

After determining the number of people who still wished to speak, the Council approved a five minute time limit on each speaker.

Mr. Feiss believed there to be several problems with sedimentation control in the area. He presented a map showing the slopes in the area. Sixty percent of the area was in excess of 15%. The loop roads would be on high grades. The subdivision ordinance required less than 8% grades for roads. Mr. Feiss pointed out the preliminary elevation drawing did not show the roof line. The existing structures within 500' and existing ground cover were not shown. He stated that Rhododendron was a de facto cul-de-sac in excess of 400'. The soils were not considered proper for urban development on the county soils map. There were not 63 parking spaces as required.

Mr. Rupkelvis stated there were inconsistencies on the fact sheet and statement of justification. There were not as many parking spaces as required. Chapel Hill did not collect garbage in this area. Some of the grades were in excess of 30%. Although suggested as an alternate route, Bayberry Drive was not going to be extended by the developer.

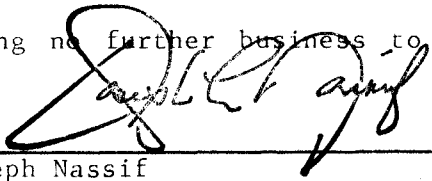
Ms. Alice Gordon entered in the record the testimony by residents from previous hearings. She stated the thoroughfare plan was now obsolete. Although Parker Road was to be extended, that would now be difficult as it ended in University property. The University had no development plans for the property. The only alternative for dual access was Bayberry Drive which was not recommended for extension. There would be more development on the Hunt property. She stated that traffic planning was needed before the development.

Mr. Helms submitted a photograph of a portion of Parker Road and documents pertaining to school bus accidents in general, stating that this portion of Parker Road was a safety hazard because of poor visibility. He also submitted a statement regarding private conversations between himself and Mr. Horne relating to an eastern access. Mr. Helms submitted a copy of a contract between the University of North Carolina and Mr. Hunt.

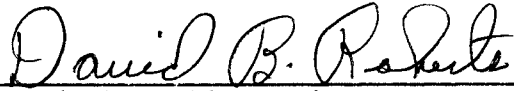
Mr. Tom Traut, representing Morgan Creek Hills Homeowners Association, and Farrington Hills Homeowners Association, expressed the concern of these organizations over the traffic produced by the proposed project should the connection to Bayberry be made. Traffic would be funneled onto Azalea which was not a collector street. There were no further questions.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

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 REGULAR MEETING OF THE
 MAYOR AND CHAPEL HILL TOWN COUNCIL
 MUNICIPAL BUILDING
 MONDAY, JANUARY 28, 1980
 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Joseph Herzenberg
 Jonathan Howes
 Beverly Kawalec
 Joseph Straley
 Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council members Boulton, Smith and Wallace were excused.

Petitions and Requests

Council member Boulton requested that a resolution of appreciation be drawn for Mel Rashkis, retiring president of the Carrboro-Chapel Hill Chamber of Commerce, and for the UNC football team. Council member Thorpe moved, seconded by Council member Straley, that this be referred to the Manager. The motion was carried unanimously.

Mr. Reeve stated that on January 1 the town had annexed a portion of the county which included Piney Mountain Road, and had at that time changed the Planning Board's membership ratio to 7 town members and 3 county members. A sitting member, Mr. Major Geer, although a county appointee, resided on Piney Mountain Road. The Planning Board requested the town to appoint Mr. Geer as one of its new members. Council member Howes moved, seconded by Council member Herzenberg, to suspend the rules and appoint Mr. Geer. The motion was carried unanimously.

Resolution Granting a Unified Housing Development Special Use Permit to Walter Baum for Baum Townhouses

Mr. Jennings informed the Council that no issues had been discussed on this project at the public hearing. The stipulations required that the parking area be redesigned with the drive realigned to provide a grassy area between the drive and the parking. Mayor Nassif asked who would be responsible for the common land. Mr. Jennings said it would be the Homeowners Association. Council member Herzenberg asked what the standard for the height of the shrubbery would be. Mr. Jennings answered the standard was 5' high. COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO WALTER BAUM FOR BAUM TOWNHOUSES

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Housing Development proposed by Walter Baum if developed in accordance with the plans dated November 20, 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 PUBLIC HEALTH AND SAFETY

1. That a system of paved sidewalks be constructed to connect the individual dwelling units to the parking area. Such on-site sidewalk system shall be extended to connect with the existing sidewalk along Airport Road. The sidewalk system shall be shown on the site plan and shall be approved by the Appearance Commission.
2. That a detailed drainage plan and grading plan be submitted to and approved by the Town Engineer prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy. Such improvements shall include any off-site work determined by the Town Engineer as being necessary to minimize drainage problems affecting properties to the north of the subject development.

3. That the access drive be realigned to intersect with Airport Road at the southern most portion of the frontage of the subject property with Airport Road. The design and location of such driveway shall be to Town standards and shall be approved by the Town Engineer prior to issuance of a building permit. The design of the parking lot shall be altered to accommodate the change in location of the driveway and such redesign shall be approved by the Town Engineer.

WITH REGARD TO APPEARANCE

4. That 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. Such site plan shall show the location of all existing trees having a diameter, at breast height, of one foot. The site plan shall be prepared with the objective of retaining as many significant trees as possible.
5. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing trees and planting shall be protected during construction by appropriate fencing or barriers. Provision for such protection shall be shown on the landscape plan and shall be in place prior to issuance of a grading permit.
6. 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.
7. 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.
8. That the parking area be screened from the view from Airport Road. Such screening shall be shown on the landscape plan and shall be approved by the Appearance Commission.
9. That paved areas be set back as far as possible from trees to be retained.
10. That the applicant identify on the landscape plan those trees which require a tree feeder system to ensure the continued provision of proper tree nourishment, including adequate water, air, and nutrients to the root system of said trees. The design specifications for such a tree feeder system and the proposed specifications for its installation shall be shown on the landscape plan, and shall be reviewed and approved as part of the landscape plan.
11. That all utilities be placed underground.

OTHER STIPULATIONS

12. That all sewer service be by gravity flow.
13. That the number, location and installation of fire hydrants be approved by the Town Engineer. A plan for such improvements shall be approved by the Town Engineer prior to issuance of a building permit.
14. That sewer and utility easements be dedicated as required by the Town Engineer.
15. A bulk trash container is required. The location shall be approved by the Town Engineer. Pads for bulk trash containers shall be provided and shall be constructed to Town standards.
16. That the accessory building encroaching on the western property line be removed.
17. That off-street parking areas and drives be paved with curb and gutter.
18. That a revised site plan incorporating all the above stipulations be submitted to and approved by the Building Inspector and Town Engineer prior to issuance of a building permit or grading permit.

19. That all improvements and conditions, as shown on the approved plans or required as part of the granting of the special use permit, shall be completed prior to issuance of the certificate of occupancy.
20. That construction begin by February 1, 1982, and be completed by February 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 28th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas"

Mr. Shipman reminded the Council the public hearing for the zoning had been on December 12, 1979. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be amended as follows:

That the portion of property identified as Chapel Hill Township Tax Map 24, Lot 28 comprising Timberlyne Subdivision, Phases 1 and 2 (consisting of all portions of Lot 28 not currently zoned by the Town of Chapel Hill) be rezoned from Orange County's Agricultural zoning district to Chapel Hill's R-20 zoning district.

This the 28th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Traffic and Parking Ordinances and Resolutions

Mr. Shipman stated the Council had received a petition from the residents of South Graham Street requesting that parking be prohibited on South Graham between the hours of 10 p.m. and 6 a.m. due to the problem created by patrons leaving Elliot's Nest. After investigation, the staff realized that removing parking would be misusing the town ordinance; however, they believed it to be a reasonable solution to the problem. Further, if parking was removed from South Graham, the problem could shift to Cameron Avenue between Roberson and Graham Streets and to Roberson Street. The staff therefore recommended that parking be removed from these streets as well. CBD parking would not be removed. Each residence in the area had been notified. There had been no complaints. Council member Herzenberg questioned the time for prohibition. Mr. Shipman responded that the residents had requested this time. Mr. Taylor, the attorney for the residents, explained that in the summer the sale of beer was allowed until 2 a.m. and patrons did not leave until much later. The Baptist Church had affairs in the evening which ended by 10 p.m. Council member Straley was concerned that patrons would go to the club before 10 p.m. and not come out to move their cars later. The police would have to issue many tickets. Mr. Shipman said the area would be signed as other areas in town. Council member Herzenberg commented that he would prefer to wait to remove parking from Cameron and Roberson until it proved necessary. Council member Thorpe agreed with the staff. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING SECTION 21-27.1 (NO PARKING DURING CERTAIN HOURS)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-27.1 of the Code of Ordinances, Town of Chapel Hill, as follows:

ADD:

(d) 10:00 p.m. to 6:00 a.m.

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
South Graham Street	East	A point 170 feet south of Franklin Street	Cameron Avenue
South Graham Street	West	A point 340 feet south of Franklin Street	Cameron Avenue
South Roberson Street	East	A point 184 feet south of Franklin Street	Cameron Avenue
South Roberson Street	West	Franklin Street	Cameron Avenue
Cameron Avenue	Both	Graham Street	Roberson Street

This the 28th day of January.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman stated the next ordinance was suggested by the Department of Transportation to make the town speed limits on the bypass conform. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING SECTION 21-11 (CORRECTION OF DISTANCES ON BY-PASS)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends certain subsections of Section 21-11 of the Code of Ordinances, Town of Chapel Hill, to read as follows:

Section 21-11(A)(4)(d) US 15-501/NC By-Pass from the corporate limits approximately .38 miles east of US 501/NC 86 (South Columbia Street) eastward to NC 54 Business; and US 15-501 By-Pass from NC 54 Business eastward to US 15-501 Business (Durham-Chapel Hill Boulevard).

Section 21-11(A)(4)(e) NC 54 By-Pass from the western corporate limit at SR 1919 (South Greensboro Street) eastward to the corporate limit approximately .54 miles east of SR 1919.

Section 31-11(A)(4)(g) US 15-501 (Durham-Chapel Hill Boulevard) eastward to the eastern corporate limits.

This the 28th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman explained that prior to last June parking had also been prohibited on both sides of Roberson Street from Rosemary Street to Whitaker Street. A problem arose because people going to Hargraves Center were parking on lawns. The Council had repealed the prohibition on the south side of the street with the intent of again prohibiting parking when the lot at Hargraves was completed. This had now been done and parking prohibition on the street would clear the area for emergency vehicles. The residents would become eligible for permits. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO AMEND SECTION 21-27 (NO PARKING ON NORTH 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, as follows:

DELETE the line:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Roberson	West	Rosemary	Whitaker

and ADD the line:

Roberson	Both	Rosemary	Whitaker
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This the 28th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Adopting a Town Council Procedures Manual

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

A RESOLUTION ADOPTING THE COUNCIL PROCEDURES MANUAL

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the Council Procedures Manual as a guide to Council action.

This the 28th day of January, 1980.

Council member Thorpe asked that the Council postpone adoption for two weeks to allow some corrections and so that all members would be present for adoption. Council member Kawalec responded that the document should be continuously updated. The manual could be adopted now and corrections and additions could be made as an updating process. Council member Straley asked that the manual be amended to include distribution of agenda, minutes, and all related materials to the library for public perusal. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO ONE WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER THORPE OPPOSING.

Ordinance Amending Section 2-3 (Council Meeting Dates)

Mr. Shipman explained that the next three items were relevant to the policy manual and had been recommended by the attorney as necessary. Council member Howes pointed out the Council was changing its policy of having the month of August for vacation. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING SECTION 2-3 (COUNCIL MEETING DATES)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 2-3 of the Code of Ordinances, Town of Chapel Hill, to read as follows:

SECTION 2-3 REGULAR MEETINGS OF COUNCIL

- Regular meetings of the Council shall be held on the second and fourth Mondays of each month, except that there shall be a regular meeting on the first Monday of July, and there shall not be regular meetings on the fourth Mondays of July and December or the second Monday of August. All meetings shall be held at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street.

This the 28th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending Advisory Board Terms

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING ADVISORY BOARD TERMS

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, as follows:

SECTION I

In Section 2-51, ADD a period after the word "years" in the second sentence and DELETE the remainder of the second sentence. ADD a new third sentence to read, "Terms shall end on June 30, with existing terms being extended automatically to said date following the date at which they would otherwise expire."

SECTION II

In Section 2-131, AMEND "31st day of December" to read "30th day of June," and AMEND the third sentence to read, "The terms of existing members are automatically extended to said date following the date at which they would otherwise expire."

SECTION III

In Section 12-18, AMEND the second sentence to read, "Terms shall end on June 30, with existing terms being extended automatically to said date following the date at which they would otherwise expire."

This the 28th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Amending Advisory Board Terms

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

A RESOLUTION AMENDING ADVISORY BOARD TERMS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby changes the date of expiration of the terms of the Library Board of Trustees and Personnel Appeals Committee to the June 30 following the present expiration date; and

BE IT FURTHER RESOLVED that the Council hereby extends the terms of incumbent members of said boards to the June 30 following the present expiration dates of their terms.

This the 28th day of January, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding Chapel Hill-Carrboro Bike Lane Coordination

Council member Straley asked that the resolution be removed from the agenda awaiting a document from Carrboro. The Council agreed.

Resolution Directing Publication of the Council Agenda

COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE:

A RESOLUTION REGARDING PUBLICATION OF COUNCIL AGENDAS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to publish significant portions of Council agendas before Council meetings in a newspaper of general circulation in the community if said publication can be achieved at a cost of no more than \$700 through June 30, 1980.

This the 28th day of January, 1980.

Council member Herzenberg did not believe this was enough to reach citizens. Mayor Nassif was interested in publication, but was concerned about budget problems. Council member Thorpe asked about publishing the agenda in other papers in the area. Council member Straley did not believe it could be authorized at this time because of the budget. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO ONE WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY AND THORPE SUPPORTING AND MAYOR NASSIF OPPOSING.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1979"

Mr. Shipman explained this would appropriate funds for the rental of the sign at the Airport and would transfer the leisure outreach specialist from Recreation to Human Services. It would also raise revenues for two additional "new generation" trips which were added. The trips are self-supporting. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1979"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for Fiscal Year Beginning July 1, 1979" as duly adopted on June 25, 1979, be and the same is hereby amended as follows:

ARTICLE I

	<u>CURRENT BUDGET</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>REVISED BUDGET</u>
GENERAL FUND				
Mayor and Council	\$ 93,690	\$ 500	\$ --	\$ 94,190
Human Services				
Community Services	\$131,985	\$6,980	\$ --	\$138,965
Recreation				
General Recreation	\$163,190	\$9,440	\$6,980	\$165,650
Sundry				
Contingency	\$ 16,265	\$ --	\$ 500	\$ 15,765

ARTICLE II

	<u>CURRENT BUDGET</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>REVISED BUDGET</u>
REVENUE				
General Fund				
Service Charges	\$180,825	\$9,440	\$ --	\$190,265

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

This the 28th day of January, 1980.

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

Ordinance Amending the Classification and Pay Plan

Mr. Shipman explained that the recommended revisions to the classification and pay plan reflected half-year changes in the organization.

Ms. Peddicord stated the position classification was an organized procedure for evaluating jobs and for placing them on the pay plan to result in equal pay for equal work. Positions changed to reflect either a shortage or abundance of qualified people in the labor market. In each of the recommended changes, the increased salary had already been identified in the department budget. Ms. Peddicord explained the reasons behind each recommendation.

Mayor Nassif questioned the total increase in the budget. Ms. Peddicord responded that there was no increase; the money was already budgeted. Council member Thorpe commented that all positions should be brought to the Council at budget time. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN

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, etc., for the Period July 1, 1979, through June 30, 1980" as follows:

SECTION ONE

In Section III, DELETE the lines:

- 12 Executive Secretary
- 17 Fire Marshal
- 19 Accountant
- 19 Administrative Assistant
- 27 Special Assistant to the Manager

and ADD the lines:

- 13 Executive Secretary
- 17 Administrative Assistant I
- 19 Fire Marshal
- 20 Administrative Assistant II
- 20 Assistant to the Manager
- 21 Accounting Services Manager

SECTION TWO

In Section IV.c, DELETE the lines:

<u>POSITIONS</u>	<u>FULL TIME</u>		<u>PART TIME</u>		<u>GRADE NO.</u>
	<u>#</u>	<u>HRS.</u>	<u>#</u>	<u>HRS.</u>	
<u>TOWN MANAGER'S OFFICE</u>					
Special Assistant to the Manager	1	37½			27
Administrative Assistant	1	37½			19
Executive Secretary	1	37½			12
<u>FINANCE DEPARTMENT</u>					
Accountant	1	37½			19
<u>PUBLIC SAFETY</u>					
Fire Marshal	1	40			17
<u>PUBLIC WORKS</u>					
Administrative Assistant	1	37½			19
<u>PARKS AND RECREATION</u>					
Administrative Assistant	1	37½			19
<u>TRANSPORTATION</u>					
Administrative Assistant	2	37½			19
Equipment Mechanic I	2	40			10
<u>LIBRARY</u>					
Librarian	2	37½	1	20	16

and ADD the lines:

<u>TOWN MANAGER'S OFFICE</u>					
Assistant to the Manager	1	37½			20
Executive Secretary	1	37½			13
<u>FINANCE DEPARTMENT</u>					
Accounting Services Manager	1	37½			21
<u>PUBLIC SAFETY</u>					
Fire Marshal	1	40			19

PUBLIC WORKS

Administrative Assistant I	1	37½	17
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PARKS AND RECREATION

Administrative Assistant I	1	37½	17
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TRANSPORTATION

Administrative Assistant II	1	37½	20
Administrative Assistant I	1	37½	17
Equipment Mechanic I	3	40	10

LIBRARY

Librarian	3	37½	16	1	24
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SECTION THREE

In Section IV.d, DELETE the lines:

<u>POSITIONS</u>	<u>NO.</u>	<u>HOURS</u>	<u>SALARY</u>
Account Clerk II	1	Varies	\$4.546-6.092/hr.

and ADD the lines:

Account Clerk I	1	Varies	\$4.123-5.526/hr.
Library Page	2	10	\$3.10

THE MOTION WAS CARRIED UNANIMOUSLY.

Report on the Monthly Financial Summary

Mr. Shipman had previously distributed this report. Mayor Nassif asked if the town had received funds from the State for the buses. Mr. Shipman answered that the town had received a contract executed by the Department of Transportation. The Director of Transportation was preparing an invoice to be sent to the State.

Report from the Cemetery Committee

Council member Kawalec reported that the Committee had met and received from Mr. Harris a thorough background report on the cemeteries. Another meeting had then been held with interested citizens, some of whom believed that not enough consideration had been given to personal preference or individuality in landscaping grave sites. To change this, the Council would need to amend the ordinance.

Report Concerning the Council on Aging

Council member Kawalec had distributed the report with the agenda.

Report on Data Processing

Mr. Shipman stated that \$75,000 had been included in the budget for updating the data processing equipment. Ms. Parker informed the Council that she now anticipated 1½ years before the equipment was in place with the assistance of a full time staff person. In the quarterly report she had indicated the steps for implementation. The first of these was a feasibility study. Ms. Parker reviewed the results of the feasibility study.

The change in recommendation on the staff position was primarily because of economics. With other considerations, the staff had begun to consider the alternative of a firm with experience in the area to go through the steps for implementation. They would insist on an on-site person. Ms. Parker added that the town would be looking for a consultant not connected with any particular computer hardware.

Ordinance to Establish Park Hours

Mr. Shipman was proposing to regulate park hours because of problems with persons in the parks late at night. These regulations would give the police a method of enforcement. Mr. Denny explained the intent was not to prevent individuals from trespassing but to prevent group activities late at night. Council member Kawalec suggested the staff try to address the problems more directly than by preventing everyone from entering the parks. Mr. Denny believed they could address the problems

of individual sites. The matter was deferred.

Resolution Amending the Goals and Objectives of the Comprehensive Plan to Revise the Policy on Drive-in Businesses

Mr. Shipman stated this item and the next were related in that his recommendation on the next project was based on the recommended policy on drive-in businesses. If the policy to prohibit drive-in businesses was not adopted by the Council, the recommendation on the next project would be changed. Mayor Nassif commented that a drive-up window did not discourage use of the automobile. Other policies required parking spaces for each office and commercial use. To discourage use of the automobile, there should be no parking. Council member Kawalec wanted the Planning Board's recommendation on the proposed policy. Mr. Reeve responded that the Planning Board had consistently voted the intent of the policy even though it had not commented on the policy. It had been interpreted as the meaning of the goals and objectives of the comprehensive plan. Mr. Reeve distinguished between automobile traffic with a destination and that of the drive-in window with the car running while waiting. There was frequently conflict between pedestrian traffic and automobile traffic. Mayor Nassif believed this could be resolved with design of the structures. Permits could be denied if there was not enough room. Mr. Jennings added that the comprehensive plan incorporated a concept whereby commercial activity would be in centers. The intent was to see that single destination trips were not made. The more accessible lots along the highway, the less commercial businesses would locate in activity centers. Mayor Nassif responded that this policy would prohibit drive-in businesses in the activity centers. Further, the town although discouraging businesses not in centers, did not prohibit them as it would drive-in windows. With passage of this policy, all drive-in windows would become non-conforming uses. Mayor Nassif suggested consideration of a broad policy discouraging use of the automobile. Council member Howes suggested this be acted on within the context of the zoning ordinance revision. Council member Kawalec was for the policy. COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AMENDING THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN TO REVISE THE POLICY ON DRIVE-IN BUSINESSES

BE IT RESOLVED by the Council of the Town of Chapel Hill that Section G, Objective 2, Policy C of the Goals and Objectives of the Comprehensive Plan is hereby amended to read as follows:

Prohibit drive-in businesses with the exception of car washes and service stations.

This the 28th day of January, 1980.

The Council continued to discuss whether this policy would accomplish the stated intent. Mr. Jennings pointed out adopting the policy would not make the businesses non-conforming, only an ordinance change would do that. COUNCIL MEMBER KAWALEC MOVED THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR A RECOMMENDATION TO INCLUDE HOW THIS ISSUE WOULD RELATE TO OTHER PARTS OF THE COMPREHENSIVE PLAN AND HOW THOSE PARTS WOULD ALSO NEED CHANGING. The motion died for lack of a second. THE MOTION WAS DEFEATED BY A VOTE OF FOUR TO TWO WITH COUNCIL MEMBERS HERZENBERG AND KAWALEC SUPPORTING AND COUNCIL MEMBERS HOWES, STRALEY, THORPE AND MAYOR NASSIF OPPOSING.

Resolution Denying a Modification of the Special Use Permit for Kroger Plaza Unified Business Development to Construct a Photo Facility

Mr. Shipman recommended adoption of the resolution granting the permit as he believed the findings could be met. Ms. Hunt, attorney for the developer, stated the Easco proposal conformed to the comprehensive plan. She reviewed the history of the project. The new request was the same as had been approved before with the completion dates changed. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION DENYING A MODIFICATION OF THE SPECIAL USE PERMIT FOR KROGER PLAZA UNIFIED BUSINESS DEVELOPMENT TO CONSTRUCT A PHOTO FACILITY

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby fails to find that with the modification:

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 it general conformity with the plan of development of Chapel Hill and its environs; and

BE IT FURTHER RESOLVED that the Council hereby denies the modification of special use permit requested for said development.

This the 28th day of January, 1980.

Mayor Nassif suggested that as the Council was considering a new zoning ordinance the Council delay action on this project. Council member Kawalec withdrew her motion. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, THAT ACTION ON THE MATTER BE DELAYED UNTIL THE COUNCIL HAD FURTHER CONSIDERED THE RELEVANT PORTIONS OF THE ZONING ORDINANCE PROPOSED FOR REVISION. Council member Thorpe thought it unfair to delay the project until the zoning ordinance was considered. Mayor Nassif stated it would take time to adopt a new zoning ordinance. It would be unreasonable for developers to expect the Council to approve projects which were in an ordinance being reviewed.

Ms. Hunt responded that this project had been proposed since June 1977 by another company. It had been approved. When the ownership was changed in August 1979, Easco had met with the staff and had been told there would be no problem with getting approval of another permit. The leases were executed on August 21, 1979. In September the Planning Board adopted a statement against drive-in businesses. In November the Easco representative had attended the meeting of the Planning Board expecting to receive a recommendation for approval of the project, but was denied such approval. Ms. Hunt had been told by Mr. Jennings that the zoning ordinance might not be adopted before November. Delaying developments for this length of period would hurt the developers financially. She did not believe the project could hurt the location aesthetically. The comprehensive plan specifically allowed this type of drive-in. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO ONE WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER THORPE OPPOSING.

Resolution Setting a Public Hearing

Mr. Shipman stated the Council had received a petition for annexation of the Ironwoods Subdivision which had not been certified by the Clerk. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION SETTING A PUBLIC HEARING (IRONWOODS ANNEXATION)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing on March 17, 1980, at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider the petition of Frank Umstead for annexation of an area north of Umstead Drive (Ironwoods Development).

This the 28th day of January, 1980.

Council member Kawalec pointed out March 17 was the date of the Congressional cities meeting in Washington. As the full Council was not present, Council member Howes withdrew his motion to allow the Manager to consult everyone's schedule before scheduling the public hearing. The matter was deferred.

Resolution Regarding the Maintenance and Improvement of Substandard Streets

Mr. Shipman stated that the town would occasionally get requests to maintain private streets. He had prepared a list of private streets in the town and asked the Council to adopt a policy to deal with these requests. He recommended that the town assess to adjoining property owners 100% of the cost of bringing the streets up to town standards as it would take a petition by 100% of the owners to do the work. Council member Kawalec thought 100% of the cost would be harsh; that the Council should consider an assessment of 50% of the cost. She also thought it in the public interest to have all of the streets made public.

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

A RESOLUTION REGARDING THE MAINTENANCE AND IMPROVEMENT OF EXISTING SUBSTANDARD STREETS

WHEREAS there exist within the Town of Chapel Hill numerous private streets which serve more than one lot, but which have not been accepted for maintenance by the Town because they are not constructed to Town standards, and

WHEREAS it would benefit the general public safety of the Town if such private streets could be brought under Town maintenance, and

WHEREAS circumstances sometimes prevent existing private streets from being brought up to Town street standards for new subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby sets the following policy for the improvement and acceptance for maintenance by the Town of private streets within the Town of Chapel Hill.

1. Where neighboring property development prevents the widening of other improvement of an existing private street to the standards which would be required in a new subdivision, the Town Manager may recommend and the Council determine upon certain improvements which, if completed, will result in the acceptance of said street for maintenance by the Town.
2. If the Town receives a petition for the improvements determined under section (1), above, with 100% of the costs thereof to be assessed against the abutting property owners; and such a petition is signed by all of the abutting property owners; then the Council may consider said project with other paving projects under the terms of Article 10 of Chapter 160A N.C.G.S.
3. This policy shall apply to:
 - a. Streets built in public rights of way which were dedicated before the adoption of this policy; and
 - b. Streets built in rights of way which may have been dedicated after the adoption of this policy; and
 - c. Private streets which have been used by the general public and for which right of way has been dedicated.

This the 28th day of January, 1980.

Council member Kawalec asked if the list included all private streets in Chapel Hill. It included all except those covered by homeowners associations. THE MOTION WAS CARRIED UNANIMOUSLY.

Planning Board--Vacancy

The Council was notified of a vacancy on the Planning Board created by the resignation of Edward Kaiser. The term would expire June 30, 1983.

Historic District Commission--Appointment

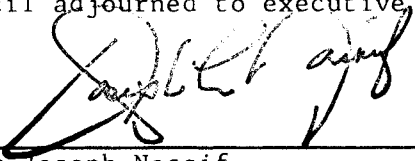
Nominations for the position were Doug Johnson and Knox Tate. Those voting for Mr. Tate were Council members Herzenberg, Howes, Kawalec, Straley and Mayor Nassif. Council member Thorpe cast his vote for Mr. Johnson. Mr. Tate was appointed to a term ending December 31, 1982.

Reconsideration of Open Space Study

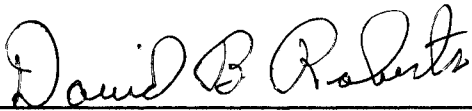
Ms. White asked for direction for the committee which was formed to consider a bond package for land acquisition. She questioned whether it would be worth spending a great deal of time and whether it would go on the May ballot. Council member Howes agreed with the Manager that this committee's work should be included in the CIP. Mr. Shipman pointed out that to be on the May ballot, work on the bond referendum should be completed by the middle of February. Mayor Nassif said he would be reluctant to place a referendum on the May ballot because the budget outlook was not good at this time.

Executive Session

The Manager requested the Council adjourn to executive session to discuss litigation. On motion by Council member Howes, seconded by Council member Thorpe, the Council adjourned to executive session after which the meeting was adjourned.



Mayor Joseph Nassif



Town Clerk David B. Roberts

MINUTES OF A REGULAR MEETING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
MONDAY, FEBRUARY 11, 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 Town Attorney E. Denny. Council member Smith was absent due to illness.

Resolutions of Appreciation

Mayor Nassif read the following resolutions of appreciation:

RESOLUTION OF APPRECIATION

WHEREAS, Mr. Melvin F. (Mel) Rashkis was a member of the Boards of Directors of the Chapel Hill-Carrboro Chamber of Commerce and Merchants Association in 1978, and

WHEREAS, Mr. Rashkis served in 1979 as the first president of the Greater Chapel Hill-Carrboro Chamber of Commerce and now serves as a member of the Executive Board of the Chamber as Immediate Past President, and

WHEREAS, Mr. Rashkis has played an important role in numerous projects including Christmas decorations in the downtown area, the Community Display at Raleigh-Durham Airport, the 1979 leadership conference for business and professional persons and many other projects, and,

WHEREAS, by his energetic and conscientious efforts, Mr. Rashkis exemplifies the high principles and standards by which business and professional persons add to the quality of life in Chapel Hill,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the members of the Town Council herewith recognize and express their appreciation to Mr. Melvin F. (Mel) Rashkis for his herewith past, present and future contributions to the life of this community, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent record of the Town of Chapel Hill.

This the 11th day of February, 1980.