

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, OCTOBER 13, 1980, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Joe Herzenberg
Jonathan Howes
Beverly Kawalec
R. D. Smith
Joe Straley

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Councilmember Wallace was absent.

Petitions and Requests

Residents of Clayton Road had submitted a petition regarding traffic to the Manager. He requested the Council to refer the matter to himself and the Streets and Public Safety Committee for a report to the Council on October 27. He added that more work would be necessary for a solution to the matter than was suggested by the residents. COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE PETITION TO THE MANAGER AND THE STREETS AND PUBLIC SAFETY COMMITTEE. THE MOTION WAS CARRIED UNANIMOUSLY.

The Chapel Hill Flying Club, Pilots Association, and individual citizens had submitted a petition opposing the closing of the airport to flight training. Mr. Wagner indicated the group wanted to submit more information on the zoning amendment to the Council. Mr. Shipman said this matter would be coming to the Council on November 10. The Council believed this sufficient time for the group to submit its information. COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, THAT THE COUNCIL RECEIVE THE PETITION. THE MOTION WAS CARRIED UNANIMOUSLY.

Village Companies had requested a modification to the CATV franchise. Mr. Shipman said he had received the request too late to have a report ready for the Council. He would have one by October 27.

Cary Dockery had submitted a petition requesting a loading zone on the street beside The Courtyard. Mr. Shipman reminded the Council they had considered this matter in January of this year and denied the requested loading zone at that time. He asked if the Council again wished to consider the matter. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THE MATTER TO THE STREETS AND PUBLIC SAFETY COMMITTEE AND TO THE MANAGER. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH MAYOR NASSIF OPPOSING.

Mayor Nassif stated that although the Council had appointed a voting delegate to the League of Municipalities meeting in Atlanta, but had not appointed a delegate for the meeting in Raleigh. The Council agreed that the same two councilmembers, Councilmember Howes and alternately Mayor Nassif should serve as delegates.

Councilmember Kawalec introduced Blanche Arons, the observer for the League of Women Voters.

Councilmember Kawalec also requested that item 13, regarding street lighting policies be moved up on the agenda to be considered after the minutes. Dr. Barry Goz was attending the meeting especially for that item. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY TO CONSIDER THE ITEM AFTER THE MINUTES. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Councilmember Straley, seconded by Councilmember Herzenberg, the minutes of September 15, 1980, were approved as corrected. On motion by Councilmember Straley, seconded by Councilmember Herzenberg, the minutes of September 22, 1980, were approved as corrected. On motion by Councilmember Boulton, seconded by Councilmember Smith, the minutes of September 29, 1980, were approved as corrected.

Report Regarding Street Lighting Policies

Mr. Shipman had distributed a report regarding the Council's policy on street lights. This had been discussed in one of the pre-budget worksessions, but Mr. Shipman had received no instruction for changing the policy. If the Council wished to reconsider its policy, Mr. Shipman suggested it be considered during the budget when he could make a recommendation.

Dr. Goz related an incident in which he had been chased by a dog while walking down Battle Lane at night. He emphasized that many places along Franklin Street were also dark at night. He thought this a danger, especially to women. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO REFER THE MATTER TO THE MANAGER AND STREETS AND PUBLIC SAFETY COMMITTEE. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for the Oaks Apartments to the Oaks Apartments, Ltd.

Mr. Jennings stated the principal issue in the conversion of the apartments to condominiums was whether the conversion would comply with the comprehensive plan. The primary housing goal was for a choice of decent housing for those living in the community. This had been translated into two standards, that 30% of each subcommunity would be high density housing, and that 3% be subsidized housing. The objective of a proper mix was not quantified. The staff and Planning Board did not believe the conversion would violate the comprehensive plan. Mr. Jennings pointed out the stipulations on the special use permit would not override leases. Councilmember Straley asked how many subcommunities achieved the goals of the comprehensive plan. Mr. Jennings answered that some were above average and some were below. Councilmember Straley suggested the goal was an overall one for the whole community, rather than an average for each subcommunity to achieve. Mr. Jennings responded that in adopting the comprehensive plan, the Board had attempted to achieve a balance in each subcommunity. The land use plan was designed to achieve this balance.

Councilmember Kawalec reminded the Council that this matter was in litigation. The Council had decided not to act on Laurel Hill V because it was in litigation. Mr. Denny responded that he had advised the Council on the status of the application to modify the special use permit for Laurel Hill V. He had not advised the Council not to take action on the matter. The Council was being asked to act on one of the issues being litigated. Because this could cause confusion, Mr. Denny had suggested the Council delay consideration until the Court advised on the matter. He further explained that the applicant had disagreed with the decision of the Building Inspector to require a modification for the conversion of the Oaks. The applicant appealed the decision of the Building Inspector to the Board of Adjustment. The Board of Adjustment had upheld the Building Inspector. The applicant had applied for a modification of the special use permit as required. The Council was now considering this application. However, the ordinance require that anyone appealing the decision of the Board of Adjustment must file a writ of certiori within thirty days. As the thirty days had expired, the applicant had filed the writ of certiori.

Councilmember Kawalec thought it inappropriate for the Council to act on the matter because the Judge could reverse any action by his decision. SHE MOVED, SECONDED BY COUNCILMEMBER THORPE, TO TABLE THE MATTER UNTIL A JUDGE HAD HANDED DOWN A DECISION IN THE MATTER. Councilmember Thorpe commented he was uncomfortable in voting on any matter while in court. Mr. Denny advised that while there was no requirement that the Council act tonight, it must act within a reasonable time. He added that there was no legal impediment to acting.

Councilmember Boulton said she was ready to vote on the matter. To appeal the decision of the Board of Adjustment, the applicant had no choice but to file his suit within the thirty days. Councilmember Smith also wanted to wait for a Court decision. Councilmember Howes responded that legal proceedings could take longer than the reasonable amount of time within which the Council must act. As long as the Council was acting within its authority, it should proceed. Mayor Nassif stated the Council had been threatened in other matters with suit unless they acted. He did not believe the Council was threatened in this matter. Procedurally the applicant had acted as he must. THE MOTION FAILED BY A VOTE OF FIVE TO THREE WITH COUNCILMEMBERS KAWALEC, SMITH AND THORPE SUPPORTING AND COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, STRALEY AND MAYOR NASSIF OPPOSING.

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

A RESOLUTION DENYING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE OAKS APARTMENTS

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

the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs, and

BE IT FURTHER RESOLVED that the Council hereby denies the modification of Special Use Permit requested for the Oaks Apartments.

This the 13th day of October, 1980.

Councilmember Herzenberg stated the comprehensive plan called for a mix of housing and housing at all price ranges. The conversion would remove from the market a substantial block of rental housing. Councilmember Straley commented that at the time of the original approval of the Oaks, Alderman Scroggs had questioned the applicant about conversion to condominiums and had been assured the applicant had plans only for apartments.

Councilmember Howes stated he would vote against the motion. He said the Council had a policy of attempting to assure that housing was maintained to adequate standards, however; the market made this difficult. The only way to restore the apartments to a decent condition was to allow the owners to go to the private mortgage market for financing. Councilmember Boulton agreed. She added that conversion did not preclude rental units, nor did allowing the conversion guarantee rental housing in the town. Councilmember Straley responded that the town had a Building Inspector and code to insure the apartments met minimum standards.

Mayor Nassif supported the resolution. He commented that the condition of the buildings was not relevant to the applicant. If the owner allowed the units to deteriorate, there would be no renters. If converted to condominiums, most of the units would in his opinion be owner-occupied. He asked if the staff had reviewed the history of the Oaks. Mr. Jennings had. Mayor Nassif asked if the staff had taken into consideration in its recommendation the full intent of the plan of the Oaks. Mr. Jennings responded the Little Creek connector had been left out of the land use plan because it was not what the town wanted. It was not recommended that the particular alignment of zones now existing be followed. Mayor Nassif then asked if any apartments had been constructed since 1974. They had not. Some plans for apartments had been changed to condominiums before the start of construction.

Mayor Nassif continued that apartments in the town were usually located on major thoroughfares. Zoning in town was for single family units.

Mayor Nassif reviewed the history of the Oaks. With the demand for this type of housing, Mayor Nassif did not believe the Council should allow the change. He did not object to a conversion of apartments to condominiums per se; but not until the apartments could be replaced by new construction. Councilmember Howes argued that disallowing the conversion would not make more capital available for new apartments, however; it would allow for deterioration of the units. And, market conditions would ensure that people would continue to rent these units in poor condition.

Mr. Denny believed there to be confusion as to what the Council should consider in reaching their decision on this matter. The application was for a modification to a proposal which had been approved and modified before. In the past, the Council had not required presentation of all evidence for the original application or modifications to be reintroduced. Only new evidence must be presented at the public hearing. If questions about other subdivisions in other parts of town had not been brought out at the public hearings on the original application or any of the modifications, the Council could not consider them.

Mr. Reeve stated the Planning Board had focused on finding four in its discussion. They did interpret the mix of housing types within the context of each subcommunity. The loss of the apartments to the market in Chapel Hill was severe; but their recommendation had been based on the rules and procedures they followed for the comprehensive plan.

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

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

Mr. Jennings described the layout of the building to be located in Kroger Plaza, and the traffic routes to be followed. Mayor Nassif inquired whether the facility would be attached to the main building. Mr. Jennings said it would not.

Councilmember Straley found the absence of a policy on drive-in businesses a stumbling block to voting. Councilmember Boulton agreed with Councilmember Straley. She thought it difficult to have walk-in facilities with the traffic flow around the building. Mr. Shipman responded that the design would allow for serving customers within the facility as well as cars at windows. Councilmember Boulton said they were not treated equally. The pedestrians would have to compete with the traffic.

Councilmember Howes was sympathetic to the need for a policy; however, he thought this project had been before the Council long enough and should be acted on.

Councilmember Smith asked if the signs would meet the ordinance. Ms. Hunt said the applicants would cooperate with the Appearance Commission in having the signs approved.

Mayor Nassif was also concerned with the pedestrian/auto conflict. He suggested the facility should be an appendage to the main building. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

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

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to R. Charles Ginn for Kroger Plaza Unified Business Development on South Elliott Road is hereby modified to allow construction of a photo facility as shown on plans dated August 28, 1979 subject to the following:

1. That detailed architectural elevations be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
2. 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.
3. 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.
4. That construction begin by November 30, 1981 and be completed by November 30, 1982.
5. Service to pedestrians shall be provided within the building as shown on the submitted plans.
6. That the site plan be modified to connect the proposed drive-in business to the main building of Kroger Plaza, and that the revised site plan be approved by the Planning Board prior to issuance of a building permit.
7. That all parking within the parking bay closest to East Franklin Street be deleted for a distance of 40 feet east of the photo booth.

8. 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 Board 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 dated August 28, 1979 continues to meet the four findings made by the Council on March 10, 1969 (and subsequently modified).

This the 13th day of October 1980.

Councilmember Smith believed a facility attached to the main building would create a greater traffic conflict than the original proposal and would be out of character with the main building.

Ms. Hunt stated that if the owners of Kroger Plaza objected to an addition to the main building, she would have to return for a modification.

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

Resolution Approving the Preliminary Sketch for Cliffhanger Estates Subdivision

Mr. Jennings presented the proposal for a 3-lot subdivision on 4.2 acres. The primary issue was the access to the lots. The applicant had drawn the lots within the right-of-way. The property owner across the street opposed the subdivision if the road was paved. The staff was opposed to "flag lots" as was DOT. The applicant contended that as he was only developing one side of the road, he should not have to pay for paving the whole road. Mr. Heffner added that with three modest lots, they could not economically afford to pave the road. He pointed out that flag lots existed in other places in town. The Department of Transportation did not have jurisdiction over the road to object. While the staff was concerned with future development further along the road, he did not believe there would be additional subdivisions in the near future.

Councilmember Boulton asked if the road connected to any other roads. It connected 15-501 and Dogwood Acres Drive. She inquired about requiring the posting of a bond instead of the paving. Mr. Heffner said he was willing to post bond for his portion of the road. Mr. Jennings pointed out this was different from what had been required in Laurel Hill where the town had required a bond for the paving of the whole road.

Councilmember Smith inquired about the road width. The right-of-way was 60 feet, but the road bed was only 21 to 22 feet. Mr. Heffner agreed to make the maintenance agreement a part of the deed. Mayor Nassif asked if there would be any difficulty with leaving the road unpaved until the time of annexation and then assessing the new property owners. Mr. Shipman said there would be in that the town would then have to pay for a portion of the paving. Also, the road intersected 15-501, but no one maintained it at this time. DOT would not do so unless it met their standards. Mr. Heffner asked if there was some method by which the Thompsons could be asked to pay for a portion of the paving if they wanted to develop their property. He would be willing to sign such an agreement.

Mr. Denny reminded the Council that although the subdivision ordinance recognized the posting of bond in lieu of the completion of improvements, there were practical aspects to allowing this such as the length of time for the bond and the amount. The cost of improvements would increase over time. If the town required a bond and assessed at a later date, some of the owners would be paying twice for the paving.

COUNCILMEMBER HOWES MOVED ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR CLIFFHANGER ESTATES

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated July 16, 1980 for Cliffhanger Estates Subdivision located on property identified as Chapel Hill Township Tax Map 128, Block A, Lot 2E, subject to the following:

1. That Merrit Drive be paved to N.C. Department of Transportation (NCDOT) standards along the length of the subject subdivision's frontage with the road. Plans for such paving shall be approved by the NCDOT and the Town Manager prior to construction.
2. 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.
3. That the number, location and installation of fire hydrants be approved by the Town Manager prior to issuance of any building permits.
4. That sewer, drainage, and utility easements be dedicated as required by the Town Manager. Such easements shall be shown on the final plat.
5. All utility improvements shall be installed in conformance with OWASA standards and all utilities shall be placed underground.
6. That the proposed development be exempted from the open space requirement of the Subdivision Ordinance as provided for in Section 18-51-f.
7. That 15 feet of additional right-of-way be dedicated along the subdivision's frontage with U.S. 15501.
8. That lot lines be shown on the final plat as ending at the right-of-way line.

This the **13**th day of October, 1980.

Mr. Shipman commented that he saw little difference in this item and the next on the agenda for which he had recommended denial because of inadequate access. He was concerned about setting a precedent in the matter. COUNCILMEMBER HOWES WITHDREW HIS MOTION AND MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO TABLE THIS ITEM AND THE NEXT, THE PARTIN SUBDIVISION, UNTIL THE COUNCIL COULD CONFER WITH THE MANAGER AND PLANNING BOARD. Councilmember Herzenberg then asked about the question of open space. Mr. Shipman answered that the Recreation Commission and Planning Board would be considering on October 21, the question of payments in lieu of open space for small subdivisions. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Rezoning From R-20 to R-3 a Tract of Land Located on U.S. 15-501 South - Gregg Property

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

AN ORDINANCE REZONING FROM R-20 TO R-3 A TRACT OF LAND LOCATED ON U.S. 15-501 SOUTH IDENTIFIED AS CHAPEL HILL TOWNSHIP MAP 127, BLOCK A, PART OF LOT 7

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

SECTION I

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be amended so that the following area be rezoned from R-20 to R-3, and that the uses permitted in areas designated R-3 in the Zoning Ordinance shall hereafter apply in the following area:

BEGINNING at a point, said point being an iron stake in the Northwest margin of U.S. 15-501 and in the Southernmost corner of Lot No. 18; running thence with the Southwest line of said Lot No. 18 N. 38°16'06" W. 211.79 feet to an iron stake; running thence S. 41°54'40" W. 156.27 feet to an iron stake; running thence N. 37°43'45" W. 162.02 feet to an iron stake in the Southeast margin of Smith Level Road; running thence along and with the Southeast margin of said road S. 31°42'33" W. 53.40 feet to an iron stake; running thence S. 37°04'16" E. 150.62 feet to an iron stake; running thence S. 37°56'41" E. 175.47 feet to an iron stake in the Northwest margin of U.S. 15-501; running thence along and with the Northwest margin of said U.S. 15-501 N. 51°37'55" E. 106.82 feet to a point and N. 53°31'07" E. 100.00 feet to an iron stake, the point and place of Beginning, and being all of Lots No. 13 through 17 inclusive of the J. U. Pearson Estate, according to plat and survey thereof by Fred P. Johnston, R. L. S., dated March 27, 1979, entitled "Property of S. Alexander Gregg, Jr., and wife, Jane Council Gregg" and being all that same tract or parcel of land conveyed to W. B. Horton, Jr. by deed recorded in Book 205, Page 658, Orange County Deed Book.

SECTION II

That all ordinances and portions in conflict herewith are hereby repealed.

This the 13th day of October, 1980.

Councilmember Boulton commented that the applicant was attempting development which the town eventually wanted in this area. The staff however, had recommended denial because the development was sooner than they would like. Councilmember Smith did not believe this a valid reason for denying the rezoning. THE MOTION FAILED BY A VOTE OF FIVE TO THREE WITH COUNCILMEMBERS BOULTON, SMITH, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY, AND THORPE OPPOSING.

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

A RESOLUTION DENYING A ZONING MAP AMENDMENT LOCATED ON US 15-501 SOUTH (PITTSBORO ROAD) IDENTIFIED AS CHAPEL HILL TOWNSHIP TAX MAP 127, BLOCK A, PART OF LOT 7

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request of S. Alex Gregg, Jr., for a zoning map amendment to change the zoning of 0.62 acres of land located on the west side of US 15-501 South (Pittsboro Road) and identified as part of Chapel Hill Township Tax Map 127, Block A, part of Lot 7 from the existing R-20 to R-3.

This the 13th day of October 1980.

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

Resolution Calling a Public Hearing (Zoning Text Amendment)

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

A RESOLUTION CALLING A PUBLIC HEARING (ZONING TEXT AMENDMENT FOR SOLAR ACCESS)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m. on Monday, October 27, 1980, in the Meeting Room of the Municipal Building, 306 North Columbia Street, to consider an amendment to the Zoning Ordinance to allow adjustment in building setback requirements for improved solar access.

This the 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending Portions of Chapter 6 of The Chapel Hill Code of Ordinances (Cemeteries)

Councilmember Kawalec stated the Cemetery Committee was ready to bring its landscape plan to the Council for approval. She introduced Mr. Boggs, the architect with whom they had been working. Mr. Boggs then presented his plans for the cemetery. He answered questions from the Council on the proposal. Mr. Boggs also reviewed some proposed revisions to the cemetery on Village Lane.

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

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 6 OF THE CHAPEL HILL CODE OF ORDINANCES

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

SECTION I

The following portions of Chapter Six are hereby amended to read as follows:

Section 6-19 Official Plan

The master map of the area effected by the Chapel Hill Memorial Cemetery, prepared by Richard W. Boggs, Landscape Architect, dated 1980, a copy of which is on file in the office of the Town Manager and identified by the official signatures of the Mayor, Town Clerk, and Town Manager, with the official seal of the municipality attached, which map is hereby incorporated herein as a part of this article, is hereby adopted as the official map or plan for the development of the entire cemetery area and the provisions of said master map shall be adhered to in the development of the cemetery.

Section 6-20 Reserved

Section 6-27 Markers, Shrubbery and Landscaping Generally

No planting of trees, shrubbery, or flowers shall be permitted in the cemetery except by or under the direction of the Town Manager and in accordance with the master plan map. No walls, trees, shrubbery or any other obstruction shall be permitted in the cemetery except in areas designated for such purposes on the master plan. All graves shall be level with the surrounding area. No mounds shall be allowed.

All markers in the cemetery shall be bronze or stone. A double marker shall be permitted on two (2) adjacent graves, located side by side, and shall be placed along the base line of the grave spaces and centered on the line between the two (2) grave spaces. The width of a single marker shall not exceed 36". The width of a double marker shall not exceed 84". The width of a marker on a cremation space shall not exceed 30". Single and cremation markers shall be placed along the base line of the grave space and centered on the axis of the space.

Above ground monuments shall have 4" concrete aprons which shall be flush with the ground in order to facilitate monument protection, stability and maintenance.

If anyone desires to place an above ground marker, the plans for the foundations must be submitted to the Town Manager or his designee for review to determine adequacy thereof. The persons placing the markers shall request the Town to locate the grave corners prior to placing the monument. After installation, a final inspection of the marker shall be made by the Town.

Anyone placing or causing to be placed a grave marker so that it is not in conformity with this section will correct it. If the marker is not brought into conformity as requested, the Town shall make the correction and bill the person who placed or caused to be placed the marker.

ARTICLE III. West Chapel Hill Cemetery

Section 6-28 Established; Named

The Town shall maintain the existing cemetery located on property adjacent to the intersection of Village Drive and Jay Street.

The name of the cemetery shall be the West Chapel Hill Cemetery.

Section 6-29 Official Plan

The master map of the area effected by the West Chapel Hill Cemetery, prepared by Richard W. Boggs, Landscape Architect, dated 1980, a copy of which is on file in the office of the Town Manager and identified by the official signatures of the Mayor, Town Clerk, and the Town Manager, with the official seal of the municipality attached, which map is hereby incorporated herein as a part of this article, is hereby adopted as the official map or plan for the development of the entire cemetery area and the provisions of said master map shall be adhered to in the development of the cemetery.

SECTION II

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

This the 13th day of October, 1980.

Councilmember Boulton asked why the stones would have a base. Mr. Harris explained the apron would be flush with the ground to aid in maintenance. Councilmember Smith inquired about the requirement for a vault. Mr. Shipman stated this was not a part of the ordinance but was an issue raised to the Council because of the possibility of the ground caving in. The Council agreed that a vault would not be required, but some type of liner to prevent the caving of the ground was necessary. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Revise and Rewrite Portions of Chapter 4, Article II of The Code of Ordinances (Animal Control)

The Manager recommended the Council defer consideration of changes to the animal control ordinance to allow for notification of interested persons. COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO DEFER CONSIDERATION OF THE MATTER UNTIL THE NEXT MEETING. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, SMITH, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBER HERZENBERG OPPOSING.

Budget Amendments

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, 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 I

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Transportation Fund</u>				
Administration	\$ 79,810	\$4,000	\$ -	\$ 83,810
Maintenance	\$226,895	\$ -	\$4,000	\$222,895

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

This the 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

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

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

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Transportation Fund Administration	\$ 70,755	\$ 3,565	\$ -	\$ 74,320
Transit Capital Grant	\$142,547	\$60,338	\$ -	\$202,885

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Transportation Fund	\$1,720,750	\$ 3,565	\$ -	\$1,724,315
Transit Capital Grant	\$ 142,547	\$60,338	\$ -	\$ 202,885

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

This the 13th day of October, 1980.

Mr. Shipman announced to the Council that the Transportation Department had moved into the new facility. THE MOTION WAS CARRIED UNANIMOUSLY.

Community Development

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM AGREEMENT (B-80-DS-37-0006)

BE IT RESOLVED by the Council of the Town of Chapel Hill that Raymond E. Shipman, Town Manager, is hereby authorized to sign on behalf of the Town of Chapel Hill the Grant Agreement for \$700,000 in Community Development Block Grant Small Cities funds for the program year beginning October 1, 1980 (B-80-DS-37-0006).

This the 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11, 1980, be and the same is hereby amended as follows:

Section 1: Delete the words "Grant No. B-79-DS-37-006" and insert the words "Grants numbers B-79-DS-37-0006 and B-80-DS-37-0006."

Section 3: Delete the words "year 1" and insert the words "years 1 and 2;" and reflect the following increase in revenues:

<u>Source</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Project</u>
C.D. Small Cities Program	\$700,000	\$700,000	-	\$1,400,000

Section 4: Reflect the following increase in appropriations to activities.

<u>Activity</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Project</u>
Acquisition of Real Property	\$93,055	\$134,015	-	\$227,070
Disposition of Real Property	700	1,400	-	2,100
Public Facilities and Improvements	245,385	172,215	-	417,600
Clearance Activities	4,200	4,900	-	9,100
Relocation Payments and Assistance	83,110	90,445	-	173,555
Rehabilitation and Preservation	194,265	237,410	-	431,675
General Administration	58,995	49,500	-	108,495
Non-departmental	<u>20,290</u>	<u>10,115</u>	<u>-</u>	<u>30,405</u>
TOTAL	\$700,000	\$700,000	-	\$1,400,000

This the 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 1320.1

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	Just Compensation
85-B-2 (Whitaker St.)	12,008	J.S. Fowler	Land	\$9,000.00
84-F-2 (313 Brooks St.)	1,026	Annie McCauley	Land and Structure	\$30,000.00
93-K-21 (307 Sunset Dr.)	1,175	Bennie Foggie and wife	Structure	\$15,500.00

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 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Bids

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR REMODELING OF THE CHAPEL HILL COURT FACILITY AND U.S. POST OFFICE

WHEREAS, the Town of Chapel Hill has solicited formal bids on August 27, 1980 and the following bids have been received:

<u>Bids</u>					
<u>Bidders</u>	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Alternate 2</u>	<u>Alternate 3</u>	<u>Totals</u>
<u>General Construction</u>					
Bordeau Construction Co., Inc. Durham, N.C.	\$130,298	\$25,856	\$1,650	\$8,000	\$162,804
C.C. Wood Construction Co. Durham, N.C.	119,430	23,325	2,916	2,296	147,957
Delta Construction Co., Inc. Durham, N.C.	114,933	24,230	1,050	8,333	145,546
Durham Construction Co. Durham, N.C.	124,800	25,000	1,700	4,900	156,400
Pleasant, Inc. Fayetteville, N.C.	111,997	24,056	5,505	10,932	152,490
Preston-Brady Co., Inc. Durham, N.C.	117,333	26,333	2,933	4,233	150,832
Security Building Co. Chapel Hill, N.C.	115,000	23,000	2,200	2,200	143,400
Trout and Riggs Construction Co., Inc. Durham, N.C.	126,000	25,000	1,000	5,000	158,000
Vinco Construction Co. Liberty, N.C.	140,000	25,500	1,000	5,000	172,500
William Muirhead Construction Co., Inc. Durham, N.C.	145,000	23,500	2,000	5,000	175,500
<u>HVAC Construction</u>					
Comfort Engineers, Inc. Durham, N.C.	35,188	10,704	6,245		52,137
Hockaday Heating and Air Conditioning Co. Raleigh, N.C.	32,970	9,400	7,000		49,370
Lee Air Conditioners, Inc. Durham, N.C.	24,840	9,500	5,700		39,040
Mechanical Associates, Inc. Cary, N.C.	23,700	8,400	6,100		38,200
Miller Heating and Air Conditioning Co., Inc. Goldston, N.C.	20,000	8,500	4,450		32,950
Rural Plumbing and Heating Raleigh, N.C.	20,715	8,410	7,570		36,695
<u>Electrical Construction</u>					
Bitting Electric Co. Cary, N.C.	28,027	15,207	812		44,046
Durham Electric Co., Inc. Durham, N.C.	24,812	6,000	800		31,612
Pendergraph and Thomerson Electric Co. Durham, N.C.	23,750	5,562	820		30,132
Quality Electric Co., Inc. Durham, N.C.	25,333	6,112	785		32,230
Watson Electrical Construction Co. Wilson, N.C.	20,787	7,651	987		29,425
<u>Plumbing Construction</u>					
Acme Plumbing and Heating Co. Durham, N.C.	24,050	13,130			37,180
Bradburn Plumbing Co. Durham, N.C.	19,700	9,750			29,450
Brown Brothers Plumbing and Heating Co., Inc. Durham, N.C.	20,940	7,000			27,940
Condor Mechanical Contractors, Inc. Burlington, N.C.	12,600	6,200			18,800
Copelan Plumbing Co. Durham, N.C.	13,625	7,525			21,150

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the overall low bids of Security Building Company in the amount of \$143,400; Miller Heating and Air Conditioning Co., Inc. in the amount of \$43,000; Pendergraph and Thomerson Electric Company in the amount of \$30,122; and Condor Mechanical Contractors, Inc., in the amount of \$18,900.

This the 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR CONSTRUCTION OF CALDWELL STREET, MITCHELL LANE, AND WHITAKER STREET UNDER THE SMALL CITIES COMMUNITY DEVELOPMENT PROGRAM

WHEREAS, the Town of Chapel Hill has solicited formal bids on August 27, 1980 and the following bids have been received:

<u>Bidders</u>	<u>Bid</u>
C. C. Mangum, Inc.	\$403,971.20
J. F. Wilkerson Contracting Co., Inc.	\$442,470.20
Mellott Contractors, Inc.	\$285,940.71
Nello L. Teer Co., Inc.	\$377,809.41
W. E. Garrison Grading Co.	\$335,646.00
William Muirhead Construction Co., Inc.	\$465,324.40

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Mellott Contractors, Inc. for construction of Caldwell Street, Mitchell Lane, and Whitaker Streets of \$285,940.71 under the Small Cities Community Development Program.

This the 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR OFFICE FURNISHINGS

WHEREAS the Town of Chapel Hill has solicited formal bids on September 11, 1980 and the following bids have been received:

	<u>Brame Office Products</u>	<u>Carolina Office Supply</u>	<u>Carolina Copy Cnt. and Off. Supply</u>	<u>Edwards and Broughton Company</u>	<u>Interior Systems, Inc.</u>	<u>Storr Sales Company</u>	<u>Triangle Office Equipment Inc.</u>	<u>Williamson and Lawson Office Products</u>
<u>Items</u>								
<u>Desks</u>								
A. 2 Executive Desks	\$ 558.00	\$ 513.24	No Bid	\$ 545.86	\$ 526.00	\$ 454.80	\$ 452.50	\$ 522.06
B. 6 Interview Desks	1,278.00	1,167.96	No Bid	1,249.68	1,200.00	1,041.00	1,035.96	1,327.06
C. 19 Secretarial Desks	5,833.00	5,333.87	No Bid	5,712.92	5,472.00	4,759.50	4,735.75	5,283.33
<u>1. Chairs</u>								
A. 20 Executive Chairs	4,500.00	3,531.00	No Bid	No Bid	3,200.00	3,402.00	3,137.60	3,793.60
B. 18 Arm Chairs	3,366.00	2,207.34	No Bid	No Bid	1,926.00	2,138.40	2,017.62	2,755.44
C. 10 Steno Chairs	1,345.60	1,209.40	No Bid	No Bid	1,050.00	1,171.50	1,083.90	1,213.70
D. 84 Stacking Chairs	2,215.92	2,277.24	No Bid	2,557.80	2,230.20	2,184.00	2,247.00	2,265.48
E. 5 Four-Seat Units	871.20	852.55	No Bid	975.80	850.00	836.50	841.75	975.80
<u>II. Bookcases, Tables, Credenzas</u>								
A. 1 six-tier bookcase	172.00	158.96	No Bid	167.72	160.00	140.00	139.25	No Bid
B. 2 Four-tier Bookcase	260.00	239.82	No Bid	254.94	246.00	212.40	211.24	No Bid
C. 29 Work Tables	5,133.00	4,605.78	No Bid	5,023.09	4,814.00	4,184.70	4,132.50	4,890.27
D. 3 Conference Tables	1,254.00	1,122.87	No Bid	1,224.06	1,161.00	1,020.60	996.48	1,211.97
E. 2 Credenzas	438.00	397.40	No Bid	426.94	412.00	356.20	354.30	424.94
<u>Filing Cabinets</u>								
A. 1 Five-drawer legal/lock	332.50	267.90	260.00	312.70	285.00	179.50	245.28	256.41
B. 1 Five-drawer legal	313.60	246.80	246.00	288.23	265.00	166.80	228.09	234.14
C. 1 Four-drawer legal	256.20	207.48	190.00	237.17	223.00	140.40	191.10	194.48
D. 1 Two-drawer legal	176.00	135.08	138.00	158.33	150.00	96.60	129.50	129.84
E. 1 Five-drawer letter/lock	302.40	235.40	231.00	276.26	258.00	159.95	221.43	226.54
F. 1 Five-drawer letter	283.50	214.32	216.00	249.10	238.00	147.25	204.23	204.26
G. 42 Four-drawer letter/lock	10,437.00	8,354.64	7,770.00	9,820.86	9,030.00	5,506.20	7,823.76	8,014.86
H. 1 Lateral 2-drawer letter/lock	261.00	221.72	203.00	234.52	235.00	167.79	203.53	147.22

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Chapel Hill that the Town accepts the underlined bids of Williamson and Lawson Office Products in the amount of \$147.22, Storr Sales Company in the amount of \$4,192.00 and Triangle Office Equipment in the amount of \$26,256.63.

This the 13th day of October, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Nominations and Appointments

Dr. Lloyd V. Hackley and Miriam K. Slifkin had been nominated for vacancies on the Village Companies foundation board. Councilmember Howes moved, seconded by Councilmember Smith, that these persons be appointed by acclamation. The motion was carried unanimously.

The Board of Directors of the Art School had requested the Council to make an appointment to their Board. The Council asked for a report on the status of the Orange County Arts Council. After the report, they would decide whether to appoint someone to this Board.

Future Agenda Items

Mr. Shipman called the Council's attention to a letter in the packet regarding revenue sharing. Councilmember Howes suggested the Council authorize the Mayor to send a letter to Chapel Hill's representatives asking for their support for the continuance of revenue sharing. The Council agreed.

Councilmember Straley informed the Council there would be a ceremony unveiling a place at the Jones Park on November 2, at 4:00 p.m.

Mr. Shipman reviewed the schedule of worksessions for the Council.

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



Joseph L. Nassif, Mayor



David B. Roberts, Clerk