

MINUTES OF A REGULAR MEETING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
MONDAY, JANUARY 14, 1980
7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Joseph Herzenberg
Jonathan Howes
Beverly Kawalec
Joseph Straley
Bill Thorpe
James Wallace

Also present were Town Manager E. Shipman and Assistant Town Attorney D. Drake. Council member Smith was absent due to illness.

Public Hearing to Consider Applying for an Urban Mass Transportation Assistance Grant of \$1,592,363 for Replacement of Transit Vehicles

Mr. Godding explained the proposed application and reviewed the equipment which would be purchased with the grant. With the new equipment the town could meet the requirements of section 504 of the Rehabilitation Act of 1973. The project would not require the relocation of any families. It would not have any adverse impact on the environment, but would enhance the service being provided for the elderly and handicapped.

Council member Straley questioned the type of sedan to be purchased. Mr. Godding responded that the town usually purchased these from the state contractor's office; however, they would have to be of adequate size. On further questioning about the equipment, Mr. Godding explained that the spare engine would minimize down time as an engine could be completely replaced and the mechanics could work on the other engine. Council member Boulton questioned the cost of the tow truck. Mr. Godding stated that none of the private tow service operators could tow the new buses. The cost was an estimate by himself. Mr. Wilkinson again questioned the cost of the tow truck and Mr. Godding repeated that the private operators could not tow the new buses without modifications to their trucks. There were no further questions from the audience and the public hearing was closed.

Public Hearing to Consider the Sale of a Community Development Lot

Mr. Hooper stated the public hearing was being held to consider the private sale of a parcel of property in the community development neighborhood. There were no comments from the audience. The public hearing was closed.

Petitions

Mr. Shipman had received a petition from the South Graham Street residents requesting action relative to patrons of Elliot's Nest nightclub. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO REFER THE MATTER TO THE MANAGER AND THE STREETS AND PUBLIC SAFETY COMMITTEE. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman had also received a petition from residents of Colony Court requesting that parking be restricted during certain hours on Colony Court. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO REFER THE PETITION TO THE MANAGER AND TRANSPORTATION BOARD. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Jeff Feiss asked permission to comment on the November 12 minutes. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, THAT THE PETITION BE GRANTED AT THE APPROPRIATE TIME. THE MOTION WAS CARRIED UNANIMOUSLY.

Council member Boulton announced that she would not be at the Council meeting on January 28, and asked to be excused. The Council agreed.

Council member Howes moved, seconded by Council member Wallace, to allow Mr. Rashkis to speak on item 10, a Resolution Regarding a Community Display. The motion was carried unanimously.

Mr. Shipman asked that item 22, a Resolution Approving the Private Sale of Land to Ms. Helen Merritt, be deleted from the agenda in order to allow time to solve some

technical difficulties between the requirements of HUD and the state requirements. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO DELETE THE ITEM. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

Mr. Feiss asked the Council to correct the minutes of November 12, 1979, such that the stipulation regarding a fire district for Laurel Hills Section V. He believed the Council had stipulated the contract had to be with Carrboro or Chapel Hill as the provider of service. The Council discussed their recollections of what had taken place at the meeting of November 12, 1979. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO AMEND THE MINUTES TO PROVIDE THAT THE CONTRACT FOR FIRE PROTECTION BE WITH CHAPEL HILL OR CARRBORO. THE MOTION WAS CARRIED UNANIMOUSLY.

On motion by Council member Wallace, seconded by Council member Howes, the minutes of November 19, 1979, were approved.

On motion by Council member Boulton, seconded by Council member Howes, the minutes of December 3, 1979, were approved as amended.

On motion by Council member Boulton, seconded by Council member Herzenberg, the minutes of December 10, 1979, were approved.

On motion by Council member Kawalec, seconded by Council member Thorpe, the minutes of December 12, 1979, were approved as amended.

Resolution Granting a Modification of the Special Use Permit for a Place in the Woods, Located on Elizabeth Street

Mr. Berger stated the applicant had received a special use permit for a unified housing development but had improved his plans. He had reduced the number of units, the units had been moved to higher ground, and a 100' strip had been removed from the tract under consideration because of complications with the owners. Mayor Nassif questioned the private road. Mr. Berger explained that it was the town's policy not to require such areas which were to be used for parking to be public. Council member Boulton asked about the sewer lines. Mr. Berger pointed out where the sewer lines would tie into the Franklin Hills Subdivision. The applicant explained how the cost for water and sewer lines would be apportioned. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR A PLACE IN THE WOODS, LOCATED ON ELIZABETH STREET, TO REVISE THE SITE PLAN AND ELEVATIONS OF THE DEVELOPMENT

BE IT RESOLVED by the Council of the Town of Chapel Hill that the special use permit granted to Edwin W. Tenny, Jr. on December 11, 1978, for a unified housing development at the end of Elizabeth Street is hereby modified to allow revisions to the approved site plan and elevations as shown on plans dated October 16, 1979, and elevations dated October 15, 1979, subject to the following:

1. That all utilities shall be placed underground including the power line to be extended along Elizabeth Street to serve the subject development.
2. Water mains shall have a minimum diameter of 8 inches.
3. That all pedestrian and non-motorized vehicle easements read "Pedestrian and Non-Motorized Vehicle Easement Dedicated to Public Use." Such an easement shall extend along the private portion of Elizabeth Street to connect the public portion of Elizabeth Street to the pedestrian pathway to Bolin Creek.
4. That since the access road to the subject development must cross a parcel of land not under the control of the applicant the following changes be made to the original stipulations of December 11, 1978:
 - a. Change stipulation #5 to terminate the designation of Elizabeth Street as a public street 100 feet east of the eastern property boundary of the subject development. Elizabeth Street shall continue from this point into the development as a private street.
 - b. Change stipulation #13 and #14 to reflect the fact that Elizabeth Street would be designated as a private street rather than a public street at the point where the pedestrian and public maintenance easement intersects the street.

5. That the water main be looped to connect with the 8 inch water main proposed within Phase One of the Franklin Hills condominiums development. Such improvement shall be completed prior to issuance of a certificate of occupancy. A utility easement having a minimum width of 30 feet shall be dedicated along all water mains having a diameter equal to or greater than 8 inches. The location of such easements shall be approved by the Town Engineer prior to construction and issuance of a building permit. In the event that the fire flow at the proposed hydrant does not reach 1300 GPM at 20 PSI residual pressure, the developer shall make the necessary 60 foot extension of the existing 8 inch line in Elizabeth Street across Franklin Street to the existing 12 inch line prior to obtaining any certificates of occupancy. The desired ultimate flow of 1500 GPM will not be expected until the looping of the 8 inch line through Franklin Hills Phase II is completed.
6. That the applicant provide an on-site detention plan for stormwater runoff with the objective of the peak outfall discharge not exceeding the undeveloped runoff discharge. Proper velocity controls shall be provided at the outlets of their pipes.
7. That the proposed name of the housing development be approved by the Town Manager as not duplicating or being similar to another existing development within Chapel Hill Township.
8. That the location of the pedestrian and non-motorized vehicle easements and the design and alignment of the pathways within such easements be shown on the landscape plans and be approved by the Appearance Commission. Such pathways shall not be paved.
9. 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 find 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 dated October 16, 1979, and elevations dated October 15, 1979, continues to meet the four findings made by the Council on December 11, 1978 (and subsequently modified).

This the 14th day of January, 1980.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Approving a Modification of the Preliminary Sketch for Laurel Hill, Section 3, Phase 2

Mr. Berger stated that the approved preliminary sketch of Laurel Hill Subdivision showed Tradescant Drive to be stubbed out to the property line to allow for extension to serve adjoining property. Because of a ravine at the end of the street, it had been decided to change the street to a cul-de-sac. The applicant had first believed the change to have been approved a few years ago; however, this proved to be a mistaken assumption. The applicant wished to clear the misunderstanding and get approval for the cul-de-sac. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING A MODIFICATION OF THE PRELIMINARY SKETCH FOR LAUREL HILL SUBDIVISION, SECTION 3, PHASE 2

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves a modification of the preliminary sketch as shown on plans dated February 1, 1979, for Laurel Hill Subdivision, Section 3, Phase 2, located on property identified as Chapel Hill Township Tax Map 131, Lot 7, subject to the following:

That a 30-foot-wide utility easement be provided from the end of the cul-de-sac to and along the eastern property line of Lot 10.

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving a Modification to the Kroger Plaza Special Use Permit Sign Plan

Mr. Berger described the original sign plan for the Kroger Plaza. Viking Travel had questioned the suitability of white letters on a red background for many of the businesses. They wanted the town to allow white letters against the building itself. The Appearance Commission believed this to be acceptable. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR KROGER PLAZA TO MODIFY THE APPROVED SIGN PLAN

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to R. Charles Ginn on March 10, 1969, for the Kroger Plaza Unified Business Development located at the corner of South Elliott Road and East Franklin Street is hereby modified to allow a revision of the approved sign plan as shown on plans dated December 13, 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, and that the Council find 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 dated December 13, 1979, continues to meet the four findings made by the Board of Aldermen on March 10, 1969 (and subsequently modified).

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing to Zone Areas Annexed on December 31, 1979

Mr. Shipman explained that by law the newly annexed areas had to be zoned within 60 days. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER ZONING ANNEXED AREAS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing on January 21, 1980, to consider zoning the following annexed areas previously outside the zoning jurisdiction of the Town.

1. To rezone property of the Chapel Hill-Carrboro School Board identified as Chapel Hill Township Tax Map 109, Lot 12, from the current Orange County zoning to R-20.
2. To rezone the Carol Woods Retirement Development including property identified as Chapel Hill Township Tax Map 17, Lots 16, 16C, 16D, and 18 from the current Orange County zoning to R-3.
3. To rezone the property located at the northwest corner of the intersection of SR 1732 and Weaver Dairy Road currently zoned commercial by Orange County and including property identified as Chapel Hill Township Tax Map 17, Lot 16A, from the current Orange County commercial designation to Regional Commercial.
4. To rezone the Wilco Service Station property located on the west side of NC 86 and identified as Chapel Hill Township Tax Map 24, Lot 40, from the current Orange County zoning to Regional Commercial.
5. To rezone the property located at the southwest corner of the intersection of Homestead Road and NC 86 and identified as Chapel Hill Township Tax Map 24, Lot 41B, from the current Orange County zoning to Limited Business.
6. To rezone the portions of Lots 6, 7, 8, 9, 10, 11, 12 and 13 of Chapel Hill Township Tax Map 29A within Glen Heights Subdivision which extended outside the Chapel Hill Planning Area Boundary prior to their annexation on December 31, 1979, from the current Orange County zoning to R-20.
7. To rezone property of Geneva M. Moody located on the east side of NC 86 and identified as part of Chapel Hill Township Tax Map 24, Lot 35, from the current Orange County zoning to Agriculture.

8. To rezone the lots or portions of lots within North Forest Hills Subdivision which were located north of the Chapel Hill Planning Area Boundary prior to their annexation on December 31, 1979, from the current Orange County zoning to R-15.
9. To rezone all property annexed on December 31, 1979, which was located north of the Chapel Hill Planning Area Boundary prior to its annexation on December 31, 1979, exclusive of the properties described in items 1 through 8 above, from the current Orange County zoning to R-20.

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Extending the Planning Board Review Period for Projects in the December 12, 1979, Public Hearing

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING AN EXTENSION OF THE PLANNING BOARD REVIEW PERIOD

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the Planning Board review period for the Ironwoods and Graham Court special use requests to February 5, 1980.

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding a Community Display

Mr. Shipman stated he had received a petition from the Chamber of Commerce requesting funding for a sign the Chamber would be placing in the Raleigh-Durham Airport. Mr. Shipman recommended against this funding because of a tight budget and there were other needs which would more clearly benefit the citizens. Mr. Rashkis responded that this was an insignificant amount of money for the town to give as a token in working with the Chamber. He apologized for not coming to the Council at the beginning of the project, but had not believed there would be any cost involved and there was a time limit for getting approval. Mr. Rashkis also asked that this be a part of the budget deliberations in future years. Council member Boulton asked if the Chamber could pay for the rental until the budget deliberations.

Mr. Rashkis believed they could but pointed out they had already put time and effort into construction of the sign. He showed the Council a picture of the sign. The Chamber would be responsible for maintenance of the sign. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING A CONTRACT FOR A COMMUNITY AIRPORT DISPLAY

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to enter into a contract, for the period February, 1980, through June, 1980, with the Greater Chapel Hill-Carrboro Chamber of Commerce to provide a Chapel Hill Community display at Raleigh-Durham Airport at a cost of no more than \$500 to the Town, and that continuation of said funding be considered as a part of the 1980-81 budget.

This the 14th day of January, 1980.

Funding beyond June could be considered in the budget. Council member Straley asked if there was precedent for aiding agencies to advertise. Mr. Shipman said the town had helped to publish advertising brochures before. Mayor Nassif stated he would vote against the motion, not because he was against the project, but because there were problems with the budget. Mr. Rashkis felt this sign could increase the tax base by attracting people to live here. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH COUNCIL MEMBERS BOULTON, HOWES, KAWALEC, STRALEY, THORPE AND WALLACE SUPPORTING AND COUNCIL MEMBER HERZENBERG AND MAYOR NASSIF OPPOSING.

Resolution Authorizing the Manager to Apply for Section 18 Transportation Planning Funds

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING THE MANAGER TO APPLY FOR A SECTION 18, TRANSIT PLANNING GRANT FROM THE PUBLIC TRANSPORTATION DIVISION, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to submit a grant application for \$6,120 as 90% of the total cost of \$6,800 to the North Carolina Department of Transportation to support transit planning activities; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the Town Manager to accept said grant and sign all necessary documentation therefor if it is received.

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Adopting a Memorandum of Understanding with the Triangle J Council of Governments on Regional Ridesharing Program

Council member Straley asked if there was data available on people living in Chapel Hill but working elsewhere. Ms. D'Ignazio responded that the department had contact with the Durham and Raleigh ridesharing programs; however, there was no program for Research Triangle Park. This would be included in the program under consideration. They did have information on people who had agreed to participate in a program. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING THE MANAGER TO SIGN A MEMORANDUM OF AGREEMENT WITH THE TRIANGLE J COUNCIL OF GOVERNMENTS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes Raymond E. Shipman to sign a memorandum of understanding with the Triangle J Council of Governments concerning regional public transportation activities.

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting the 1979 Financial Audit Report

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

A RESOLUTION APPROVING THE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 1979

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby accepts the Audit Report submitted by Peat, Marwick, Mitchell & Co. covering the various funds and accounts of the Town of Chapel Hill for the period July 1, 1978, through June 30, 1979.

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Confirming Results of the November 6, 1979, Bond Referendum

The Town Clerk placed before the Council Certificates of Canvass of the Durham County Board of Elections and Orange County Board of Elections certifying to the Council the results of the Special Election held in the Town of Chapel Hill on November 6, 1979. The Certificates were read and considered.

Council member Wallace moved the adoption of the following resolution:

WHEREAS, the Council has considered the Certificates of Canvass of the Durham County Board of Elections and Orange County Board of Elections canvassing the referendum held in the Town of Chapel Hill on November 6, 1979, and certifying the result thereof to the Council, and has canvassed the result of said Special Election; NOW, THEREFORE,

BE IT RESOLVED by the Council of the Town of Chapel Hill that it be and hereby is certified and declared that the number of voters registered and qualified to vote at said Special Election was 14,159.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$2,600,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of providing parking facilities, including the construction and equipping of buildings and garages and the acquisition of necessary land or rights-in-land, and a tax to be levied for the payment thereof, be approved?", was 2,452. The total number of voters who voted "NO" in answer to such question was 2,979.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$450,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of providing facilities and public vehicles within or without the Town for fire fighting and prevention, including the construction of buildings, the acquisition of public vehicles and equipment and the extension of sewer lines as required in connection with said facilities, and a tax to be levied for the payment thereof, be approved?", was 3,309. The total number of voters who voted "NO" in answer to such question was 2,080.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$300,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of acquiring land for open space and street purposes, and a tax to be levied for the payment thereof, be approved?", was 2,019. The total number of voters who voted "NO" in answer to such question was 3,331.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of said election shall be prepared, delivered to the Town Clerk for filing and recordation and published in accordance with law:

STATEMENT OF RESULT OF SPECIAL ELECTION HELD IN THE TOWN OF CHAPEL HILL NOVEMBER 6, 1979

WHEREAS, by direction of the Council of the Town of Chapel Hill, in the State of North Carolina, a special election was duly called and held in said Town on November 6, 1979, for the purpose of submitting to the qualified voters of said Town the questions hereinafter set forth, and the said Council has received from the Durham County Board of Elections and Orange County Board of Elections certifications of the results of the election to be as hereinafter stated; NOW, THEREFORE,

The Council hereby makes the following statement of the result of said election pursuant to The Local Government Bond Act:

- (1) The number of voters registered and qualified to vote at said election was 14,159.
- (2) The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$2,600,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of providing parking facilities, including the construction and equipping of buildings and garages and the acquisition of necessary land or rights-in-land, and a tax to be levied for the payment thereof, be approved?", was 2,452. The total number of voters who voted "NO" in answer to such question was 2,979. The question in the form submitted was not approved by the affirmative vote of a majority of those who voted thereon at said election.
- (3) The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$450,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of providing facilities and public vehicles within or without the Town for fire fighting and prevention, including the construction of buildings, the acquisition of public vehicles and equipment and the extension of sewer lines as required in connection with said facilities, and a tax to be levied for the payment thereof, be approved?", was 3,309. The total number of voters who voted "NO" in answer to such question was 2,080. The question in the form submitted was approved by the affirmative vote of a majority of those who voted thereon at said election.
- (4) The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$300,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of acquiring land for open space and street purposes, and a tax to be levied for the payment thereof, be approved?", was 2,019. The total number of voters who voted "NO" in answer

to such question was 3,331. The question in the form submitted was not approved by the affirmative vote of a majority of those who voted thereon at said election.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after _____ (date of publication).

Council of the
Town of Chapel Hill, North Carolina

Council member Herzenberg seconded the motion, and the motion was adopted. Those voting for the motion were Council members Boulton, Herzenberg, Howes, Kawalec, Straley, Thorpe, Wallace and Mayor Nassif. No one voted against it.

Resolution Amending Building Permit Fees

Mr. Shipman stated the Council had, at the December 10 meeting, directed him to investigate the matter of fees for insulation permits. He was recommending the fee be deleted for only those persons insulating their existing structures. For additions or new constructions the state required insulation. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AMENDING BUILDING PERMIT FEES (INSULATION PERMITS)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends the schedule of building permit fees set forth in Resolution 79-R-148 as follows:

In Section I, DELETE the line:

Insulation \$10.00/In Town Limits; \$25.00/Out

and ADD the lines:

Insulation

New Construction and Additions \$10.00/In Town Limits; \$25.00/Out
Upgrading Existing Construction--No Charge

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Grant a Franchise to Operate Taxicab

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

AN ORDINANCE TO GRANT A FRANCHISE TO OPERATE TAXICAB (Yellow Cab of Chapel Hill)

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, David M. Hinds proposes to operate six (6) taxicabs individually, and

WHEREAS, the Council finds that the public convenience and necessity requires the operation of up to six (6) taxicabs, and that the said David M. Hinds 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, David M. Hinds be, and he is hereby granted, the franchise to operate a total of six (6) 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 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Report on a Petition for Additional Human Services Funding

Mr. Shipman reported that the agencies requesting funding have received their funding from the County.

Report on the Capital Improvement Program

Mr. Shipman had distributed the report to the Council.

Council member Howes suggested this be discussed in the contest of the budget at the February work sessions. Mayor Nassif questioned the progress of the sidewalk program. Mr. Hooper indicated the town had had problems with some of the contractors. Mayor Nassif suggested the Town consider pulling bonds if necessary to get the program finished.

Ordinance Amending Section 21-35 (Loading Zone on a Portion of the East Side of South Roberson Street)

Council member Boulton asked if the truck would block the street such that only one-way traffic was possible. Ms. D'Ignazio answered that two cars could pass if the truck was parked properly. It would be a close situation. The loading zone was to be temporary so the staff could monitor the situation. Council member Boulton asked if there were an accident because of the truck's taking too much space, would the truck owner be liable. Mr. Drake explained that each case would be different, however, a still vehicle would probably not be the primary cause in a court case. Council member Kawalec pointed out the zoning ordinance required businesses to provide off-street loading. Council member Straley asked what the alternative was. Mayor Nassif responded the Courtyard had a parking lot which could be used to provide for loading. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING SECTION 21-35--LOADING ZONE ON A PORTION OF THE EAST SIDE OF SOUTH ROBERSON STREET

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-35 of the Code of Ordinances, Town of Chapel Hill, to

ADD the following:

- (1) The space along the curb on the east side of South Roberson Street from a point of 124 feet south of Franklin Street to a point 184 feet south of Franklin Street shall be reserved at all times as a loading zone, with no parking allowed except for the loading and unloading of vehicles.

This the 14th day of January, 1980.

Ms. Zinn stated that the parking lot was not designed for loading. Several of the tenants had large semi-trucks delivering goods. Unloading in the parking lot would tie up traffic. THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH COUNCIL MEMBERS HOWES, THORPE AND WALLACE SUPPORTING AND COUNCIL MEMBERS BOULTON, HERZENBERG, KAWALEC, STRALEY AND MAYOR NASSIF OPPOSING.

Ordinance Removing a Parking Meter Zone from South Roberson Street

Mr. Shipman asked that considerations of removing this parking be stricken from the agenda as it related to the loading zone.

Ordinance Amending Section 21-27 (No Parking on a Portion of the East Side of South Roberson Street)

Mr. Shipman believed the parking prohibition necessary because of the narrowness of the street and the turning radius. COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING SECTION 21-27--NO PARKING ON A PORTION OF THE EAST SIDE OF SOUTH ROBERSON STREET

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-27 of the Code of Ordinances, Town of Chapel Hill, to:

ADD the following:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
South Roberson Street	East	Franklin Street	A point 124 feet south of Franklin Street

This the 14th day of January, 1980.

Mr. Lathrop questioned the wording of the ordinance. Mr. Shipman recommended the ordinance be tabled until he could review the wording. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO TABLE THE MATTER. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending Section 21-8(d) (No Right Turn on Red at Raleigh Street and South Road)

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING SECTION 21-8(D) (NO RIGHT TURN ON RED AT RALEIGH STREET AND SOUTH ROAD)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the Code of Ordinances, Town of Chapel Hill, to add the following intersection to the list in Section 21-8(D):

South Road and Raleigh Street

This the 14th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Prohibiting Parking on High School Road

Mr. Shipman stated the high school had no parking provisions on the road leading to the high school but they were not legal. The ordinances would make them legal. Council member Boulton asked why the parking around the school. Council member Howes disagreed in that the parking lots at the high school were not full during the day. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE PROHIBITING PARKING ON HIGH SCHOOL ROAD (SECTION 21-27)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-27 of the Code of Ordinances, Town of Chapel Hill, as follows:

Add the following line:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
High School Road	Either	Homestead Road	Seawell Road

This the 14th day of January, 1980.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER BOULTON OPPOSING.

Resolution Authorizing Execution of an Amendment to the Cooperation Agreement Between the Town of Chapel Hill and the Chapel Hill Housing Authority

Mr. Shipman explained that the Housing Authority had planned to purchase and rehabilitate units at 751 Pritchard Avenue to be operated as public housing units. An agreement had been signed in July for that purpose. Since that time HUD had informed the Housing Authority another method of funding was available and preferable. The Council would need to amend the Agreement. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TO COOPERATION AGREEMENT

WHEREAS, CHAPEL HILL HOUSING AUTHORITY (herein called the "Local Authority") and TOWN OF CHAPEL HILL (herein called the "Municipality") desire to enter into an Amendment to their Cooperation Agreement dated July 24, 1979, in connection with the 40 units of low-rent housing operated by the Local Authority under the provisions of Section 23 of the United States Housing Act, as amended;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Local Authority and the Municipality enter into an Amendment to their Cooperation Agreement and the Mayor is hereby authorized to execute the same on behalf of the Town of Chapel Hill and the Town Clerk to attest the same and affix thereto the seal of the Town of Chapel Hill, said Amendment being in substantially the following form:

AMENDMENT NO. 1
TO
COOPERATION AGREEMENT

This amendatory Agreement entered into this _____ day of _____, 1980, by and between the CHAPEL HILL HOUSING AUTHORITY (herein called "Local Authority") and TOWN OF CHAPEL HILL (herein called "Municipality"), WITNESSETH:

WHEREAS, the Municipality and the Local Authority have entered into a certain Cooperation Agreement dated July 24, 1979, providing for aid and cooperation in respect to 40 low-rent housing units operated by the Local Authority with the financial assistance of the United States of America under the provisions of Section 23 of the United States Housing Act, as amended; and

WHEREAS, the Local Authority and the Municipality desire to modify and amend the aforesaid Cooperation Agreement to delete all references to payments in lieu of taxes;

NOW, THEREFORE, the Local Authority and the Municipality do agree that all provisions which refer to Payments in Lieu of Taxes are deleted since it is agreed by the parties that no such payments are to be made by the Local Authority to the Municipality; and except as herein amended the said Cooperation Agreement remains in full force and effect.

IN WITNESS WHEREOF, the Municipality and the Local Authority have respectively signed this amendatory Agreement and caused their seals to be affixed and attested as of the day and year first above written.

(SEAL)
ATTEST: _____
Town Clerk

TOWN OF CHAPEL HILL
By _____
Mayor

Town Clerk

CHAPEL HILL HOUSING AUTHORITY
By _____
Chairman

(SEAL)
ATTEST: _____
Secretary

This the 14th day of January, 1980.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Authorizing the Filing of an Application with the Department of Transportation, United States of America, for a Grant Under the Urban Mass Transportation Act of 1964, as amended and with the North Carolina Department of Transportation

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

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, AND WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the United States and North Carolina Secretaries of Transportation are authorized to make grants for mass transportation projects;

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 United States Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant given an assurance that it will comply with Title VI of the Civil Rights Act of 1964, and the United States Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for 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 an application on behalf of the Town of Chapel Hill, North Carolina, with the U.S. Department of Transportation and with the North Carolina Department of Transportation, to aid in the financing of the purchase of transit vehicles and ancillary equipment;
2. That the Town Manager is authorized to execute and file with such application an assurance or any other document required by the North Carolina Department of Transportation or the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or any other applicable legislation;
3. That the Town Manager is authorized to furnish such additional information as the North Carolina Department of Transportation or the U.S. Department of Transportation may require in connection with the application for the project;
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 accept any grant made in response to this application.

This the 14th day of January, 1980.

Mr. Wilkinson said he did not believe the investment for the tow truck had been justified when compared to the cost of a private tow truck. Mr. Godding explained that the operating cost would have been incurred by getting the mechanic to the sight of breakdown. The actual cost of the truck would be the extra cost. THE MOTION WAS CARRIED UNANIMOUSLY.

Nominations and Appointments

The Historic District Commission had forwarded the names of Knox Tate and Doug Johnston for nominations to fill the position created by the resignation of Joseph Herzenberg.

Mr. Wilson McKerrow had been nominated to fill the position on the Council on Aging. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT MR. MCKERROW BE APPOINTED BY ACCLAMATION.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Marvin Silver and Mr. Wade Degraffenreidt had been nominated to fill the position on OWASA. Mr. Silver had asked that his name be withdrawn. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES, THAT MR. DEGRAFFENREIDT BE APPOINTED BY ACCLAMATION. THE MOTION WAS CARRIED UNANIMOUSLY.

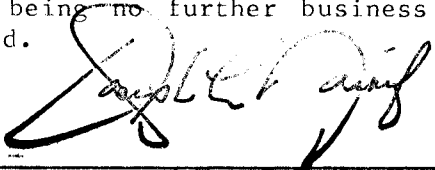
Future Agenda Items

Council member Boulton asked for the disposition of the illegal trailer at Estes Hills School. Mr. Shipman stated he would make a full report to the Council at the next meeting.

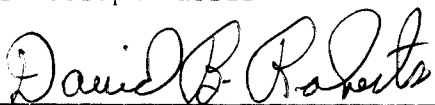
Council member Straley stated the Audit Committee was uncertain as to its charge from the Council. The Council discussed this as well as the same problem existing for other committees. Council members Howes and Kawalec were asked to prepare a draft for the Council to consider at work session.

The work session scheduled for February 2 and 3 was changed to February 2, to be held in Chapel Hill.

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



Mayor Joseph Nassif



Town Clerk David B. Roberts

MINUTES OF A PUBLIC HEARING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
MONDAY, JANUARY 21, 1980
7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

- Marilyn Boulton
- Joseph Herzenberg
- Jonathan Howes
- Beverly Kawalec
- Joseph Straley
- Bill Thorpe
- James Wallace (late)

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council member Smith was excused. There was a quorum of the Planning Board present.

Mr. Denny explained the legal procedure for considering special use permit requests.

Public Hearing to Consider a Portable Building Special Use Request for Estes Hills School

All witnesses were sworn. Mr. Jennings presented the request for approval of a 24' x 32' temporary building at Estes Hills Schools to be located behind the main building. Mr. Pelequin represented the School Board. In response to Council member Boulton's question, he stated the School hoped to replace the temporary building with a permanent structure within five years. The school needed more space. Mr. Pelequin submitted the statement of justification for the record. He believed there would be no adverse impact on the environment. The building would be screened and well maintained.

Council member Straley asked how much space would be left for play area. Mr. Pelequin answered the building would be placed on a grassed area where children did not usually play. There would remain approximately 35 acres for activities. No additional portable buildings were planned.

Council member Boulton asked how long the trailer would last. Mr. Pelequin believed it would last 10 to 15 years if maintained; but if not, it would last no more than about 2 years. This particular trailer was 6 years old and had been in place for several months.

It was not visible to the houses in back of the school. There were no further comments from the Council or the audience. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Special Use Request for a Unified Housing Development for Creekside Townhouses