

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, AUGUST 25, 1980 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Joseph Herzenberg
Jonathan Howes
Beverly Kawalec
R.D. Smith
Joe Straley
Bill Thorpe
James Wallace

Also present were Town Manager E. Shipman and Town Attorney E. Denny.

Mayor Nassif introduced Mr. DeGraffenreidt and Mr. Langenderfer to the Council and audience. They were new appointees to OWASA.

Annexation of Timberlyne, Phase II, Section 2 - Public Hearing

Mr. Jennings located the property for the Council. The property had been approved for subdivision into 62 lots. The cost revenue analysis for annexation had shown a deficit the first year and surpluses the following years. By annexing prior to development of the area, the town could insure that the roads would be maintained from the beginning. People buying the property would know they were in town.

Mr. Page stated this subdivision was contiguous to that already annexed by the town. The developers were requesting annexation to provide street lights, maintenance and cable tv.

Mayor Nassif asked for comments from citizens. There were none. Council member Straley inquired about the town policy regarding extension of services to annexed areas. Mr. Shipman responded that in the past, the town had begun the extension of service immediately after annexation.

Council member Smith asked if the streets in the area would be paved to town standards. Mr. Page said they would, that they were within the planning area. In the residential area, there were no curb and gutter on the streets.

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

Petitions and Requests

Mr. Kip Gerard complained to the Council about the number of dogs allowed to run at-large in Chapel Hill. He requested that the leash laws be made more stringent. He made several suggestions as to how this could be done, including empowering the animal control officer to issue citations carrying heavy fines.

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER THE PETITION TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman petitioned the Council to add to the agenda item 12c, consideration of calling a public hearing on September 15, 1980, for a zoning test amendment. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO ADD THIS ITEM TO THE AGENDA. Mayor Nassif stated that he would discuss the matter but would object to any action being taken as it was not originally on the agenda. As Mayor Nassif objected to action being taken, the matter was not added to the agenda.

Ms. Williams presented two petitions to the Council, the first regarding non-provision of services to the Piney Mountain Road residents and the second regarding alternate street connections for the North Forest Hills subdivision to be discussed later in the agenda.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER STRALEY, THAT THE FIRST PETITION BE REFERRED TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO RECEIVE THE PETITION REGARDING THE NORTH FOREST HILLS SUBDIVISION, TO BE CONSIDERED DURING DISCUSSION OF THAT SUBDIVISION. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Reeve requested the Council to table consideration of the applications for drive-in business special use permits. The Planning Board would be considering a policy on drive-in businesses on August 26, 1980, and would give their recommendation at the next Council meeting.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, THAT THE PETITION BE RECEIVED AND CONSIDERED AT THE APPROPRIATE TIME ON THE AGENDA. THE MOTION WAS CARRIED UNANIMOUSLY.

Ms. Grace Wagoner petitioned the Council to place back on the agenda discussion of calling a public hearing for a zoning text amendment. The University had already presented their request to the Planning Board which had recommended calling the public hearing. If the hearing was not held on September 15, the next hearing date would be in November. The University wished to build a hanger for its medical aviation team. Mayor Nassif stated he would not change his vote because the item was very controversial and others had not received notification. And, he did not want to single out one item for rezoning while considering a new zoning ordinance.

Mr. Denny advised that the hearing did not legally have to wait until November. Council member Boulton replied it would still be a two-week wait. She did not object to its being placed on the agenda. Council member Howes agreed. Mayor Nassif objected in that it would be considering one item of the zoning ordinance before considering the zoning ordinance as a whole.

Mr. Hinds petitioned the Council to consider an amendment to the taxi ordinance to allow owner-operators of cabs in Chapel Hill. They would still be operated under one of the franchises already granted. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, THAT THE PETITION BE REFERRED TO THE MANAGER AND THE ATTORNEY TO BE CONSIDERED IN THE REWRITE OF THE TOTAL TAXI FRANCHISE ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Hinds also requested to be heard on item no. 8, amending the franchise for Chapel Hill Taxi Service.

Mayor Nassif stated that he was discussing item 6, payment of fire hydrant rental fees with Mr. Billingsley and would like this item removed from the agenda. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, THAT THE ITEM BE DELETED. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, APPROVAL OF THE MINUTES OF JUNE 9, 1980, AS SUBMITTED. THE MOTION WAS CARRIED UNANIMOUSLY.

ON MOTION BY COUNCIL MEMBER WALLACE, SECONDED BY COUNCIL MEMBER SMITH, THE MINUTES OF JUNE 23, 1980, WERE APPROVED AS CORRECTED.

ON MOTION BY COUNCIL MEMBER WALLACE, SECONDED BY COUNCIL MEMBER SMITH, THE MINUTES OF JULY 14 AND 15, 1980, WERE APPROVED AS SUBMITTED.

Drive-In Businesses

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON, THAT ITEMS 4A, B & C BE DELAYED UNTIL THE PLANNING BOARD MADE ITS RECOMMENDATION. COUNCIL MEMBER HOWES MOVED TO AMEND THE MOTION TO CONSIDER THE ITEMS ON SEPTEMBER 8, 1980. COUNCIL MEMBER SMITH ACCEPTED THE AMENDMENT. Council member Wallace objected to delaying the applications again. The question of the policy could be referred to the Planning Board.

Council member Boulton thought the Planning Board could give a definitive recommendation and the Council should not act until the policy was clearly established. Council member Wallace argued that if the policy was referred to the Planning Board, the Council could then consider each application on its own merits.

Council member Smith pointed out that the policy would still exist regardless of whether the Planning Board considered it or not. THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER WALLACE OPPOSING.

Resolution Approving the Preliminary Sketch for North Forest Hills, Phase 4

Mr. Jennings reminded the Council two issues had been raised at the last consideration of this subdivision, that of the traffic impact on Piney Mountain Road and that of headlights from cars shining in a resident's window. The Recreation Commission had also disagreed with the staff and Planning Board on open space. Mr. Jennings explained that he had recommended orientation toward Piney Mountain Road to comply with the comprehensive plan which discouraged cross connectors through residential communities. The subdivision would have a loop road emptying onto Piney Mountain. The staff had taken traffic counts on Piney Mountain Road both north and south of Eastwood Road where traffic would be turning into other subdivisions. The count south of Eastwood had been 1266 cars per day and north, 464 cars per day. These were well within the capacity of Piney Mountain Road. Mr. Jennings pointed out there would be an impact on existing roads whenever infill development occurred. Piney Mountain Road would need improvements in the future as it was identified as a major collector on the thoroughfare plan.

The applicant's drawings of elevations showed the lights would be over the top of the resident's house. There was also vegetation to screen the house. The applicant had exceeded the open space requirement. The Recreation Commission had recommended an alternative plan which had only one access to Piney Mountain road but slightly more open space. There was a pedestrian access to Collums Road.

Mayor Nassif questioned whether the access to lots north of the property would be a street. Mr. Jennings explained that the right-of-way could possibly be used as a street for access to those lots. It was not proposed as one at this time, but the right-of-way would allow flexibility in planning in the future.

Ms. White withdrew the Recreation Commission recommendation as conditions were no longer the same as when the subdivision was discussed.

Council member Smith asked if the Planning Board had discussed the alternative of access through Lake Ellen Road and Collums Road. Mr. Jennings responded that access would create a cross-connector through North Forest Hills. The recommended loop access would create an ideal subcommunity as defined by the comprehensive plan without a cross-connector.

Council member Boulton thought the open space should be enlarged if the town had the opportunity. She asked that the Manager investigate this possibility. Mr. Hooper added that this area was one of two listed in the CIP for future land acquisition for parks. Council member Boulton noted that the resolution authorizing payments in lieu of land where the open space would be very small would help to fund such acquisitions.

Mayor Nassif asked why Forest Hills Road had not been extended. Mr. Jennings said it would create a cross-connector. Also, Forest Hills Road was not completely paved.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR NORTH FOREST HILLS, PHASE 4

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approved the preliminary sketch dated June 18, 1980 for North Forest Hills, Phase 4, located on property identified as Chapel Hill Township Tax Map 24, Lot 34, subject to the following:

1. That all streets be paved to a minimum paved cross-section of 27 feet back to back of curb with curb and gutter. Plans for such improvements shall be approved by the Town Manager prior to start of construction.
2. That Apple Street be paved to a 27 foot cross-section with curb and gutter from the eastern boundary of the subject subdivision to Piney Mountain Road. Such paving shall be to Town standards, and detained construction plans shall be approved by the Town Manager prior to construction.
3. That five feet of additional right-of-way be dedicated along the frontage of the subject subdivision with Piney Mountain Road.
4. 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.
5. That sewer, drainage, and utility easements be dedicated as required by the Town Manager and OWASA. Water and sewer lines shall be installed to OWASA standards.
6. That a detailed drainage plan and grading plan be submitted to and be approved by the Town manager prior to issuance of a grading permit, building permit, start of construction of improvements, and prior to submission of an application for final plat approval.
7. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
8. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each lot. Sanitary sewer laterals shall be capped-off above ground. A letter from the owner or owner's representative shall be presented to the Town Manager prior to paving any street certifying that all utilities are in place.
9. That no proposed street names duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
10. That the open space be deeded to the Town of Chapel Hill as agreed to by the applicant.
11. That a minimum 40 foot easement for open space and public right-of-way purposes be dedicated from the main internal loop street to the proposed open space. The public right-of-way shall be further extended to the northern property line of the subdivision. The two narrow open space accessways shown on the applicants original plan may be deleted.
12. That a revised site plan incorporating all the above stipulaations be submitted to the Building Inspector prior to issuance of a building permit or grading permit.

This the 25th day of August, 1980.

Council member Straley asked why lots along Collums Road were being developed with double frontage. Mr. Jennings stated there were only four double frontage lots which were quite deep. The double frontage lots were not prohibited by ordinance. A change in the design should be for a compelling public need. The depth of the lots and the fact that they were on cul-de-sacs removed most objections to the double frontage lots. Council member Straley asked if there was anything to prevent these four lots from having their drives onto Collums Road. Mr. Jennings said there was not. In the past, the town had required a "spite strip." He did not believe it necessary in this case.

Council member Smith again inquired about a connection to Forest Hills Road instead of the two to Piney Mountain Road. Mr. Jennings responded this would eliminate the dual access.

Ms. Williams stated there were residents from Piney Mountain Road who would like to be heard. Mayor Nassif said the Council had given these residents an opportunity to speak at the last meeting. The Council would allow one spokesman, but would not hear everyone as this was not a public hearing. Mr. Albert Allen argued that the traffic count had been taken before school started. And, the area proposed for the intersection with Piney Mountain Road was on a downgrade so that lights would shine into Ms. Williams' home. Mr. Jennings responded that the State estimated traffic would have to double or triple before reaching the capacity of Piney Mountain Road. The new road would be graded to be level with Piney Mountain Road. Mr. Allen then asked why the portion of Lake Ellen Road crossing the dam was not maintained by the town. Mr. Shipman said it was a private road. However, the town was studying the road to determine whether some type of maintenance was possible.

Mr. Geer stated many of the residents were on vacation during the traffic study. The traffic would increase greatly after the beginning of school.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER STRALEY, TO APPROVE THE SUBDIVISION WITH A ROAD CONNECTING TO FOREST HILLS ROAD AND NO CONNECTION TO APPLE STREET OR PINEY MOUNTAIN ROAD. THE MOTION WAS DEFEATED BY A VOTE OF SEVEN TO TWO WITH COUNCIL MEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBERS SMITH AND STRALEY NASSIF OPPOSING. THE ORIGINAL MOTION WAS CARRIED BY A VOTE OF SEVEN TO TWO WITH COUNCIL MEMBERS BOULTON, HERZENGER, HOWES, KAWALEC, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBERS SMITH AND THORPE OPPOSING.

Resolution Regarding the Cane Creek Storage Reservoir Environmental Assessment

Mayor Nassif stated the Corps of Engineers had completed its environmental assessment on the Cane Creek Storage Reservoir and had submitted a copy to the town for evaluation. The Town had asked Mr. Okun and Mr. Weiss to comment on the assessment. Now, Mayor Nassif asked the Council to consider the following resolution which he proposed to submit at the public hearing.

RESOLUTION EXPRESSING SUPPORT OF THE CANE CREEK RESERVOIR BY MEMBERS OF THE TOWN COUNCIL OF CHAPEL HILL

WHEREAS, the draft Environmental Impact Statement indicates that water quality to be expected for Cane Creek would be better than that to be expected for either the Haw River or the B. Everett Jordan Reservoir; and

WHEREAS, the Cane Creek option is shown to be economically feasible; and

WHEREAS, the Environmental Protection Agency Primary Interim Drinking Water Standards state that "...priority should be given to the selection of the purest sources. Polluted sources should not be used unless other sources are economically unavailable..." (emphasis added); and

WHEREAS, the EIS fails to show that economic feasibility, socio-economic impacts and biological impacts are sufficient to warrant the overriding of water quality considerations associated with a well-protected source; and

WHEREAS, watershed controls will go far toward preserving the integrity of the environment in the vicinity of Cane Creek and toward preserving the character of that area;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Chapel Hill endorses the Cane Creek Reservoir as both the feasible and prudent alternative for a water source; and

BE IT FURTHER RESOLVED that all permitting agencies involved issue the necessary permits as soon as practical in order that this vital project may be completed in a timely fashion.

This the 25th day of August, 1980.

Council member Straley and Council member Howes suggested changes in the wording of the resolution.

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

RESOLUTION EXPRESSING SUPPORT OF THE CANE CREEK RESERVOIR BY MEMBERS OF THE TOWN COUNCIL OF CHAPEL HILL

WHEREAS, the draft Environmental Impact Statement indicates that water quality to be expected for Cane Creek would be better than that to be expected for either the Haw River or the B. Everett Jordan Reservoir; and

WHEREAS, the Cane Creek option is shown to be economically feasible; and

WHEREAS, the Environmental Protection Agency Primary Interim Drinking Water Standards state that "...priority should be given to the selection of the purest sources. Poluted sources should not be used unless other sources are economically unavailable..."(emphasis added); and

WHEREAS, the EIS does not show that economic feasibility, socio-economic impacts and biological impacts are sufficient to warrant the overriding of water quality considerations associated with a well-protected sources; and

WHEREAS, OWASA is the agency created by the Towns of Chapel Hill and Carrboro and Orange County; and

WHEREAS, OWASA's selection of the Cane Creek site is the result of careful study and of prudent exercise of its authority; and

WHEREAS, development controls in the Cane Creek watershed will go far toward preserving the integrity of the environment in the vicinity of Cane Creek and toward preserving the character of that area;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Chapel Hill endorses the Cane Creek Reservoir as both the feasible and prudent alternative for a water source; and

BE IT FURTHER RESOLVED that all permitting agencies involved issue the necessary permits as soon as practicable in order that this vital project may be completed in a timely fashion.

This the 25th day of August, 1980.

Council member Thorpe stated that although he would support the resolution, he thought the OWASA representatives could adequately represent the town. Mayor Nassif responded that OWASA had asked the town to appear at the hearing. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending the Franchise for Chapel Hill Taxi Service

Mr. Shipman stated he intended to bring to the Council at a later date amendments to the franchise ordinance for taxi service. At this time, he was recommending that the Council let the market place determine the number of cabs on the street. It was possible he would later recommend that the Council eliminate the zones and install meters in the cabs.

Mr. Hinds reminded the Council of the attorney's statement that the town did not have to issue a franchise for more cabs if they did not believe the cabs necessary. He suggested if the town was going to regulate cabs, it should be certain that the town could support the cabs it authorized. His company could not profitably operate all of the taxis it was licensed to operate.

Mr. Shipman responded that the number of cabs necessary for Chapel Hill had not been established. He did not believe the company owners would put more taxis on the streets than could operate profitably.

Mr. Hinds suggested that if the Town was going to let the market place determine the number of taxis, it should also let the market place determine the fares. Mr. Shipman disagreed with this, although he thought it necessary from time to time to adjust the fare structure. Mayor Nassif commented that after a study the Council might agree that no regulation was needed. Mr. Hinds thought it was.

Mr. Passillipo said the town needed the competition among cabs. His business was doubling. He thought that with the competition the drivers could make good salaries although they would have to work harder.

Council member Smith said there was no proof that the extra taxis were needed in Chapel Hill. He wanted to wait for the Transportation Board recommendation. Council member Herzenberg agreed that it was difficult to vote without the report from the Transportation Board.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE.

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

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

SECTION I

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

WHEREAS, Thomas J. Passillipo was granted a franchise to operate three (3) taxicabs in Chapel Hill on October 22, 1979, and

WHEREAS, Thomas J. Passillipo proposed to operate twelve (12) additional taxicabs, and

WHEREAS, the Council finds that the public convenience and necessity require the operation of up to fifteen (15) taxicabs, and that the said Thomas J. Passillipo 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 N.C.G.S. 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Thomas J. Passillipo be, and he is hereby granted the franchise to operate a total of fifteen (15) 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.

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

This the 25th day of August, 1980.

Council member Howes noted that if the Council granted the extra taxis, they could then evaluate the effect of a higher level of service on the town. He did not believe the town was saturated.

Council member Straley wanted to receive the Transportation Board report, but suggested the Council compromise by doubling the number of taxis authorized for Mr. Passillipo so that he would not be at such a disadvantage in numbers. Council member Kawalec agreed to reduce the number to have the ordinance adopted. She added that when Mr. Hinds had requested extra taxis a few months ago, the Council had required not proof that they were needed. The Manager had at that time said he had no guidelines for determining that such a large number of taxis at one time.

Council member Wallace thought it a mistake to add such a large number of taxis at one time.

THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO FOUR WITH COUNCIL MEMBERS BOULTON, HOWES, KAWALEC AND NASSIF SUPPORTING AND COUNCIL MEMBERS HERZENBERG, SMITH, STRALEY, THROPE AND WALLACE OPPOSING.

COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER WALLACE, ADOPTION OF THE FOLLOWING ORDINANCE.

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

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

SECTION I

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

WHEREAS, Thomas J. Passillipo was granted a franchise to operate three (3) taxicabs in Chapel Hill on October 22, 1979, and

WHEREAS, Thomas J. Passillipo proposed to operate twelve (12) additional taxicabs, and

WHEREAS, the Council finds that the public convenience and necessity require the operation of up to six (6) taxicabs, and that the said Thomas J. Passillipo 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 N.C.G.S. 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Thomas J. Passillipo 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 25th day of August 1980.

AND THAT A STUDY OF THE NEEDS OF CHAPEL HILL FOR TAXI SERVICE BE REFERRED TO THE TRANSPORTATION BOARD WITH A REQUEST FOR A REPORT AT THE EARLIEST POSSIBLE TIME.

Resolution Amending the 1979-80 Community Development Grant Application

Mr. Hooper explained that the portion cut from the Lincoln renovations was from the contingency and for improving the entranceway. If money was left from other projects, the Lincoln renovations would be done. Council member Boulton was concerned that citizens' safety would be involved in the Lincoln renovations. Mr. Hooper responded that the Facilitating Committee had made the recommendation to fund the Housing Authority requests rather than the Lincoln renovations. The lights for the entranceway were a separate item and would be put in.

Council member Smith asked if a sidewalk on the east side of Merritt Mill Road had been considered. Mr. Hooper said it had been discussed, but there was uncertainty as to what would be done to Merritt Mill. Also a sidewalk plan was being drafted. A pedestrian train from the Pine Knolls Center would help to alleviate the problems. Council member Smith stated that pedestrians walked in the street and emphasized that the area needed attention.

Mayor Nassif commented that the State would be correcting drainage problems on Merritt Mill Road and the road would be resurfaced in the fall. He would be discussing the problems of Merritt Mill Road with Mr. Bradshaw.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE 1979-80 CD BLOCK GRANT ENTITLEMENT APPLICATION AMENDMENT

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager, Raymond E. Shipman, to submit an amendment to the 1979-80 Entitlement Application to the Department of Housing and Urban Development to add \$55,606 in surplus Neighborhood Development Program (NDP) funds and \$26,990 in reprogrammed funds from previous entitlement years, including all understandings and assurances contained therein; and

BE IT FURTHER RESOLVED that said Raymond E. Shipman is hereby directed and designated as the authorized representative of the Town to act in connection with the application and to provide such additional information as may be required.

This the 25th day of August, 1980.

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

Ordinance Amending "An Ordinance Establishing a Position Classification and Pay Plan for Employees of the Town of Chapel Hill and Bonds of Officials for the Period July 1, 1980 through June 30, 1981."

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (LIBRARY ASSISTANT POSITION)

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, 1980 through June 30, 1981," as follows:

SECTION ONE

In Section IV.C., DELETE the line:

	<u>Full-Time</u>		<u>Part-Time</u>		<u>Grade No.</u>
	<u>No.</u>	<u>Hrs.</u>	<u>No.</u>	<u>Hrs.</u>	
LIBRARY					
Library Assistant I	5	37.5	1	20	7

and ADD the line:

	<u>Full-Time</u>		<u>Part-Time</u>		<u>Grade No.</u>
	<u>No.</u>	<u>Hrs.</u>	<u>No.</u>	<u>Hrs.</u>	
LIBRARY					
Library Assistant I	4	37.5	3	20	7

This the 25th day of August 1980.

Council member Thorpe asked if the manager planned to upgrade these part-time positions to full-time positions next year. Mr. Shipman said he did not. These changes would have been a part of the budget, but there was an incumbent in the full-time position at that time. Council member Thorpe was concerned that the Council was making changes approximately four weeks after the adoption of the budget.

Council member Smith asked if this change would make any change in the amount of fringe benefits paid. Mr. Shipman said the difference would be approximately \$250. THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER THORPE OPPOSING.

Annual Budget

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR FOR THE FISCAL YEAR BEGINNING JULY 1, 1980"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980" as duly adopted on June 16, 1980, be and the same is hereby amended as follows:

ARTICLE I

<u>General Fund</u>	<u>Adopted Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Mayor and Council	\$ 98,364	\$ 6,752	-	\$105,116
Town Manager				
Administration	110,166	29,038	-	139,204
Staff Services	68,328	9,585	-	77,913
Personnel	81,508	19,545	-	101,05
Finance				
Administration/Purchasing	84,186	16,155	-	100,34
Accounting/Control	58,912	14,473	-	73,38
Revenue Collection	47,840	5,197	-	53,037
Town Clerk	33,985	7,864	-	41,849
Legal	91,555	15,662	-	107,217
Human Services				
Administration	53,882	10,810	-	64,692
Community Services	119,638	26,837	-	146,475
Planning	126,728	34,307	-	161,035
Inspections	127,411	32,796	-	160,207
Public Works				
Administration	54,366	15,402	-	69,768
Engineering	103,473	27,356	-	130,829
Construction	63,407	13,343	-	76,750
Streets	501,373	65,287	-	566,660
Equipment Services	532,005	30,051	-	562,056
Solid Waste Collection	636,215	117,621	-	753,836
Public Buildings and Grounds	236,172	24,372	-	260,544
Police				
Administration	185,609	37,850	-	223,459
General Services	149,984	35,146	-	185,130
Uniform Patrol	799,523	183,110	-	982,633
Detective	152,046	33,687	-	185,73
Fire				
Administration/Training	66,994	15,214	-	82,20
Suppression	769,704	163,438	-	933,142
Prevention	54,349	13,322	-	67,671
Parks and Recreation				
Administration	57,851	14,551	-	72,402
General Recreation	171,304	28,756	-	200,060
Athletics	192,362	27,814	-	220,176
Parks and Recreation	177,728	18,516	-	196,244
Sundry				
Wage/Fringe	1,446,536	-	1,093,857	352,679

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

This the 25th day of August 1980.

Council member Smith asked if these funds would be allocated to the departments in the 1981 budget. Mr. Shipman said they would. However, Ms. Parker commented that the cost-of-living adjustment would not be allocated until the Council had adopted the budget. THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER THORPE OPPOSING.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, 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, 1980"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the fiscal year beginning July 1, 1980," as duly adopted on June 16, 1980 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>
Community Development fund	\$99,900	\$44,756	\$ -	\$144,656

ARTICLE II

REVENUE	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Community Development Fund	\$99,900	\$44,756	\$ -	\$144,656

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

This the 25th day of August, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR FOR THE FISCAL YEAR BEGINNING JULY 1, 1980"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980" as duly adopted on June 16, 1980, 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>
TRANSPORTATION FUND				
Administration	\$ 57,970	12,785	-	70,755
Operations	974,197	62,233	-	1,036,430
Maintenance	260,355	21,325	-	281,680
Sundry	293,068	38,817	-	331,885

ARTICLE 11

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
REVENUES				
Transportation	\$1,585,590	\$135,160	-	\$1,720,750

This the 25th day of August, 1980.

Council member Thorpe commented that the Council had discussed this change during the budget, and that the Manager had been negotiating with Carrboro at that time; therefore, he was willing to accept the change. THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, 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, 1980"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980" as duly adopted on June 16, 1980, be and the same is hereby amended as follows:

ARTICLE I

<u>GENERAL FUND</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Parks and Recreation Athletics	220,176	2,300	-	222,476

ARTICLE II

<u>REVENUES</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Service Charges	322,605	2,300	-	324,905

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

Council member Smith asked how the increase in the number of teams would affect the resting of the fields. Mr. Secrist explained that the season would be over by October when the seeding would be done. There would be no winter sports on the field seeded. THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION REGARDING 1980-81 FUNDING FOR THE ART SCHOOL

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Manager to negotiate a performance contract with the Art School that will assist in meeting the recreational needs of Town residents as determined by the Manager and the Parks and Recreation Department.

This the 25th day of August, 1980.

Mr. Menache was concerned that he was being requested to implement programs not normally offered by the Arts School. They had already planned programs for the year.

Ms. May added that the Board of the Art School had expected the town to see how programs would fit with the needs of the Town for allocated funds, but they had not expected requests for several new programs. To begin these new programs, the School would have to increase their personnel and time. The funding would not help in current programs with the requests added by the town.

Council member Herzenberg commented that it was unfortunate that this discussion had not been held during the budget. He had thought some of the money the town allocated would be used for rent for the building, or to sustain existing programs for the Art School. Council member Boulton suggested the Recreation Department try to compromise with the Art School in finding programs to support.

Mr. Secrit responded that the Recreation Department had submitted the list of suggestions to the Art School as ways to bring programs to citizens who would not normally see them. It was not a demand that the Art School have all of the programs. They could use talent already within the Art School. Mr. Menache wanted the funds to defray existing programs which are revenue related. The staff wanted to add programs in areas where citizens would not see them. Mr. Shipman added that the town required other performance contracts to list programs for which town funds would be used.

Council member Straley stated the Art School operated on a "shoe lace." Many of their programs were things the town needed. Council member Smith said the Manager had used the guidelines and restrictions outlined by the Council and State.

Ms. May suggested a committee of the Board of the Art School look at both the list of suggestions and current programs to see if the town could not go together.

COUNCIL MEMBER HOWES MOVED TO TABLE THE MATTER TO ALLOW FOR TIME FOR NEGOTIATION. There was no second.

Council member Wallace thought there was something in the Art School program which would be identified in the performance contract. His intention originally had been to give this type of agency some extra money to allow more freedom within their budgets. Council members Wallace and Boulton withdrew their motion to adopt.

Mr. Denny commented that the money did not have to be for a specific program. It must however, be for a purpose which the town could do but was contracting with someone else to do.

Mayor Nassif stated that a performance contract was not for giving an agency funds to defray costs; it was to require programs needed by the town for the funds.

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

A RESOLUTION REGARDING 1980-81 FUNDING FOR THE ART SCHOOL

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Manager to negotiate a performance contract with the Art School and the Board of Directors that will assist in meeting the recreational needs of Town residents as determined by the Manager and the Parks and Recreation Department.

This the 25th day of August, 1980.

Council member Wallace asked for the import of this action. Council member Straley wanted to encourage the Recreation Department to compromise with the Art School. The Council thought the School was fulfilling some of Chapel Hill's needs. Council member Howes said he would vote against the motion because it did nothing which was not done by the budget. THE MOTION WAS CARRIED BY A VOTE OF SIX TO THREE WITH COUNCIL MEMBERS HERZENBERG, KAWALEC, SMITH, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBERS BOULTON, HOWES, AND WALLACE OPPOSING.

Scheduling of Public Hearings on September 15

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A MODIFICATION TO THE OAKS APARTMENTS SPECIAL USE PERMIT

BE IT HEREBY RESOLVED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL that the Council hereby calls a public hearing for September 15, 1980, to consider the proposed modification of the Oaks Apartments Unified Housing Development Special Use Permit. This modification, if approved, would allow conversion of this property to condominium form of ownership.

This the 25th day of August, 1980.

Council member Boulton asked if the litigation on another conversion would have any effect on this project. Mr. Denny said it would not. Mayor Nassif inquired whether this would be the same procedure as for a special use permit.

Mr. Denny explained that the hearing would follow the same procedure because the Council must make the same findings. THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION CALLING A PUBLIC HEARING FOR ZONING OF THE FIRE STATION NORTH PROPERTY

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby calls a Public Hearing to be held at 7:30 p.m., September 15, 1980, in the Municipal Building, 306 North Columbia Street, to consider zoning the Fire Station North property to a Limited Business (LB) zoning district.

This the 25th day of August, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Discussion of Extending Development Impact Assessment Review Period for a Rezoning Application

Mr. Shipman recommended closing the review period on the assessment for 402 Hillsborough Street in that there would be two other opportunities for the public and Council to speak to this matter during the normal application process. Ms. Studemeyer agreed that it was proper to expedite the matter. The Council agreed.

Council Procedures

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 2-5 (Committees of Council)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 2-5 of the Code of Ordinances, Town of Chapel Hill, to read as follows:

Section 2-5. Committees of Council.

The Mayor shall bi-annually appoint following the election, the following committees of the council:

- Audit Committee
- Cemetery Committee
- Protocol Committee
- Public Facilities Naming Committee
- Streets and Public Safety Committee

SECTION II

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

This the 25th day of August, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts Supplement #1 (August 1, 1980) to the Town Council Procedures Manual adopted by the Council on January 28, 1980.

This the 25th day of August, 1980.

Council member Thorpe wanted a method for Council members to be appointed to committees in which they were interested although the Mayor made the appointments. Mayor Nassif commented that he had asked members which committees they wanted to serve on before the organizational meeting. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolutions Accepting Bids and Awarding Contracts

COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR TWO CABS AND CHASSIS EQUIPPED WITH TWO SIDE-LOADING PACKER BODIES

WHEREAS the Town of Chapel Hill has solicited formal bids on July 24, 1980 and the following bids have been received:

<u>Bidder</u>	<u>Bid</u> <u>2 Cabs &</u> <u>Chassis</u>	<u>2 Packer Bodies</u>
Miller Truck Sales and Service, Inc., Durham, N.C.	\$59,302.88	No Bid
Worth Keeter, Inc., Charlotte, N.C.	\$60,979.64	\$36,904.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Miller Truck Sales and Service, Inc., for two cabs and chassis in the amount of \$59,302.88 and the bid of Worth Keeter, Inc., for two side-loading packer bodies in the amount of \$36,904.00.

This the 25th day of August, 1980.

Council member Boulton asked if there would be any advantage in awarding contracts for both side and front-loading trucks to the same company. There would not. THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE WORD PROCESSOR AND INFORMATION RETRIEVAL SYSTEM

WHEREAS the Town of Chapel Hill has solicited formal bids on August 1, 1980 and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	<u>Make and Model</u>
A.M. International Jacquard Systems, Raleigh, North Carolina	\$11,890	A.M. Jacquard 425
Cavins, Inc., Durham, North Carolina	\$ 9,990	Vydec 2000

Rowe Business Equipment,
Durham, North Carolina

\$ 9,250
Alternate: \$13,160

Olivetti-TES 501-55
Olivetti TES-701

Wang Laboratories, Inc.,
Raleigh, North Carolina

\$11,780

Wang 5505-3 with
5541W Printer

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Rowe Business Equipment for an Olivetti TES-501-55 in the amount of \$9,250.

This the 25th day of August 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Nominations and Appointments

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO APPOINT MS. HARGRAVES TO THE ORANGE COUNTY COUNCIL ON AGING. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif nominated Mr. Wicker, Ms. Eastman, Ms. Clark, Mr. McCormick, Mr. Hinds and Mr. Holland to the Personnel Appeals Committee.

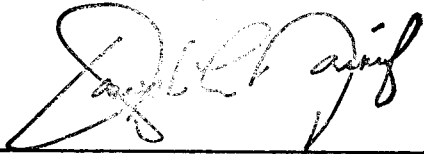
The Historic District Commission had submitted the names of Lamar Cecil and Arthur Marks as nominees for one position on the Commission.

Future Agenda Items

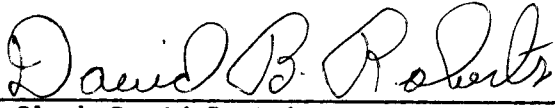
Several committee meetings were announced.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE, THAT THE COUNCIL ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND LAND ACQUISITION. 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