

This the 1st day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING SIGNALIZATION OF THE INTERSECTION OF MANNING DRIVE AND 15-501 BYPASS

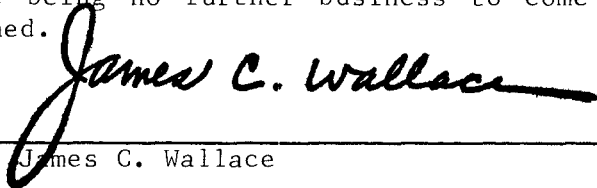
BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby respectfully requests that the North Carolina Department of Transportation place an actuated left turn signal, with storage capacity, on U.S. 15-501 at its intersection with Manning Drive.

THE MOTION WAS CARRIED UNANIMOUSLY.

The Council discussed requesting the state to place traffic islands in Mason Farm Road and in Oteys Road at their intersections with U.S. 15-501 Bypass. Council member Kawalec suggested no further action was necessary until the public hearing was held. Mayor Wallace agreed.

Council member Howes moved, seconded by Council member Thorpe, that the Council designate the Manager to deal with the University administration in establishing reasonable rules regarding parking in the deck prior to its completion as specified in the special use permit, with a 30-day time limit on this temporary use. Council member Vickery suggested the University be requested to direct traffic away from Purefoy and Oteys Roads during ballgames with ropes and personnel directing traffic. The motion was carried unanimously.

There being no further business to come before the Council, the meeting was adjourned.

  
\_\_\_\_\_  
Mayor James C. Wallace

  
\_\_\_\_\_  
Town Clerk David B. Roberts

MINUTES OF A REGULAR MEETING OF THE  
MAYOR AND CHAPEL HILL TOWN COUNCIL  
MUNICIPAL BUILDING  
MONDAY, OCTOBER 8, 1979  
7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

- Gerald Cohen
- Robert Epting (late)
- Jonathan Howes
- Beverly Kawalec
- R. D. Smith
- Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council members Boulton and Vickery were excused.

Resolution of Appreciation

Mayor Wallace announced that the resolutions of appreciation would be deferred until the full Council was present.

Petitions and Requests

Because of the heavy schedule of meetings in October, the work session on October 23 was rescheduled to 4:00 p.m., and the work session on October 31, 1979, rescheduled to November 13 at 7:30. The joint meeting with the County Commissioners would be postponed until December.

Council member Boulton had advised Mr. Shipman that in her absence, Mr. Rashkis would make a report on the holiday decorations. He was expected to arrive at 8:30, and she requested this item to be considered at that time. The Council agreed.

#### Minutes

Council member Kawalec moved, seconded by Council member Thorpe, to approve the excerpt of the minutes of September 10, 1979. The motion was carried unanimously. (Council member Epting came in.)

#### Resolution Granting a Unified Housing Development Special Use Permit to Roger D. Messer for Laurel Hill, Section V

Mayor Wallace reviewed the policy for disposing of an item which received a 4-4 tie vote at a meeting in which all members were present. However, as all members were not present at this meeting, the old rules would apply.

Council member Smith stated the Council had requested a plan for the whole Polk tract. As Mr. Messer was Mr. Hunt's agent for the larger tract adjoining the Laurel Hill property, he believed a plan for this tract should be filed. He did not believe there was adequate fire protection for the project. COUNCIL MEMBER SMITH MOVED THAT THE COUNCIL FAIL TO FIND THAT THE PROJECT WOULD NOT ENDANGER THE PUBLIC HEALTH AND SAFETY AND DENY THE SPECIAL USE PERMIT. The motion died for lack of second.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER COHEN, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO ROGER D. MESSER FOR LAUREL HILL, SECTION V

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Housing Development proposed by Roger D. Messer if developed in accordance with the plans dated March 30, 1979 and the stipulations and conditions set forth below:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
2. Meets all required conditions and specifications,
3. Will not substantially injure the value of adjoining or abutting property, and
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

The stipulations upon which the above findings are based are as follows:

#### WITH REGARD TO SAFETY

1. That a paved sidewalk be constructed along one side of Rhododendron Drive. The design of such sidewalk shall be approved by the Town Manager.
2. That the design and construction of the private drives serving the individual clusters of units be reviewed and approved by the Town Manager prior to construction.
3. That public right-of-way meeting NCDOT standards be acquired prior to issuance of a Special Use Permit, grading permit or building permit. That the applicant document the existence of such right-of-way to the satisfaction of the Town Manager. That Parker Road be paved to State standards prior to issuance of any certificate of occupancy. The plans for such paving shall be approved by the Town Manager prior to start of construction. Such paving shall be from the current end of paving to the easternmost property corner adjoining Parker Road.
4. That the right-of-way of Rhododendron Drive be realigned so that it is adjacent to the eastern property line for a minimum distance of 1,300 feet from its intersection with Parker Road and that it be paved to Town standards with a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. The plans for such paving shall be approved by the Town Manager prior to construction. Street grades on Rhododendron Drive shall not exceed 12%.
5. That prior to issuance of a building permit a plat shall be recorded dedicating public right-of-way to provide access from Rhododendron Drive to the Pardue

property. Such access shall be at two points; one near the location of the proposed tennis courts and a second approximately 1,100 feet back from Parker Road. The precise location of such rights-of-way shall be approved by the Town Manager. If it is necessary to relocate the tennis courts to accommodate this requirement the relocation of the courts shall be approved by the Town Manager and shall not be considered a modification of the approved permit.

6. That the number, location and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permits.

#### WITH REGARD TO APPEARANCE

7. That a detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
8. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
9. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
10. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.

#### OTHER STIPULATIONS

11. That sewer and utility easements be dedicated as required by the Town Manager.
12. That at such time as municipal garbage collection is available to the development, the provisions for garbage collection shall be approved by the Town Manager. If bulk trash containers are used the location and screening of such containers shall be approved by the Town Manager in consultation with the Appearance Commission. The provision of such facilities shall not be a modification to the approved permit.
13. That additional right-of-way be dedicated along the applicant's frontage with Parker Road. Such dedication shall be recorded prior to issuance of a certificate of occupancy and shall measure 45 feet from the centerline of the road.
14. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Engineer prior to issuance of any grading permit and start of construction of improvements.
15. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of any certificate of occupancy. The maintenance of the detention basin shall be the responsibility of the homeowners association.
16. That all units connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
17. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each cluster of units. A letter from the owner or owner's representative shall be presented to the Town Engineer prior to paving any street certifying that all utilities are in place.
18. That no proposed street names (public or private) duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.

19. That prior to issuance of any certificates of occupancy a sign indicating that Rhododendron Drive is subject to future extension be placed at its northern terminus and that signs indicating that the rights-of-way providing access to the Pardue property are subject to future extension be placed at their respective intersections with Rhododendron Drive.

20. That construction begin by July 1, 1982 and be completed by July 1, 1984.

BE IT FURTHER RESOLVED that the Council hereby grants a Unified Housing Development Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 8th day of October, 1979.

Council member Kawalec stated that although the Council would like better planning for the area, they did not have the authority to consider other tracts of land under this special use. She disagreed with Council member Smith on the adequacy of fire protection.

Mr. Jennings, when questioned, explained that a unified housing development must meet the fire code standards for multi-family housing. There was no code for single-family detached housing. Council member Epting reminded the Council he was abstaining from the vote. THE MOTION FAILED BY A VOTE OF THREE TO THREE WITH COUNCIL MEMBERS COHEN, HOWES AND KAWALEC SUPPORTING AND COUNCIL MEMBERS SMITH, THORPE AND MAYOR WALLACE OPPOSING. The matter would be carried to the next regular meeting.

Resolution Approving the Preliminary Sketch for Laurel Hill, Section V Subdivision

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO TABLE CONSIDERATION OF THE SUBDIVISION REQUEST UNTIL THE PREVIOUS MATTER HAD BEEN DISPOSED OF. THE MOTION WAS CARRIED BY UNANIMOUS VOTE WITH COUNCIL MEMBER EPTING ABSTAINING.

Resolution Granting a Modification of the Special Use Permit for the NCNB Drive-in Facility at 125 East Rosemary Street to North Carolina National Bank

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE NCNB DRIVE-IN FACILITY AT 125 EAST ROSEMARY STREET TO NORTH CAROLINA NATIONAL BANK

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to North Carolina National Bank on October 11, 1971, for a drive-in business special use permit at 125 East Rosemary Street is hereby modified to allow a change in the approved sign plan as shown on plans submitted July 20, 1979, subject to the following:

That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans submitted July 20, 1979, continues to meet the four findings made by the Council on October 11, 1971 (and subsequently modified).

This the 8th day of October, 1979.

The Appearance Commission had asked that this be delayed until they were allowed to review the NCNB 24 sign which went on Franklin Street. The staff believed that drive-in windows were separate from the sign on Franklin Street as they were under special use and the Franklin Street sign was not. The staff recommended approval of the modification. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for the NCNB Drive-in Facility at Eastgate Shopping Center to North Carolina National Bank

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE NCNB DRIVE-IN FACILITY AT EASTGATE SHOPPING CENTER TO NORTH CAROLINA NATIONAL BANK

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to North Carolina National Bank on December 13, 1971, for a drive-in business special use permit at Eastgate Shopping Center is hereby modified to allow a change in the approved sign plan as shown on plans submitted July 20, 1979, subject to the following:

That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans submitted July 20, 1979, continues to meet the four findings made by the Council on December 13, 1971 (and subsequently modified).

This the 8th day of October, 1979.

THE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH COUNCIL MEMBERS EPTING, HOWES, KAWALEC, SMITH, THORPE AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER COHEN OPPOSING.

Resolution Granting a Modification of the Special Use Permit for the Pi Beta Phi Sorority House to N.C. Alpha of Pi Beta Phi, Inc.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE PI BETA PHI SORORITY HOUSE TO N.C. ALPHA OF PI BETA PHI, INC.

BE IT RESOLVED by the Council of Town of Chapel Hill that the Special Use Permit granted to N.C. Alpha of Pi Beta Phi, Inc. on June 12, 1972, for a sorority house on the southwest corner of the intersection of East Rosemary Street and Hillsborough Street is hereby modified to allow an addition of 1,340 square feet to the existing sorority house structure as shown on plans submitted on September 4, 1979, subject to the following:

1. That the parking plan for the 6 spaces along Rosemary Street be altered to be consistent with the plan marked "alternate plan A." The detailed plan for this portion of the parking lot shall be approved by the Town Manager prior to issuance of a building permit.
2. That a paved sidewalk be constructed along the frontage of the applicant's property with Rosemary Street and Hillsborough Street. The construction plans and design of such sidewalk shall be approved by the Town Manager prior to issuance of a building permit.
3. That a landscaped planter be constructed parallel to Rosemary Street similar to that shown on the plan labeled "alternate plan A": such planter shall be defined on all sides by a concrete curb meeting the same design standards as the existing concrete curb adjacent to the Rosemary Street right-of-way line. The detailed landscape plan for such planter shall be approved by the Historic District Commission prior to issuance of a building permit.
4. That a concrete pad be constructed to accommodate the bulk trash container. Such pad shall be constructed to town standards and the design and location of the pad shall be approved by the Town Manager prior to construction. Detailed plans for screening the bulk trash container shall be approved by the Historic District Commission prior to issuance of a building permit.
5. That all new landscaping and lighting including changes in the existing landscaping and lighting be approved by the Historic District Commission.
6. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
7. That construction begin by October 1, 1981, and be completed by October 1, 1983.
8. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the special use permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial special use permit.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans submitted on September 4, 1979, continues to meet the four findings made by the Council on June 12, 1972 (and subsequently modified).

This the 8th day of October, 1979.

Council member Smith asked how much additional square footage would constitute a major modification, or would be enough to require a public hearing. Mr. Denny responded that a minor modification to the special use could be granted by the Building Inspector. Others must be considered by the Planning Board and Council, but there was no provision for requiring a public hearing. The policy had been that if a project, in the judgment of the Council, was so changed as to have an effect on the neighborhood, then a further public hearing would be called. Mr. Jennings stated that the neighbors had been notified of the project when considered by the Historic District Commission, and there had been no objections. THE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH COUNCIL MEMBERS COHEN, EPTING, HOWES, KAWALEC, THORPE AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER SMITH OPPOSING.

#### Report and Resolution Regarding Holiday Decorations

Mr. Rashkis pointed out that in the fifties, the town had shared the expense of decorations with the Merchants Association. In the seventies, the Merchants Association had again requested the town to share by paying for lighting, and to install and store decorations. Last year there had been a disagreement over the decoration which had resulted in no decorations for the town. This year the committee had started work early on the choosing of the decorations and had some samples. These would be used for three years during which time the committee would continue to work on permanent decorations. They requested the town to pay for the lighting and install and store the decorations.

As these decorations would only go as far as Granville Towers, Council member Smith asked that the committee consider purchasing more to go to the Carrboro line. Council member Howes pointed out that the full length of Franklin Street would be covered eventually. COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

#### A RESOLUTION REGARDING HOLIDAY DECORATIONS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council sets forth the following as its understanding of the method by which Franklin Street holiday decorations will be handled:

1. The Chapel Hill Chamber of Commerce will contract with a supplier for decorations.
2. The Town will hang the decorations along Franklin Street at designated locations, and will remove same.
3. The Chamber will be responsible for the cost of purchase or rental of the decorations. The Town will be responsible for the cost of hanging, removing and the cost for electricity to light the decorations.

BE IT FURTHER RESOLVED that the Council hereby directs the Town Manager to take such actions as are necessary to effect the above understandings.

This the 8th day of October, 1979.

There was a consensus that the Appearance Commission would be consulted on choice of decorations. THE MOTION WAS CARRIED UNANIMOUSLY.

#### Resolution Granting a Child Day Care Center Special Use Permit to Piney Mountain Day Care

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

#### A RESOLUTION GRANTING A CHILD DAY CARE CENTER SPECIAL USE PERMIT TO PINEY MOUNTAIN DAY CARE

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Child Day Care Center proposed by Piney Mountain Day Care if developed in accordance with the plans submitted May 7, 1979, and the stipulations and conditions set forth below:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
2. Meets all required conditions and specifications,
3. Will not substantially injure the value of adjoining or abutting property, and
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

The stipulation upon which the above findings are based is as follows:

1. That the building and grounds conform to standards set by the State of North Carolina for Day Care Facilities.

BE IT FURTHER RESOLVED that the Council hereby grants a Child Day Care Center Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving a Preliminary Sketch for the Oaks, Map 6 Subdivision Located on the East Side of Burning Tree Drive

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR THE OAKS, MAP 6 SUBDIVISION LOCATED ON THE EAST SIDE OF BURNING TREE DRIVE

BE IT RESOLVED BY THE Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated July 16, 1979, for The Oaks, Map 6 Subdivision located on the east side of Burning Tree Drive subject to the following requirement:

That utility easements and water and sewer line improvements serving new construction shall be to the standards of OWASA.

This the 8th day of October, 1979.

Council member Cohen expressed the hope that the owner would petition for annexation as this would cost less than having the town annex without petition. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ordinance Amending Section 21-12 "Left-Turn--Old Fraternity Road"

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

AN ORDINANCE AMENDING SECTION 21-12 (LEFT TURN--OLD FRATERNITY ROW)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends subsection 21-12(c) of the Code of Ordinances, Town of Chapel Hill, to read as follows:

- (c) It shall be unlawful for any automobile or vehicle of any kind to make a left turn from Old Fraternity Row (Porthole Alley) onto Franklin Street or to make a left turn from Franklin Street onto Old Fraternity Row (Porthole Alley); and it shall be unlawful for any automobile or vehicle of any kind emerging from the service station on the southeast corner of Franklin Street and Columbia Street to make a left turn onto Franklin Street.

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending the "Ordinance Establishing a Position Classification and Pay Plan, Etc., July 1, 1979-June 30, 1980"

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER COHEN, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE "ORDINANCE ESTABLISHING A POSITION CLASSIFICATION AND PAY PLAN, ETC., JULY 1, 1979-JUNE 30, 1980"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance establishing a position classification and pay plan for employees of the Town, etc., for the period July 1, 1979, through June 30, 1980" as follows:

Section I

In Sec. IV C., Parks and Recreation, DELETE the line:

<u>Position</u>	<u>Full Time</u>		<u>Part Time</u>		<u>Grade No.</u>
	<u>#</u>	<u>Hrs.</u>	<u>#</u>	<u>Hrs.</u>	
Recreation Specialist	4	37½	1	29	13
and ADD					
Recreation Specialist	3	37½	1	29	13

Section II

In Sec. IV C., Human Services, DELETE the line:

Human Services Worker II	3	37½	-	-	16
and ADD					
Human Services Worker II	4	37½	-	-	16

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Execution of a Grant Agreement

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager of the Town of Chapel Hill is hereby authorized to execute an agreement related to the assistance application for additional funds for the construction of a transit maintenance and operations facility and related costs with the Urban Mass Transit Administration.

This the 8th day of October, 1979.

Council member Thorpe asked if any additional personnel would be needed for this grant. Mr. Shipman answered no. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Rescheduling the November 1979, and Cancelling the January 1980 Public Hearings

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION SCHEDULING A SPECIAL PUBLIC HEARING AND CANCELLING THE NOVEMBER 1979 AND JANUARY 1980 PUBLIC HEARINGS FOR ZONING MATTERS

WHEREAS, the current schedule of public hearings as provided in the Ordinance providing for the zoning of Chapel Hill and Surrounding Areas provides for a public hearing on rezoning and special use request on November 19, 1979, and January 21, 1980, and



WHEREAS, the Council is advertising extensive provisions in the zoning ordinances and the procedures to be followed therein, and

WHEREAS, said process will not be completed in order to permit an orderly consideration of request either under the old zoning ordinance or the new zoning ordinance at the public hearings above setforth, and

WHEREAS, it is in the interest of justice and by reason of the aforesaid and the fact that to hear request would be a vain thing, and that said hearing should be cancelled and that an alternate date for hearing said request should be set, and to fail to set an alternate date could unduly delay the consideration of appropriate requests.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill, that the Council finds that an emergency exists with respect to the consideration of rezoning request which have or may be filed in time for consideration at the regularly scheduled November 1979 public hearing in the event said hearing is not held and that a hearing should be scheduled for December 12, 1979, and that said hearing set for November 1979 is hereby cancelled, and a special public hearing is hereby set for December 12, 1979, and

BE IT FURTHER RESOLVED that the Council cancels the January 1980 public hearing.

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Ordinance to Grant a Franchise to Operate Taxicabs

Council member Smith asked what the procedure was for determining that the operator of the franchise was a proper person. Mr. Shipman responded the police had investigated the applicant. The same rates would apply for all franchisees. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING ORDINANCE:

#### AN ORDINANCE TO GRANT A FRANCHISE TO OPERATE TAXICABS

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

##### SECTION I

WHEREAS, G.S. 160A-304 provides that the Town, by Ordinance, may grant a taxi franchise for the operation of a stated number of taxicabs within the Town, and

WHEREAS, Thomas J. Pasillipo proposes to operate three (3) taxicabs individually, and

WHEREAS, the Board finds that the public convenience and necessity requires the operation of up to three (3) taxicabs, and that the said Thomas J. Pasillipo is a proper person for said franchise.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, that pursuant to the authority contained in G.S. 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Thomas J. Pasillipo be, and he is hereby granted the franchise to operate a total of three (3) taxicabs within the Town upon compliance with the provisions of Chapter 20, Code of Ordinances, Town of Chapel Hill.

##### SECTION II

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

This the 8th day of October, 1979.

Council member Epting asked how the individual insurance limits were set. Mr. Denny answered the town had set amounts; however, those set by state statute were higher and would prevail. Council member Epting wanted the Council to consider raising the limit set by the state. Council member Smith requested the Council consider designating someone to inspect the cabs for safety. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Sale of \$4,250,000 Public Improvement Bonds

Mr. Shipman informed the Council that he and Mr. Hooper had been to New York to visit two national rating houses. The rating from one of these was "AA". The other would be received this week.

Council member Smith introduced the following resolution and moved that it be adopted:

A RESOLUTION AUTHORIZING SALE OF \$4,250,000 PUBLIC IMPROVEMENT BONDS

WHEREAS, the bond orders hereinafter described have taken effect and the Council desires to make provision for the issuance of bonds authorized thereby; NOW, THEREFORE,

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

1. The Town of Chapel Hill (hereinafter referred to as "Town") shall issue its bonds of the aggregate principal amount of \$300,000 pursuant to and in accordance with a land acquisition bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1979.
2. The town shall issue its bonds of the aggregate principal amount of \$775,000 pursuant to and in accordance with a street improvement bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of twenty years, computed from November 1, 1979.
3. The Town shall issue its bonds of the aggregate principal amount of \$1,875,000 pursuant to and in accordance with the recreation bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1979.
4. The Town shall issue its bonds of the aggregate principal amount of \$1,300,000 pursuant to and in accordance with the law enforcement and courtroom building bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1979.
5. The bonds to be issued pursuant to the bond orders described in paragraphs 1. and 4., inclusive, of this resolution shall be issued as one consolidated bond issue of the aggregate principal amount of \$4,250,000 and shall be designated "Public improvement Bonds." The Council has ascertained and hereby determines that the weighted average period of usefulness declared in paragraphs 1. and 4., inclusive, of this resolution taking into consideration the amount of bonds to be issued under each of the bond orders referred to in said paragraphs, is not less than thirty years, computed from November 1, 1979.
6. The bonds shall be of the denomination of \$5,000 each, shall be numbered from 1 upwards in the order of their maturity, and shall be payable in annual installments on May 1 in each year as follows, viz.:
 

\$150,000 in each of the years 1981 to 1991, inclusive;  
 \$175,000 in each of the years 1992 to 1998, inclusive;  
 \$350,000 in each of the years 1999 to 2001, inclusive; and  
 \$325,000 in the year 2002.
7. The bonds shall be dated November 1, 1979 and shall bear interest from their date at a rate or rates which shall be hereafter determined upon the public sale thereof and such interest shall be payable semi-annually on May 1 and November 1.
8. The bonds shall be coupon bonds, registrable as to principal only, and shall bear the facsimile signature of the Mayor and Town Clerk. A facsimile of the corporate seal of the Town shall be imprinted upon each of the bonds. Each of the interest coupons to be attached to the bonds shall be authenticated by the facsimile signature of said Town Clerk.

9. Both principal of and interest on the bonds shall be payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts.
10. The bonds and the interest coupons representing the interest payable thereon and the provisions for the registration of the bonds and for the approval of the bonds by the Secretary of the Local Government Commission to be endorsed thereon shall be in substantially the following form:

(Form of Bond)

No. \_\_\_\_\_

No. \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NORTH CAROLINA  
TOWN OF CHAPEL HILL

\$5,000

\$5,000

PUBLIC IMPROVEMENT BOND

The TOWN OF CHAPEL HILL (hereinafter referred to as "Town"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the bearer of this bond, or, if it be registered, then to the registered holder, the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on May 1, \_\_\_\_\_, and to pay interest thereon from the date of this bond until it shall mature at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable semi-annually on May 1 and November 1 in each year, upon presentation and surrender of the coupons therefor attached hereto, as they severally mature. Both principal of and interest on this bond are payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts.

This bond may be registered as to principal only by the holder in his name on the bond register of the Town kept in the office of the Bond Registrar of the Town, and such registration shall be noted hereon by said Bond Registrar. If so registered, this bond may be transferred on said bond register by the registered owner in person or by attorney, upon presentation of this bond to the Bond Registrar with a written instrument of transfer in a form approved by said Bond Registrar and executed by said registered owner. If this bond be so registered, the principal shall thereafter be payable only to the person in whose name it is registered, unless this bond shall be discharged from registry by being registered as payable to bearer. Such registration shall not affect the negotiability of the coupons which shall continue to pass by delivery.

This bond is issued pursuant to Subchapter IV of The Local Government Finance Act and bond orders adopted by the Board of Aldermen of the Town on September 13, 1976, which were approved by a majority of the qualified voters of the Town voting at an election held in the Town on November 2, 1976.

This bond, and the issue of which it forms a part, is issued to pay capital costs of acquiring land, and providing and improving streets, sidewalks and bicycle paths, recreation facilities and law enforcement and courtroom facilities.

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

IN WITNESS WHEREOF, the Town has caused this bond to bear a facsimile of the signature of its Mayor and Town Clerk and a facsimile of its corporate seal to be imprinted hereon, and the annexed coupons to bear the facsimile signature of said Town Clerk and this bond to be dated November 1, 1979.

(SEAL)

\_\_\_\_\_  
(facsimile signature)  
Mayor

\_\_\_\_\_  
(facsimile signature)  
Town Clerk

(Form of Coupon)

No. \_\_\_\_\_ No. \_\_\_\_\_

On the 1st day of May/November, \_\_\_\_\_, the TOWN OF CHAPEL HILL, a municipal corporation of the State of North Carolina, will pay to bearer

\_\_\_\_\_ (\$ \_\_\_\_\_)

at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts, being the semi-annual interest then due on its Public Improvement Bond dated November 1, 1979, No. \_\_\_\_\_.

\_\_\_\_\_  
(facsimile signature)  
Town Clerk

(Endorsement on Bond)

The within bond has been registered as to  
principal only, as follows:

Date of Registration	Name of Registered Holder	Signature of Bond Registrar

The issue hereof has been approved under the  
provisions of The Local Government Bond Act.

JOHN D. FOUST  
Secretary of the Local Government Commission

By: \_\_\_\_\_  
Designated Assistant

- 11. The Town's Finance Officer is hereby authorized and directed to provide a suitable bond register for the registration of said bonds and to act as Bond Registrar in registering said bonds and to carry out the provisions set forth in said bonds for the conversion of said bonds into registered bonds and for the transfer thereof.
- 12. The Local Government Commission of North Carolina is hereby requested to sell said bonds and to state in the Notice of Sale of said bonds that bidders may name one rate of interest for part of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission.

13. The Mayor and Town Clerk are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute said bonds and to turn said bonds over to the purchaser or purchasers to whom they may be sold by said Local Government Commission.
14. The Official Statement dated September 28, 1979 setting forth financial and statistical data in connection with the offering of said bonds, which was circulated with the Notice of Sale thereof, is hereby approved. In connection with this approval, the Council has examined copies of the Official Statement and has, to the extent and in the manner it has deemed necessary, discussed the contents thereof with officers of the City Administration. The Council does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said Official Statement contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading. The Mayor, Town Manager and Director of Finance are hereby authorized and directed to execute the Official Statement.

The motion having been duly seconded by Council member Howes, and the resolution having been considered, it was adopted. The vote on the adoption of the resolution was as follows:

AYES: Cohen, Epting, Howes, Kawalec, Smith, Thorpe and Wallace

NAYS: None

#### Discussion Regarding Bond Referendum Information Package

Mr. Shipman had distributed a fact sheet on the bond referendum. He asked if the Council had any deletions or additions they wished to make. A budget change of \$500 would be needed for advertising. Council member Kawalec questioned the proposed purchasing of four acres for a road easement. Mr. Shipman explained this was the right-of-way for the Willow Drive extension.

#### Report and Discussion Regarding North Carolina League of Municipalities Annual Conference

Mr. Shipman had distributed a brochure outlining the League's position for the 1980 legislation. He had not reviewed the material, but would bring a staff position to the next meeting if requested. The Council agreed to this.

#### Resolution Approving ACCESS Funding

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING ACCESS FUNDING

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves release of the full amount of funding budgeted for ACCESS during fiscal year 1979-80, according to the terms of the performance agreement between ACCESS and the Town.

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Resolution Adopting and Agreeing to Participation in the Area-wide Housing Opportunity Plan of the Triangle J Council of Governments

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ADOPTING AND AGREEING TO PARTICIPATION IN THE AREA-WIDE HOUSING OPPORTUNITY PLAN OF THE TRIANGLE J COUNCIL OF GOVERNMENTS

WHEREAS the Town of Chapel Hill agrees to the goals and objectives of the Area-wide Housing Opportunity Plan (including the percentage goals for assisted housing) developed by Triangle J Council of Governments in collaboration with its member local governments, and

WHEREAS, the Town of Chapel Hill finds the Area-wide Housing Opportunity Plan to be generally consistent with the Housing Assistance Plan of the Town of Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town of Chapel Hill agrees to be a participating jurisdiction in this Area-wide Housing Opportunity Plan and agrees to support the implementation activities outlined in the Area-wide Housing Opportunity Plan for which the Town is responsible, including implementation of the Town's ongoing Community Development Program and the related Housing Assistance Plan.

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Bids

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE MULTI-STATION, PORTABLE BURGLARY AND SURVEILLANCE SYSTEM

WHEREAS the Town of Chapel Hill has solicited formal bids on September 16, 1979, and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
Audio Intelligence Devices Ft. Lauderdale, Florida	\$10,246.75
Diversified Technology Ridgeland, Mississippi	\$17,832.00
S.I.C., Inc. Havertown, Pennsylvania	\$ 8,985.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of S.I.C., Inc. in the amount of \$8,985.00.

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACTS FOR OFFICE FURNISHINGS

WHEREAS the Town of Chapel Hill has solicited formal bids on September 14, 1979 and the following bids have been received:

<u>BIDDER AND BIDS</u>					
<u>ITEM</u>	<u>Alfred Williams and Company</u>	<u>Brame Specialty Company, Inc.</u>	<u>Carolina Office Supply Company</u>	<u>Raleigh Office Supply Company</u>	<u>Triangle Office Equip. Co.</u>
<u>Desks</u>					
1 Executive Desk	\$ 263.00	\$ 238.17	\$ 264.02	\$ 265.00	\$ 268.50
5 Interview Desks	1,000.00	908.75	998.75	1,000.00	1,024.50
1 Secretarial Desk	289.00	262.56	290.87	295.00	295.80
<u>Chairs</u>					
11 Arm Chairs	1,705.00	No Bid	1,113.75	1,127.50	1,848.00
5 Swivel Chairs	**960.00	No Bid	631.10	637.50	1,053.00
2 Side Chairs	No Bid	No Bid	178.20	180.00	No Bid
6 Stacking Chairs	141.00	187.02	166.92	168.60	181.44
3 Steno Chairs	396.00	No Bid	322.08	322.50	428.40
15 Folding Chairs	402.00	488.25	415.80	420.00	504.00
<u>Bookcases &amp; Tables</u>					
1 2-Tier Bookcase	133.00	111.31	112.50	114.00	133.00
1 2-Tier Bookcase	63.00	95.75	123.75	125.00	65.10
3 Worktables	498.00	453.78	505.50	510.00	511.20
<u>Lounge Furniture</u>					
2 Sofas	716.00	No Bid	729.50	730.00	732.00
2 Lounge Chairs	364.00	No Bid	369.00	370.00	372.00
<u>Storage &amp; Filing Cabinets</u>					
1 Storage Cabinet	187.50	238.35	157.00	157.50	200.00
2 5-Drawer Legal Files/odc	528.00	423.44	442.00	485.00	651.20
1 5-Drawer Legal File	245.00	195.43	224.00	225.00	302.40
2 4-Drawer Legal Files	412.00	312.28	*179.00	360.00	507.20

\* Bidder did not include 1 file cabinet added by addendum. Price is for one file.  
\*\* Underlined items are recommended for acceptance except that one swivel chair in the starred item (\$192) is deleted from the total.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Brame Specialty Company, Inc. for one executive desk, five interview desks, one secretarial desk, one 2-tier bookcase and three work tables in the amount of \$1,974.57, the bid of Carolina Office Supply Company for three steno chairs in the amount of \$322.08, the bid of Alfred Williams and Company for eleven arm chairs, four executive chairs, six stacking chairs, fifteen folding chairs with tablet arms, one 2-tier bookcase, two sofas, two lounge chairs, one storage cabinet and five filing cabinets in the amount of \$5,531.50.

This the 8th day of October, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Transmittal of Letter of Resignation from Council Member Cohen

As the letter of resignation was effective December 3, 1979, Council member Epting moved to table the item until December 3. The motion died for lack of a second. Council member Howes moved, seconded by Council member Thorpe, to accept the letter of resignation. The motion was carried unanimously.

Council member Thorpe expressed his appreciation to Council member Cohen for service to the Town and stated he had enjoyed working with Council member Cohen.

There being no further business to come before the Council, the meeting was adjourned.

*James C. Wallace*

\_\_\_\_\_  
Mayor James C. Wallace

*David B. Roberts*

\_\_\_\_\_  
Town Clerk David B. Roberts

