

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, SEPTEMBER 8, 1980 7:30 P.M.

Mayor Pro Tem Howes called the meeting to order. Present were:

Marilyn Boulton  
Joseph Herzenberg  
Beverly Kawalec  
R.D. Smith  
Joe Straley  
Bill Thorpe

Also present were Assistant Town Manager Tony Hooper and Town Attorney E. Denny. Mayor Pro Tem Howes announced that Mayor Nassif was returning from a conference and would be in about 9:00 p.m. He had requested that items 8 and 9, regarding a public hearing for an amendment to the zoning text and the drive-in business permit requests, be deferred until his arrival. Council member Wallace had telephoned that he would be arriving shortly.

Mayor Pro Tem Howes informed the Council he would be out of the country during the meeting of September 22.

Petitions and Requests

Residents of North Columbia Street had presented a petition to the Council regarding sidewalk improvements. COUNCIL MEMBER SMITH, MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER THE PETITION TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

The Coker Hills West Neighborhood Association requested to be heard when the Council considered calling a public hearing for the Zoning Text Amendment for airports. Mayor Pro Tem Howes agreed that the Council would hear the group, but warned them this was not the time for substantive discussion on the airport.

The Mayor had requested that item 17, regarding the rental of fire dryants, be deleted. The Council agreed.

Council member Thorpe asked that the Manager review the possibility of lowering the rates in the parking lots for senior citizens and handicapped. He wanted a resolution prepared for the next meeting.

Council member Thorpe requested the Manager to investigate the possibility of changing traffic lights to blinking lights in the early morning hours to allow traffic to move more freely.

Resolution Granting a Modification of the Special Use permit for Kennedy Apartments to K. Carroll Kennedy.

Mr. Jennings stated that although the applicant had requested another year to begin his project, the staff believed two years would allow adequate time. The project was not in his opinion speculative. COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION.

**A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR KENNEDY APARTMENTS TO K. CARROLL KENNEDY**

**BE IT RESOLVED** by the Council of the Town of Chapel Hill that the Special Use Permit granted to K. Carroll Kennedy on December 11, 1978 for the Kennedy Apartments located on Old Oxford Road is hereby modified to allow an extension of the starting and completion dates subject to the following:

1. That construction begin by January 1, 1983 and be completed by January 1, 1985.
2. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.

**BE IT FURTHER** resolved that the Council finds that the use as modified continues to meet the four findings made by the Council on December 11, 1978 (and subsequently modified).

**This the 8th day of September, 1980.**

Council member Herzenberg asked how many units would be built. Mr. Jennings said there would be 106. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for Country Squire Antiques Center to Douglas M. Lay and David P. Lindquist

Mr. Jennings stated that with original approval of the project, the seven spaces in front of the building were eliminated. The applicant was concerned that this would be bad for his business. With the low volume of traffic on the access road, the staff believed allowing four spaces in front of the building would give customers room to back and turn from the parking spaces without interfering with traffic. This would be a compromise for the applicant. Council member Smith asked if there was any way for the spaces to be located so that cars would not back into the road. Mr. Jennings did not believe so. Council member Smith was concerned that eventual development along the road would increase the volume of traffic. Mr. Jennings pointed out that I-40 would be next to the property.

Council member Straley in looking at the property had thought there was room for cars to back without going into the street. Mr. Jennings noted that the street did not cover the entire right-of-way, and the cars would go into the right-of-way.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE COUNTRY SQUIRE ANTIQUES CENTER TO DOUGLAS M. LAY AND DAVID P. LINQUIST

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to Douglas M. Lay and David P. Linquist for the Country Squire Antiques Center is hereby modified to allow the deletion of the original condition #1 subject to the following:

1. That the number of existing parking spaces located between the existing building and the frontage road be reduced from 7 parking spaces to 4 spaces. The 4 parking spaces shall be clearly marked and the manner in which the 3 deleted spaces are closed-off to preclude use shall be approved by the Appearance Commission.
2. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special use Permit.

BE IT FURTHER resolved that the Council finds that the use as modified continues to meet the four findings made by the Council on July 15, 1980 (and subsequently modified).

This the 8th day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use permit for University Mall to North Hills, Inc.

Mr. Jennings explained that First Union Bank wished to put their logo on the south side of their building. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

**A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR UNIVERSITY MALL TO NORTH HILLS, INCORPORATED**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to North Hills, Incorporated on September 9, 1968 for University Mall at Estes Drive is hereby modified to allow the placement of the First Union Bank logo on the south elevation of the bank building as shown on plans submitted August 8, 1980 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 finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.

BE IT FURTHER resolved that the Council finds that the use as modified in accordance with the plans submitted August 8, 1980 continues to meet the four findings made by the Council on September 9, 1968 (and subsequently modified).

This the 8th day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for Oxford Condominiums to Oxford Townhouse Condominiums

Mr. Hooper stated that in the past each modification to permit construction of a balcony had been approved by the Council on an individual basis. The Council, by approval of a resolution, would allow approval by the staff without a modification. Compliance with setback regulations would still be required, and each application would be reviewed by the Appearance Commission. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

**A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR OXFORD CONDOMINIUMS TO OXFORD TOWNHOUSE CONDOMINIUMS**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to Oxford Townhouse Condominiums for the Oxford Condominiums on Ephesus Church Road is hereby modified to allow the enclosure of existing patios subject to the following:

1. That detailed architectural elevations for the proposed addition to dwelling unit #22 be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
2. The existing patios within the subject housing development may be enclosed provided the detailed architectural plans and elevations are approved by the Appearance Commission and provided the minimum setback requirements of the Zoning Ordinance are complied with. Such plans shall be approved by the Appearance Commission prior to issuance of a building permit.
3. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.

BE IT FURTHER resolved that the Council finds that the use as modified continues to meet the four findings made by the Council on January 1, 1973 (and subsequently modified).

This the 8th day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Denying a Zoning Map Amendment for Property on Farrington Road - Mellott Property

Mr. Jennings stated the applicant's request for a zoning map amendment would change the type of development allowed only if sewer were available. Town regulations required one acre per dwelling unit for septic tanks. Therefore, the change would not be effective at this time and the staff did not believe it should be granted. (Council member Wallace came in.)

Mayor Pro Tem Howes asked why the recommendation had not been to the Council before this. Mr. Jennings explained that two zoning map amendments had been heard at the same time. The staff and Planning Board had discussed whether they should recommend the Council adopt a policy with regard to premature zoning map amendment requests. They had decided to go ahead with this request. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION DENYING A ZONING MAP AMENDMENT FOR PROPERTY ON FARRINGTON ROAD IDENTIFIED AS CHAPEL HILL TOWNSHIP TAX MAP 128, BLOCK C, LOT 1.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request of Calvin Mellott for a zoning map amendment to change the zoning of 4.11 acres of land as Chapel Hill Township Tax Map 128, Block C, Lot 1 from the existing Agriculture and R-20 zoning to R-15.

This the 8th day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Reapproving the Preliminary Sketch for Forsyth Subdivision

Mr. Jennings stated the applicant had divided one tract into six lots since original approval of the subdivision. This subdivision would be connected by streets to the two adjoining subdivisions.

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

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A RESOLUTION REAPPROVING THE PRELIMINARY SKETCH FOR FORSYTH SUBDIVISION -

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated July 28, 1980 for Forsyth Subdivision - located on property identified as Chapel Hill Township Tax Map 27, Block D, Lots 22 and 23, subject to the following:

1. That an additional 25 foot wide pedestrian and non-motorized vehicle easement be added to the open space parcel on the southern portion of the property, bringing the combined width of said open space and easement to 100 feet, and that a minimum 25 foot wide pedestrian and non-motorized vehicle easement be dedicated between Forsyth Drive and said open space.
2. That an additional five feet of right-of-way be dedicated along the applicant's frontage with Legion Road. Such dedication shall be shown on the final plat.
3. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance of any grading permit, start of construction of improvements or submission of an application for final plat approval.
4. That a detailed drainage plan and the detailed street construction plans be submitted to and approved by the Town Manager prior to issuance of a grading permit, building permit or submission of an application for final plat approval.
5. 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.
6. That the detention basin be privately maintained by the owner, a homeowners' association, or other appropriate entity.
7. That sewer, drainage, and utility easements be dedicated as required by the Town Manager. Such easements shall include a sewer easement along the length of the southern property boundary.
8. That the open space be labelled "dedicated permanent open space, and pedestrian and non-motorized vehicle easement," and that signs be posted at all entrances to open space or easements indicating that these areas are public footpaths.
9. That a revised site plan incorporating all the above conditions be submitted to and approved by the Planning Board prior to, or as part of, the consideration of the request for final plat approval.
10. That all lots connecting to the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
11. That prior to paving streets, utility service laterals shall be stubbed-out to the front property line of 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 Engineer prior to paving any street certifying that all utilities are in place.
12. That no proposed street names duplicate or be similar to existing street names. Such proposed street names shall be approved by the Town Manager and shall be shown on the final plat.
13. That all streets be paved to Town standards or comparable State standards (whichever are greater) with curb and gutter, and that the plans and profiles of such streets be approved by the Town Manager prior to construction. That Elderberry Drive and any proposed cul-de-sac street be paved to a minimum paved cross-section of 27 feet back-to-back of curb as provided in Section 18-68 of the Subdivision Ordinance.
14. That Legion Road be paved, curbed and guttered along the property's frontage to a width of 16½ feet as measured from the centerline of the road (to provide for an eventual 33 foot wide street).
15. That the proposed cul-de-sac be exempted from the 400 foot maximum length standard of the Subdivision Ordinance as provided for in Section 18-55 of the Subdivision Ordinance.
16. That lot #42 be redrawn to create a buildable lot.

This the 8th day of September 1980.

Council member Straley questioned the provision of green space. Mr. Jennings explained that the ordinance requirement had been satisfied. The portion considered important by the staff would create a pedestrian-way to a town park. The other portion would provide a buffer between the subdivisions. Mr. Jennings did not anticipate active use of the open space.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend "An Ordinance Granting a Franchise to Village Cable, Inc., to Construct and Maintain a Cable Television System Within the Town of Chapel Hill, etc."

Mr. Hooper stated that changes had been requested by Village Cable to their franchise. The consultant believed the changes to be the equivalent of the original proposal. Council member Herzenberg questioned the substitution of WOR-TV. There was no one present from Village Cable. The item was deferred until later in the meeting when someone would be present.

Budget

COUNCIL MEMBER THORPE 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 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 the Fiscal Year Beginning July 1, 1979" as duly adopted on June 25, 1979 be and the same is hereby amended as follows:

ARTICLE 1

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>				
Mayor and Council	\$ 97,090	\$ -	\$ -	\$ 97,090
Town Manager				
Administration	135,285	-	-	135,285
Staff Services	48,090	-	-	48,090
Personnel	81,595	-	-	81,595
Elections	6,525	-	-	6,525
Finance				
Administration-Purchasing	59,380	201	-	59,581
Accounting-Control	129,400	-	201	129,199
Revenue Collections	51,135	380	-	51,515
Town Clerk	32,430	-	380	32,050
Legal	88,170	1,143	-	89,313
Human Services				
Administration	115,840	-	-	115,840
Community Services	139,965	-	-	139,965
Planning	142,760	2,304	-	145,064
Inspections	130,935	-	-	130,935
Public Works				
Administration	57,415	-	-	57,415
Engineering	93,185	-	-	93,185
Construction	69,735	-	-	69,735
Streets	461,390	-	-	461,390
Equipment Services	422,910	-	-	422,910
Solid Waste Collection	548,045	-	-	548,045
Public Building and Grounds	234,065	-	-	234,065
Police				
Administration	106,877	181	-	107,058
General Services	115,665	-	181	115,484
Patrol	891,593	-	1,894	889,699
Detective	154,025	1,894	-	155,919
Fire				
Administration	66,095	-	-	66,095
Suppression	864,180	-	-	864,180
Prevention	52,385	-	-	52,385

Recreation	56,895	4,554	9-8-80 -	61,449
Administration	170,450	-	-	170,450
General Recreation	188,180	-	4,554	183,626
Athletics	118,435	-	-	118,435
Maintenance				

Contributions to Library	212,495	-	-	212,495
Sundry				
Wage/Fringe	962,460	-	3,447	959,013
Interfund Transfers	400,485	-	-	400,485
Contingency	10,065	-	-	10,065
<b>TOTAL GENERAL FUND</b>				<b>\$7,515,630</b>

OTHER FUNDS

Debt Service	\$ 780,250	\$ -	\$ -	\$ 780,250
Wastewater	97,225	-	-	97,225
Solid Waste Disposal	234,690	-	-	234,690
Parking Facilities	323,025	-	-	323,025
Transportation				
Administration	89,810	-	10,000	79,810
Operations	859,045	27,897	-	886,942
Maintenance	226,895	-	-	226,895
Sundry	201,035	-	17,897	183,138
General Revenue Sharing	570,095	-	-	570,095
Housing Loan Trust Fund	7,800	2,070	-	9,870
Library				
Operation Fund	348,025	-	-	348,025
Gift Fund	15,000	-	-	15,000
Capital Improvements	3,958,830	-	-	3,958,830
Transit Capital Grant	3,526,396	-	-	3,526,396
Community Development	263,630	-	-	263,630
Parking Facilities Capital	270,100	-	-	270,100
Grants	123,018	-	-	123,018

ARTICLE II

<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<b>GENERAL FUND</b>				
Property Tax	\$3,700,495	\$-	\$-	\$3,700,495
Licenses and Permits	123,750	-	-	123,750
Fines and Forfeitures	95,200	-	-	95,200
Revenue from Other Agencies	2,142,118	-	-	2,142,118
Service Charges	206,585	-	-	206,585
Other Revenues	23,100	-	-	23,100
Revenues from Use of Money and Property	163,700	-	-	163,700
Interfund Transfers	503,690	-	-	503,690
Fund Balance	556,992	-	-	556,992
<b>TOTAL GENERAL FUND</b>				<b>\$7,515,630</b>

Debt Service Fund	\$ 780,250	\$ -	\$ -	\$ 780,250
Wastewater Fund	97,225	-	-	97,225
Solid Waste Disposal Fund	234,690	-	-	234,690
Parking Facilities Fund	323,025	-	-	323,025
Transportation Fund	1,376,785	-	-	1,376,785
General Revenue Sharing Fund	570,095	-	-	570,095
Housing Loan Trust Fund	7,800	2,070	-	9,940
Library Funds	363,025	-	-	363,025
Capital Improvement Fund	3,958,830	-	-	3,958,830
Transit Capital Grants Fund	3,526,396	-	-	3,526,396
Community Development Fund	263,630	-	-	263,630
Parking Facilities Capital Fund	270,100	-	-	270,100
Grants Fund	123,018	-	-	123,018

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

This the 8th day of September 1980.

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THE MOTION WAS CARRIED UNANIMOUSLY.

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

**AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR A TRANSIT VEHICLE REPLACEMENT GRANT FROM FY 1980 FEDERAL FUNDS**

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is a Transit Vehicle Replacement Grant from FY 1980 Federal Funds, more specifically known as North Carolina Department of Transportation Grant No. 80-18-000 awarded under the Urban Mass Transportation Act of 1964, as amended, by the North Carolina Department of Transportation. The project provides funds for the purchase of five (5) transit coaches, one (1) spare power pack, five (5) radios, three (3) automobiles, six (6) partitions, and two (2) lift-equipped vans, and for administration of the project.

Section 2. The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the North Carolina Department of Transportation and within the funds appropriated herein.

Section 3. The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application:

Vehicle Replacement Grant FY 1980	\$814,860
Local Match: General Revenue Sharing Funds (from Transit Capital Grant Fund)	88,000
Transportation Fund Contribution	2,540
TOTAL	\$905,400

Section 4. The following amounts are appropriated for the project:

5 Transit Coaches	\$700,000
5 Radios	7,750
2 Lift-Equipped Vans	35,000
1 Spare Power Pack	40,250
3 Automobiles	24,000
6 Partitions	1,250
Contingency	40,413
Administration	56,737
TOTAL	\$950,400

Section 5. All funds expended from the Transportation Fund on behalf of this project shall be repaid to the Transportation Fund from the capital project.

Section 6. The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Report. He shall also keep the Council informed at each regular meeting of any unusual occurrences.

Section 7. Copies of this project ordinance shall be entered into the Minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director, and Clerk.

This the 8th day of September 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend "An Ordinance Establishing a Position Classification and Pay Plan for Employees of the Town of Chapel Hill, etc."

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



AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (TRANSIT POSITIONS)

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 lines:

<u>Positions</u>	<u>Full-Time</u>		<u>Part-Time</u>		<u>Grade No.</u>
	<u>No.</u>	<u>Hours</u>	<u>No.</u>	<u>Hours</u>	
Bus Driver II	2	40	-	-	11
Bus Driver I	32	40	20	-	10

ADD the lines:

Bus Driver II	3	40	-	-	11
Bus Driver I	33	40	28	-	10

This the 8th day of September 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding Naming of Cedar Falls Park Nature Trail

Council member Smith stated there were questions from the committee with regard to the charge from the Council. However, they recommended the Council name the Cedar Falls Park Nature Trail after Ms. Jo Peeler in recognition of her work for the town. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION REGARDING NAMING OF CEDAR FALLS PARK NATURE TRAIL

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby names the nature trail at Cedar Falls park for Mrs. Jo Peeler in recognition and appreciation of her time, energy and dedication to the community as exhibited in her role in the acquisition of Cedar Falls Park.

This the 8th day of September, 1980.

This would require waiving of the regulations calling for a year's passing before naming of any facility.

Council member Boulton stated the purpose of the regulation was to prevent the naming of any facility emotionally. She believed this was what the Council was doing. She suggested that instead of naming the trail after Ms. Peeler, it be dedicated to Ms. Peeler, with an appropriate plaque.

Council member Smith added that one of the concerns of the committee had been whether facilities should be named after individuals. He asked that the Council discuss this point at a later time after the present issue had been decided.

Mr. Denny said in the past it had been unclear as to what body in the town had the authority to name a facility. Controversy had been created by public announcements that facilities should be named after certain individuals. The Town had put in the year's requirement to allow time for suggestions for names, and whether the time and name were appropriate.

COUNCIL MEMBER BOULTON MOVED TO AMEND THE RESOLUTION TO SUBSTITUTE THE WORD DEDICATE FOR NAMES. THE MOVER AND SECONDER ACCEPTED THE AMENDMENT. Council member Boulton asked if the town would take responsibility for erection of the sign. Council member Smith informed the Council he had tried to contact Ms. Fran Hollister of the Garden Club to get the club's ideas, but had not succeeded. He would continue his efforts.

THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE.

A RESOLUTION REGARDING DEDICATION OF CEDAR FALLS PARK NATURE TRAIL

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council

hereby dedicates the nature trail at Cedar Falls Park to Mrs. Jo Peeler in recognition and appreciation of her time, energy and dedication to the community as exhibited in her role in the acquisition of Cedar Falls Park.

This the 8th day of September, 1980.

Council member Kawalec commented that the Council needed to review this committee to see if it was necessary. She had benefitted from the comments of others not on the committee.

Ordinance Concerning Representation on the parks and Recreation Commission

Council member Herzenberg asked why the Manager was designated an ex officio member of the Recreation Commission but of no other committee. Mr. Denny explained that the Recreation Commission occupied a unique position within the town because it had public membership with certain responsibilities such as a department of the town government. It had been traditional for the Manager or his designee to be an ex officio member. Council member Boulton thought the Council had already dealt with the issue of a school administration member on the commission.

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

BE IT ORDAINED BY THE COUNCIL of the Town of Chapel Hill that the Council amends the Code of Ordinances, Town of Chapel Hill, Section 12-17, to read as follows:

Section 12-17 Membership

The Commission shall consist of ten (10) commissioners, all of whom shall be appointed at large. All members shall be residents and citizens of the Town.

This the 8th day of September, 1980.

Council member Smith asked why the Town Manager had been removed as a member. Council member Herzenberg responded that this commission was no different from the Planning Board or Transportation Board which operated well with assistance from the staff, but without the manager designated as an ex officio member. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE AND WALLACE SUPPORTING AND COUNCIL MEMBER SMITH OPPOSING.

Streets and Public Safety

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

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET (FESTIFALL '80)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and Henderson Street between Rosemary and Franklin Streets on Sunday, October 5, 1980 from 10:45 a.m. to 8:00 p.m., to allow the holding of the Festifall Street Fair and cleanup of the streets following said fair.

This the 8th day of September, 1980.

Council member Thorpe requested that the time for closing the street be moved to 11:15 a.m. to allow time for people to attend church. The Council agreed with this change. Council member Smith asked how many churches which would be affected had not signed the statement distributed by the town. Mr. Hooper responded that the Recreation Department had tried to contact most of the churches. Council member Straley noted that the Presbyterian and Methodist churches had not signed, and were disturbed by the interruption to their services. THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE.

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET (FESTIFALL '80)

BE IT RESOLVED by the Council of the Town of Chapel hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and Henderson Street between Rosemary and Franklin Streets on Sunday, October 5, 1980 from 11:15 a.m. to 8:00 p.m., to allow the holding of the Festifall Street Fair and cleanup of the streets following said fair.

This the 8th day of September, 1980.

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

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (FESTIVALL '80)

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

That on the 5th day of October, 1980, between the hours of 12:45 p.m. and 8:00 p.m., there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, nor on either side of Henderson Street between Franklin and Rosemary Streets.

The Police Department of the Town of Chapel hill is hereby authorized to cover the parking meters on said streets during such hours on said date, and to post signs during said time that said area is a tow zone. The Police Department is further authorized to remove, tow in, and impound automobiles and vehicles of any kind which are parked on said streets during such hours in contravention of this ordinance. The owner shall be responsible for and pay storage and moving cost of any vehicle removed pursuant to the provisions of this Ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicle.

This the 8th day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION REGARDING A ROAD NAMING PROJECT

WHEREAS, duplicated or similar sounding road names constitute a threat to the public health, safety and welfare, and

WHEREAS, duplicated or similar sounding road names may cause citizens, communication center dispatchers, law enforcement, fire and ambulance personnel confusion, doubt or error and may result in the incorrect dispatch of emergency services, and

WHEREAS, the Orange County Board of Commissioners, through recommendations of its Road Naming Advisory Committee has accepted all Municipal street names and renamed the roads in unincorporated Orange County accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town of Chapel Hill hereby declares it is in the public interest to avoid duplicating road names, and

BE IT FURTHER RESOLVED that the Town will participate with the Carrboro, Chapel Hill, Hillsborough, Mebane, and Orange County in the County's Intergovernmental Road Naming Program, and

BE IT FURTHER RESOLVED that the Town provide all new approved road names to Orange County, and receive from Orange County a Master List of road names to be used to avoid duplication of said road names, and

BE IT FURTHER RESOLVED to take any additional action as may be mutually agreed upon by the respective Towns and county to eliminate duplication of street names in development which has occurred to date to avoid duplication of road and street names.

This the 8th day of September 1980.

Council member Straley asked if some of the streets whose names had been duplicated were in town. Mr. Hooper explained that the Town would have to change the names of streets within the corporate limits, but the county were correcting those outside the corporate limits. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending an Ordinance to Grant a Franchise to Operate Taxicabs

COUNCIL MEMBER WALLACE 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. Posillipo was granted a franchise to operate three (3) taxicabs in Chapel Hill on October 22, 1979, and

WHEREAS, Thomas J. Posillipo 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. Posillipo 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. Posillipo 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 8th day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding Land Acquisition

Mr. Denny explained that the resolution being considered was the formal proceeding for action which had been discussed at the last meeting. COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

**A RESOLUTION REGARDING LAND ACQUISITION (CALDWELL STREET EXTENSION)**

BE IT RESOLVED by the Town Council of the Town of Chapel Hill that the Town Attorney is hereby authorized to negotiate with James R. Farlow, attorney for Stella Gattis, to purchase a tract on the south side of Caldwell Street Extension (formerly School Lane) belonging to the said Stella Gattis for roadway purposes in realigning said Caldwell Street Extension; and

BE IT FURTHER RESOLVED that if a negotiated purchase cannot be made, the Town Attorney is hereby authorized and directed to institute condemnation proceedings to acquire said tract of land through the authorized condemnation procedures available to the Town of Chapel Hill for acquiring road right-of-way and is hereby authorized to cause the Finance Department of the Town to issue a check payable to the order of the Clerk of Superior Court for deposit of the appraised value with the Clerk of Court pursuant to the institution of said proceedings.

This the 8th day of September, 1980.

Council member Smith stated he could not vote to begin condemnation proceedings on someone's home while negotiations between attorneys were continuing. Council member Wallace responded that the authorization for condemnation was necessary if the negotiations were to have any success. Council member Straley inquired about negotiating which had already taken place. Mr. Denny stated the opposing attorney refused to negotiate unless forced to do so. Council member Straley questioned the price paid under condemnation. Mr. Denny answered that the town could pay no more than the fair market value. However, this had yet to be determined. They would also pay relocation expenses.

Council member Straley asked if the house could be moved several feet so that it would still be near the original site. It could be, if the owner agreed.

Council member Thorpe said that he did not like to begin condemnation proceedings, but the owner's attorney refused to negotiate to protect interests different from those of the town.

THE MOTION WAS CARRIED BY A VOTE OF FIVE TO THREE WITH COUNCIL MEMBERS BOULTON, HOWES, KAWALEC, THORPE, AND WALLACE SUPPORTING AND COUNCIL MEMBERS HERZENBERG, SMITH AND STRALEY OPPOSING.

Bids

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FORTY-THREE NON-REGISTERING FARE BOXES AND RELATED EQUIPMENT

WHEREAS the Town has solicited formal bids on July 15, 1980 and the following bid has been received:

<u>Bidder</u>	<u>Bids</u>	
Duncan Industries, Inc., Elk Grove Village, Ill.	43 Fare Boxes	\$51,557
	1 Vault	6,552
	7 Spare Fare Box Vaults	2,275
	2 Transfer Units	1,750

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Duncan Industries, Inc. for forty-three non-registering fare boxes, one vault, seven spare fare box vaults and one portable transfer unit in the amount of \$61,259.

This the 8th day of September, 1980.

Council member Smith asked if there was only one bidder. Mr. Hooper said there were two possible vendors, one of whom chose not to bid. THE MOTION WAS CARRIED UNANIMOUSLY.

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

**A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR ONE (1) CUSTOM MOTOR FIRE APPARATUS (1,250 G.P.M. PUMPING ENGINE)**

WHEREAS, the Town of Chapel Hill has solicited formal bids on July 25, 1980 and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
Central Mack Sales, Inc. Raleigh, North Carolina	\$123,881.00
Howe Fire Apparatus Co., Inc. Anderson, Indiana	\$115,856.56
Jack Cocke and Co., Inc. Mobile, Alabama	\$122,387.52

Seagrave's Fire Apparatus, Inc.  
Clintonville, Virginia

\$112,832.35

Jack L. Slagle's Fire Equipment Co., Inc.  
South Boston, Virginia

\$119,982.15

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Seagrave's Fire Apparatus, Inc. in the amount of \$112,832.35.

This the 8th day of September 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

**A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR LOCKER ROOM FURNISHINGS**

WHEREAS the Town of Chapel Hill has solicited formal bids on August 15, 1980 and the following bids have been received:

<u>Bidder</u>	<u>Bids</u>	
Lyon Metal Products, Inc., Charlotte, N.C.	68 lockers 6 benches	\$5,879.28 347.14
Republic Steel Corp., Richmond, Va.	68 lockers 6 benches	6,609.60 360.66
The Phillip W. Smith Co., Raleigh, N.C.	Total for lockers & benches (no itemization)	 \$6,500.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Lyon Metal Products, Inc. in the amount of \$6,226.42.

This the 8th day of September, 1980.

Council member Smith asked if the Town would be putting only 68 lockers in the new facility. Mr. Hooper explained that they were 68 double-tier lockers. The town would gauge the use of the lockers and add more later if necessary. THE MOTION WAS CARRIED UNANIMOUSLY.

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

**A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS FOR ATHLETIC UNIFORMS, EQUIPMENT AND SUPPLIES**

WHEREAS, the Town of Chapel Hill solicited formal bids on August 15, 1980 and the following bids have been received:

<u>Item</u>	<u>Johnson Lambe Co.</u> <u>Raleigh, N.C.</u>	<u>Link-Watson Corp.</u> <u>Danville, Va.</u>
<b>I. BASKETBALL UNIFORMS, EQUIPMENT AND SUPPLIES</b>		
<b>A. <u>Basketball Uniforms</u></b>		
1. 10 Sets (10 Each) Shirts	\$ 299.00	\$ 369.00
2. 56 Sets (12 Each) Shirts	<u>3,353.28</u>	3,689.28
<b>B. <u>Basketball Equipment</u></b>		
1. 12 Basketballs (Leather)	188.40	143.40
2. 6 Basketballs (Jr. Leather)	179.40	<u>136.80</u>
3. 6 Basketballs (Synthetic Leather)	144.00	116.64
4. 2 Basketball Score Panels	<u>330.00</u>	No Bid
<b>C. <u>Basketball Supplies</u></b>		
1. 30 Scorebooks	84.00	60.00
2. 2 dozen Whistles	<u>16.80</u>	<u>19.20</u>
<b>II. VOLLEYBALL EQUIPMENT</b>		
1. 8 Volleyballs	<u>224.00</u>	239.52
2. 4 Volleyball Nets	106.00	<u>103.80</u>

### III. SOFTBALL EQUIPMENT

1.	48 dozen Softballs	2,368.80	<u>1,632.00</u>
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### IV. STAFF SHIRTS

1.	3 dozen Collar Shirts	<u>261.00</u>	364.20
2.	3 dozen T-shirts	117.00	<u>90.00</u>

Underlined items are recommended for acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Johnson Lambe Co. for the underlined items in the amount of \$4,672.48, and the bid of Link-Watson Corp. for the underlined items in the amount of \$2,139.24.

This the 8th day of September, 1980.

Council member Smith asked why the town would be buying staff shirts. Mr. Hooper explained the department thought it helpful for parents and participants to be able to identify supervisors. Council member Smith asked whether the town had considered cooperating with the County or Carrboro to buy such items to get a better price. They had not, but Mr. Hooper would investigate the possibility.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Nominations and Appointments

The six nominations for five seats on the Personnel Appeals Committee were: Rebecca Clark, David Hinds, Judy Eastman, Nicholas Holland, Russell McCormick, and Jack Wicker. Council votes were as follows: Boulton - Clark, Eastman, Holland, McCormick, Wicker; Herzenberg - Clark, Hinds, Holland, McCormick, Wicker; Howes - Clark, Eastman, Holland, McCormick, Wicker; Kawalec - Clark, Eastman, Holland, McCormick, Wicker; Smith - Clark, Eastman, Hinds, Holland, Wicker; Straley - Clark, Eastman, Hinds, Holland, Wicker; Thorpe - Clark, Hinds, Holland, McCormick, Wicker; Wallace - Clark, Eastman, Holland, McCormick, Wicker. Ms. Clark, Ms. Eastman, Mr. Holland, Mr. McCormick and Mr. Wicker were appointed.

Lamar Cecil and Arthur Marks had been nominated for one seat on the Historic District Commission. Mr. Marks received votes from Council members Boulton, Herzenberg, Kawalec, Straley, and Thorpe, with Mr. Cecil receiving votes from Council members Howes, Smith, and Wallace. Mr. Marks was appointed to a term expiring December 31, 1981.

The Planning Board submitted the names of Gina Cunningham and Ronald Rindfuss for two seats on the Planning Board.

#### Resolution Calling a Public Hearing to Consider an Amendment to the Zoning Text (Airport in University A Zone)

Ms. Andresen read a petition from the Coker Hills Neighborhood Association requesting that a public hearing to consider airport zoning not be called until November 10, 1980, to allow the residents time to study the request, and prepare comments on it.

Mayor Pro Tem Howes informed the Council that Ms. Sockwell had called the Mayor's office and requested that the hearing not be held until after September 22 as the School Board would be meeting on that night to discuss the matter and would like an opportunity to appear before the Council during the hearing.

Mr. Hooper stated that the immediate request for a hanger was more limited in scope than the overall question of the future of the airport and airport expansion. It was difficult to deal with one issue without dealing with the other. The Planning Board had suggested an alternative of allowing airports as special uses rather than uses by right.

Council member Boulton preferred to separate the issues rather than to continue to postpone the request for the amendment.

Mr. Denny commented that the town had received a request from the University for a modification to the zoning ordinance. The Planning Board had added that it would like the town to consider that the airport be allowed as a special use. The town could consider the question of allowing a hanger within certain zones or as a conditional use without recognizing the question of airports. The University however, had the right to demand a public hearing on its request at a quarterly public hearing.

Mr. Rutherford stated the University's only interest was in serving the medical aircraft. Council member Smith asked how postponing the hearing until November 10 would affect the schedule of the University. Mr. Rutherford responded that the University had hoped to have the hanger ready for use for this winter and would not. If there was much of a delay, they would not have it for next winter either. (Mayor Nassif arrived.) Council member Smith questioned Mr. Rutherford on the construction schedule and the size of the hanger. It would take 8 months to construct and would hold 3 of the 5 aircraft being used.

Council member Wallace wanted to hold the hearing on the 22nd. The Council could consider the rewriting of the zoning language to include airports with the term "airport" defined. A concurrent hearing on a special use permit for the specific project could be held. As the school board wished to make a presentation, the town should request that they hold a special meeting as soon as possible to prepare for this presentation.

Mr. Denny was concerned legally with what matters could be heard collaterally. He did not see how the Council could make the findings necessary for the special use permit if the zoning ordinance had not been amended. The Town had just refused a request to hear two such applications concurrently. Council member Wallace agreed that they should be heard in sequence. Mayor Nassif reviewed the history of the airport. He reminded the Council the University had agreed to no increase in the number of planes. Council member Wallace responded that the University would be limited by a specific definition in the ordinance.

Council member Kawalec thought the issue large enough and with long term consequences, to give everyone time to prepare for the hearing. She suggested setting the hearing for October 13. Council member Straley noted that this was the time of a regular meeting. The hearing should be held a week earlier to give everyone time to speak. Council member Smith reminded the Council the school board met on the first and third Mondays of the month. He suggested the hearing be scheduled for September 29. Mayor Nassif preferred to wait and hear this rewrite as part of the new Zoning Ordinance. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

**A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ZONING TEXT**

**BE IT RESOLVED** by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for September 29, 1980 at 7:30 P.M. in the Meeting Room of the Municipal Building. Said public hearing is called to consider a request by the University of North Carolina at Chapel Hill for an amendment to the Zoning Ordinance which would allow airports in University A districts. A recommendation by the Planning Board that airports be allowed as a Special Use in University A districts will also be considered.

**This the 8th day of September 1980.**

THE MOTION WAS CARRIED UNANIMOUSLY.

Council member Kawalec asked that the worksession be rescheduled. Mayor Nassif said he would speak with the Manager to arrange a new date.

Ordinance to Amend "An Ordinance Granting a Franchise to Village Cable, Inc., to Construct and Maintain a Cable Television System Within the Town of Chapel Hill, etc."

Council member Herzenberg again questioned the service on WOR-TV. Mr. Woodruff explained that it would be removed from Tier 2 service but added to Tier 3 and would be available 24 hours a day.



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

AN ORDINANCE TO AMEND "AN ORDINANCE GRANTING A FRANCHISE TO VILLAGE CABLE, INC., TO CONSTRUCT AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE TOWN OF CHAPEL HILL, ETC."

IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby ends the ordinance adopted on November 12 and 19, 1980 granting a cable television franchise to Village Cable, Inc., as follows:

ADD to Section 13:

The proposal submitted on September 4, 1979 by Village Cable, Inc., is amended as follows:

1. Substitute "The Movie Channel" for "Star Channel" in all references thereto.
2. Substitute 35 channel converter/decoders, Oak "Multi-code" model M35B or RM35B, for all Tier Two and Tier Three subscribers in lieu of 7-channel block converters as described in a letter from Village Cable to the Town of Chapel Hill dated April 10, 1980.
3. Substitute WOR-TV (New York, N.Y.) for KTVU (Oakland, California) in Tier Three services, as described in a letter from Village Cable to the Town of Chapel Hill dated June 18, 1980.
4. Delete WOR-TV from "late night only" carriage in Tier Two and Three services on Cable Channel A, as described in a memorandum from Village Cable dated April 29, 1980; provided that WOR-TV will be carried on Cable Channel K for a full-schedule in lieu of KTVU as provided in "3" above.

This the 8th day of September 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Board of Trustees of Village Companies Foundation - Vacancies

Mr. Hevner explained that in its proposal, Village Companies had planned to form a foundation which would own 10% of the stock of Village Cable. The Foundation would be formed by selling its stock back to Village Cable at a predetermined formula. The Council was offered and accepted the opportunity to appoint two members of this Board of Trustees of the Foundation. The other members of the Board had met and would like for the Council to make its appointments. Therefore, the Council was being formally notified of the existence of the vacancies.

Drive-In Business

Mr. Reeve reported that the Planning Board had met and reaffirmed the policy adopted by the Council regarding drive-in businesses, with a modification to the last sentence of "...except for those businesses that service automobiles." A memorandum reviewing the discussion of the Planning Board had been distributed. Mr. Reeve asked that once the Council had determined its course of action, they amend the zoning ordinance to reflect this. There were many applications on file which could then be processed consistently.

Council member Smith asked if effort was made to help the applicants draw plans which minimize the pedestrian/auto conflict. He suggested that the Council rescind its current policy and formulate one with regulations. He believed the current policy to be discriminatory. Mr. Reeve responded that the Board had deliberated on the pedestrian/auto conflict and decided that there were ways to minimize it. The question of equity was one for the Council to answer, not a planning issue.

Council member Boulton thought the policy too harsh. There should not be a policy where exceptions were needed. The special use permits allowed the Council to review each application and control it. Council member Herzenberg agreed there should be no exceptions but thought the policy should stand.

Mr. Reeve stated that all issues listed in support of the policy were not of equal importance. Probably the most important issue was that of strip development.

Council member Wallace reinterested his position that the current policy should be repealed and the Planning Board requested to draft a new policy. In the interim, the Council would proceed with the applications which had been received.

The Council continued to discuss which policy should be in effect, and whether or not the policy of prohibition should be in effect. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO RESCIND THE POLICY OF PROHIBITION OF DRIVE-IN BUSINESSES AND TO REFER THE MATTER TO THE PLANNING BOARD FOR FURTHER RECOMMENDATION. Council member Kawalec commented that the Council would then have nothing to be guided by on considering applications. Mr. Denny responded the Council would have the Zoning Ordinance. He explained that the Council had amended a policy of discouraging drive-in businesses to prohibit them without amending the zoning ordinance.

Council member Howes stated he would vote for the motion because the policy had proved an impediment to action by the Council. However, he believed the policy to be the correct one which should be rewritten in a manner to provide a smoother procedure.

Council member Straley commented that the policy was not achieving the type of development the town wanted. Rather than leave the town without a policy, he moved, seconded by Council member Herzenberg, to amend the current policy to discourage drive-in businesses rather than prohibit them. The motion was defeated by a vote of six to three with Council members Herzenberg, Kawalec and Straley supporting and Council members Boulton, Howes, Smith, Thorpe, Wallace and Mayor Nassif opposing. THE ORIGINAL MOTION WAS CARRIED BY A VOTE OF SIX TO THREE WITH COUNCIL MEMBERS BOULTON, HOWES, SMITH, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBERS HERZENBERG, KAWALEC AND STRALEY OPPOSING.

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

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO NORTH CAROLINA NATIONAL BANK FOR AN OFFICE DEVELOPMENT

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the unified business development proposed by North Carolina National Bank if developed in accordance with the plans submitted April 4, 1980 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:

CONDITINS RELATED TO PUBLIC HEALTH AND SAFETY

1. That a detailed drainage plan with hydrologic calculations and grading plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
2. That the two buildings be connected with one another and to their parking areas by a network of paved sidewalks. Such sidewalk network shall be shown on the detailed landscape plan and approved by the Appearance Commission. A paved sidewalk to Town standards shall also be constructed along the frontage of the subject property with Old Durham Road, and such sidewalk shall be connected by a paved sidewalk to the interior sidewalk system.
3. That the driveway connection to Old Durham road be realigned to intersect at a 90 degree angle. The design of such driveway shall be approved by the Town Manager.
4. That the northern side of Old Durham Road be widened with additional paving and curb and gutter along the subject development's frontage with the road. The width of additional paving and detailed construction plans for such improvements shall be approved by the town Manager and the North Carolina Department of Transportation.
5. That there be no left turn onto the US 15-501 frontage road from the proposed bank driveway.

#### CONDITIONS RELATED TO APPEARANCE

6. The design of such building shall be approved by the Appearance Commission prior to issuance of a building permit.
7. That the off-street parking areas be screened from the public right-of-ways of US 15-501 and Old Durham road by a solid screen a minimum of three feet in height. Such screening shall be shown on the landscape plan.
8. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signs, lighting and other site element be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
9. 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. Such plan shall show adequate mechanical means for watering landscape areas.
10. 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.
11. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan and shall be in place prior to issuance of a building permit.
12. That paved areas be set back as far as possible from trees to be retained.
13. That the screening of all exterior mechanical equipment be reviewed and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
14. That all utilities be placed underground.

#### OTHER CONDITIONS

15. That all improvements, 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.
16. That construction begin by July 31, 1982 and be completed by July 31, 1984.

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

This the 8th day of September, 1980.

Mr. Hooper explained that in keeping with past policy the Planning Board and staff had recommended a contemporary design for the building located along an entranceway to town. The Appearance Commission recommended a colonial design. THE MOTION WAS CARRIED BY A VOTE OF SIX TO THREE WITH COUNCIL MEMBERS BOULTON, HOWES, SMITH, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBERS HERZENBERG, KAWALEC AND STRALEY OPPOSING.

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

A RESOLUTION GRANTING A MODIFICATION OF THE WACHOVIA BANK DRIVE-IN BUSINESS SPECIAL USE PERMIT LOCATED ON SOUTH ESTES DRIVE TO WACHOVIA BANK & TRUST COMPANY

BE IT RESOLVED by the Council of the Town of Chapel Hill that the special Use permit granted to Wachovia Bank & Trust Company for a Drive-In Business at 129 South Estes Drive is hereby modified to allow the replacement of existing drive-in banking facilities as shown on plans dated June 3, 1980 subject to the following:

1. That detailed architectural elevations of the modifications be approved by the Appearance Commission prior to issuance of a building permit.
2. That a detailed planting plan of the new planting areas be approved by the Appearance Commission prior to issuance of a certificate of occupancy.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans dated June 3, 1980 continues to meet the four findings made by the Board of Adjustment on October 19, 1970 (and subsequently modified).

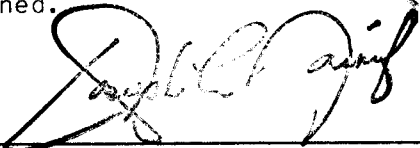
This the 8th day of September, 1980.

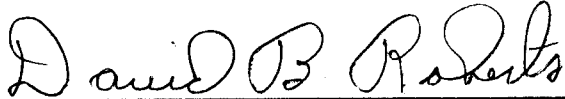
Council member Straley pointed out he would support this motion because the bank would improve its efficiency without using more space through improved technology.

Council member Smith disagreed with the increase in lanes. He did not believe that many were needed.

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

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

  
 \_\_\_\_\_  
 Mayor Joseph Nassif

  
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 Town Clerk David B. Roberts