipment, such removal shall occur within the time period determined reasonably necessary by the Town after consultation with the company. Emergency needs are not subject to the time limits stated above.

Disturbance of Property within a Right-of-Way; Inspections

Any disturbance of property within or affecting a public right-of-way, as may be necessary for the installation and/or connection of services by the franchisee, must receive prior approval of the Town Manager or Manager's designee and shall be subject to Chapter 17, Article IV of the Town Code of Ordinances. The franchisee shall notify the Town Manager's office 24 hours in advance of the start of any construction that will damage any existing public street or significantly obstruct the flow of traffic.

Term of Franchise

The term of the franchise shall be 20 years from acceptance by the franchisee, with the possibility of renewal subject to filing of a renewal application at least one year before the franchise expiration.

Letter of Credit, Fees and Taxes

The company shall maintain a letter of credit in the amount of \$50,000, or a guarantee of the company's general partner, acceptable to the Town Manager, with the required amount to be replenished as necessary to maintain the required balance at all times to ensure compliance with all applicable State or local laws, ordinances and regulations and directives of the Town, with terms of the franchise and to ensure payment of any applicable fees and taxes due to the Town. So long as the company is subject to and does pay the State franchise tax imposed pursuant to N.C.G.S. §105-120, the Town shall not, and does not currently, charge a license, privilege or franchise tax on the company, which is not authorized by law and applicable to other similar businesses. Should the Town seek to impose a fee or tax on the company in the future, the

company shall have not less than 120 days' notice prior to the effective date of such fee or tax, and shall have the right to terminate the franchise provided that it shall remove its equipment from the Town property or public right-of-way within 60 days of termination.

Insurance and Indemnification of the Town

The company shall maintain general liability insurance naming the Town as an additional insured party and in a form satisfactory to the Manager. General liability coverage shall be in the amount of at least \$1,000,000.

The company shall be required, by acceptance of the terms and conditions of this franchise, to indemnify the Town from all damages that may arise in connection with the company's actions and omissions and to defend the Town at the company's sole expense against any claims in connection with the company's actions and omissions.

Compliance with All Applicable Laws, Ordinances and Regulations

The company shall comply with Town ordinances, construction codes, other policies adopted by the Council, administrative regulations issued pursuant to Council action or policy, with directives of the Town that may be issued under the franchise ordinance terms or general law, provided that such policies, directives, codes, and regulations are consistent with State and federal laws and regulations, and with all applicable State and federal laws and regulations, including any requirement for State right-of-way encroachment agreements, etc. Failure to comply shall be grounds for revoking the franchise.

Acceptance of Franchise Terms

The company shall, within 60 days of adoption of this franchise ordinance on second reading, accept all terms and conditions of the franchise ordinance.

Revocation Procedure

If the franchise is revoked by the Council for failure to comply with any term or condition of this franchise, the company shall cease utilizing its facilities located on Town property or public rights-of-way within 120 days of receiving notice of revocation and remove its equipment from public rights-of-way within 180 days. Upon the company's failure to do so, the Town shall have the right to remove the equipment and to draw funds from the letter of credit or to call upon the guarantee to cover such costs.

Before a decision to revoke the franchise, the Council shall adopt a resolution of intent to revoke the franchise with a statement of the reasons for revocation and shall cause a copy of the resolution to be delivered or mailed by first class mail to the company. The company shall have 30 days from receipt of the resolution to respond in writing to the Council's resolution of intent to revoke.

Transfer Of Ownership

A change or changes in ownership of the franchisee cumulatively totaling a 25% or greater interest in the company shall be subject to review and reasonable approval by the Town Council within 120 days of receipt by the Town Manager of a request from the company for review of such a change(s) in ownership. In the event the Town Council reviews and, for good cause duly substantiated, objects to the change in ownership, it shall have the authority to revoke the franchise in accordance with the procedure set forth in the preceding paragraph.

This the 14th day of June, 2004. (FIRST READING)

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO NEGOTIATIONS WITH THE PEOPLES CHANNEL, INC., TO RENEW A PERFORMANCE AGREEMENT FOR PROVISION OF COMMUNITY ACCESS TELEVISION, AND TO EXECUTE AN AGREEMENT THAT WILL BE SUBSTANTIALLY CONSISTENT WITH THE CURRENT AGREEMENT (2004-06-14/R-7)

WHEREAS, The Peoples Channel, Inc., is a non-profit corporation organized by area citizens to provide community access television in Chapel Hill; and

WHEREAS, The Peoples Channel's existing performance agreement is up for review by the Town and possible renewal; and

WHEREAS, the existing performance agreement does not require further review by the Council, thus giving the Council the option to authorize the Manager to address renewal provisions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to enter into negotiations with The Peoples Channel, Inc., to renew a performance agreement for provision of community access television and to execute an agreement that will be substantially consistent with the current agreement.

This the 14th day of June, 2004.

A RESOLUTION REALLOCATING \$19,682 OF 2001-2002 COMMUNITY DEVELOPMENT FUNDS FOR HABITAT FOR HUMANITY TO USE FOR INFRASTRUCTURE CONSTRUCTION FOR THE RUSCH HOLLOW SUBDIVISION (2004-06-14/ R-8)

WHEREAS, by Resolution 2001-04-23/R-2, the Town Council budgeted \$50,000 of Community Development Block Grant Program funds to Habitat for Humanity to purchase property for the Rush Hollow subdivision; and

WHEREAS, on May 17, 2004, Habitat requested that the Town reallocate the balance of funds (\$19,682) for construction of infrastructure on this site;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill authorizes reallocating \$19,682 of 2001-2002 Community Development funds for infrastructure construction for the Rusch Hollow subdivision.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to amend the Town’s Performance Agreement with Habitat for Humanity to reflect this change.

This the 14th day of June, 2004.

AN ORDINANCE AMENDING SECTION 21-11 AND 21-13 OF THE CODE OF ORDINANCES REGARDING SPEED REGULATIONS AND RIGHT-OF-WAY AND STOP REGULATIONS (2004-06-14/O-2)

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

Section 1. Section 21-11 (B) (2) of the Town Code of Ordinances, “twenty-five (25) miles per hour on the following streets:” is hereby amended by adding the following, in alphabetical order:

- Barton Lane
- Caitlin Court
- Christine Court
- Fulton Way
- Laurens Way
- Manora Lane
- Rowe Road
- Worsham Drive”

Section 2. Section 21-13 (a) of the Town Code “Right-of-way and stop regulations.” Is hereby amended by adding the following, in alphabetical order:

- | | |
|--|---|
| <p>“Through Streets</p> <ul style="list-style-type: none"> <u>Christine Court</u> <u>Laurens Way</u> <u>Laurens Way</u> <u>Palafox Drive</u> <u>Rowe Road</u> <u>Rowe Road</u> <u>Weaver Dairy Road Extension</u> <u>Weaver Dairy Road Extension</u> <u>Weaver Dairy Road Extension</u> <u>Worsham Drive</u> | <p>Stop Streets</p> <ul style="list-style-type: none"> <u>Laurens Way</u> <u>Caitlin Court</u> <u>Worsham Drive</u> <u>Worsham Drive</u> <u>Barton Lane</u> <u>Manora Lane</u> <u>Fulton Way</u> <u>Laurens Way</u> <u>Rowe Road</u> <u>Fulton Way</u>” |
|--|---|

Section 3. This ordinance shall become effective upon adoption.

This the 14th day of June, 2004.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE THE NECESSARY DOCUMENT(S) TO TRANSFER THE DOBBINS DRIVE RIGHT-OF-WAY TO THE STATE (2004-06-14/R-9)

WHEREAS, the Town owns certain land at the intersection of Dobbins Drive and Erwin Road that was dedicated to it by Duke Power Company in 1988; and

WHEREAS, the Town received this land so that the North Carolina Department of Transportation could realign the Dobbins Drive/Erwin Road intersection farther away from US 15-501; and

WHEREAS, it was the intention of the Town and the Department that said land would be transferred to the State as right-of-way for the realigned Dobbins Drive; and

WHEREAS, it has been determined that such transfer from the Town to the State has not taken place to date;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council herewith authorizes the Town Manager to execute the necessary document(s) to transfer the Dobbins Drive right-of-way to the State as shown on the sketch provided with the materials presented to the Council during its meeting of June 14, 2004.

This the 14th day of June, 2004.

AN ORDINANCE TO AMEND THE CAPITAL PROJECTS ORDINANCE FOR VARIOUS CAPITAL PROJECTS (2004-06-14/O-3)

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 capital projects ordinance for various capital projects funded from a variety of sources is hereby amended as follows:

SECTION I

The capital projects as authorized by the Town Council includes various capital projects funded from grants, the Capital Improvements Program funds, and other miscellaneous sources of revenue for a variety of projects extending beyond one fiscal year.

SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with implementation of these projects within terms of funds appropriated here.

SECTION III

Revenues anticipated to be available to the Town to complete the project are hereby amended as follows:

	<u>Current Budget</u>	<u>Revised Budget</u>
Total	4,055,844	6,850,844

SECTION IV

Amounts appropriated for capital projects are hereby amended as follows:

	<u>Current Budget</u>	<u>Revised Budget</u>
Southern Community Park	353,059	3,148,059
All other projects	3,702,785	3,702,785
Total	4,055,844	6,850,844

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 Budget, and shall keep the Council informed of any unusual occurrences.

SECTION VI

Copies of this projects 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 14th day of June, 2004.

AN ORDINANCE TO ESTABLISH A GRANT PROJECT BUDGET FOR A TRANSIT DESIGN AND ENGINEERING GRANT (2004-06-14/O-4)

BE IT ORDAINED by 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 budget is hereby adopted:

SECTION I

The design and engineering funds authorized are from a FY 2003 Federal Transit Administration Section 5309 statewide earmark.

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 North Carolina 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.

Design and Engineering

Federal Transit Administration	\$1,318,289
N.C. Department of Transportation (NCDOT)	164,786
Town of Chapel Hill (local match)	<u>164,786</u>
TOTAL	<u>\$1,647,861</u>

SECTION IV

The following amounts are appropriated for the design and engineering project:

Design and Engineering	<u>\$1,647,861</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 14th day of June, 2004.

AN ORDINANCE TO ESTABLISH A GRANT PROJECT BUDGET FOR A TRANSIT TECHNOLOGY PROJECT (2004-06-14/O-5)

BE IT ORDAINED by 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 budget is hereby adopted:

SECTION I

The Advanced Technology funds authorized are from 2003 State funds from an agreement with the North Carolina Department of Transportation.

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 North Carolina 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.

Advanced Technology

N.C. Department of Transportation (NCDOT)	\$212,400
Town of Chapel Hill (local match)	<u>23,600</u>
TOTAL	<u>\$236,000</u>

SECTION IV

The following amounts are appropriated for the FY 2003 Advanced Technology project:

Advertising	\$ 300
Capital Equipment	<u>\$235,700</u>
TOTAL	<u>\$236,000</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 14th day of June, 2004.

AN ORDINANCE TO ESTABLISH A GRANT PROJECT BUDGET FOR A REAL-TIME PASSENGER INFORMATION AND AUTOMATIC VEHICLE LOCATION SYSTEM (2004-06-14/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 budget is hereby adopted:

SECTION I

The Real-Time Passenger Information and Automatic Vehicle Location System funds authorized are from Congressional earmark from Congressman David Price's office.

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 North Carolina 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.

Advanced Technology

Federal Transit Administration	\$623,957
North Carolina Department of Transportation (NCDOT)	249,583
Town of Chapel Hill (local match)	<u>106,680</u>
TOTAL	<u>\$980,220</u>

SECTION IV

The following amounts are appropriated for the FY 2004 Real-Time Passenger Information and Automatic Vehicle Location system.

Capital Equipment \$980,220

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 14th day of June, 2004.

A RESOLUTION ACCEPTING AND AWARDING THE BID FOR THE COMPREHENSIVE REHABILITATION OF AIRPORT GARDENS APARTMENTS (2004-06-14/R-10)

WHEREAS, the Town of Chapel Hill solicited formal bids by advertisement in The Chapel Hill News, Chapel Hill, North Carolina on May 2, 2004, and in the Greater Diversity News, Wilmington, North Carolina on May 6, 2004, in accordance with G.S. 143-128 for the construction work; and

WHEREAS, the following bids were received and opened June 3, 2004:

<u>VENDOR</u>	<u>BID AMOUNT</u> (18 Apts.)
Carl Garris & Sons, Inc. Lake View, SC	\$ 779,000
Cornerstone Construction Raleigh, NC	\$1,057,666
Patriot Building, Inc. Hillsborough, NC	\$1,203,500

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the bid and awards a contract to Carl Garris & Son, Inc. in the amount of \$779,000 for the comprehensive renovation of 18 of the 26 apartments at the Airport Gardens public housing neighborhood.

This the 14th day of June, 2004.

A RESOLUTION REJECTING ALL BIDS FOR THE TOWN HALL GENERATOR PROJECT (Bid# P04-107) (2004-06-14/R-11)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in the Chapel Hill News on April 4, 2004, and The Diversity News on April 8, 2004, in accordance with General Statute 143-129 for Town Hall Generator Project; and

WHEREAS, the following bids were received and opened on April 14, 2004:

BASE BID

<u>Company:</u>	<u>Total Bid:</u>
Progressive Electric, Inc.	\$ 354,000.00
Bryant-Durham, Inc.	\$ 386,000.00
D.W. Ward, Inc.	\$ 624,478.00

WHEREAS, the bid amount exceeds the amount budgeted for this project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council rejects all bids.

This the 14th day of June, 2004.

A RESOLUTION REJECTING ALL BIDS FOR THE POLICE DEPARTMENT GENERATOR PROJECT (Bid# P04-107) (2004-06-14/R-12)

WHEREAS, the Town of Chapel Hill has solicited formal bids by legal notice in the Chapel Hill News on April 4, 2004, and The Diversity News on April 8, 2004, in accordance with General Statute 143-129 for Police Department Generator Project; and

WHEREAS, the following bids were received and opened on April 14, 2004:

BASE BID

<u>Company:</u>	<u>Total Bid:</u>
Progressive Electric, Inc.	\$232,000.00
Bryant-Durham, Inc.	\$259,000.00
D.W. Ward, Inc.	\$456,000.00

WHEREAS, the bid amount exceeds the amount budgeted for this project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill rejects all bids.

This the 14th day of June, 2004.

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN AND LONGEVITY PLAN FOR EMPLOYEES OF THE TOWN OF CHAPEL HILL AND BONDS OF OFFICIALS BEGINNING JULY 1, 2004, SUCH AMENDMENT TO BE EFFECTIVE JULY 1, 2004 (2004-06-14/O-7)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the following amendments are authorized effective July 1, 2004.

Section III

The pay grade assignments of the following classes are changes as noted

<u>Present Title</u>	<u>Present Pay Grade</u>	<u>New Pay Grade</u>
Deputy Town Manager	53	55
Assistant Human Resources Director	41	44
Planning Coordinator	42	44

This the 14th day of June, 2004.

A RESOLUTION EXTENDING TERMS TO THE TECHNOLOGY COMMITTEE (2004-06-14/R-12.1)

WHEREAS, a request for reappointment of three members for service on the Technology Committee has been received; and

WHEREAS, the Town Council's Procedures Manual, Chapter II, Section F.c. allows reappointment of a board or commission member for an additional one-year term following two consecutive terms for the purpose of completing ongoing projects; and

WHEREAS, the applicants have been determined by the Town Clerk to be eligible to serve;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the terms of William Groves, Roscoe Reeve, and Alan Rimer are hereby extended for one year, through June 30, 2005, in order to complete ongoing projects.

This the 14th day of June, 2004.

Item 5 - Information Items

- a. Report on Durham-Chapel Hill-Carrboro 2030 Regional Transportation Plan Schedule.
- b. Update on Sustainable Community Project Grant Award.
- c. Response to a Petition regarding Illegal Activity on McMasters Street.
- d. Update on Status of the Downtown Economic Development Organization.
- e. Annual Report from The Peoples Channel, Inc.
- f. Response to Petition regarding Application Fees for Master Plan.

All information items were accepted by a consensus of the Council.

Item 6 - Consideration of Items Regarding the 2004-2005 Budget

Aaron Nelson stated that the Chapel Hill-Carrboro Chamber of Commerce remained opposed to the commercial trash collection increase, and that their opposition was mostly based on equity issues. It means that some business owners will get a \$750 increase to save 1/4-cent on the tax rate, he said. Mr. Nelson told Council members that business owners feel their property taxes should pay for services, including refuse collection, police, fire and roads. He thanked the Council for not totally eliminating trash collection, however.

Mayor Foy noted that items A through E were consolidated under one resolution (R-13) on page three of agenda item 6A.

COUNCIL MEMBER STROM MOVED R-13, SECONDED BY COUNCIL MEMBER VERKERK.

Mayor pro tem Wiggins asked what referring the petition from the Visitors Bureau (item 3a(1), p. 15) to themselves meant. Mayor Foy replied that it meant it could be considered, or not. His position was that after six months of discussion and two or three public forums the Council had reached conclusions about the budget. And, he noted, he was not inclined to reconsider it at this time.

THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION ADOPTING THE BUDGET FOR 2004-05 AND AUTHORIZE A VARIETY OF RELATED ACTIONS (2004-06-14/R-13)

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

- b. Recommended Budget Ordinance for the 2004-2005 Fiscal Year (O-8).
- c. Establishment of a Stormwater Management Utility and a Stormwater Management Utility Advisory Board (O-9).

- d. Authorization to Execute an Inter-local Agreement with Orange County for Stormwater Management Utility Fee Billing and Collection Services (R-14).
- e. Manager's Recommended 2004-2019 Capital Improvements Program (R-15).
- f. Ordinance Establishing a Position Classification and Pay Plan Effective July 1, 2004 (O-10).
- g. Recommended 2004-2005 Human Services Performance Agreements (R-16).
- h. Recommended User Fee Policies for 2004-2005 (R-17).
- i. Authorization to Enter into Contracts with the University of North Carolina and the Town of Carrboro for Provision of Public Transportation Services (R-18).
- j. Authorization to Apply for Federal and State Grants for Public Transportation (R-19).
- k. Installation of Portable Toilets in Town Parks (R-20).

This the 14th day of June, 2004.

AN ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 2004 (2004-06-14/O-8)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the following appropriations are hereby made:

ARTICLE I

GENERAL FUND

<u>Department</u>	<u>Department Total</u>
Mayor/Council	338,861
Town Manager/Town Clerk	1,067,627
Human Resources	614,415
Finance	986,122
Information Technology	703,912
Legal	246,973
Planning	1,112,087
Inspections	758,927
Engineering	915,639
Public Works	10,758,454
Police	10,126,178
Fire	5,554,805
Parks and Recreation	2,301,817
Library	2,013,844
Non-Departmental	5,212,339
GENERAL FUND TOTAL	42,712,000

OTHER FUNDS

Transportation Fund	11,416,600
Transportation Capital Reserve Fund	470,244
Debt Service Fund	2,837,500
Vehicle Replacement Fund	1,800,000
Fleet Maintenance Fund	965,198
Computer Replacement Fund	433,760
Public Housing Fund	1,653,685
Housing Loan Trust Fund	98,777
On-Street Parking Fund	623,720
Off-Street Parking Facilities Fund	1,264,120
Cablevision Public Access Fund	100,000
Library Gift Fund	80,000
Capital Improvements Fund	927,000
Downtown Service District Fund	70,000
Stormwater Management Fund	1,760,000
Grants Fund	106,408
TOTAL ALL FUNDS	67,319,012

ARTICLE II

It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2004, and ending June 30, 2005, to meet the foregoing appropriations. It is determined that where estimated revenues are higher than the previous year, the increases were warranted.

GENERAL FUND

Property Taxes	22,613,525
Other Taxes & Licenses	1,017,000
State-Shared Revenues	11,794,700
Grants	411,898
Charges for Services	1,570,850
Licenses/Permits/Fines	1,383,450
Interest on Investments	111,200
Other Revenues	267,300
Transfers/Other Sources	2,043,077
Fund Balance Appropriated	1,499,000
GENERAL FUND TOTAL	42,712,000

OTHER FUNDS

Transportation Fund	11,416,600
Transportation Capital Reserve Fund	470,244
Debt Service Fund	2,837,500
Vehicle Replacement Fund	1,800,000
Vehicle Maintenance Fund	965,198
Computer Replacement Fund	433,760
Public Housing Fund	1,653,685
Housing Loan Trust Fund	98,777
On-Street Parking Fund	623,720
Off-Street Parking Facilities Fund	1,264,120
Cablevision Public Access Fund	100,000
Library Gift Fund	80,000
Capital Improvements Fund	927,000
Downtown Service District Fund	70,000
Stormwater Management Fund	1,760,000
Grant Fund	106,408
TOTAL ALL FUNDS	67,319,012

ARTICLE III

There is hereby levied the following tax on each one hundred dollars (\$100) valuation of taxable property, located within the Town of Chapel Hill, as listed for taxes as of January 1, 2004 for the purpose of raising revenue from property tax as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations.

General Fund (for the payment of expenses of the Town of Chapel Hill)	\$0.516/\$100
Transportation Fund (for the payment of expenses related to transportation approved by referendum)	\$0.059/\$100
TOTAL	\$0.575/\$100

ARTICLE IV

There is hereby levied the following tax on each one hundred dollars (\$100) valuation of taxable property located in the Downtown Revitalization Municipal Service District established by the Town Council's resolution of June 12, 1989:

Downtown Service District Fund	\$0.062/\$100
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This the 14th day of June, 2004.

AN ORDINANCE ESTABLISHING A STORMWATER MANAGEMENT UTILITY AND A STORMWATER MANAGEMENT UTILITY ADVISORY BOARD FOR THE TOWN OF CHAPEL HILL (2004-06-14/O-9)

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

Section 1. Chapter 23, Article I of the Town Code is hereby revised to read as follows:

“ARTICLE I. STORMWATER MANAGEMENT UTILITY

Sec. 23-1. Findings.

The Council does hereby find that:

(a) North Carolina General Statute Chapter 160A, Article 16 authorizes the Town to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and structural and natural stormwater and drainage systems of all types.

(b) The establishment, by Town ordinance, of a Stormwater Management Utility that shall be accounted for as a separate enterprise fund and will facilitate the provision of a stormwater management program.

(c) North Carolina General Statute Sec. 160A-314 authorizes the Town of Chapel Hill to establish and revise from time to time a schedule of rates and charges to fund the stormwater management program activities including both structural and natural stormwater conveyance and drainage system services provided by the Stormwater Management Utility.

Sec. 23-2. Purpose.

This ordinance establishes a Stormwater Management Utility as an identified fiscal and accounting fund for the purpose of comprehensively addressing the stormwater management needs of the Town through programs designed to protect and manage water quality and quantity by controlling the level of pollutants in stormwater runoff, and the quantity and rate of stormwater received and conveyed by structural and natural stormwater and drainage systems of all types. It sets forth a schedule of charges and defines the control, collection, and disbursement of funds including penalties, appeals, exemptions and credits.

Sec. 23-3. Definitions.

For the purpose of this Article, the following words, terms, and phrases shall have the meanings given to them in this section, except where the context clearly indicates a different meaning:

Credits shall mean ongoing reductions in the stormwater management service charge applicable to a given zoning lot or tract in recognition of on-site or off-site systems, facilities, measures, and/or actions undertaken to reduce or mitigate the stormwater quantity and/or quality impact(s) of the zoning lot or tract that would otherwise impact the public stormwater management system. Credits shall be conditioned on the continuing performance of the mitigation systems, facilities, measures, or actions in reference to standards adopted by the Stormwater Management Utility, and may be revised or rescinded for cause. In no case shall credits exceed the amount of the stormwater management service charge. The means and measures for identifying, issuing and obtaining credits will be provided in a Credit Manual approved by the Town Council.

Developed land shall mean a zoning lot or tract altered from its natural state to include impervious surface area equal to or greater than 200 square feet.

Drainage system shall mean natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.

Equivalent Rate Unit (ERU) shall mean two thousand (2,000) square feet of impervious surface or fraction thereof.

Impervious surface area shall mean developed areas of land that prevent or significantly impede the infiltration of stormwater into the soil. Typical impervious surface areas include, but are not limited to: roofs, sidewalks, walkways, patios, swimming pools, private driveways, parking lots, access extensions, alleys and other paved, engineered, compacted or gravel surfaces containing materials that prevent or significantly impede the natural infiltration of stormwater into the soil.

Natural state shall describe existing undeveloped land where the soil and vegetation characteristics that have not been substantially modified or disturbed by human activities and the hydrologic function is in an unaltered or natural condition.

Service area shall mean all land within the corporate limits of the Town, including all land areas legally annexed thereto.

Service charge shall mean a stormwater management service charge, applicable to a zoning lot or tract, that generally reflects the impact on or demand for stormwater management services provided by the Town to properly control and manage stormwater runoff quantity and/or quality associated with the zoning lot or tract. The service charge will vary from one zoning lot or tract to another, based on the impervious surface area.

Stormwater shall mean the runoff from precipitation that travels over natural state or developed land surfaces and enters a drainage system.

Stormwater management program shall mean an identified set of measures and activities designed to protect, restore and/or manage stormwater quality by controlling and/or reducing pollutants and; to reduce and/or manage stormwater quantity by controlling velocity, volume, and rate.

Stormwater Management Utility shall mean an organizational structure that is responsible for funding, administering, and operating the Town's stormwater management program, and that is supported through a rate structure based on the impervious surface area found on zoning lots or tracts located within the service area.

Tract shall mean a parcel of land not previously recorded as a zoning lot.

Undeveloped land shall mean all land that is not altered from its natural state to an extent that results in 200 or more square feet of impervious surface area.

Zoning lot shall mean a legally subdivided lot (not a tract) shown on a legally recorded plat or deed, or a combination of such legally subdivided and recorded adjacent lots.

Sec. 23-4. Establishment of a Stormwater Management Utility and Stormwater Management Enterprise Fund.

(a) There is hereby established a Town Stormwater Management Utility that shall be responsible for implementing, operating, and administering the Town's stormwater management program as defined herein.

(b) There is hereby established a Town Stormwater Management Enterprise Fund for the purpose of dedicating and protecting funding applicable to the responsibilities of the Stormwater Management Utility including but not limited to, rents, rates, fees, charges, and penalties as may be established, after due notice and a public hearing by the Town Council. Funding may also include other funds transferred or allocated to the Stormwater Management Utility by the Town Council. All revenues and receipts of the Stormwater Management Utility shall be placed in the Stormwater Management Enterprise Fund and all expenses of the utility shall be paid from the Stormwater Management Enterprise Fund, except that other revenues, receipts, and resources not accounted for in the Stormwater Management Enterprise Fund may be applied to stormwater management activities as deemed appropriate by the Town Council.

Sec. 23-5. Jurisdiction.

The jurisdiction (service area) of the Stormwater Management Utility shall extend to the corporate limits of the Town, including all areas legally annexed thereto.

Sec. 23-6. Impervious Service Area and Equivalent Rate Unit.

(a) *Impervious surface area* on a given zoning lot or tract directly relates to the volume, rate and pollutant loading of stormwater runoff discharged from that zoning lot or tract to the Town's structural and natural drainage systems and facilities. Therefore, impervious surface area shall be the primary parameter for establishing a rate structure to distribute the cost of services associated with the operation, repair, improvement and maintenance of public drainage systems and facilities through a schedule of rates, fees, charges, and penalties related to the operation of a Stormwater Management Utility and Stormwater Management Enterprise Fund as established in Section 23.4.

(b) Based on an analysis by the Town of impervious surface area on properties throughout the Town, an impervious surface area of 2,000 square feet shall be designated as one (1) *Equivalent Rate Unit (ERU)*

Sec. 23-7. Schedule of Fees and Charges.

(a) The schedule of fees and charges set out in this section is hereby adopted and shall apply to all zoning lots and tracts within the corporate limits of the Town, except as may be altered by credits or exemptions provided in this Article.

- (1) All zoning lots and tracts of land within the corporate limits of the Town, shall be billed for one (1) Equivalent Rate Unit for each 2,000 square feet or fraction thereof of impervious surface area on the subject zoning lot or tract.
- (2) The annual service charge per Equivalent Rate Unit shall be \$39.00 per year.

(b) There will be no service charge for zoning lots or tracts with fewer than 200 square feet of impervious surface area.

Sec. 23-8 Billing and Collection

(a) *Method of billing.* Billing and collection of the Stormwater Management Utility service charges and any other rents, rates, fees, charges, and penalties for stormwater management services and facilities shall be administered by the Town Manager.

(b) *Delinquencies.* Stormwater Management Utility service charge billings or other billings for rents, rates, fees, charges, and penalties associated with the Stormwater Management Utility shall be declared delinquent if not paid on or before January 5 of the following year that billings are issued. Delinquent billings shall accumulate additional penalties at the rate of 2% for the month of January, and $\frac{3}{4}$ if 1% for each month thereafter. This penalty shall be termed a delinquent payment penalty charge.

(c) *Appeal of disputed bills and adjustments.* If any citizen wishes to dispute a stormwater utility service charge billing or any other rents, rates, fees, charges, or penalties adopted pursuant to this Article, that citizen must submit a written appeal within 60 days of receipt of the billing, stating the reasons for the appeal, and providing information pertinent to the calculation of the billed charge. A timely appeal shall stay the penalty deadlines. An appeal of a disputed bill shall be filed with the Town's stormwater manager for review and disposition. If the citizen is not satisfied with the disposition of the appeal, the citizen may further appeal the disputed charge to the Town Manager or his designee who shall make the final ruling on the validity of the appeal.

(d) *Collection of delinquencies:* The administrative remedies provided in this chapter shall be exhausted before recourse to a court of competent jurisdiction.

Sec. 23-9. Disposition of Service Charges and Fees.

Stormwater Management Utility service charge and fee revenues shall be assigned and dedicated solely to the Stormwater Management Enterprise Fund in the Town budget and accounting system, which shall be and remain separate from other funds, and shall be used only to fund identified stormwater management program activities. The services charges and fees paid to and collected by virtue of the provision of this Article shall not be used for general or other governmental or proprietary purposes of the Town, except to pay for costs incurred by the Town in rendering services associated with the Stormwater Management Utility.

Sec. 23-10. Credits and Exemptions.

(a) *Credits.* Credits against stormwater management utility service charges are an appropriate means of adjusting fees, rates, rentals, charges, fines, and penalties, under some circumstances, to account for applicable mitigation measures. Credit mechanisms may be established by the Town Council and, if established, the means and measures for identifying, issuing and obtaining credits will be provided in a Credit Manual approved by the Town Council. No exception, credit, offset, or other reduction in stormwater management service charges shall be granted based on age, race, tax status, economic status, or religion of the customer, or other condition unrelated to the demand for and cost of services provided by the Stormwater Management Utility.

(b) *Exemptions.* Except as provided in this Article, no public or private property shall be exempt from Stormwater Management Utility service charges, with the following exceptions:

- (1) Public road rights-of-way that have been conveyed to and accepted for maintenance by the North Carolina Department of Transportation, and that are available for use by the general public for transportation purposes, shall be exempt from Town Stormwater Management Utility service charges.
- (2) Public road rights-of-way that have been conveyed to and accepted for maintenance by the Town of Chapel Hill, and that are available for use by the general public for transportation purposes, shall be exempt from Town Stormwater Management Utility service charges.
- (3) Railroad rights-of-way used for trackage and related appurtenances shall be exempt from Town Stormwater Management Utility service charges.

Sec. 23-11. Establishment of a Stormwater Management Utility Advisory Board.

A Town of Chapel Hill Stormwater Management Utility Advisory Board is hereby established.

Sec. 23-12. Membership Qualifications and Terms.

The Stormwater Management Utility Advisory Board shall consist of nine (9) members appointed by the Town Council. All appointees shall reside within the corporate limits of the Town of Chapel Hill during their terms of service. Board representation shall include three members who are single-family residential property owners, five members who are owners or employees of companies owning property used for multi-family, business, commercial, or non-profit purposes, and one member employed by the University of North Carolina at Chapel Hill.

The terms of board members shall be a maximum of three (3) years. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled only for the remainder of the unexpired term of the vacant position. Members of the Board shall demonstrate interest in support for the efficiency, effectiveness, goals and mission of the Town's Stormwater Management Program. Board members shall serve without compensation, but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the Board and identified by the Town Council for such purposes.

Sec. 23-13. Officers.

The Board shall elect one member to serve as Chair and to preside over its meetings, and shall create and fill such offices and committees as it may deem necessary. The term of the Chair and other officers shall be one (1) year, with eligibility for re-election to a second term.

The Chair or any member acting as Chair is authorized to administer oaths to witnesses coming before the Board.

Sec. 23-14. Charge and Responsibilities of the Board.

The Stormwater Management Utility Advisory Board is herewith charged with the following responsibilities:

(a) Provide recommendations regarding the identification and implementation of new stormwater management program activities.

(b) Review and provide recommendations on the Stormwater Management Program Master Plan.

(c) Provide recommendations concerning gaps or inconsistencies in Town stormwater management services, facilities, programs, policies, and regulations and recommend improvement alternatives.

(d) Provide recommendations for priorities and scheduling of watershed master planning and development of drainage basin plans.

(e) Assist Town staff in working with stakeholder groups to implement program objectives and activities.

(f) Assist Town staff with public education and outreach activities that promote the Town's Stormwater Management Program.

(g) Assist Town staff in meeting the mission and achieving the identified goals and objectives of the Town's Stormwater Management Program.

(h) Provide recommendations for internal program evaluation and reporting mechanisms, and assist Town staff in periodically reporting to the Town Council on program effectiveness.

Sec. 23-15. Meetings.

The Board shall establish a regular meeting schedule and shall meet at least quarterly.

All Board meetings shall be open to the public, and reasonable notice of the time and place thereof shall be given in accordance with Chapter 143, Article 33C of the North Carolina General Statutes.

The Board shall keep a record of its meetings, including attendance of its members, and its resolutions, findings, recommendations, and actions.

Sec. 23-16. Meeting Attendance.

Any member of the Board who misses more than three (3) consecutive meetings shall lose his or her status as a member of the Board, and shall be replaced or reappointed by the Council. Absence due to sickness, death, or other emergencies of like nature shall be recognized as excused absences, and shall not affect the member's status on the Board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

Sec. 23-17. Quorum and Voting.

A quorum and simple majority of the Board shall consist of five (5) members. The vote of a simple majority shall be necessary to take any official Board action.

Section 2. This ordinance supersedes all Town ordinances or parts of ordinances in conflict herewith.

Section 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or of the State of North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 4. This ordinance shall become effective upon its enactment.

This the 14th day of June, 2004.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE ON BEHALF OF THE TOWN AN INTER-LOCAL AGREEMENT WITH ORANGE COUNTY FOR STORMWATER MANAGEMENT UTILITY FEE BILLING AND COLLECTION SERVICES (2004-06-14/R-14)

WHEREAS, the Chapel Hill Town Council has determined that it wishes to establish a Stormwater Management Utility intended to provide the Town with a mechanism to fund and support the management of stormwater within the Town's corporate limits; and

WHEREAS, the Council has established a Stormwater Management Utility fee that would be assessed to properties within the Town based on the area of impervious surface on said properties; and

WHEREAS, several alternatives were considered for billing and collecting the fees associated with the Stormwater Management Utility; and

WHEREAS, the alternative determined to be most practical and economical involves partnering with Orange County to use the County's existing property tax billing system; and

WHEREAS, the Orange County Board of Commissioners has approved an inter-local agreement for provision of such billing and collection services through the County Finance Department;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to execute on behalf of the Town an inter-local agreement with Orange County for Stormwater Management Utility fee billing and collection services.

This the 14th day of June, 2004.

A RESOLUTION APPROVING THE 2004-2019 CAPITAL IMPROVEMENTS PROGRAM (2004-06-14/R-15)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the 2004-2019 Capital Improvements Program as described in the Manager's Recommended Budget submitted to the Council on April 26, 2004 and revised for 2004-05 as described in the Manager's June 14, 2004 memorandum to the Council, with the following projects to be funded by the \$927,000 allocated for the capital improvements fund in the Operating Budget ordinance for 2004-2005:

Project	Appropriation:
	2004-05
Town Operations Center: Land Acquisition Installment Debt Payments	122,000
Extraordinary Maintenance, Emergency Repairs	50,000
Roof Repair - Town Hall, Fire Stations #2 and #3: Installment Debt Payments	38,000
Police Generator: Installment Debt Payment	19,000
Curb Repairs: ADA Compliance	25,000
Small Park Improvements	50,000
Capital Repairs to Bike Paths, Paved Trails and Public Parking Areas	50,000
Weaver Dairy and Sedgefield Road Improvements	15,000
Picnic Shelter at Meadowmont Park	25,000
Hargraves Center / AD Clark Capital Repairs: Installment Debt Payments	163,000
Meadowmont School Gym Payments to Schools	238,000
Community Center Capital Repairs – Installment Debt Payments	56,000
Homestead Park	21,000
Transfer to Debt Service	55,000
TOTAL	\$927,000

This the 14th day of June, 2004.

AN 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, 2004 (2004-06-14/O-10)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the salaries, bonds, wages, weekly work hours, certain benefits and the number of Officials and employees of the Town of Chapel Hill are hereby fixed as follows:

SECTION I: SCHEDULE OF SALARY GRADES

	STEP 0	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	OPEN RANGE	MAX
25	20,816	22,065	22,899	23,765	24,663	25,595		31,224
26	21,857	23,168	24,044	24,953	25,896	26,875		32,785
27	22,950	24,327	25,246	26,200	27,191	28,219		34,424
28	24,097	25,543	26,508	27,510	28,550	29,630		36,146
29	25,302	26,820	27,834	28,886	29,978	31,111		37,953
30	26,567	28,161	29,226	30,330	31,477	32,667		39,851
31	27,895	29,569	30,687	31,847	33,051	34,300		41,843
32	29,290	31,048	32,221	33,439	34,703	36,015		43,935
33	30,755	32,600	33,832	35,111	36,438	37,816		46,132
34	32,292	34,230	35,524	36,867	38,260	39,706		48,439
35	33,907	35,941	37,300	38,710	40,173	41,692		50,861
36	35,602	37,739	39,165	40,646	42,182	43,776		53,404
37	37,383	39,625	41,123	42,678	44,291	45,965		56,074
38	39,252	41,607	43,180	44,812	46,506	48,263		58,878
39	41,214	43,687	45,338	47,052	48,831	50,677		61,821
40	43,275	45,871	47,605	49,405	51,272	53,210		64,912
41	45,439	48,165	49,986	51,875	53,836	55,871		68,158
42	47,711	50,573	52,485	54,469	56,528	58,665		71,566
43	50,096	53,102	55,109	57,192	59,354	61,598		75,144
44	52,601	55,757	57,865	60,052	62,322	64,678		78,901
45	55,231	58,545	60,758	63,055	65,438	67,912		82,847
46	57,993	61,472	63,796	66,207	68,710	71,307		86,989
47	60,892	64,546	66,986	69,518	72,145	74,873		91,338
48	63,937	67,773	70,335	72,994	75,753	78,616		95,905
49	67,134	71,162	73,852	76,643	79,540	82,547		100,701
50	70,490	74,720	77,544	80,475	83,517	86,674		105,736
51	74,015	78,456	81,421	84,499	87,693	91,008		111,022
52	77,716	82,379	85,492	88,724	92,078	95,558		116,573
53	81,601	86,497	89,767	93,160	96,682	100,336		122,402
54	85,681	90,822	94,255	97,818	101,516	105,353		128,522
55	89,966	95,363	98,968	102,709	106,592	110,621		134,948

*Terms used in the salary schedule: Step 0(Hiring Rate) is the minimum of the range, and is the salary at which most new hires should be paid. Step 1(Probationary Step) is the probationary salary which is paid upon successful completion of 6 months probation: the rate reflects a 6% increase over the hiring rate. Steps are intermediate rates of pay between the hiring rate and the Job Rate; there is approximately 3.78% between steps. Movement from one step to the next is based on performance that meets standards. Step 5 (Job Rate) is approximately the midpoint of the salary range. Salary increases above this rate vary based on performance ratings of the employee. Open range is the range of salaries between the Job Rate and the maximum rate. There are no designated salary rates or steps in the open range. Maximum rate is the maximum that an employee within the salary grade would be paid.

SECTION II: SCHEDULE OF HOURLY RATES AT THE MINIMUM OF THE GRADE

	ANNUAL	WKLY	BI-WKLY	37.5 HRLY	38.5 HRLY	40 HRLY	42 HRLY	56 HRLY
25	20,816	400.31	800.62	10.6749	10.3976	10.0077	9.5311	7.1484
26	21,857	420.32	840.65	11.2086	10.9175	10.5081	10.0077	7.5058
27	22,950	441.34	882.68	11.7690	11.4634	11.0335	10.5081	7.8811
28	24,097	463.41	926.81	12.3575	12.0365	11.5852	11.0335	8.2751
29	25,302	486.58	973.15	12.9754	12.6384	12.1644	11.5852	8.6889
30	26,567	510.91	1,021.81	13.6241	13.2703	12.7726	12.1644	9.1233
31	27,895	536.45	1,072.90	14.3053	13.9338	13.4113	12.7726	9.5795
32	29,290	563.27	1,126.55	15.0206	14.6305	14.0818	13.4113	10.0584
33	30,755	591.44	1,182.87	15.7716	15.3620	14.7859	14.0818	10.5614
34	32,292	621.01	1,242.02	16.5602	16.1301	15.5252	14.7859	11.0894
35	33,907	652.06	1,304.12	17.3882	16.9366	16.3015	15.5252	11.6439
36	35,602	684.66	1,369.32	18.2577	17.7834	17.1166	16.3015	12.2261
37	37,383	718.90	1,437.79	19.1705	18.6726	17.9724	17.1166	12.8374
38	39,252	754.84	1,509.68	20.1291	19.6062	18.8710	17.9724	13.4793
39	41,214	792.58	1,585.16	21.1355	20.5865	19.8145	18.8710	14.1532
40	43,275	832.21	1,664.42	22.1923	21.6159	20.8053	19.8145	14.8609
41	45,439	873.82	1,747.64	23.3019	22.6967	21.8455	20.8053	15.6040
42	47,711	917.51	1,835.03	24.4670	23.8315	22.9378	21.8455	16.3842
43	50,096	963.39	1,926.78	25.6904	25.0231	24.0847	22.9378	17.2034
44	52,601	1,011.56	2,023.12	26.9749	26.2742	25.2889	24.0847	18.0635
45	55,231	1,062.14	2,124.27	28.3236	27.5879	26.5534	25.2889	18.9667
46	57,993	1,115.24	2,230.48	29.7398	28.9673	27.8811	26.5534	19.9150
47	60,892	1,171.00	2,342.01	31.2268	30.4157	29.2751	27.8811	20.9108
48	63,937	1,229.55	2,459.11	32.7881	31.9365	30.7389	29.2751	21.9563
49	67,134	1,291.03	2,582.06	34.4275	33.5333	32.2758	30.7389	23.0541
50	70,490	1,355.58	2,711.17	36.1489	35.2100	33.8896	32.2758	24.2069
51	74,015	1,423.36	2,846.73	37.9564	36.9705	35.5841	33.8896	25.4172
52	77,716	1,494.53	2,989.06	39.8542	38.8190	37.3633	35.5841	26.6881
53	81,601	1,569.26	3,138.52	41.8469	40.7599	39.2314	37.3633	28.0225
54	85,681	1,647.72	3,295.44	43.9392	42.7979	41.1930	39.2314	29.4236
55	89,966	1,730.11	3,460.21	46.1362	44.9378	43.2527	41.1930	30.8948

35 (cont)			40			46		
33,907	41,692	50,861	43,275	53,210	64,912	57,993	71,307	86,989
Supervisor-Solid Waste			Administrative Analyst			Assistant Director-Finance		
Traffic Signal Technician III			Assistant Director-Inspections					
			Assistant Fire Chief-Training				47	
	36		Asst. Dir.-Library/Head of Public Services			60,892	74,873	91,338
35,602	43,776	53,404	Battalion Chief			Town Clerk		
Police Officer IV			Forensic Evidence Specialist, Senior					
			Police Analyst				48	
	37		Supervisor-Administrative Services			63,937	78,616	95,905
37,383	45,965	56,074	Supervisor-Crisis Unit			Director-Housing		
Administrative Captain/Officer			Town Information Officer			Director-Inspections		
Coordinator-Alternative Sentencing			Transit Operations Manager			Director-Library		
Coordinator-Grants						Director-Parks and Recreation		
Coordinator-Human Services								
Coordinator-Marketing/Active Living by Design			41				49	
Coordinator-Purchasing			45,439	55,871	68,158	67,134	82,547	100,701
Coordinator-Transit Operations			Assistant Director-Parks & Recreation			Director-Engineering		
Engineering Design Specialist			Assistant Director-Transit Maintenance			Director-Finance		
Human Resources Specialist III			Assistant Director-Transportation			Director-Human Resources		
Information Technology Analyst			Coordinator-Housing Ops/Special Projects			Director-Information Technology		
Librarian II			Engineer I			Fire Chief		
Mayoral Aide			Police Lieutenant					
Planner, Senior							50	
Supervisor-Buildings Program						70,490	86,674	105,736
Supervisor-Construction			42					
Supervisor-Drainage Maintenance			47,711	58,665	71,566		51	
Supervisor-Fleet			Accounting Services Manager			74,015	91,008	111,022
Supervisor-Recreation			Engineer II			Director-Planning		
Supervisor-Streets			Network & Telecomm. Analyst			Director-Public Works		
						Director-Transportation		
	38					Police Chief		
39,252	48,263	58,878	43					
Accountant			50,096	61,598	75,144			
Administrative Officer/Captain			Deputy Fire Chief					
Assistant Fire Marshall			Engineer III				52	
Coordinator-Surveyor/Project			Fire Marshall			77,716	95,558	116,573
Crisis Counselor			Landscape Architect/Urban Forester					
Fire Captain			Police Attorney				53	
Forensic Evidence Specialist			Police Captain			81,601	100,336	122,402
Maintenance Services Manager			Superintendent-Landscape Operations			Assistant Town Manager		
			Superintendent-Solid Waste Services					
	39							
41,214	50,677	61,821	44				54	
Coordinator-Engineering			52,601	64,678	78,901			
Coordinator-Marketing			Assistant Director-Human Resources			85,681	105,353	128,522
Coordinator-Safety & Training			Coordinator-Planning, Senior					
Information Tech. Analyst, Senior			Superintendent-Field Operations				55	
Occupational Health & Safety Officer			Superintendent-Internal Service			89,966	110,621	134,948
Planner-Principal						Deputy Town Manager		
Police Sergeant								
Superintendent-Parking			45					
Superintendent-Transit Maintenance			55,231	67,912	82,847			
Supervisor-Librarian			Police Major					

SECTION IV: AUTHORIZED POSITIONS

A. Bonded Positions

	<u>Bond</u>
Finance Director	\$200,000
Other Employees (blanket)	\$100,000

B. Elected and Appointed Officials

	<u>No.</u>	<u>Salary</u>
Mayor	1	\$18,305
Council Members	8	\$10,952
Town Manager	1	\$131,852
Town Attorney	1	\$119,865
Mayoral Aide	1	Grade 37

C. Full and Part Time Positions

		<u>Full Time</u>		<u>Part Time</u>		<u>Grade</u>
	<u>FTE</u>	<u>No.</u>	<u>Hrs</u>	<u>No.</u>	<u>Hrs</u>	
TOWN MANAGER'S OFFICE						
Deputy Town Manager	1.00	1	*	-	-	55
Assistant Town Manager	1.00	2	*	-	-	53
Town Information Officer	1.00	1	*	-	-	40
Executive Assistant	1.00	1	37.5	-	-	35
Secretary/Receptionist	1.00	1	37.5	-	-	28
TOWN CLERK'S OFFICE						
Town Clerk	1.00	1	*	-	-	47
Deputy Town Clerk	1.00	1	37.5	-	-	33
Administrative Technician ¹	1.00	1	37.5	-	-	29-30
Administrative Clerk	1.53	1	37.5	1	20	28
TOWN ATTORNEY'S OFFICE						
Executive Assistant	1.00	1	37.5			35
HUMAN RESOURCES						
Director-Human Resources	1.00	1	*	-	-	49
Asst. Director- Human Resources	1.00	1	37.5	-	-	44
Occupational Health & Safety Officer	1.00	1	37.5	-	-	39
Human Resources Specialist ²	3.00	3	37.5	-	-	30-37
Secretary/Receptionist	1.00	1	37.5	-	-	28
Administrative Clerk	1.00	1	37.5	-	-	28
FINANCE						
Director-Finance	1.00	1	*	-	-	49
Asst. Director-Finance	1.00	1	37.5	-	-	46
Accounting Services Manager	1.00	1	37.5	-	-	42
Administrative Analyst	1.00	1	37.5	-	-	40
Accountant	2.00	1	37.5	-	-	38
Purchasing Coordinator	1.00	1	37.5	-	-	37
Payroll Supervisor	1.00	1	37.5	-	-	35
Revenue Collector	1.00	1	37.5	-	-	33
Accounting Technician II	1.80	1	37.5	1	30	31
Purchasing Technician	1.00	1	37.5	-	-	31
Accounting Clerk	0.53	-	-	1	20	28

*Throughout the Ordinance, hours of department head positions are as required to perform the duties of the position, not less than 40 hours per week.

1 Career Advancement Series: Administrative Technician or Senior Administrative Technician positions authorized.

2 Career Advancement Series: Human Resources Specialist I, II and III authorized.

	<u>FTE</u>	<u>Full Time</u>		<u>Part Time</u>		<u>Grade</u>
		<u>No.</u>	<u>Hrs</u>	<u>No.</u>	<u>Hrs</u>	
<u>Parking Services</u>						
Superintendent-Parking Services	1.00	1	40	–	–	39
Asst. Supt.- Parking Services	1.00	1	37.5	–	–	33
Supervisor-Parking Services	1.00	1	37.5	–	–	31
Parking Enforcement Officer	3.00	3	37.5	–	–	28
Records Technician	1.80	1	37.5	1	30	28
Parking Lot Attendant, Senior	1.00	1	37.5	–	–	28
Parking Lot Attendant	4.00	4	37.5	–	–	27
INFORMATION TECHNOLOGY						
Director-Information Technology	1.00	1	*	–	–	49
Network/Telecom Analyst	1.00	1	37.5	–	–	42
Information Technology Analyst ³	4.00	4	37.5	–	–	37-39
PLANNING						
Director-Planning	1.00	1	*	–	–	51
Coordinator-Planning ⁴	2.00	2	37.5	–	–	41-44
Planner ⁵	9.53	9	37.5	1	20	35-39
Planning Graphics Specialist ⁶	1.00	1	37.5	–	–	33-35
Office Manager	1.00	1	37.5	–	–	33
Planning Technician ⁷	1.00	1	37.5	–	–	31-33
Administrative Secretary	1.00	1	37.5	–	–	29
Accounting Technician II**	0.66	–	–	1	25	31
INSPECTIONS						
Director-Inspections	1.00	1	*	–	–	48
Asst. Director-Inspections	1.00	1	37.5	–	–	40
Code Enforcement Officer ⁸	2.00	2	37.5	–	–	33-35
Inspector ⁹	5.00	5	37.5	–	–	33-35
Permits Technician ¹⁰	1.00	1	37.5	–	–	29-31
Administrative Clerk	0.53	–	–	1	20	28
ENGINEERING						
Director-Engineering	1.00	1	*	–	–	49
Engineer ¹¹	4.00	4	37.5	–	–	41-43

3 Career Advancement Series: Information Technology Analyst or Senior Information Technology Analyst positions authorized; one effective January 1, 2005.

4 Career Advancement Series: Planning Coordinator or Senior Planning Coordinator authorized (Long Range or Development specialization).

5 Career Advancement Series: Planner, Principal Planner, Senior Planner positions authorized (Transportation, Community Development or other specialization).

6 Career Advancement Series: Planning Graphics Specialist or Senior Planning Graphics Specialist position authorized.

7 Career Advancement Series: Planning Technician or Senior Planning Technician position authorized.

8 Career Advancement Series: Code Enforcement Officer or Senior Code Enforcement Officer positions authorized.

9 Career Advancement Series: Inspector or Senior Inspector positions authorized (Building, Plumbing, Electrical, and Mechanical Inspector specialization).

10 Career Advancement Series: Permits Technician or Senior Permits Technician positions authorized.

11 Career Advancement Series: Engineer, I, II, III positions authorized (Traffic or Stormwater Management specialization) One Engineer is DOT funded.

*Web Programmer/Analyst effective January 1, 2005.

**Grant-funded.

	FTE	Full Time		Part Time		Grade
		No.	Hrs	No.	Hrs	
ENGINEERING (continued)						
Coordinator-Engineering	1.00	1	37.5	–	–	39
Coordinator-Surveyor/Project	1.00	1	37.5	–	–	38
Engineering Design Specialist	1.00	1	37.5	–	–	37
Inspector-Engineering ¹²	2.00	2	37.5	–	–	34-35
GIS Technician ¹³	1.00	1	37.5	–	–	31-33
Engineering Technician ¹⁴	4.00	4	37.5	–	–	29-31
Administrative Assistant	1.00	1	37.5	–	–	31
PUBLIC WORKS						
<u>Management and Support Services</u>						
Director-Public Works	1.00	1	*	–	–	51
Landscape Arch/Urban Forester	1.00	1	40	–	–	43
Administrative Analyst	1.00	1	40	–	–	40
Landscape Architect	1.00	1	37.5	–	–	35
Office Manager	1.00	1	37.5	–	–	33
Accounting Technician I	1.00	1	37.5	–	–	29
Administrative Secretary	1.00	1	37.5	–	–	29
<u>Field Operations</u>						
<i>Streets</i>						
Superintendent-Field Operations	1.00	1	40	–	–	44
Supervisor-Streets	1.00	1	40	–	–	37
Inspector-Streets	1.00	1	40	–	–	33
Supervisor-Streets Crew	1.00	1	40	–	–	32
Construction Worker**	11.00	11	40	–	–	25-30
<i>Right of Way/Drainage</i>						
Supervisor-Drainage Maintenance	1.00	1	40	–	–	37
Arborist	1.00	1	40	–	–	33
Supervisor-Drainage Crew	1.00	1	40	–	–	32
Supervisor-Street Clean./Const. Crew	1.00	1	40	–	–	31
Assistant Arborist	1.00	1	40	–	–	29
Right of Way Crew Leader	1.00	1	40	–	–	28
Construction Worker**	6.00	6	40	–	–	25-30
<i>Traffic</i>						
Traffic Signal Technician ¹⁵	3.00	3	40	–	–	31-35
Sign & Marking Technician ¹⁶	3.00	3	40	–	–	29-31
<i>Construction</i>						
Supervisor-Construction	1.00	1	40	–	–	37
Supervisor-Construction Crew	2.00	2	40	–	–	33

¹² Career Advancement Series: Engineering Inspector or Senior Engineering Inspector positions authorized.

¹³ Career Advancement Series: GIS Technician or Senior GIS Technician position authorized.

¹⁴ Career Advancement Series: Engineering Technician or Senior Engineering Technician positions authorized.

¹⁵ Career Advancement Series: Traffic Signal Technician I,II, III authorized; one Traffic Signal Technician II is DOT funded.

¹⁶ Career Advancement Series: Sign and Marking Technician I, II authorized.

** Career Advancement Series: Construction Workers in various specialties such as Truck Driver, Streets Maintenance, Heavy Equipment Operator, Senior Heavy Equipment Operator, Drainage Maintenance, Crew Leader and Lead Construction Worker are authorized.

PUBLIC WORKS (continued)	<u>FTE</u>	Full Time		Part Time		Grade
		<u>No.</u>	<u>Hrs</u>	<u>No.</u>	<u>Hrs</u>	
Construction Worker**	9.00	9	40	-	-	25-30
<u>Internal Services Division</u>						
Superintendent-Internal Services	1.00	1	40	-	-	44
<i>Fleet Maintenance</i>						
Supervisor-Fleet	1.00	1	40	-	-	37
Supervisor-Mechanic	1.00	1	40	-	-	35
Parts Manager	1.00	1	40	-	-	32
Mechanic ¹⁷	5.00	5	40	-	-	31-32
<i>Buildings</i>						
Supervisor-Buildings Program	1.00	1	40	-	-	37
Supervisor-Building Mechanic	1.00	1	40	-	-	35
Maintenance Mechanic ¹⁸	6.00	6	40	-	-	29-33
Maintenance Operations Specialist	1.00	1	40	-	-	31
<u>Solid Waste Services</u>						
Superintendent-Solid Waste Services	1.00	1	40	-	-	43
Occupational Health & Safety Officer	1.00	1	40	-	-	39
Supervisor-Solid Waste Services	2.00	2	40	-	-	35
Inspector-Solid Waste	1.00	1	40	-	-	31
Solid Waste Equipment Op. III	5.00	5	40	-	-	30
Solid Waste Equipment Op. II	10.00	10	40	-	-	29
Solid Waste Equipment Op. I	3.00	3	40	-	-	27
Solid Waste Collector	14.00	14	40	-	-	26
<u>Landscape</u>						
Superintendent-Landscape Operations	1.00	1	40	-	-	43
Supervisor-Landscape, II	1.00	1	40	-	-	35
Supervisor-Landscape, I	2.00	2	40	-	-	33
Horticulturist	2.00	2	40	-	-	30
Groundskeeper ¹⁹	16.00	16	40	-	-	26-29
POLICE						
<u>Support Services</u>						
Police Chief	1.00	1	*	-	-	51
Police Major	1.00	1	40	-	-	45
Police Attorney	1.00	1	37.5	-	-	43
Police Captain	1.00	1	40	-	-	43

** Career Advancement Series: Construction Workers in various specialties such as Truck Driver, Streets Maintenance, Heavy Equipment Operator, Senior Heavy Equipment Operator, Drainage Maintenance, Crew Leader and Lead Construction Worker are authorized.

¹⁷ Career Advancement Series: Mechanic I and II authorized.

¹⁸ Career Advancement Series: Maintenance Mechanic I, II, and III authorized.

¹⁹ Career Advancement Series: Groundskeeper I, II and III authorized. Groundskeeper III is Grounds Crew Leader.

	FTE	Full Time		Part Time		Grade
		No.	Hrs	No.	Hrs	
POLICE (continued)						
Police Lieutenant	1.00	1	42	–	–	41
Supervisor-Administrative Services	1.00	1	37.5	–	–	40
Police Analyst	1.00	1	37.5	–	–	40
Supervisor-Crisis Unit	1.00	1	37.5	–	–	40
Crisis Counselor	4.00	4	37.5	–	–	38
Coordinator-Human Services	1.00	1	37.5	–	–	37
Information Technology Analyst ²⁰	1.00	1	37.5	–	–	37-39
Coordinator-Alternative Sentencing	1.00	1	37.5	–	–	37
Coordinator-Resident Activities	1.00	1	37.5	–	–	33
Supervisor-Records	1.00	1	37.5	–	–	33
Police Officer ²¹	7.00	7	42	–	–	33-36
Administrative Assistant	1.00	1	37.5	–	–	31
Alternative Sentencing Asst.	2.00	2	37.5	–	–	31
Information Services Technician	1.00	1	37.5	–	–	31
Customer Service Technician	4.00	4	38.5	–	–	29
Records Technician	1.00	1	37.5	–	–	28
<u>Operations</u>						
Police Captain	1.00	1	40	–	–	43
Police Lieutenant	7.00	7	42	–	–	41
Police Sergeant	11.00	11	42	–	–	39
Forensic & Evidence Specialist, Senior	1.00	1	37.5	–	–	40
Forensic & Evidence Specialist	1.00	1	42	–	–	38
Police Officer ²¹	81.00	81	42	–	–	33-36
Administrative Secretary	1.00	1	37.5	–	–	29
FIRE						
<u>Administration</u>						
Fire Chief	1.00	1	*	–	–	49
Deputy Fire Chief	1.00	1	40	–	–	43
Administrative Officer/Captain	1.00	1	40	–	–	37-38
Training Chief	1.00	1	40	–	–	40
Administrative Assistant	1.00	1	37.5	–	–	31
Office Assistant	0.53	–	–	1	20	27
<u>Emergency Operations</u>						
Battalion Chief	3.00	3	56	–	–	40
Fire Captain	15.00	15	56	–	–	38
Firefighter ²²	48.00	48	56	–	–	32-34

²⁰ Career Advancement Series: Information Technology Analyst or Senior Information Technology Analyst authorized.

²¹ Career Advancement Series: Police Officer I, II, III, and IV positions authorized. In addition, other Police Department positions may receive additional pay for special assignments such as crime prevention, professional standards, career advancement coordination, or other assignment, irrespective of the Officer's rank.

²² Career Advancement Series: Firefighter, Master Firefighter, and Fire Equipment Operator positions authorized.

*One Crisis Counselor (Latino Outreach Specialist is grant-funded for 2 years).

	<u>FTE</u>	Full Time <u>No.</u>	<u>Hrs</u>	Part Time <u>No.</u>	<u>Hrs</u>	Grade
FIRE (continued)						
<u>Life Safety</u>						
Deputy Fire Chief/Fire Marshal	1.00	1	40	–	–	43
Fire Captain/Assistant Fire Marshal	2.00	2	40	–	–	38
PARKS AND RECREATION						
<u>Administration</u>						
Director-Parks & Recreation	1.00	1	*	–	–	48
Asst. Dir.-Parks & Recreation	1.00	1	37.5	–	–	41
Office Manager	1.00	1	37.5	–	–	33
Administrative Secretary	1.00	1	37.5	–	–	29
Office Assistant	0.53	–	–	1	22.5	27
<u>Athletics</u>						
Supervisor-Recreation	1.00	1	37.5	–	–	37
Recreation Specialist ²³	2.19	1	37.5	2	20-25	31-33
Maintenance Assistant	1.00	1	40	–	–	25
<u>Community Center</u>						
Supervisor-Recreation	1.00	1	40	–	–	37
Asst. Supervisor-Recreation	1.00	1	40	–	–	33
Recreation Specialist ²³	0.53	–	–	1	20	31-33
Recreation Assistant	2.00	2	37.5	–	–	27
Lifeguard	1.00	1	40	–	–	27
<u>Hargraves Center</u>						
Supervisor-Recreation	1.00	1	40	–	–	37
Asst. Supervisor-Recreation	1.00	1	40	–	–	33
Recreation Specialist ²³	0.53	–	–	1	30	31-33
Recreation Assistant	1.58	1	37.5	1	20	27
<u>Programming/Marketing</u>						
Supervisor-Recreation	1.00	1	37.5	–	–	37
Recreation Specialist ²³	2.60	1	37.5	2	30	31-33
LIBRARY						
Library Director	1.00	1	*	–	–	48
Asst. Dir.-Lib/Head of Pub. Svcs	1.00	1	37.5	–	–	40
Supervisor-Librarian ²⁴	2.80	2	37.5	1	30	39

23 Career Advancement Series: Recreation Specialist I and II authorized.

24 Division Supervisor positions Head of Children's Services, Head of Technical Services and Head of Reference Services authorized.

	FTE	Full Time		Part Time		Grade
		No.	Hrs	No.	Hrs	
LIBRARY (continued)						
Librarian ²⁵	1.60			2	30	37
Supervisor-Circulation	2.00	2	37.5	–	–	35
Office Manager	1.00	1	37.5	–	–	33
Library Asst. III/Outreach ²⁶	3.07	2	37.5	2	20	31
Materials Processor	3.59	1	37.5	4	20-30	29
Library Assistant ²⁶	11.94	5	37.5	13	20-25	28-31
HOUSING						
<u>Administration</u>						
Director-Housing	1.00	1	*	–	–	48
Ops and Special Proj. Coord.	1.00	1	37.5	–	–	41
Accountant*	1.00	1	37.5	–	–	38
Administrative Assistant	1.00	1	37.5	–	–	31
<u>Maintenance</u>						
Maintenance Services Manager	1.00	1	40	–	–	38
Mechanic-Maintenance III	1.00	1	40	–	–	33
Mechanic-Maintenance II	5.00	5	40	–	–	31
Mechanic- Mechanic I	1.00	1	40	–	–	29
Maintenance Repair Worker	2.00	2	40	–	–	28
Administrative Clerk	1.00	1	37.5	–	–	28
<u>Resident Services</u>						
Resident Services Officer	1.00	1	37.5	–	–	33
Housing Officer II	1.00	1	37.5	–	–	33
Housing Officer I	1.00	1	37.5	–	–	31
TRANSPORTATION						
<u>Administration</u>						
Director-Transportation	1.00	1	*	–	–	51
Asst. Director-Transportation	1.00	1	40	–	–	41
Administrative Analyst	1.00	1	40	–	–	40
Coordinator-Marketing**	1.00	1	40	–	–	39
Planner***	0.50	–	–	–	–	39
Coordinator-Grants	1.00	1	37.5	–	–	37
Administrative Secretary	1.00	1	37.5	–	–	29
<u>Operations</u>						
Transit Operations Manager	1.00	1	40	–	–	40
Coordinator-Safety and Training	1.00	1	40	–	–	39
Transit Operations Coordinator	1.00	1	40	–	–	37
Supervisor-Transit	5.00	5	40	–	–	33
Transit Dispatcher	4.82	4	40	1	33	32

²⁵ Specialist positions Reference Librarian, Children's Librarian and Acquisitions Librarian authorized.

²⁶ Career Advancement Series: Library Assistant I, II, and III authorized in various specialist positions such as Outreach, Reference and Circulation.

*Position is funded by Housing and supervised by the Finance Department.

**Fifty percent of this position is funded by Transportation, the other fifty percent is grant funded through the Planning Department. The position is supervised by Transportation.

***Fifty percent of this position is funded by Transportation, the other fifty percent is funded by Planning. The position is supervised by Planning.

		Full Time		Part Time		Grade
	<u>FTE</u>	<u>No.</u>	<u>Hrs</u>	<u>No.</u>	<u>Hrs</u>	
<u>Operations Division(continued)</u>						
Transit Operations Supp. Splst.	1.00	1	40	–	–	31
Transit Operator III	9.26	8	40	2	25	30
Transit Operator II	99.86	86	40	21	26.5	29
Transit Operator I	6.15	3	40	5	25	27
Transit Reservationist	1.50	1	40	1	20	27
<u>Equipment Maintenance</u>						
Supt-Transit Maintenance	1.00	1	40	–	–	39
Supervisor-Mechanic	2.00	2	40	–	–	35
Mechanic, Senior	1.00	1	40	–	–	33
Parts Manager	1.00	1	40	–	–	32
Mechanic ²⁷	9.00	9	40	–	–	31-32
Bus Service Technician	2.00	2	40	–	–	29
Mechanic Helper	2.00	2	40	–	–	29
Administrative Clerk	1.00	1	40	–	–	28
Service Attendant	5.50	5	40	1	20	27

²⁷ Career Advancement Series: Mechanic I and II positions authorized.

SECTION V: GENERAL PROVISIONS

All Town employees shall be paid bi-weekly or weekly. The Finance Director shall issue warrants for payments of all claims for compensation when approved by the Town Manager and within the appropriation, and shall issue warrants bi-weekly for payments of compensation of members of the Council and the Mayor upon certification of the correctness of the amounts.

SECTION VI: OVERTIME COMPENSATION

The Town complies with the Fair Labor Standards Act (FLSA) provision governing overtime compensation for eligible employees.

The Manager, following FLSA regulations, shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period); hours worked beyond the FLSA established limit will be paid at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the Fair Labor Standards Act. However, in accordance with FLSA and when approved in advance by the Manager, non-exempt employees may be allowed to accrue compensatory time in lieu of being paid overtime. This compensatory time must be accrued as an hour-and-a half off for every hour of overtime worked.

Employees in positions determined to be "exempt" from the Fair Labor Standards Act (as Executive, Administrative, or Professional staff) will not normally receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their department heads where the convenience of the department allows. However, where authorized by the Town Manager and where the Town receives reimbursement from other agencies which could be used for payment for hours worked by exempt employees, these employees may elect to receive pay or be granted compensatory leave for hours worked in excess of their normal work periods.

SECTION VII: CALL BACK PAY

Employees in classes eligible for overtime compensation whose supervisors require them, because of emergencies, to report to work at times which are not merely an extension of their normal work days will be paid for a minimum of two hours of work, even if their actual work time was shorter. Extensions of employees' normal work days, either by their being required to report early or by their being required to work beyond their normal quitting times, shall be covered by the overtime/compensatory leave provisions of Section VI of this ordinance.

SECTION VIII: ON-CALL PAY

Employees who are required by their departments to be on-call for a designated period of time in order to respond to after-hour emergencies will be compensated at a rate of \$.90 (90 cents) per hour for each hour of off-duty/on-call time. If employees are required to report to work following a call-back, the provisions of Section VII, Callback Pay, shall apply.

SECTION IX: LONGEVITY PAY

The Town will recognize the length of service of its full-time employees with a longevity payment, effective in December. Payment shall be based on the following schedule:

At least 5 years, not more than 10 years of service	\$500
At least 10 years, not more than 15 years of service	\$650
At least 15 years, not more than 20 years of service	\$800
At least 20 years not more than 25 years of service	\$1,000
At least 25 years or more of service	\$1,200

Part-time employees' payments will be prorated based on their hours of work, as specified in policies approved by the Manager.

An employee's eligibility for longevity pay will be based on his/her total Town service as of December 1 of each year.

SECTION X: 401(K) PROGRAM

The Town will contribute 5% of gross salary for full- and part-time employees to an account with the State of North Carolina's 401(K) (tax deferred savings) program, coincident with that employee's membership in the NC Local Government Employees' Retirement System.

SECTION XI: EFFECTIVE DATE

This Ordinance is effective July 1, 2004.

This the 14th day of June, 2004.

A RESOLUTION APPROVING FY 2004-2005 FUNDING FOR PERFORMANCE AGREEMENTS WITH HUMAN SERVICES AGENCIES AS RECOMMENDED BY THE HUMAN SERVICES ADVISORY BOARD (2004-06-14/R-16)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following allocations for performance agreements with human services agencies in 2004-2005 to address the community's human services needs identified by the Human Services Advisory Board:

AGENCY	ALLOCATION
A Helping Hand	1,500
Adolescent Pregnancy Prevention	1,250
Alliance of Aids Service	1,500
Alternative Sentencing	4,000
American Red Cross	500
Chapel Hill Training Outreach	4,500
Charles House	5,500
Child Care Services Association	10,000
Communities in Schools of Orange County	5,500
Community School for People Under 6	8,500
Cornucopia House	2,500
Dispute Settlement Center	8,000
Duke Community Hospice Services	3,300
El Centro Latino	6,000
Family Counseling Service (CHANGE)	2,500
Family Violence Prevention Center	14,000
Freedom House	14,000
Friends of Triangle Seniors & Food Assistance	500
Hopeline	1,000
Interfaith Council	5,500
Kidscope	4,000
Mental Health Association	5,850
Mental Health Association (Peer Bridger)	1,000
Middle School After School	26,500
Orange County Disability Awareness Council	1,000
Orange County Literacy Council	7,000
Orange County Partnership for Young Children	1,500
Orange County Rape Crisis Center	12,000
Orange Enterprises	4,000
Pa'Lante	500
Piedmont Wildlife Center	500
Planned Parenthood	1,000
Street Scene Teen Center	5,500
The Arc	10,000

The Community Backyard	600
The Women's Center	11,000
Triangle Reading Service	3,500
TROSA	1,000
UNC Department of Psychiatry	3,500
Volunteers for Youth	5,000
Youth Creating Change	1,000
	206,000

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

This the 14th day of June, 2004.

A RESOLUTION ADOPTING USER FEE POLICIES AND SCHEDULES FOR VARIOUS TOWN DEPARTMENTS (2004-06-14/R-17)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts, effective July 1, 2004, the attached user fee policies and schedules as submitted by the Town Manager on June 9, 2004:

Town Clerk – Schedule of User Fees

Engineering -

 Inspections Fee Policy
 Municipal Cemetery Fees

Finance –Parking Fee Policies

Fire Department - Permit Fee Policy

Inspections Department -

 Building Permit Fees
 Electrical Permit Fees
 Mechanical and Plumbing Fee Schedules

Library -Schedule of Fines and Fees

Parks and Recreation - User Fee Policy

Planning - Development Review Fees

Police - Fee Policy

Public Works -
Field Operations -Street Cut Policy
Sanitation Services Policy and Disposal Fees

Transportation - General User Fee Policy

This the 14th day of June, 2004.

A RESOLUTION AUTHORIZING EXECUTION OF CONTRACTS WITH THE UNIVERSITY OF NORTH CAROLINA, AND THE TOWN OF CARRBORO IN 2004-05 (2004-06-14/R-18)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves and authorizes the Town Manager to execute on behalf of the Town, contracts with the University of North Carolina and the Town of Carrboro for the Town to provide public transportation services, provided said contracts shall not increase the cost of the Town of Chapel Hill transit services above budgeted amounts in the Town's adopted budget.

This the 14th day of June, 2004.

A RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE U.S. DEPARTMENT OF TRANSPORTATION AND THE N.C. DEPARTMENT OF TRANSPORTATION FOR GRANTS UNDER TITLE 49, U.S. CODE OF THE FEDERAL TRANSIT ACT, AS AMENDED (2004-06-14/R-19)

WHEREAS, the United States Secretary of Transportation is authorized to make grants for mass transportation program of projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, as amended, that in connection with the filing of applications for assistance under the Federal Transit Act, as amended, the applicant files an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts where procuring construction contracts, supplies, equipment contracts, or consultant and other services;

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

1. That the Town Manager is authorized to execute and file applications on behalf of the Town of Chapel Hill with the U.S. Department of Transportation and the North Carolina Department of Transportation, to aid in the financing of operating, capital and planning assistance projects pursuant to Section 5303, 5307 and 5309 of the Federal Transit Act, as amended.
2. That the Town Manager is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation fulfilling the purposes of Title VI of the Civil Rights Act of 1964.
3. That the Town Manager is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the applications for the program of projects and budget.
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the Town Manager is authorized to execute grant agreements on behalf of the Town of Chapel Hill with the U.S. Department of Transportation and N.C. Department of Transportation in aid to the financing of the operating, capital, and planning assistance for the program of projects.

This the 14th day of June, 2004.

A RESOLUTION AUTHORIZING THE MANAGER TO USE \$7,400 IN FY 2004-05 FOR PORTABLE TOILETS IN TOWN PARKS (2004-06-14/R-20)

WHEREAS, Town parks are heavily used during the period November through April; and

WHEREAS, some Town park restroom facilities are closed during the colder months to prevent damage to pipes;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is authorized to use \$7,400 in FY 2004-05 for portable toilets in Town parks, more specifically described as Option A in the Manager's Memorandum to the Council dated June 14, 2004:

Option A – Two toilets at the most popular parks with two cleanings per week

Homestead Park (2)

Umstead Park (2)

Cedar Falls Park (2)

Ephesus Park (1)

North Forest Hills Park (1)

This the 14th day of June, 2004.

**Item 7 - Continuation of a Public Hearing to Consider an Application
for a Development Plan Modification No. 2 from the
University of North Carolina at Chapel Hill**

Town Planning Director Roger Waldon explained that the Council had initially approved a development plan for UNC's central campus. They had modified it once, he noted, and had considered a request on May 17, 2004, for a second modification. Mr. Waldon pointed out that the memo before the Council tonight summarized the proposed modification, key issues from the previous public hearing, and the University's response. The staff's recommendation for approval was the same as it had been at the hearing, he said, and recommended that the Council adopt Resolution A.

UNC representative Linda Convissor stated that the University supported the resolution and had no problems with the stipulations.

Council Member Ward noted that the staff had recommended inclusion of the Bicycle and Pedestrian Advisory Board's request to reserve a fixed guideway corridor at the Physicians Building. He asked what that meant to UNC. Ms. Convissor replied that the Master Plan had a fixed guideway corridor delineated on it. The location of the Physicians Office Building and deck would honor that alignment, she said.

Council Member Ward pointed out that the Bicycle and Pedestrian Advisory Board had expressed interest in requiring all future O&I-4 issues to physically identify that corridor on maps. Ms. Convissor replied that it was indicated on the Master Plan, but Council Member Ward said that he had not seen it on any maps. Mr. Waldon clarified that the fixed guideway corridor was shown on all official documents as a wide line on a small map. The condition in Resolution A was that, as new approved facilities are being sited, there must be some demonstration that the placement does not preclude development of a transit corridor, he explained.

Mayor Foy verified that this had been stated in Stipulation 10 on page 12 of Resolution A.

Council Member Strom asked if the corridor would be sufficient regardless of the technology used. Mr. Waldon questioned whether it was possible to assure the Council that the Physicians Building would be placed in a manner that would leave every possible option open. But, he stated, the staff could assure the Council that a corridor would remain a possibility. Mr. Waldon noted that there was uncertainty about where the corridor might traverse the campus and what technology would be used.

Council Member Strom questioned the wisdom of approving something before the technology had been chosen that could preclude it. He asked Mr. Waldon to suggest language that would keep all technology options open. Mr. Waldon replied that the Council had approved such language when approving the Jackson Deck and that the Physicians Building would be adjacent to the Jackson Deck.

Council Member Ward explained that this issue had come up at the Bicycle and Pedestrian Advisory Board meeting in part because he had been at their meeting. He was concerned that construction might nibble away at the edges and eliminate some possibilities, he said. Council Member Ward asked for a line on the map that was sacred because it would be a travesty if the Town picked the technology only to discover that a building was in the way.

Mr. Horton pointed out that heavy rail could not be run through this corridor. But a streetcar or bus way could, he said, noting that this leaves light rail as the only question. Mr. Horton asked Town Traffic Engineer Kumar Neppalli for his opinion on light rail. Mr. Neppalli explained that the stipulation would allow that area to accommodate light rail, which might be an overhead system. The Town was not sure exactly where the fixed guideway would be, he said, but the staff believed that the existing stipulation would accommodate light rail in that area.

Mr. Karpinos proposed adding the following to the last line of Stipulation 10: "that the placement of a building be arranged such that a fixed guideway corridor, including light rail, bus, and streetcar options, would remain a possibility." Council Member Kleinschmidt and Mayor Foy discussed how light rail would present the greatest difficulty. "So, if light rail is included then everything else is assumed," Mayor Foy confirmed.

Mayor Foy asked if there would be any objection to including language specifying light rail. Mr. Horton replied that the language could include light rail, fixed busways and streetcars.

Council Member Strom emphasized that the Town should preserve those options, which would become precious when UNC reaches that point in its development. There was no objection from University officials regarding the additional language.

UNC Vice Chancellor Nancy Sutfenfield explained that UNC and UNC Hospitals' representatives were present and available to respond to questions raised at the public hearing and any additional questions that the Council might have. She noted that Anna Wu was present and had brought information in response to Council members' questions about the appearance of pedestrian bridges and what other universities had done to discourage graffiti and encourage safe use.

Ms. Wu offered to provide the Council with copies of photos of pedestrian bridges at Furman University and Loyola College. She said that UNC consultants who have relationships with both schools had reported that there were no problems with graffiti or safety. Ms. Wu noted that the bridges would provide much needed accessibility on campus. UNC remains committed to improving pedestrian circulation, she said, adding that the bridges were not meant to remove people altogether from the street.

COUNCIL MEMBER STROM MOVED, SECONDED BY COUNCIL MEMBER VERKERK, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER WARD MOVED, SECONDED BY COUNCIL MEMBER VERKERK, TO ADOPT RESOLUTION R-21a, AS AMENDED TO MODIFY STIPULATION #10, LAST

LINE, TO SAY "THAT THE PLACEMENT OF A BUILDING BE ARRANGED SUCH THAT A FIXED GUIDEWAY CORRIDOR, INCLUDING LIGHT RAIL, BUS AND STREETCAR OPTIONS, WOULD REMAIN A POSSIBILITY" AFTER THE WORD CORRIDOR. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION APPROVING AN APPLICATION FOR A DEVELOPMENT PLAN MODIFICATION NO. 2 FOR THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL (2004-06-14/R-21a)

WHEREAS, the Chapel Hill Town Council enacted a new zoning district on July 2, 2001, to address the need to allow for growth while mitigating impacts, and applied this zoning district to the University's Main Campus; and

WHEREAS, on June 25, 2003, and August 26, 2003, after reviewing Development Plan Modification No. 1 materials submitted by the University, the Town approved the Development Plan Modification No. 1 application that maps out future campus growth and addresses mitigation of impacts; and

WHEREAS, the University submitted a Development Plan Modification No. 2 application dated March 15, 2004, and supplemental materials dated May 3, 2004, seeking to amend the Development Plan Modification No. 1 approved by the Council on June 25, 2003, and August 26, 2003;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that development proposed by the Development Plan Modification No. 2 application of the University of North Carolina at Chapel Hill, for property identified as parts of Chapel Hill Township Tax Maps numbered 71, 73, 74, 86, and 87, if developed according to the Development Plan Modification No. 2 dated March 15, 2004, and supplemental information dated May 3, 2004, and in compliance with the conditions listed below, would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; and
2. Be located, designed, and proposed to be operated so as to maintain or enhance the value of adjacent property.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Development Plan Modification No. 2 in accordance with the plans listed above and with the conditions listed below:

General Stipulations

1. Relationship to 2001 and 2003 Development Plans: This approval modifies the terms of the University of North Carolina at Chapel Hill Development Plans approved by the Town Council on October 3, 2001, June 25, 2003, and August 26, 2003. Except as specifically

authorized or modified by this document, the terms and conditions of the Development Plan Resolutions as adopted by the Council on October 3, 2001, June 25, 2003, and August 26, 2003 remain in effect.

2. Level of Development: This Development Plan Modification No. 2 approval represents preliminary authorization for demolition and construction of facilities as shown on Modification No 2, Map 2 from the Development Plan Modification No. 2, dated March 15, 2004 and May 3, 2004. Additional information is included in the March 15, 2004 and May 3, 2004, Development Plan Modification No. 2 modified by conditions outlined below.

In any case involving conflicting information, the controlling component of the Development Plan Modification No. 2 shall be the Map called Modification No. 2, Map 2 dated May 3, 2004. The controlling maps for the 410 East Franklin Street Perimeter Transition Area in the Development Plan Modification No. 2 shall be Modification No. 2, Maps 7 and 8 dated March 15, 2004.

3. Land Use: Unless otherwise modified by conditions herewith, this Development Plan Modification No. 2 authorizes the following:

A. As shown on Modification No. 2, Map 2, dated May 3, 2004:

- Removal of a parking deck (600 spaces) approved with the October 3, 2001 Development Plan and identified as structure P-2;
- Removal of a chiller plant from the basement of a building approved with the October 3, 2001 Development Plan and identified as A-8;
- Construction of an UNC Health Care building (130,000 square feet) identified as structure UNCH-4 Mod;
- Construction of a 10,000 square foot addition to a cultural building identified as C-5 Mod;
- Construction of a 28,000 square foot addition to a student life building identified as SL-4 Mod;
- Construction of a 1,600 square foot addition to an academic building identified as A-19 Mod;
- Relocation of 600 parking spaces from parking deck P-2 to a parking deck approved with the October 3, 2001 Development Plan and identified as P-4 Mod; and
- Relocation of a chiller plant from building A-8 to an infrastructure building identified as I-5 Mod.

B. Pedestrian improvements as shown on Figure 4-12 in the Development Plan Modification No. 2, dated May 3, 2004.

C. Pervious and impervious surface areas as shown on Modification No. 2, Map 4, dated March 15, 2004.

D. Utility corridor development as shown on Modification No. 2, Map 5, dated March 15, 2004.

E. Area and parking space calculations for the following list of structures as shown by Table 3 – The University of North Carolina at Chapel Hill Development Plan – Modification No. 2 Area Calculations for Proposed Buildings dated March 15, 2004:

- Academic building A-19 Mod;
- Cultural building C-5 Mod;
- Infrastructure building I-5 Mod;
- Parking deck structure P-4 Mod;
- Student life building SL-4 Mod; and
- UNC Health Care building UNCH-4 Mod.

4. Land Use Intensities: Land Use Intensities, authorized by the June 25, 2003 and August 26, 2003 Development Plan Modification No. 1, are modified as specified below:

Land Use Intensity	Development Plan Modification No. 2
Academic floor area	+ 1,600 sq ft (increase)
Cultural floor area	+ 10,000 sq ft (increase)
Infrastructure floor area	+ 100,800 sq ft (increase)
Student life floor area	+ 28,000 sq ft (increase)
Health care	+ 130,000 sq ft (increase)
Parking	0 spaces (no change)
Impervious Surface Area	+ 2.3 acres (increase)

5. Consistency of Site Development Permit Application with Development Plan Modification No. 2: No application for a Site Development Permit for land use authorized by this permit within the boundary of this Development Plan Modification No. 1, as shown on the Modification No. 2, Map 2, dated May 3, 2004, shall be approved unless such application is consistent with the Council-approved Development Plan Modification No. 2. Consistent does not mean identical; building footprints and landscaped areas shown on the Council approved Development Plan Modification No. 2, except as otherwise noted below for certain Perimeter Transition Areas, shall be considered to indicate approximate size and location.
6. Interpretation of Modification No 2 - Map 4: Modification No. 2, Map 4, dated March 15, 2004, shall be considered to indicate, approximately, areas of pervious and impervious surface that will exist within the area covered by this Development Plan Modification No. 2 after full development has been completed. Except for incidental paving for walkways and fire lanes, areas shown as “Forest” and “Cleared Woodlands” will be expected to be pervious surface after full development, either with existing vegetation left undisturbed or with new vegetation planted and maintained, unless further specified by stipulations below.

Stipulations Related to Transportation

7. Requirements for Ongoing Data Collection and Analysis for Biennial Transportation Impact Analysis:

- a) **Intersection Analysis:** 2005 and subsequent Biennial Transportation Impact Analyses shall analyze the following intersections for existing, no-build, and build conditions Level of Service (LOS) in addition to the 44 intersections analyzed in the 2003 Transportation Impact Analysis:

1. Manning Drive and Old East Drive (Signalized)
2. South Road and Bell Tower North (Signalized)

Existing A.M. and P.M. peak hour turning movement counts for the above intersections shall be undertaken on Tuesday, Wednesday or Thursday when school is in session.

- b) **Average Daily Traffic Count Analysis:** 2005 and subsequent Biennial Transportation Impact Analyses shall include the following locations for existing, no-build, and build conditions Average Daily Traffic (ADT) Counts in addition to the 18 locations analyzed in the 2003 Transportation Impact Analysis:

1. Manning Drive east of Columbia Street
2. Bell Tower south of South Road
3. South Road east of Bell Tower

Existing counts for the above locations shall be undertaken on Tuesday, Wednesday or Thursday when school is in session.

8. **Traffic Signal System Improvements:** The University shall be responsible for the following traffic signal system improvements:

- a) Traffic signal system timing plans for progression shall be studied and revised as necessary at all intersections that are analyzed for LOS criteria (total 46 intersections). Signal system timing plans for progression shall be submitted and implemented in the Chapel Hill system in December 2005 and biennially thereafter (referred to as Biennial Updates) until construction of the buildings included in the Main Campus Development Plan is substantially complete or until a new Development Plan is approved.

- b) The following signalized intersection shall be upgraded to include pedestrian phasing, marked crosswalks, and “countdown” heads on all approaches:

South Columbia Street and Mason Farm Road

The upgrades must be approved by the Town Manager and North Carolina Department of Transportation (NCDOT), and construction must be completed prior to the end of calendar year 2005.

9. **Traffic Calming Improvements:** Install traffic calming devices to improve pedestrian safety at the following locations:

Raised crosswalk on Mason Farm Road at the MRI Building
 Stamped asphalt (street imprint) for the signalized mid-block crosswalk on Columbia Street at the Public Health Building
 Stamped asphalt (street imprint) for the unsignalized mid-block crosswalks on South Road between Bell Tower and Raleigh Street (2 locations)

The exact location, design, and construction details of the traffic calming devices must be approved by the Town Manager and North Carolina Department of Transportation (NCDOT), and construction must be completed prior to the end of calendar year 2005.

Stipulations Related to Site Development Permit Applications

10. UNCH-4 Mod (Physician's Building) Fixed Guideway: The Site Development Permit for UNC Health Care structure UNCH-4 Mod (Physicians Building) must include details on the proposed Fixed Guideway Corridor and that the placement of the building be arranged such that a fixed guideway transit corridor to include light rail, busses and street cars would remain a possibility.

Stipulation Related to Perimeter Transition Area

11. A-19 Mod (410 East Franklin Street): For A-19 Mod, the following stipulations shall apply:

Historic District Commission Approval: That the submittal of a Site Development Permit for the addition to 410 East Franklin Street shall include verification that the proposed addition was reviewed and approved by the Chapel Hill Historic District Commission.

Construction Management Plan: That the submittal of a Site Development Plan shall include a construction traffic routing map that identifies the local street network that will be impacted by construction traffic associated with this proposed addition. That the routing plan minimizes, and where practical, prohibits construction traffic on local streets. That the plan also provide for the safe and continued use of bicycle and pedestrian corridors during construction.

Miscellaneous Stipulations

12. Construction Management Plan: That in addition to the current Site Development Permit application requirements for the submission of a Construction Management Plan, each application for a Site Development Permit for those projects approved by this Development Permit Application shall include the following:
- a) Construction Management Plan Enforcement: That each Construction Management Plan shall describe how the University will enforce the requirements of the Construction Management Plan. In particular, the plan must describe how the University intends to enforce and ensure that pedestrian and bicycle corridors will remain open and safe during construction periods.

- b) Construction Management Contact Information: That each construction site will include visible signage listing a telephone number and a University representative available to answer questions and respond to concerns about pedestrian safety and security. A detail of the proposed sign, including number of signs and general locations, shall be submitted with each Site Development Permit application
13. Pedestrian Management Plan: That in addition to the current Site Development Permit application requirements for the submission of a Pedestrian Management Plan, each application for a Site Development Permit for those projects approved by this Development Permit application shall include the following:
- a) Pedestrian Safety: Detailed information on how the Pedestrian Management Plan will provide for the safe and continued use of bicycle and pedestrian corridors during construction.
 - b) Pedestrian Security: Detailed information on pedestrian security measures including the placement of security phones and lighting. The plan shall also include additional information on security for pedestrian bridges during evening hours.
14. Continued Validity: Continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
15. Severability: If any of the above conditions is held to be invalid by a court of competent jurisdiction, all other conditions shall remain valid and this approval shall remain intact.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Development Plan Modification No. 2 by the University of North Carolina at Chapel Hill.

This the 14th day of June, 2004.

**Item 8 - Continuation of Public Hearing on Special Use Permit
Application for UNC Softball Field Complex**

Mr. Waldon reviewed the proposal to add facilities to an existing UNC Women's Softball field and complex. There was nothing new to report since the public hearing, he said, adding that the staff continued to recommend adoption of Resolution A, which would approve modifications to regulations for this development and application. Resolution A would also approve the Special Use Permit that would allow the facilities to be constructed, Mr. Waldon said.

Council Member Ward determined from Mr. Waldon that "authorized to" on page 10 meant that the applicant could construct a ten-foot, multi-use path if they want to. He verified that the Bicycle and Pedestrian Advisory Board wanted UNC to create that path.

Mayor Foy determined that there was no objection from the applicant to a requirement to construct the path.

Council Member Strom asked Mr. Horton to pay special attention to the "some area beyond" referred to in the middle of page 3 regarding the existing sediment basin. Mayor Foy asked Council Member Ward to withdraw his motion, so that the Council could close the public hearing, and to then make the motion again.

COUNCIL MEMBER STROM MOVED, SECONDED BY COUNCIL MEMBER VERKERK, TO CLOSE THE PUBLIC HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER WARD MOVED, SECONDED BY COUNCIL MEMBER HARRISON, TO MODIFY STIPULATION #5 OF RESOLUTION A, REGARDING THE MULTI-USE PATH, TO REPLACE "IS AUTHORIZED TO" WITH "SHALL" CONSTRUCT A 10-FOOT MULTI-USE PATH. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR UNC SOFTBALL FIELD COMPLEX IMPROVEMENTS (2004-06-14/R-22a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Corley Redfoot Zack, Inc. for UNC-Chapel Hill on property identified as Chapel Hill Township Tax Map 73, Lot 2A (PIN 9788941696) if developed according to the site plan dated April 13, 2004, the attached Exhibit A, and the conditions listed below, would:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of Articles 3 and 5, the applicable specific standards contained in Supplemental Use Regulations (Article 6), and with all other applicable regulations;
3. That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. That the use or development conforms with the general plans for the physical development of the Town as embodied in this Chapter and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Section 3.6.3-2 of the Land Use Management Ordinance Resource Conservation District overlay zoning, to allow an existing sediment/detention basin in the Resource Conservation District.
2. Modification of Section 3.7 of the Land Use Management Ordinance use regulations, to allow a college/university use in the Residential-1 zoning district.

Said public purposes being (1) The use of public funding and associated public purpose.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for UNC Softball Field Complex Improvements in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. That construction begin June 14, 2006 (two years from approval date) and be completed June 14, 2014 (ten years from approval date).
2. Land Use Intensity: This Special Use Permit authorizes the softball field use and land use intensity requirements and dimensional standards as specified below:

Land Use Intensity	
Net Land Area	210,395 sq ft
Total # of Buildings	5
Maximum Floor Area	4,500 sq ft
Maximum Impervious Surface	38,724 sq ft
Maximum # of Parking Spaces	26 spaces (4 handicapped)
Minimum # of Bicycle Spaces	7 spaces

Stipulations Related to Transportation Issues

3. Parking Area: That the proposed parking area shall be constructed as shown on the attached site plan labeled Exhibit A, dated April 13, 2004.
4. Parking Lot Standards: That all parking lots, drive aisles, and parking spaces shall be constructed to Town standards.
5. Multi-Use Path: That the applicant shall construct a ten foot multi-use path to the facility from Christopher Road in order to provide a travel route for bicyclist and pedestrians between Raleigh Road and Christopher Road.
6. Bicycle Parking: That the development shall comply with the Town's Design Manual for bicycle parking standards providing a minimum of seven (7) spaces.
7. Bicycle Parking: That the applicant is authorized to increase the number of bicycle parking spaces above the number required for this improvement.

Stipulations Related to Landscaping and Architectural Issues

8. Required Buffers: That the following landscape buffers be provided; and if any existing vegetation is to be used to satisfy the buffer requirements, the vegetation will be protected by fencing from adjacent construction:

Location of Buffer	Required Buffer
UNC General Administration Building (east property line)	Min 30' Type 'B' Buffer
St. Thomas More Church (south property line)	Min 30' Type 'B' Buffer
Residential property (north/west property line)	Min 30' Type 'C' Buffer

9. Landscape Protection Plan: That a detailed Landscape Protection Plan, including Town standard landscape protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. Landscaping Plan: That a detailed landscape plan (including buffers) including a landscape maintenance plan, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings.
11. Tree Protection Fencing: That the limits of land disturbance with tree protection fencing, shall be shown on the Landscape Protection Plan, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
12. Parking Lot Shading: That the plans demonstrate compliance with the parking lot shading requirements of Article 5.9.6(d) of the Land Use Management Ordinance. It will be necessary to demonstrate that at least 35% of the parking area surface, at noon on August 21, is shaded when vegetation matures.
13. Parking Lot Design: That all parking areas are constructed in accordance with Article 5 of the Land Use Management Ordinance including a 5-foot planting strip to be incorporated between the building and the parking areas and including screening the parking lot from view.
14. Building Elevations: That the Community Design Commission approve building elevations prior to issuance of a Zoning Compliance Permit for the buildings in that phase.
15. Lighting Plan: That the Community Design Commission approve a lighting plan for this project prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Environmental Issues

16. Stormwater Management Plan: That prior to issuance of a Zoning Compliance Permit the applicant shall submit a Stormwater Management Plan for review and approval by the Town Manager.
17. Stormwater Operations and Maintenance Plan: That the applicant shall provide a Stormwater Operations and Maintenance Plan for all engineered stormwater facilities. We recommend that the plan include the maintenance schedule of the facilities to ensure that it continues to function as originally intended and shall be approved by Town Manager, prior to issuance of a Zoning Compliance Permit.
18. State or Federal Approvals: That any required State or federal permits or encroachment agreements must be approved by the appropriate agencies and copies of the approved permits be submitted to the Town Manager prior to issuance of a Zoning Compliance Permit.
19. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer, or the State if applicable, and the Town Manager prior to issuance of a Zoning Compliance Permit. That a performance guarantee be provided in accordance with Section 5-97.1 of the Town Code of Ordinances prior to issuance of any permit to begin land-disturbing activity.

Stipulations Related to Utility and Service Issues

20. Utility/Lighting Plan Approval: That the final Utility/Lighting Plan be approved by Duke Power Company, Orange Water and Sewer Authority, BellSouth, Public Service Company, and the Town Manager prior to issuance of a Zoning Compliance Permit.
21. Utility Line Placement: That all new utility lines shall be placed underground. The applicant shall indicated proposed off-site utility line routing and upgrades required to service the site on Final Plans, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
22. Fire Flow: That a fire flow report shall be prepared and sealed by a registered professional engineer, showing that flows meet the minimum requirements of the Town Design Manual, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
23. Fire Hydrant: That the final proposed location for fire department connections and location and number of new hydrants shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Miscellaneous Issues

24. Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
25. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited unless it is demonstrated to the Town Manager that no reasonable alternative means are available for removal of the materials from the subject property. The Fire Marshall may establish safety standards, which must be met in order to receive a permit.
26. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Land Use Management Ordinance and Design Manual.
27. As-Built Plans: That as-built plans in DXF binary format using State plane coordinates, shall be provided for street improvements and all other existing or proposed impervious surface prior to issuance of the Certificate of Occupancy.
28. Construction Signs: That the applicant shall post a construction sign that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 16 square feet of display area and may not exceed 6 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.
29. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
30. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the Special Use Permit application for UNC Softball Field Complex Improvements in accordance with the plans and conditions listed above.

This the 14th day of June, 2004.

**Item 9 - Consideration of Conceptual Master Plans for Town
Parking Lots 2 and 5 and East Rosemary Street Sites**

Senior Long Range Planning Coordinator Chris Berndt reviewed the process to date, including a November public hearing and market study that the Council had approved on April 14, 2004. The staff had developed conceptual master plans, which they would present tonight, and had undergone a public forum and a series of meeting with the Council Committee, she said. If the Council agrees to proceed, then the next step would be for the consultant to conduct a financial analysis, Ms. Berndt explained. She said that a proposal process would occur in fall with the goal of selecting a developer by early next year.

Ms. Berndt explained that Resolution 23a would adopt the conceptual master plan as discussed in the Committee. That was the preferred recommendation of the Manager and the consultant, she said. Ms. Berndt also noted a second option, which would remove an additional parking deck at the RBC site and reduce housing on Lot 2. A third option would remove the deck and the underground transit facility plan for Lot 2 and provide an on-street transit transfer center, she said. Ms. Berndt noted that Resolution 23b would authorize a financial feasibility analysis to be completed over the summer.

Architect Joe Pobiner, representing HKS, reviewed the process thus far, noting the addition of the Wallace Deck. He asked Council members to adopt a concept plan, noting that there would be many other opportunities for them to discuss the proposal.

Aaron Nelson praised the Council for its "extraordinary leadership" on this project, stating that downtown advocates, business people, and community leaders could not have hoped 10 years ago for what the Town was doing now. The Council's investment of energy, time, and Town resources was incredible, he said.

COUNCIL MEMBER VERKERK MOVED, SECONDED BY COUNCIL MEMBER STROM, TO ADOPT R-23a AS REVISED. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION APPROVING CONCEPTUAL MASTER PLANS FOR THE DEVELOPMENT OF TOWN PARKING LOTS 2 AND 5 AND OTHER IDENTIFIED SITES (2004-06-14/R-23a)

WHEREAS, on April 14, 2004, the Council approved a preliminary land, building, and infrastructure program identifying a range of uses to be included in the development of conceptual master plans for Lots 2 and 5; and

WHEREAS, the Consultant, Stainback Public/Private Real Estate, has commissioned the development of conceptual master plans by HKS, Inc., for the development of Town Parking Lots 2 and 5; and

WHEREAS, the Council Committee on Lots 2 and 5 expanded the scope of the project to include development concepts on additional properties, including the Wallace parking deck and adjoining property, and the RBC-Centura bank site; and

WHEREAS, on May 24, 2004, the Council held a public forum on preliminary master plan concepts developed by HKS;

NOW, THEREFORE BE IT RESOLVED by the Council that the Council approves the conceptual master plans as presented to the Council on June 14, 2004, as generally described in Attachment 1, "Recommended Development Options: Design Development Program for Lot #5, Lot #2, and the Extended Wallace Deck," with the following uses and range of square footage to be included in the next phase of the project, cost estimation and financial feasibility analysis:

Option A:

Lot #5

- Market rate/affordable housing 160,600 square feet (128 dwelling units)
- Retail/dining/entertainment space 31,500 square feet
- Open space/plaza area 28,300 square feet
- Floor-Area Ratio 2.55
- Parking demand 425 spaces
- Parking supplied 615 spaces

Lot #2

- Market rate/affordable housing 84,800 square feet (68 dwelling units)
- Retail/dining/entertainment space 20,100 square feet
- Open space/plaza area 14,600 square feet
- Floor-Area Ratio 2.19
- Parking demand 241 spaces
- Parking supplied 360 spaces
- Below-Grade Space at Lot #2 – Reserved for Transit Transfer Center

Extended Wallace Deck

- Market rate/affordable housing 136,400 square feet (109 dwelling units)
- Retail/dining/entertainment space 4,000 square feet
- Open space/plaza area 12,200 square feet
- Floor-Area Ratio 2.66
- Parking demand 492 spaces
- Parking supplied 400 spaces

Total: All Sites

- Market rate/affordable housing 381,800 square feet (305 dwelling units)
- Retail/dining/entertainment space 55,600 square feet
- Open space/plaza area 55,100 square feet
- Floor-Area Ratio 2.48
- Parking demand 1,158 spaces
- Parking supplied 1,375 spaces

BE IT FURTHER RESOLVED that acceptable alternative approaches to the above are, in order of preference:

Option B:

- Removal of the RBC parking deck
- Reduction in the amount of housing on Lot #2
- Increase in the amount of housing and parking at Lot #5 and the Wallace Parking Deck property

Option C:

- Removal of the RBC parking deck
- Removal of the underground transfer station and replacement with an on-street transfer station
- Construction of underground parking on Lot #2 as needed

BE IT FURTHER RESOLVED that the Recommended Development Options described herein are intended to be a general conceptual guide for use by the consultant and the Town Council in conducting the next stage of determining the financial feasibility of the building program and are not intended to establish exact program requirements for future planning phases for the development of Parking Lots 2 and 5 and the Wallace Parking Deck property.

This the 14th day of June, 2004.

COUNCIL MEMBER STROM MOVED, SECONDED BY COUNCIL MEMBER WARD, TO ADOPT RESOLUTION 23b. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION AUTHORIZING PROCEEDING WITH PART 1C, FINANCIAL FEASIBILITY ANALYSIS FOR THE DEVELOPMENT OF PARKING LOTS 2 AND 5 (2004-06-14/R-23b)

WHEREAS, the Comprehensive Plan and Downtown Small Area Plan identify Town Parking Lots 2 and 5 as key redevelopment sites; and

WHEREAS, the Town Council has established principles and priorities for development of Town Parking Lots 2 and 5; and

WHEREAS, the Council on February 24, 2003, authorized the Town Manager to develop a request for proposals for economic development consultant services to help plan and manage the options for proceeding with the development of Town Parking Lots 2 and 5 and help represent the Town's interests in any development agreement; and

WHEREAS, the Council on October 27, 2003, authorized the Town Manager to execute a contract with Stainback Public/Private Real Estate; and

WHEREAS, the Consultant has completed Parts 1A and 1B of the contract, completion of a Market Analysis Study and Conceptual Master Plans;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to initiate work on Phase 1C of the contract with Stainback Public/Private Real Estate, Cost Estimation and Financial Analysis, based substantially on the terms in the attached Work Statement from Contract for Consultant Services authorized by the Council on October 27, 2003.

BE IT FURTHER RESOLVED that the Council calls a public forum for Monday, September 13, 2004, at 7 p.m. in the Council Chamber, Town Hall, 306 North Columbia Street to obtain public comment on the financial analysis and the request for proposal process.

This the 14th day of June, 2004.

Item 10 - Amendment to the Land Use Plan to Identify the Locations of Potential School Sites

Ms. Berndt displayed a map showing the sites that the School Board had identified and submitted to the Town Council. She noted that a public hearing had been held and that action had been scheduled for tonight. Ms. Berndt displayed a new Land Use Plan map that would be updated to include these sites and to delete those that the School Board views as no longer relevant. Ms. Berndt stated that the Board had proposed removing the Meadowmont site because it would be converted into an existing land use. The revised Land Use Plan map would be used in reviewing development applications before the Town, she said.

Planner Jack Smyre, representing Crossland Properties, commented that the School Board was asking the Council to designate every undeveloped site greater than 10 acres as a potential school site. He pointed out that, according to the Land Use Management Ordinance (LUMO), tonight would be the last opportunity the Council had to give an opinion about the appropriateness of these sites. Mr. Smyre asked Council members not to designate the mixed-use site behind Harris Teeter as a potential school site. He argued that the tax value of that property was more than \$1/4-million per acre. Mr. Smyre told Council members that Crossland Properties had already retained architects, engineers and planners to develop the property as a result of guidance the

Council had given him during the concept plan phase. Crossland stood prepared to file a Special Use Permit application, he said.

Mayor Foy asked Mr. Smyre if he had talked to the School Board about this. Mr. Smyre replied that there had not been enough time to appeal to the School Board between when he learned about their proposal and tonight.

Bob Blackwood, representing the American Legion, stated that he was born in Chapel Hill 70 years ago. He shared some of his memories of growing up in Town and told Council members about several local veterans who had signed the charter for the American Legion after World War I. The Legion had been founded to look after all of the veterans who served in the wars, he said.

Mr. Blackwood mentioned several individuals who had died in WWII. "The fact that you sit here tonight and are able to have a meeting is because of this great generation that is dying off right now," he said. Mr. Blackwood explained that he views the Legion Road property as a sacred trust. He asked Council members to spare those 37 acres that the American Legion bought with their own money. "If you take it from us, have you thought about the implications of being the people that did away with the American Legion in Chapel Hill?"

Robert Patton told Council members that the American Legion had not received notice of the May 24, 2004, meeting regarding School Board's choice of the Legion Road land. They had not had an opportunity to object to it as a school site, he said. Mr. Patton noted that there was limited road access there and a stream in the back of the property with a 300-foot easement. He said that the School Board's choice of the site places a cloud over any plans the Legion has for the land. They had been planning to create a center for scouts, Mr. Patton explained, adding that a building there currently provides a meeting place for several community groups. He proposed that the Council withdraw the Legion Road property from the Land Use Plan or at least allow the American Legion to make a formal objection to its selection as a school site.

Mayor Foy clarified that this item was on tonight's agenda because the School Board had requested that it be there. He also verified with Mr. Horton that the School Board was the appropriate body to remove sites from the plan. Mayor Foy commented that the School Board must be aware of the veterans' work with scouts and would have no desire to impede the veterans' efforts in that regard. He suggested that the American Legion make its case to the School Board. Mayor Foy told Mr. Blackwood and Mr. Patton that the Town staff would help them arrange such a presentation.

Mr. Smyre requested that the Council ask the School Board to refine the choice of sites before the Council changes the Land Use Plan. He emphasized that the Town would lose control of the process once they designate the sites. Mayor Foy ascertained that the staff had not had contact with anyone from the School Board about the requested sites. He noted, however, that representatives of the School Board had been present at a previous Council meeting when Mr. Smyre had raised the same concerns. If the Board had not contacted him then it seems that they had heard those concerns and did not consider withdrawing the property, Mayor Foy said. He suggested that the Council recess the hearing to the next meeting on June 30, 2004. Mayor Foy

recommended that Mr. Smyre contact the School Board and asked Mr. Horton to work with Mr. Patton and Mr. Blackwood on their issue.

ITEM WAS CARRIED FORWARD TO JUNE 30, 2004 MEETING BY CONSENSUS OF THE COUNCIL.

Item 11 - Concept Plan: Holy Trinity Lutheran Church

Mr. Waldon outlined the proposal to convert a former sorority on East Rosemary Street to a new house of worship.

Dan Jewell displayed a diagram of the property. He also displayed artists' renderings of the proposed renovations.

Paul Cheek, who owns property at 208, 209 and 210 Cottage Lane, stated that he had reviewed Holy Trinity's plans and thought the Church would greatly improve the neighborhood. Mr. Cheek expressed support for anything the applicant wanted to do in accordance with what they had presented.

Jennifer Gierisol also expressed support for the proposal. She read a statement from her neighbors who endorsed the plan as well.

Council Member Hill asked if there would be two contrasting types of masonry on the exterior. Mr. Jewell answered yes, and briefly described the contrasting bricks they plan to use.

Council Member Harrison asked what the average attendance would be at a Sunday service. Mr. Jewell noted it was about 250.

COUNCIL MEMBER KLEINSCHMIDT MOVED, SECONDED BY COUNCIL MEMBER STROM, TO ADOPT RESOLUTION R-25 TRANSMITTING THIS EVENING'S COMMENTS TO THE APPLICANT. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

A RESOLUTION TRANSMITTING COUNCIL COMMENTS ON A CONCEPT PLAN FOR THE HOLY TRINITY LUTHERAN CHURCH (2004-06-14/R-25)

WHEREAS, a Concept Plan has been submitted for review by the Council of the Town of Chapel Hill, for the Holy Trinity Lutheran Church; and

WHEREAS, the Council has heard presentations for the applicant, and citizens; and

WHEREAS, the Council has discussed the proposal, with Council members offering reactions and suggestions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council transmits comments to the applicant regarding this proposal, as expressed by Council members during discussion on June 14, 2004, and reflected in minutes of that meeting.

This the 14th day of June, 2004.

Item 12 - Appointments

- a. **Board of Adjustment:** The Council appointed Stephen Manton, Stephanie Schmitt, and Richard Williams to the Board of Adjustment.

<i>Board of Adjustment</i>	Council Members									TOTAL
	Foy	Greene	Harrison	Hill	Kleinschmidt	Strom	Verkerk	Ward	Wiggins	
Bethany Burgon										
Edward Couch										
Stephen Manton		X	X	X	X	X	X	X	X	8
Steve Peck										
Stephanie Schmitt			X	X	X		X	X	X	6
Claire Williams										
Richard Williams		X	X	X		X	X	X	X	7

- a. **Community Design Commission:** The Council appointed Mark Broadwell to the Community Design Commission.

<i>Community Design Commission</i>	Council Members									TOTAL
	Foy	Greene	Harrison	Hill	Kleinschmidt	Strom	Verkerk	Ward	Wiggins	
Mark Broadwell		X	X	X		X	X		X	6
Matt Hapgood										
Richard Loeber										
Stephen Manton										
Nancy Morton										
Brandon Perkins										
Martin Rody								X		1
Bonnie Schaefer										
Stephanie Schmitt										
Jaclyn Taaffe										

- b. **Greenways Commission:** The Council appointed Bill Bracey and Peter Calingaert to the Greenways Commission.

		Council Members									
Greenways Commission		Foy	Greene	Harrison	Hill	Kleinschmidt	Strom	Verkerk	Ward	Wiggins	TOTAL
Mary Blake											
Bill Bracey			X	X	X	X	X	X	X	X	8
Bethany Burgon											
Peter Calingaert			X	X	X	X	X	X	X	X	8
Bobby Clapp											
June Dunnick											
Karim Kheireddine											
Tony Smith											
Karen Whichard											

- c. **Parks and Recreation Commission:** The Council appointed Robert Broad and Terry Tyson to the Parks and Recreation Commission.

		Council Members									
Parks and Recreation Commission		Foy	Greene	Harrison	Hill	Kleinschmidt	Strom	Verkerk	Ward	Wiggins	TOTAL
Robert Broad			X	X	X	X	X	X	X	X	8
Tony Smith											
Terri Tyson			X	X	X	X	X	X	X	X	8

Item 13 - Appointments to the Downtown Economic Development Corporation.

The Council appointed Tom Tucker in the Business Owner category, Allen Fine in the Property Owner category, and Bob Epting and Andrea Rohrbacher in the Residents category to the Downtown Economic Development Corporation.

Council Members

Downtown Economic Development Corporation	Foy	Greene	Harrison	Hill	Kleinschmidt	Strom	Verkerk	Ward	Wiggins	TOTAL
Business Owners (appoint one):										
Mickey Ewell										
J. Allen Fine			X							1
Neil Newcomb										
Clair Reader										
Larry Short										
Susan Traub										
Tom Tucker	X	X		X	X	X	X	X	X	8
Property Owners (appoint one):										
Robert Epting	X		X					X	X	4
Mickey Ewell										
J. Allen Fine		X		X	X	X	X			5
Clair Reader										
Larry Short										
Tom Tucker										
Town Residents (appoint two):										
Rene Campbell										
Robert Epting		X		X	X	X	X			5
Mickey Ewell										
Pat Evans			X					X	X	3
J. Allen Fine	X								X	2
Keith Freeman										
Bill Harrison										
Neil Newcomb										
Nicholas Paliouras										
Andrea Rohrbacher	X	X		X	X	X	X			6
Bonnie Schaefer										
Larry Short										
Tom Tucker										
Mark Zimmerman			X					X		2

The meeting adjourned at 11:18 p.m.