

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, SEPTEMBER 22, 1980, 7:30 P.M.

In the absence of the Mayor and Mayor Pro Tem, the Deputy Clerk 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 A. Hooper and Town Attorney E.Denny. Councilmember Howes was excused. Councilmember Wallace was absent.

Councilmember Kawalec moved, seconded by Councilmember Thorpe, election of Councilmember Smith as presiding officer of the meeting until the Mayor arrived. The motion was carried unanimously.

Councilmember Smith introduced the newly appointed members of advisory committees.

Petitions and Requests

Mr. Francisco, on behalf of Mr. Reeve and the Planning Board, informed the Council that all members of the Board were in favor of the special use permit for the drive-in business to be discussed at this meeting. They had discussed standards for drive-in businesses in general but were not sure what the Council wanted. Therefore the Board wanted detailed guidance from the Council. Mr. Francisco read a basic structure for the guidelines to the Council and asked for their concurrence. Councilmember Boulton thought the minimum 25,000 sq. ft. floor area necessary for the shopping center too large. She thought a minimum for the drive-in business structure more important. Councilmember Smith asked if the drive-in business would be allowed outside shopping centers if there was no safety hazard. Mr. Francisco said that was not the intent of the Board. Mr. Denny inquired, as the Planning Board in its memorandum had used the word policy, if the standards would be incorporated in the zoning ordinance. Mr. Jennings said it would be a part of the current zoning ordinance, but not under special use in the new ordinance.

Mr. Lathrop, Chairman of the Transportation Board, stated the Board had received requests from the area north of Chapel Hill for Saturday service. The estimated cost would be \$29,000, and service would begin January 1981. Councilmember Boulton asked why the Board would wait until January. Mr. Lathrop said the Board usually made changes effective January. Councilmember Kawalec moved, seconded by Councilmember Thorpe, that the Council accept the petition and refer it to the Manager for a recommendation at the earliest possible time. Councilmember Smith asked what expected ridership would be. Mr. Lathrop explained this would be a combined route with expected ridership of 80 to 125 riders per day. The ridership would be monitored to see if it merited continuing service. The motion was carried unanimously.

Mr. Lindsey read a statement requesting that the PSO's receive a higher salary. He thought their wages insufficient to support a family and listed the dangers involved in the job. Councilmember Thorpe moved, seconded by Councilmember Herzenberg, that the petition be accepted. The motion was carried unanimously.

Mr. Hooper requested that item 16d be removed from the agenda. He was in conversation with the low bidder on the project and did not recommend the bid be awarded at this time. The bid was good for thirty days and the Council could consider the item on October 13. The Council agreed.

Mr. Hooper advised the Council that the Clerk's office had advertised the vacancies on the Village Foundation Board of Trustees. Nominations would be on the agenda of the next meeting.

Mr. McKerrow requested to be allowed to speak on item no. 8, a resolution dissolving the Council on Aging.

Councilmember Straley requested that item no. 3, a discussion of Laurel Hill, Section V Condominiums be considered after item 16, as the person involved could not be at the meeting until later. The Council agreed.

Councilmember Kawalec had received a request from Rebecca Goz for more street lights in town. She believed that many areas in town were too dark to walk through. Councilmember Kawalec asked the manager to report to the Council on the policy for street lights and on the possibility of having the staff initiate the placing of street lights rather than responding to citizen requests. Councilmember Boulton reminded the Council this policy had been discussed at one of the budget worksessions. The policy had been reiterated at that time. Councilmember Straley informed the Council any citizen could rent a light from Duke Power for \$2.50 per month. Councilmember Smith asked Mr. Hooper to place this on a future agenda.

Minutes

On motion by Councilmember Straley, seconded by Councilmember Thorpe, the minutes of August 25, 1980, were adopted as corrected. On motion by Councilmember Straley, seconded by Councilmember Kawalec, the minutes of September 8, 1980, were adopted as submitted. (Mayor Nassif arrived.)

Resolution Granting a Modification of the Special Use Permit for Hotel L'Europe Village Office Park Complex

Councilmember Straley moved, seconded by Councilmember Kawalec, adoption of the following resolution.

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE HOTEL L'EUROPE/VILLAGE OFFICE PARK COMPLEX TO CLINGENDAEL INVESTMENT CORPORATION (80-R-174)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to Clingendael Investment Corporation on February 11, 1980, for the Hotel L'Europe/Village Office Park Complex located on U.S. 15-501 (Chapel Hill-Durham Boulevard) is hereby modified to allow an extension of the starting and completion dates subject to the following:

1. That construction of the hotel begin by July 31, 1981, and be completed by July 31, 1983, and that the construction of the second office building begin by November 30, 1982, and be completed by November 30, 1984.
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 originally made by the Council (and subsequently modified).

This the 22nd day of September 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for Eastowne Hills Subdivision

Mr. Jennings pointed out the location of the proposed subdivision and surrounding businesses and apartments. The subdivision would be for office development. When questioned by Councilmember Boulton, Mr. Jennings explained that a strip of land connected to Mt. Moriah Church Road to provide possible future access from the Eastowne Development to that road. Councilmember Straley questioned the requirement for completion of Eastowne Drive. Mr. Jennings stated the staff had tried to balance the need to have the road completed in the future with the developer's efforts to cut the cost of the development by requiring only a bond until the rest of the tract of land was planned for developed.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR EASTOWNE HILLS SUBDIVISION (80-R-175)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated July 31, 1980, for Eastowne Hills Subdivision located on property identified as Chapel Hill Township Tax Map 26, part of Lot 17, subject to the following:

1. That Eastowne Drive be extended to US 15-501 (Chapel Hill-Durham Boulevard), thus completing the planned loop road. The plans for extending the paving of Eastowne Drive shall be approved by the Town manager prior to construction. The Eastowne Drive sidewalk shall be completed by extending it along the outside edge of the road to US 15-501. In lieu of construction of any or all of Eastowne Drive between the eastern point of the subject subdivision's frontage with the drive and US 15-501, the applicant may post a bond or letter of credit sufficient to cover the cost of completing construction of the road to US 15-501. Such bond or letter of credit shall include the cost of construction of the required sidewalk and the cost of the extension of the utilities as required in condition #2 below. The above bond or letter of credit shall be for a maximum period of 5 years and shall contain provisions for price adjustments necessary to cover the increased cost of the project due to inflation. The bond or letter of credit shall be approved by the Town Manager prior to recommendation of the final subdivision plat.
2. As part of the planned extension of Eastowne Drive to US 15-501, the electric and water lines shall be extended to US 15-501 and such lines shall be looped as required by Duke Power and OWASA into existing service lines.
3. That all streets within the subdivision be paved to Town standards and the design and specifications for such streets shall be approved by the Town Manager prior to construction. Streets shall be paved to the following cross-sections; Eastowne Drive - 40' back to back of curb and gutter; the loop street - 33' back to back of curb and gutter; and the cul-de-sac street - 27' back to back of curb and gutter.
4. That a paved sidewalk to Town standards be constructed along the outside of the proposed loop street.
5. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to the front property line of each lot. 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. Sanitary sewer laterals shall be capped-off above ground.
6. 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 prior to approval of the final plat.
7. That the number, location and installation of fire hydrants be approved by the Town Manager prior to issuance of any building permits.
8. That sewer, drainage, and utility easements be dedicated as required by the Town Manager. Such easements shall be shown on the final plat.
9. 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, building permit, start of construction of improvements, and submission of an application for final plat approval.
10. That a detailed 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.
11. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each building shall not be permitted.

12. That water and sewer improvements shall be to the standards of OWASA and that all utilities be placed underground.
13. That a pedestrian and non-motorized vehicle easement be dedicated along the Chapel Hill flood plain. Such easement shall have a minimum width measuring 30 feet from the centerline of the floodway zone and such width shall be expanded as necessary to provide a usable 12-foot wide path.
14. That Eastowne Drive and the loop street be exempted from the maximum street grade standard to permit a street grade of 10% and 12% respectively. The vertical curves of such streets shall be approved by the Town Manager prior to construction.
15. The open space requirement has not been applied to the subject 28-acre commercial subdivision. However, exemption from the open space requirement has not, by this approval, been extended to the remaining 141 acres of undeveloped land.

This the 22nd day of September, 1980.

Councilmember Straley inquired about the open space for the subdivision. Mr. Jennings explained that open space was not required for non-residential development. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Denying a Zoning Map Amendment Request by S. Alex Gregg, Jr.

Mr. Jennings pointed out the location of the subject property, part of which was in the Carrboro zoning district. The concern of the staff was that a large undeveloped tract was between Morgan Creek and this property. The staff and Planning Board wished to discourage high density development in the Watts activity center until development extended from Morgan Creek. The town could not provide services to this area until more development occurred. Councilmember Straley asked what services would be available to any development on this property. Mr. Jennings said water and sewer would be available.

Councilmember Smith noted that the land use plan designated this area as high density use. He asked if the staff was recommending that a time-table be set for development. Mr. Jennings responded that the land use plan had originally contained a point system for sewer, through which growth could be managed. Now that there were no problems with obtaining sewer, the point system could not be used. However, the concept was still valid.

Mayor Nassif commented that the Council had denied the plan which would have developed the property between Morgan Creek and this property. He believed that if the Town did not want high density development in this area now, it should designate the property as low density. He further advocated a 3 to 5 year automatic review of the land use plan.

Councilmember Smith asked why the property was zoned R-20 if the land use plan designated it as high density. Mr. Jennings stated the zoning map was a guide for now while the land use plan was a plan for the next twenty years.

Mayor Nassif pointed out there was leapfrog development to the north of town. He believed a dangerous precedent could be set by denying the rezoning of this property as it was designated high density. Mr. Jennings pointed out the zoning map had not yet been revised to reflect the comprehensive plan. Mayor Nassif commented that this could push the cost of land up.

Councilmember Smith moved, seconded by Councilmember Straley, to postpone the item until the October 13 meeting with direction to the staff to prepare an ordinance for approving the rezoning for the Council's consideration. The motion was carried unanimously.

Ordinance to Annex Timberlyne Subdivision, Phase II, Section II

Mayor Nassif asked who would be responsible for street repair during construction if the town annexed this area. Mr. Hooper stated the town would inspect the streets to be sure they met town specifications before accepting them or approving the final plat for the subdivision. Mr. Morris added that the town had a one year warranty on the streets.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, ADOPTION OF THE FOLLOWING ORDINANCE.

ORDINANCE TO ANNEX BY PETITION (TIMBERLYNE SUBDIVISION, PHASE II, SECTION II) (80-O-65)

WHEREAS, a petition for annexation, signed by 100% of the owners of property covered by the petition, has been received by the Council of the Town of Chapel Hill; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition; and

WHEREAS, a public hearing on the matter of this annexation was duly advertised and held by the Council on the 25th day of August 1980; and

WHEREAS, the Council finds that said petition for annexation meets the requirements of the North Carolina General Statutes and has concluded and hereby declares that the annexation of the area described herein is desirable for the orderly growth and development of the Town of Chapel Hill.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL:

SECTION I

That from and after midnight, September 22, 1980, the effective date of this annexation, the following territory shall be annexed and become part of the town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to include said territory more particularly described as follows:

BEGINNING at a stake in the Southern margin of Kingston Drive and the Northwest corner of Lot No. 123 TIMBERLYNE SUBDIVISION according to Plat Book 29, at Page 93, Orange County Registry; running thence North 50° 40' 20" West 515.74 feet to an iron stake; running thence South 12° 25' 23" West 539.04 feet to a stake in the Eastern margin of Maddry; running thence South 11° 45' 34" East 935.11 feet to a stake; thence North 78° 37' 50" West 845.83 feet to a stake; thence South 13° 28' 12" West 884.32 feet to a stake in the Northern margin of STATESIDE SUBDIVISION; thence South 89° 47' 30" East 798.57 feet to a stake; thence South 81° 18' 16" East 157.21 feet to a stake; thence North 86° 19' 07" East 1090.18 feet to an iron stake; thence North 12° 58' 57" West 13.09 feet to a stake; thence North 02° 39' 22" West 117.63 feet to a stake; thence North 25° 14' 42" West 229.18 feet to an iron stake; thence North 44° 29' 35" West 370 feet to an iron stake; thence North 66° 29' 55" East 150.13 feet to an iron stake, the Southwest corner of Lot No. 59 TIMBERLYNE SUBDIVISION according to Plat Book 29, at page 93, Orange County Registry; thence North 07° 12' 00" West 217.20 feet to an iron stake in the Southern margin of Butternut Drive, thence crossing Butternut Drive in a Northwesterly direction 70 feet more or less to a stake in the Southwest corner of Lot No. 116 TIMBERLYNE SUBDIVISION according to Plat Book 29, at Page 93, Orange County Registry; thence North 11° 02' 45" West 115 feet to an iron stake; thence North 14° 42' 27" West 91.76 feet to an iron stake; thence North 23° 38' 30" West 91.80 feet to an iron stake; thence North 32° 29' 00" West 91.83 feet to an iron stake; thence North 45° 25' 55" West 91.51 feet to an iron stake; thence North 50° 38' 43" West 323 feet to an iron stake; thence North 18° 21' 11" East 214.43 feet to the point and place of BEGINNING.

SECTION II

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to the debts, laws, ordinances, and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town.

This the 22nd day of September, 1980.

Councilmember Thorpe noted that the cost/revenue analysis had been helpful and requested that the staff continue to prepare such an analysis in each petition for annexation.

Councilmember Smith questioned the estimate of minimum repair needed for the streets if the area was annexed before development. Mr. Hooper responded that if the town waited until the area had been developed to the density necessary for annexation, the third, fourth and fifth year deterioration to the streets would be great.

Councilmember Smith asked why police cars would be run through an area which was undeveloped. Mr. Page informed the Council there were already homes in the area. Mr. Hooper said this would be an extension of a route already covered by the police. They would use discretion as to how much attention should be paid to the area.

Councilmember Smith asked how much the assessment for the fire hydrants would be. Mr. Hooper answered the first year cost would be \$360. Mr. Page added that there would be five to seven hydrants. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Dissolving the Council on Aging

Mr. McKerrow explained that in dissolving the Council on Aging, the Council must dispense with its residual assets consisting mostly of office equipment. He reviewed the history of the Council on Aging which was now to become a department of the County government.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SUPPORTING THE DISSOLUTION OF THE ORANGE COUNTY COUNCIL ON AGING (80-R-177)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council supports the dissolution of the Orange County Council on Aging in favor of an Orange County Department on Aging to be in operation under the authority of the Board of County Commissioners of Orange County effective October 1, 1980.

BE IT FURTHER RESOLVED that the Town Manager is hereby directed and authorized to execute a release of any claim by the Town to the residual assets of the Council on Aging.

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY. Councilmember Boulton asked if the new board would have representatives from Chapel Hill. Mr. McKerrow stated that of the seven members, two must be residents of Chapel Hill.

Discussion of Possible Changes to the Taxi Franchise Ordinance

Mr. Lathrop had distributed a memorandum containing several recommendations from the Transportation Board. He stated the first priority of the board was the revision of taxi fares and zones. There had been many complaints from citizens on the fares and the method of determining the fares. The discussion of the Transportation Board had resulted in a matrix of fares from zone to zone which the Board would like posted in each cab. The Board also wanted a study of franchises, including a public hearing and an investigation of the need for taxis. The Board recommended that the franchise ordinance be redrafted to permit the operation of owner-operated cabs, a new system of operation in both North Carolina and nationally.

Councilmember Smith asked who would determine the number of owner-operated cabs allowed. Mr. Lathrop said it would be the same number as allowed by the franchise. Councilmember Smith then questioned the use of zones rather than meters. Mr. Lathrop responded that the cost of the meters would be high. And, the zones helped in the provision of shared-ride service. This would be difficult with meters.

Mayor Nassif asked if the Board had considered whether or not there should be any regulation of taxis. The Council continued to discuss whether a study of this type was needed.

Councilmember Straley asked that the Board consider having sheets with each cab driver's name, which could be given to customers that the drivers could later be identified.

Mayor Nassif asked if the Transportation Board and staff could make temporary recommendations for ordinance changes by October 13. Mr. Lathrop agreed that they could. COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THE MATTER TO THE MANAGER AND TRANSPORTATION BOARD FOR RECOMMENDATION AT THE NEXT MEETING. Councilmember Kawalec also asked that a copy of the study referred to by Mr. Lathrop in his memorandum be made available to the Council. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending Section 21-13 of the Traffic Code

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND SECTION 21-13(a) (STOP STREETS)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amends Section 21-13(a) of the Code of Ordinances, Town of Chapel Hill, as follows:

ADD THE FOLLOWING LIST OF STREETS TO SECTION 21-13(a)

RIGHT OF WAY AND STOP REGULATIONS

	<u>THROUGH STREETS</u>	<u>STOP STREETS</u>
ADD:	Legion Road Mount Bolus Road Ransom Street McDade Street Curtis Road (North End) Curtis Road (North End)	Clover Drive Maple Drive Patterson Place Cotton Street Elliott Road Curtis Road (South End) at Elliott
DELETE:	Cotton Street Curtis Road	McDade Street Elliott Road

This the 22nd day of September, 1980.

Councilmember Herzenberg inquired about the status of the petition received from the Clayton Street residents. Mr. Morris stated that the Engineering Department was investigating the traffic patterns in the whole area. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Directing Construction of Sidewalk on Estes Drive

Mayor Nassif stated that after the Council had authorized construction of a sidewalk on the south side of Estes Drive in July, Councilmember Boulton had brought to his attention several points against building the sidewalk on the south side. He enumerated these for the Council, including the fact that children would be walking below the grade of the street and that much fill would be needed in places for the walk. Councilmember Boulton added that the sidewalk was being built for safety and the Council should consider all the safety features. It would be temporary.

Councilmember Smith asked where the pedestrian traffic would originate and where it would be going. Mr. Hooper said the pedestrians would come from the school. Councilmember Smith objected to putting the walk on the north side where the children would have to use the traffic light at Airport Road and Estes Drive because they would not watch the light. Councilmember Boulton disagreed.

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

A RESOLUTION CONCERNING CONSTRUCTION OF A SIDEWALK ALONG THE NORTH SIDE OF ESTES DRIVE FROM AIRPORT ROAD TO THE END OF THE EXISTING CONCRETE SIDEWALK IN FRONT OF ESTES HILLS SCHOOL (80-R-178c)

BE IT RESOLVED by the Council of the Town of Chapel Hill of the Town of Chapel Hill that the Council hereby directs the Town Manager to prepare for construction of a sidewalk along the north side of Estes Drive from Airport Road to the western end of the existing concrete sidewalk in front of Estes Hills Elementary School;

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Town staff negotiate with the property owners along the north side of Estes Drive from Airport Road to the western end of the existing concrete sidewalk in front of Estes Hills Elementary School, for easements for the sidewalks, and if necessary, to condemn the necessary easements for the sidewalks.

This the 22nd day of September, 1980.

Councilmember Boulton asked if the Town could have a flashing light placed across the street at the school to slow traffic. Mr. Denny said the Council could request the state to put up such a light. The General Statutes provided for this kind of sign.

Councilmember Smith announced he would vote against the motion because he believed it to be a mistake. He thought the town should wait until the state put in a permanent sidewalk.

THE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH COUNCILMEMBERS BOULTON, HERZENBERG, KAWALEC, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBER SMITH OPPOSING.

Resolution Adjusting Traffic Signals for Late-Night Hours

Councilmember Straley questioned the beginning of the flashing lights at 11:00 p.m. as recommended by the staff. He thought the traffic too heavy at this time. Mr. Morris stated the Council could have the lights begin at any time but the state's began at 11:00 p.m. He emphasized that this was a trial period which could be monitored for problems. The staff could then ask for the times to be adjusted as they found necessary.

Councilmember Boulton asked why specific intersections were chosen rather than others. Mr. Hooper explained that some intersections had actuated signals where there would be no need to change the signal.

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

A RESOLUTION REGARDING TRAFFIC SIGNALS AT STATE CONTROLLED INTERSECTIONS (80-R-179)

BE IT RESOLVED by the Council of the town of Chapel Hill that the Council hereby directs the Town Manager to request the North Carolina Department of Transportation to return the following intersections to full time fixed cycle control:

1. South Columbia Street and Cameron Avenue
2. South Columbia Street and South Road - McCauley Street
3. South Columbia Street and Manning Drive

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION REGARDING TRAFFIC SIGNALS AT TOWN CONTROLLED INTERSECTIONS (80-R-180)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to purchase and install the necessary equipment so that the following town intersection signals can switch from a fixed time cycle to a night time flashing mode:

1. Pittsboro Street and McCauley Street
2. Raleigh Street and Cameron Avenue
3. Cameron Avenue and Ransom Street

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Report on Special Municipal Parking Rates

Mr. Hooper stated that the staff had indicated in the CIP they would be looking at the plans for parking lots 1 and 2. He asked the Council to consider whether they wished to appoint a committee to work with the staff. The decision whether to appoint a committee could be made at a later time.

Resolution Approving Certificates of Just Compensation for Small Cities CD Program

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 1320.1 (80-R-181)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined, on the basis of two appraisals and a review appraisal, that the fair market value of certain properties, intended for purchase by the Chapel Hill Housing Authority, is as follows:

Parcel No.	Area (Sq. Ft.)	Owner	Interest to be Acquired	Established Fair Market Value
84-B-2 Edwards Alley & McMasters St.	29,511.27	Virginia Nicholson	Whole Taking	\$ 4,500.00
84-J-24 609 Church St.	5,789.00	Mary W. Burnett	Whole Taking	20,500.00
93-I-2 609 Bynum St.	6,019.00	Emma Brown & Viola Brown	Whole Taking	5,600.00
93-J-7 604 Craig St.	1,427.00	Elvira Farrow	Structure(s) Only	10,000.00

BE IT FURTHER RESOLVED that the Council, on the basis of information supplied by Alvin E. Stevenson, Executive Director of the Chapel Hill Housing Authority, hereby certifies that the work of the appraisers and the review appraiser, with respect to each of the above properties, has been performed in a competent manner in accordance with applicable state and federal law and the policies and requirements of the Department of Housing and Urban Development.

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Report on Monthly Financial Summaries for July and August 1980

Mr. Hooper had distributed the report. The Council had no questions.

Resolution Accepting Bids and Awarding Contract

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE ELECTRONIC SOLID STATE KEY TELEPHONE SYSTEM (80-R-182)

WHEREAS, the Town of Chapel Hill has solicited formal bids on August 8, 1980, and the following bids have been received:

Bidders and Bids

<u>Item</u>	<u>Southern Bell, Raleigh, N.C.</u>	<u>Crescent Industries, Inc. Greensboro, N.C.</u>	<u>Executone-Triad, Inc. Greensboro, N.C.</u>
<u>Base Bid</u>			
Basic System Plus Installation	\$21,976.95	\$17,910.00 \$ 478.60*	\$28,158.00 \$ 478.60*
Monthly Charges (Bell Current Rates)	\$ 558.85/mo.*	\$ 267.10/mo.*	\$ 267.10/mo.*
<u>Alternate</u>			
Alternate System Plus Installation (Includes Hands-free Intercom and Direct Outside Line Access)	No Bid	<u>\$26,535.00</u> \$ 478.60*	\$30,988.50 \$ 478.60*
Monthly Charges (Bell Current Rates).	No Bid	\$ 134.90/mo.*	\$ 134.90/mo.*
<u>Early Maintenance</u>			
(After 1 yr. warranty) (Applicable to Both Base Bid and Alternate)	N/A	\$ 700.00/yr.	\$ 810.00/yr.
<u>Options</u>			
Busy Lamp Field (Main Station)	\$ 1,313.35	<u>\$ 500.00</u>	\$ 275.50
Monthly Charges	\$ 10.40 each	N/A	N/A
Direct Station Selection Console (Main Station)	No Bid	N/A	\$ 430.00
Cabling for All Future Extensions	No Bid	<u>\$ 500.00</u>	\$ 1,260.

*These costs are not part of these bid proposals but are Southern Bell charges included here for informational purposes.

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 Crescent Industries in the amount of \$27,535.

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR RESURFACING OF STREETS

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

<u>Item</u>	<u>Bidders & Bids</u>				
	<u>B. & B. Paving Co., Inc.</u>	<u>C. C. Mangum Inc.</u>	<u>Lee Paving Company</u>	<u>Wm. Muirhead Const. Co.</u>	<u>REA Construction Company</u>
2209 tons I-2 Asphalt	\$61,852.00	\$68,479.00	\$52,242.85	\$59,643.00	\$58,361.78
10 tons patching material	<u>500.00</u>	<u>500.00</u>	<u>750.00</u>	<u>800.00</u>	<u>450.00</u>
TOTAL	\$62,352.00	\$68,979.00	\$52,992.85	\$60,443.00	\$58,811.78

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the unit bids of Lee Paving Company for street resurfacing of \$23.65/ton for I-2 asphalt and \$75.00/ton for patching asphalt for a total contract price of \$52,992.85.

This the 22nd day of September, 1980.

Councilmember Smith asked whether any of the companies which were involved in the bid-rigging had bid. Mayor Nassif responded that REA which had given state's evidence was the only one of these companies allowed to bid. THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR I-2 ASPHALTIC CONCRETE, H-B ASPHALT, AND TACK COAT (80-R-185)

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

<u>Item</u>	<u>Bidders and Bids</u>			
	<u>C.C. Mangum Inc.</u>	<u>Lee Paving Company</u>	<u>Wm. Muirhead Const. Co</u>	<u>REA Construction Company</u>
2,000 tons I-2 Asphalt	\$45,500	\$43,000	\$42,000	\$42,500
1,000 tons H-B Asphalt	\$22,750	\$20,500	\$18,500	\$20,500
5,600 gallons tack coat	<u>\$ 4,480</u>	<u>\$ 5,600</u>	<u>\$ 5,600</u>	<u>\$ 5,600</u>
TOTAL	\$72,730	\$69,100	\$66,100	\$68,600

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the unit bids of William Muirhead Construction Company, Inc. of \$21.00/ton for I-2 asphalt, \$18.50/ton for H-B Asphalt and \$1.00/ton for tack coat.

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Report on the Request for Modification of the Special Use Permit for Laurel Hill, Section V Condominiums

Mr. Hooper explained to the Council that because the item was in litigation it would not be proper for him to comment on the project.

Mr. Denny explained that if the Council deleted the two conditions requested by the developer, it would have to modify the special use permit to find that the lack of fire protection in the area would not harm the public safety. Without further evidence, the Council could not make this finding. Without making the finding it could not grant the permit and must revoke it. The permit could not be revoked while the matter was in court. Further if the special use permit was revoked, the Council must consider the subdivision request which had been denied.

Councilmember Straley asked who had placed the item on the agenda. Mr. Denny responded that the staff and Planning Board had made a recommendation on the application which would then have come to the Council as other items did. However, when Mr. Denny was advised of this he suggested that the Council be given a report instead.

Resolution Setting Public Hearings on Sourwood and Smith-Coolidge Preliminary Assessment Rolls

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SETTING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR THE SOURWOOD SANITARY SEWER PROJECT (80-R-186)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby calls a public hearing for consideration of the preliminary assessment roll for the Sourwood Sanitary Sewer Project on November 17, 1980, at 7:30 p.m., in the Meeting Room of the Chapel Hill Municipal Building, 306 N. Columbia Street and directs the Town Clerk to publish this resolution and to mail notice as required by G.S. 160A-227 to property owners at least 10 days before said hearing; and

BE IT FURTHER RESOLVED that copies of said preliminary assessment rolls be kept open for inspection in the office of the Town Clerk.

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SETTING A PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR THE SMITH-COOLIDGE SANITARY SEWER PROJECT (80-R-187)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby calls a public hearing for consideration of the preliminary assessment roll for the Smith-Coolidge Sanitary Sewer Project on November 17, 1980, at 7:40 p.m. in the Meeting Room of the Chapel Hill Municipal Building, 306 N. Columbia Street and directs the Town Clerk to publish this resolution and to mail notice as required by G.S. 160A-227 to property owners at least 10 days before said hearing; and

BE IT FURTHER RESOLVED that copies of said preliminary assessment rolls be kept open for inspection in the office of the Town Clerk.

This the 22nd day of September, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Voting Delegate to National League of Cities Business; Amendments to NLC Policy

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT COUNCILMEMBER HOWES BE APPOINTED AS THE VOTING DELEGATE. THE MOTION WAS CARRIED UNANIMOUSLY. The Council asked that the Mayor serve as alternate.

Nominations and Appointments

Ms. Cunningham and Mr. Rindfuss had been nominated for two positions on the Planning Board. They were elected by a vote of six to one with Councilmembers Herzenberg, Kawalec, Smith, Straley, Thorpe, and Mayor Nassif voting for the nominees and Councilmember Boulton voting against the nominees.

Executive Session

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION. THE MOTION WAS CARRIED UNANIMOUSLY.

There being no further business after the executive session, the meeting was adjourned.



Mayor Joseph Nassif



Town Clerk, David B. Roberts