

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, NOVEMBER 10, 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
- Bill Thorpe
- Jim Wallace

Also present were Town Manager E. Shipman and Assistant Town Attorney T. Hunter.

Petitions and Requests

Ms. Blanche Arons, the representative from the League of Women Voters presented the Council and Manager with the new Local Government Handbook which had just been printed.

Ms. Ruthie Leaver requested permission to speak on item 13, the traffic signal on East Franklin Street, and presented a petition signed by over 400 students opposing a signal at the crosswalk on E. Franklin Street. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO RECEIVE THE PETITION AND ALLOW MS. LEAVER TO SPEAK. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman stated that he had intended to schedule item 13 earlier on the agenda as many people were interested in the discussion. This had not been done in typing the agenda. He suggested it be moved up on the agenda now. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT THE ITEM BE SCHEDULED AFTER ITEM 10, CABLE TV, ASSUMING THAT MR. LATHROP HAD ARRIVED BY THEN. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Michael Dixon also requested to be allowed to speak on this item. COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT MR. DIXON BE ALLOWED TO SPEAK. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO TWO WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS SMITH AND WALLACE OPPOSING.

Mr. Bob Saunders, Student Body President, petitioned the Council to consider the amendments to the noise ordinance in a worksession rather than at the next meeting. COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE TO RECEIVE THE PETITION. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Councilmember Smith, seconded by Councilmember Wallace, the minutes of October 27, 1980, were approved as corrected.

Horace Williams Airport

Mr. Jennings stated the amendments to the zoning ordinance would allow for airports in University A zoning. The definition of a Limited Aviation Airport, as recommended by the staff and Planning Board, contained many restrictions on uses at the airport, including eliminating flight training.

Mr. Reeve explained the Planning Board's consideration of the request by the University, and added that the Planning Board wanted the Council to consider closing the airport in the future.

Councilmember Straley said the Council was in the process of considering a new zoning ordinance. There was, in that proposed ordinance, a section similar to this amendment. As this section had not been discussed in the worksessions, he did not think the Council should adopt an amendment using the same language.

He believed the appropriate time to consider this amendment was after discussions in the worksessions. COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING THE ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS (80-O-70A)

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

SECTION I

Amend Section 3 of the Chapel Hill Zoning Ordinance - Table of District Regulations - Uses Permitted to add immediately preceeding "Home Occupations" the words "Hangar, Medical Aircraft;" and to insert an "X" in the column designated "University A."

SECTION II

Amend Section 13 of the Chapel Hill Zoning Ordinance to add the following definition:

Hangar, Medical Aircraft. A hangar to house and service aircraft used in Area Health Education Center flights and other flights having a direct relationship to health and medical matters of the University of North Carolina.

SECTION III

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

This the 10th day of November, 1980.

Councilmember Smith expressed his concern for the residents and school children surrounding the airport. He wanted a deadline set for relocating the airport, or, in the alternative, a time limit put on the occurrence of all activities except medical activities at the airport. This could encourage the development of another airport.

Councilmember Howes sympathized with the ideas of Councilmember Straley and Councilmember Smith, but questioned the mechanism for reaching the desired results without the benefit of advice from the staff, advisory board or the attorney. The Council had also been presented with several proposals from other groups which could be considered. Councilmember Straley informed the Council that Mr. Denny had approved the form of the language of his motion.

Councilmember Thorpe stated he was opposed to the proposed zoning ordinance so he could not support this amendment which was similar to that.

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

AN ORDINANCE AMENDING THE ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS (80-O-70)

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

SECTION I

Amend Section 13 of the Chapel Hill Zoning Ordinance to add the following definitions:

AIRPORT, GENERAL AVIATION. All airports not included within the definition of Limited Aviation Airport.

AIRPORT, LIMITED AVIATION. An airport which is operated for the benefit of the University of North Carolina at Chapel Hill and N.C. Memorial Hospital as further defined in this Section.

- 1. The airport has only one runway, and the length of such runway does not exceed 3,500 feet.

2. The total number of aircraft permanently based at the airport does not exceed 50. No commercial operations other than maintenance of planes permanently based at the airport shall be permitted.
3. The airport is restricted to small aircraft only. Specifically, use of the airport is prohibited to fixed-wing jet-powered aircraft, and aircraft weighing over 12,500 pounds maximum certificated take-off weight.
4. The airport shall have a traffic pattern as approved by the Council. The traffic pattern shall include consideration of surrounding land uses and the relationship of the landing pattern to such land uses.
5. Pilot training at the airport shall be eliminated.
6. Aircraft maintenance shall be limited to the 50 planes based at the airport, except for emergency maintenance as required.
7. Owners and operators of all aircraft located at or using the facility are permitted to use the facility for normal operations only during the hours from 6:00 a.m. to 9:00 p.m.
8. Applicable Federal Aviation Administration regulations shall be observed at the airport at all times.
9. No gliders, balloons, experimental aircraft or miniature aircraft shall be based at or operated from the airport. No helicopters shall be based at the airport. Aircraft operations for the purpose of parachuting, stunt flying or aerobatics are prohibited at the airport.

SECTION II

Amend Section 3 of the Chapel Hill Zoning Ordinance to allow Airport, Limited Aviation as a permitted use in University A districts.

SECTION III

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

This the 10th day of November 1980.

Councilmember Wallace thought the pilot training should be eliminated entirely. He believed the only justification for the airport was limited University use. Action should be taken in the future to further limit the use of the airport. Putting a time limit by which the airport must be relocated would be producing an artificial program which might not work.

Considering the radical nature of the proposal in the new zoning ordinance, Councilmember Straley did not believe the Council had spent sufficient time discussing the subject.

Councilmember Smith was concerned that although the ordinance restricted use to that which benefitted the University, it allowed 50 planes to be based at the airport. Also if the airport was limited to planes which benefitted the hospital, there should be no time limit on flights.

Councilmember Wallace responded to Councilmember Straley that the radical changes would be in the proposed zoning ordinance, not in the amendments for tonight.

Mayor Nassif stated the Town and University had clashed over the airport before. There had been no cooperation between the two. Now the University was willing to place restrictions on the use of the airport, and he believed the Council should adopt these restrictions. He continued that the Council should zone fairly, not by limiting the ownership of property.

Councilmember Howes stated the Council was arguing over procedures and degrees of restriction. No one seemed to be for allowing the airport to stay. He suggested the Council express its willingness to work with the University to find an alternate location for the airport. Councilmember Wallace supported Councilmember Howes in this sentiment and pointed out that the resolution suggested by the Planning Board to accompany the ordinance would be such an expression.

Councilmember Kawalec said adoption of the ordinance would be opposite to what the Council wanted. The new zoning ordinance would require that all non-conforming uses cease in 15 years, which would include the airport as it was non-conforming. The ordinance would make it conforming. If the airport was given permanent status at this time, it would be preempting a discussion on the ordinance.

Councilmember Smith asked if pilot training would be prohibited as of adoption of the ordinance, or would the Council give time for current classes to be completed. He suggested three to five years be given for non-conforming uses to be phased out. Councilmember Smith also asked what was the feeling of the University administration with regard to the relocation of the airport. Mayor Nassif answered the Chancellor and Mr. Temple had indicated they would like to have the airport phased out at this location, but that the Board of Trustees had the final authority for such decisions.

Councilmember Boulton asked Councilmember Kawalec if her intention was to delay the project until the new zoning ordinance was adopted. Councilmember Kawalec responded her intention was to refuse permanent status to something which no one wanted.

Councilmember Herzenberg thought the ordinance could be a disincentive for working for a new airport.

Councilmember Boulton responded that it was important for the Council to take action on a request when it was submitted to the Council. She thought there was no doubt as to the opinion of the Council and School board with regard to the airport. The Council could form an active group to work for a new airport. Construction of the hangar was important to the AHEC program.

Mayor Nassif commented that the University was not in a position to locate a new airport on their own.

COUNCILMEMBER HOWES MOVED TO AMEND THE ORDINANCE BY SUBSTITUTING A NEW PARAGRAPH 2 AS FOLLOWS:

2. The airport is restricted to the following: (a) Five permanently based aircraft owned or operated by the University of North Carolina at Chapel Hill and North Carolina Memorial Hospital and (b) to transient aircraft used for conducting business for the University of North Carolina at Chapel Hill and North Carolina Memorial Hospital or attending regularly scheduled functions of the University of North Carolina at Chapel Hill and the North Carolina Memorial Hospital.

Councilmember Wallace accepted the amendment. Councilmember Boulton reminded the Council they were adding further limitations to the use of the airport without any comment from the University as to how this would fit into airport operations.

Mayor Nassif believed that with this ordinance, the Council would be limiting ownership, and he would not support the motion. He added it would not be enforceable by the Town.

Councilmember Straley did not believe the ordinance was what the community wanted. Councilmember Wallace disagreed. It recognized that the hangar was a legitimate item; it specified restrictions on the airport as well as for what it would be used.

Councilmember Smith reiterated the necessity for giving the planes based at the airport an opportunity to move. COUNCILMEMBER WALLACE MOVED TO AMEND THE ORDINANCE TO ADD ITEM 10, "All planes permanently based at the airport at the date of passage of this ordinance, non-conforming to the definition of planes generally using said airport, shall have three years in which to be relocated." The amendment was accepted. Councilmember Wallace pointed out that no ordinance was permanent, in that it could be amended at any time.

Mayor Nassif emphasized that all planes not covered under #2 would have three years to relocate.

THE SUBSTITUTE MOTION FAILED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS HOWES, SMITH, THORPE, AND WALLACE SUPPORTING AND COUNCILMEMBERS BOULTON, HERZENBERG, KAWALEC, STRALEY, AND MAYOR NASSIF OPPOSING.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF 80-O-70 WITHOUT THE TWO AMENDMENTS. Councilmember Smith again raised the issue of current classes for pilot training being interrupted. COUNCILMEMBER WALLACE AMENDED NO. 5 TO READ "All pilot training will be prohibited and will cease as of June 30, 1981." The amendment was accepted.

Councilmember Smith stated he would not vote for this motion because there was a discrepancy between the definition of a limited aviation airport and allowing 50 planes to be based there.

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

Councilmember Thorpe stated he would vote against the original motion because it referred to something which the Council would be considering in the future.

THE MOTION TO ADOPT 80-O-70A FAILED BY A VOTE OF SIX TO THREE WITH COUNCILMEMBERS HERZENBERG, KAWALEC, AND STRALEY SUPPORTING AND COUNCILMEMBERS BOULTON, HOWES, SMITH, THORPE, WALLACE AND MAYOR NASSIF OPPOSING.

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

A RESOLUTION CONCERNING THE FUTURE CLOSING OF HORACE WILLIAMS AIRPORT (80-R-205)

BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL that the Council will take whatever actions are appropriate to ensure that the aviation activities at Horace Williams Airport are terminated as soon as an airport becomes available within a 15 mile radius of Chapel Hill.

This the 10th day of November, 1980.

Councilmember Boulton commented that she would rather the Council write its own resolution to express feelings regarding the airport instead of accepting the Planning Board's suggestion.

Councilmember Straley commented that the Council must remember the importance of the airport to the community. Councilmember Howes said the resolution was in his opinion inadequate.

Mr. Reeve pointed out the resolution was intended to accompany the ordinance. It was not intended to stand as a statement to the University. He added that the Planning Board considered it a serious matter to leave the airport as a non-conforming use.

COUNCILMEMBER HOWES MOVED ADOPTION OF A SUBSTITUTE RESOLUTION AS FOLLOWS:

A RESOLUTION REGARDING HORACE WILLIAMS AIRPORT (80-R-205A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town will work with the University, Orange County, Triangle J Council of Governments, pertinent state agencies, and the people of the community to seek an alternate location for aviation activities so that such activities may be terminated at Horace Williams Airport as soon as possible.

This the 10th day of November, 1980.

Councilmembers Straley and Herzenberg did not object to this language. Councilmember Wallace pointed out this still left the airport as a non-conforming use.

Mayor Nassif suggested that without objection, the Council take a 5 minute recess to organize their thoughts with regard to the resolution and try to form a majority vote on a resolution. Councilmember Kawalec objected.

Councilmember Smith said this resolution did not deal with the request by the University. Mayor Nassif indicated he would vote against the motion because it did not specify what part the Town would take in working toward a new airport. It could involve funds. Councilmember Howes had specifically deleted the portion that the town would take all appropriate actions for language indicating cooperation with other agencies. Mayor Nassif indicated he would support the motion.

THE MOTION WAS CARRIED BY A VOTE OF SIX TO THREE WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS SMITH, THORPE, AND WALLACE OPPOSING. The Mayor then declared a 5 minute recess.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, THE MOTION ORIGINALLY MADE BY COUNCILMEMBER STRALEY (80-O-70A).

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE ORDINANCE ORIGINALLY MOVED BY COUNCILMEMBER WALLACE, (80-O-70) WITH ALL AMENDMENTS. THE SUBSTITUTE MOTION WAS DEFEATED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS HOWES, SMITH, THORPE, AND WALLACE SUPPORTING AND COUNCILMEMBERS BOULTON, HERZENBERG, KAWALEC, STRALEY, AND MAYOR NASSIF OPPOSING. THE FOLLOWING ORDINANCE WAS ADOPTED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS BOULTON, HERZENBERG, KAWALEC, STRALEY AND WALLACE SUPPORTING AND COUNCILMEMBERS HOWES, SMITH, THORPE, AND MAYOR NASSIF OPPOSING.

AN ORDINANCE AMENDING THE ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS (80-O-70A)

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SECTION II

Amend Section 13 of the Chapel Hill Zoning Ordinance to add the following definition:

Hangar, Medical Aircraft. A hangar to house and service aircraft used in Area Health Education Center flights and other flights having a direct relationship to health and medical matters of the University of North Carolina.

SECTION III

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

This the 10th day of November, 1980.

Resolution to Deny a Rezoning Request by Zeta Tau Alpha Housing Corporation

Mr. Jennings stated the applicant justified the request by arguing there were changed conditions in the area and by the large demand for sororities in general. The staff did not believe the change to attached units in the area justified the intensity which would be introduced with a sorority. To answer the argument of demand for sororities, there was other property zoned R-10A not

being used for sororities or fraternities which were removed from the area. Mr. Jennings pointed out the Town must also consider the full range of uses allowed in R-10A. He added that if the area was in a state of decline, the Town might take action to induce investment. However, this was not the case as significant private investment was taking place.

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

A RESOLUTION DENYING A ZONING MAP AMENDMENT REQUESTED BY ZETA TAU ALPHA SORORITY (80-R-206)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request of Zeta Tau Alpha Sorority for a zoning map amendment to change the zoning of 0.98 acre of land located on the east side of Hillsborough Street and identified as part of Chapel Hill Township Tax Map 79, Block B, Lot 15 from the existing R-10 zoning of R-10A zoning.

This the 10th day of November 1980.

Councilmember Howes then commented that although the proposal had merit, and there was a need for this type of housing in the community, the request was in the nature of spot zoning. He was also concerned with the impact on Hillsborough Street which was predominantly residential. Councilmember Howes pointed out that in the past the University had worked with fraternities to construct fraternity courts. It had not in the case of sororities. He believed the University should work with the Town to lessen the abrasion of sororities on the neighborhoods by dealing with the matter in a comprehensive way. Councilmember Boulton stated that although there was a need for housing near the University for sororities, she agreed with Councilmember Howes. She informed the Council the University had begun to consider this need and work toward a solution.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

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

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS" (80-O-72)

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

That a six-acre tract of land located on the west side of NC 86 and identified as Chapel Hill Township Tax Map 18, Lot 13A be zoned Limited Business.

This the 10th day of November, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas - Wendy's Restaurant"

Mr. Jennings stated the request for rezoning had been made on the basis that the parking site was inadequate for the business. The lack of a drive-in window increased the demand for parking. There was congestion on the site with an overflow into the residential area. The staff proposed rezoning to Limited Business only the amount of land needed for 8 parking spaces. This would be used for employee parking. The rest of the property would provide a 32' separation from the residential neighborhood which could be landscaped.

Mr. Reeve informed the Council the Planning Board vote to deny the request had been divided. They disagreed with the partial zoning and a further intrusion of the activity center into the residential neighborhood.

Mayor Nassif asked if a special use permit for a parking lot had been discussed. Mr. Jennings answered that a special use permit was not possible.

Councilmember Boulton agreed with the Planning Board recommendation. SHE MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION DENYING A ZONING MAP AMENDMENT REQUESTED BY DUANE L. HOOVER AND CHARLES L. HILL (80-R-207)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request of Duane L. Hoover and Charles L. Hill for a zoning map amendment to request 0.52 acre of land located on Scarlett Drive (formerly Henderson Street) and identified as Chapel Hill Township Tax Map 27A, Block B, Lot from R-20 to Regional Commercial.

This the 10th day of November, 1980.

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

Resolution Granting a Unified Business Development Special Use Permit to Joseph Ghidorzi for the Franklin Square Office Development

Mr. Jennings stated the Planning Board had discussed this project twice because of their concern over the simultaneous occurrence of Eastwood Lake Dam failure and the 100 year flood. Conformance with the comprehensive plan had been debated as well. The proposed redesign of the access road would eliminate the traffic hazard at the intersection of Business and By-pass 15-501. The applicant had also provided evidence that water velocity from the dam failure and flood would diminish at the site. The probability of this happening was small. The Planning Board had recommended property owners be given prior notification of the possibility in any case. Although the property was designated as low density residential, the staff believed an exception should be made because of the traffic hazard existing at the site, inability to build on a portion of the property which was in the flood plain, and the fact that this was the last property in the area to be considered so there would be no domino effect.

Mr. Reeve believed the plan to be excellent for the site. He added that the Board would request the Town to take some responsibility for determining the danger of the dam.

Councilmember Smith asked if the turning lane at the signal on the by-pass would be lengthened to hold more traffic which would be expected for this project. Mr. Anderson responded that DOT had discussed the traffic issue in a letter which had been submitted to the Council. They felt there would be no critical stack-up at this intersection because of the project. Councilmember Boulton agreed with Councilmember Smith that this would be a problem for people coming from the By-pass turning at the intersection. Mr. Anderson reiterated that DOT projected no problem with this turning movement. The intersection would be properly signalized to deal with turning movements. Mr. Jennings pointed out that traffic could use the access road in front of Coggin Ford rather than using the By-pass.

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

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO JOSEPH GHIDORZI FOR THE FRANKLIN SQUARE OFFICE DEVELOPMENT (80-R-208A)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Business Development proposed by Joseph Ghidorzi if developed in accordance with the plans submitted August 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:

Conditions for which completion is required prior to issuance of a building permit or grading permit

PUBLIC HEALTH AND SAFETY

- 1. That a detailed drainage plan and grading plan be submitted to and approved by the Town Engineer prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy. Storm water runoff shall comply with standards established by the Town Engineer.
- 2. 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. Such plan shall establish when such hydrants shall be installed in relation to the proposed phasing plan.
- 3. That the location of the proposed sidewalk along the southeastern boundary of the subject property be approved by the Town Manager and shall be shown on the required landscape plan. Such sidewalk shall be constructed to Town standards and the detailed design shall be approved by the Town Manager prior to construction. Such sidewalk may be constructed in phases as approved by the Town Manager.

APPEARANCE

- 4. That as much of the existing 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.
- 5. That paved areas be set back as far as possible from trees to be retained.
- 6. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit. Such plans may be submitted in phases corresponding to the development phasing plan, in which case plans shall be submitted prior to issuance of a building permit for any building within the phase. Architectural plans shall specify materials, color, and exterior elevations.

ADMINISTRATIVE

- 7. That a revised site plan incorporating all the above stipulations be submitted to the Building Inspector prior to issuance of a building permit or grading permit.

Conditions for which compliance is required prior to issuance of a certificate of occupancy

PUBLIC HEALTH AND SAFETY

- 8. That the driveway and the off-street parking areas be paved and that the construction specifications for such paving be approved by the Town Manager.
- 9. That a system of paved sidewalks be constructed to connect the individual buildings to the parking area. Such on-site sidewalk system shall be extended to connect with the sidewalk proposed along the southeastern property boundary. The sidewalk system shall be shown on the site plan and shall be approved by the Appearance Commission.
- 10. That an improved public pedestrian path be constructed between Foxcroft Apartments and the southeastern corner of the subject property. A public pedestrian easement shall be recorded along such path. The location of such path shall be shown on the site plan and shall be approved by the Appearance Commission.

11. That all buildings connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for individual buildings shall not be permitted.
12. That the proposed frontage road be completed in its entirety prior to the issuance of any certificate of occupancy.

APPEARANCE

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.
15. 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 plans may be submitted in phases corresponding to the development phasing plan in which case a detailed landscape plan shall be submitted prior to obtaining certificate of occupancy for any building within the phase. The landscape plan shall include the location and proposed screening of bulk trash containers and a precise delineation of existing natural growth to remain.
16. 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.
17. That off street parking areas be screened from the public right-of-way of Franklin Street by a solid screen a minimum of three feet in height. Such screening shall be shown on the landscape plan.
18. That the off-street parking areas be screened from the abutting properties by a solid six-foot high screen consisting of vegetation, trees and/or fencing. The detailed design of such screen shall be shown on the landscape plan and shall be approved by the Appearance Commission.

ADMINISTRATIVE

19. That provisions for garbage collection be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
20. 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.
21. That a plat dedicating all easements, and public rights-of-way shown on the site plan be recorded at the Orange County Register of Deeds Office prior to issuance of a certificate of occupancy for any building within the Office Development.
22. That sewer, drainage, and utility easements be dedicated as required by the Town Manager.
23. That a minimum 35 foot wide pedestrian and non-motorized vehicle easement be dedicated along the frontate of the subject property with Bolin Creek.
24. That the name of the office development be approved by the Town Manager as not being similar to another existing development within Chapel Hill Township.
25. That construction begin by November 30, 1982 and be completed by November 30, 1986.

Other Conditions

APPEARANCE

26. 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.

ADMINISTRATIVE

- 27. That the location of the parking spaces serving the handicapped be approved by the Town Manager.
- 28. That all utilities to be placed below the proposed frontage road shall be installed prior to paving such frontage road. Utilities shall be stubbed out to each phase as required by OWASA and the Town Manager.
- 29. That the off-street parking areas and drives be paved with curb and gutter.
- 30. That the applicant be permitted to reduce the number of required parking spaces by up to 30% as provided for in Section 4-C-21-d of the Zoning Ordinance on the findings that such a reduction is justified on the basis of the type of use, that the office is not expected to need parking in the normally required ratio, no adverse increase in traffic congestion is expected because of the reduction, and the area to be freed from parking will be used for additional landscaping.
- 31. That if the proposed revision of the Zoning Ordinance is adopted with provisions allowing the inclusion of compact car spaces as meeting part of the off-street parking requirement, that the applicant is authorized to modify the proposed parking plan to convert standard parking spaces to compact car spaces provided such changes are in compliance with the adopted provisions of the Zoning Ordinance. Such change shall not be considered a modification of the special use permit.
- 32. That all outdoor lighting be designed with the objective of directing illumination only within the property boundaries. Such lighting shall be shown on the detailed landscape plan and shall be approved by the Appearance Commission.

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 10th day of November, 1980.

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

Resolution Denying a Special Use Permit for McKee-Eyre Offices

Mr. Jennings stated that in the staff's opinion no evidence on safety and health had been presented at the public hearing. The second concern of the Planning Board had been conformance of the project with the comprehensive plan. A study in 1968 in response to a request for commercial property in the area had resulted in a recommendation for high density residential zoning to encourage residential development in the area. This was followed by a change in zoning to high density residential. The Council had in 1977 denied a similar request for a business development because of the high density residential designation. In 1979 they had approved a permit for Winchester Court a short distance away, proving that high density residential development could occur.

Mr. Reeve stated that although this project appeared to be a good one, allowing it could result the whole area turning commercial.

Councilmember Boulton questioned the lack of evidence. Mr. Hunter explained this was judgemental. In the staff's opinion insufficient evidence had been presented. It would be up to the Council to make the final decision as to whether the evidence was sufficient.

Councilmember Kawalec asked if a new permit would be required to tear down the house. Mr. Jennings stated a modification would be needed. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE ADOPTION OF THE FOLLOWING RESOLUTION.

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A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO MCKEE-EYRE REALTORS FOR THE MCKEE-EYRE OFFICE DEVELOPMENT (80-R-209C)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Business Development proposed by McKee-Eyre Realtors if developed in accordance with the plans submitted June 24, 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:

Conditions for which completion is required prior to issuance of a building permit or grading permit

PUBLIC HEALTH AND SAFETY

1. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.

APPEARANCE

2. That as much of the existing 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.
3. That paved areas be set back as far as possible from trees to be retained.

ADMINISTRATIVE

4. That a revised site plan incorporating all the above stipulations be submitted to the Building Inspector prior to issuance of a building permit or grading permit.
5. That the proposed plans comply with the required minimum set back regulations and that the site plan as revised be approved by the Appearance Commission. The two proposed buildings shall not be physically connected.

Conditions for which compliance is required prior to issuance of a certificate of occupancy

PUBLIC HEALTH AND SAFETY

6. That a paved sidewalk to Town standards be constructed along the frontage of the property with E. Franklin Street and tie into the existing sidewalk in front of the fire station.

APPEARANCE

7. That no parking be allowed between the front of the existing building and the right-of-way of East Franklin Street.
8. That the screening of all exterior mechanical equipment be reviewed and approved by the Appearance Commission prior to issuance of a certificate of occupancy.

- 9. That all utilities be placed underground.

ADMINISTRATIVE

- 10. That provisions for trash collection be approved by the Town Manager.
- 11. 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.
- 12. That construction begin by November 30, 1981 and be completed by November 30, 1983.

Other Conditions

- 13. 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.

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 10th day of November, 1980.

Councilmember Kawalec explained that in her opinion the entranceways were the first priority in the zoning ordinance. It would be unrealistic to expect the property along Franklin and Airport to be residential. Rather than let the existing residential property deteriorate, the special use permit for the existing house would give the Council control over the development. Councilmember Boulton agreed but questioned the 12' drive. Mr. Jennings responded that the staff had proposed a 24' drive. They had also proposed eliminating parking in front of the house. Councilmember Howes commented that while he believed 12' to be inadequate, the 24' drive would be excessive. Mr. Morris stated a 24' width for turning was necessary for at least a length of 40', after which the drive could be narrow.

Councilmember Kawalec withdrew her motion.

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

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO MCKEE-EYRE REALTORS FOR THE MCKEE-EYRE OFFICE DEVELOPMENT (80-R-209B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Business Development proposed by McKee-Eyre Realtors if developed in accordance with the plans submitted June 24, 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:

Conditions for which completion is required prior to issuance of a building permit or grading permit

PUBLIC HEALTH AND SAFETY

1. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.

APPEARANCE

2. That the detailed architectural elevations for the second building be approved by the Appearance Commission.
3. That a landscape plan, sign plan and lighting plan be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
4. That the parking area be screened from abutting properties and E. Franklin Street by a solid evergreen hedge a minimum of six (6) feet high. Such planting to be included on the landscape plan.
5. That as much of the existing 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.
6. That paved areas be set back as far as possible from trees to be retained.

ADMINISTRATIVE

7. That a revised site plan incorporating all the above stipulations be submitted to the Building Inspector prior to issuance of a building permit or grading permit.
8. That the proposed plans comply with the required minimum set back regulations and that the site plan as revised be approved by the Appearance Commission. The two proposed buildings shall not be physically connected.

Conditions for which compliance is required prior to issuance of a certificate of occupancy

PUBLIC HEALTH AND SAFETY

9. That a paved sidewalk to Town standards be constructed along the frontage of the property with E. Franklin Street and tie into the existing sidewalk in front of the fire station.
10. That the eastern most curb cut be closed by replacing it with curb & gutter to Town standards, and that the loop drive be closed through the means of appropriate planting.
11. That the driveway and the off-street parking areas be paved and that the construction specifications for such paving be approved by the Town Manager. The driveway shall have a minimum paved width of 12 feet and the driveway entrance shall have a minimum width of 24 feet for a length of 40 feet behind the curb. The detailed design of the parking area shall be approved by the Town Manager.

APPEARANCE

12. That no parking be allowed between the front of the existing building and the right-of-way of East Franklin Street.
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.

ADMINISTRATIVE

- 15. That provisions for trash collection be approved by the Town Manager.
- 16. 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.
- 17. That construction begin by November 30, 1981 and be completed by November 30, 1983.

Other Conditions

- 18. 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.

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 10th day of November, 1980.

Councilmember Straley did not think a 16' drive could be constructed between the trees without destroying one of them. Mayor Nassif suggested Mr. McKee try to design the drive around the trees.

Mr. Reeves reminded the Council they were considering voting on the four findings without any evidence having been presented on number 1. He believed this could have an effect on the rest of Franklin Street.

Councilmember Smith asked what the zoning for this property would be under the proposed zoning ordinance. Mr. Jennings answered he had not suggested a zoning for any property under consideration by the Council as he was awaiting Council's decision. The rest of the property in the area was high density residential.

Councilmember Howes responded to Mr. Reeves' point on evidence that no evidence on either side had been presented. He viewed this special use permit as an interim accommodation.

Councilmember Straley commented that he would vote against the project because it would encourage commercial development all along this side of the street. Councilmember Boulton argued that the project would keep the street looking residential. Mayor Nassif added that this would preserve the scale of the entranceway as it now is. While the use would be changed, the appearance would not.

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

Resolution Granting an Automobile Service Station Special Use Permit to A. T. Williams Oil Company for the Wilco Service Station

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

A RESOLUTION GRANTING AN AUTOMOBILE SERVICE STATION SPECIAL USE PERMIT TO A.T. WILLIAMS OIL COMPANY FOR THE WILCO SERVICE STATION ON AIRPORT ROAD (80-R-210)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Automobile Service Station proposed by A.T. Williams Oil Company if developed in accordance with the plans submitted October 31, 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 as follows:

Conditions for which compliance is required prior to issuance of a building permit or grading permit.

PUBLIC HEALTH AND SAFETY

- 1. That a detailed drainage plan, a detailing grading plan and a revised site plan in incorporating the special use conditions 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.

APPEARANCE

- 2. 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.
- 3. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signs, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.

Conditions for which compliance is required prior to assurance of a certificate of occupancy.

PUBLIC HEALTH AND SAFETY

- 4. That sewer, drainage, and utility easements be dedicated as required by the Town Manager. Such easements shall be recorded prior to issuance of a certificate of occupancy.
- 5. That provisions for garbage collection be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.

APPEARANCE

- 6. That all outdoor lighting be designed with the objective of directing illumination only within the property boundaries. Such lighting shall be shown on the detailed landscape plan and shall be approved by the Appearance Commission.
- 7. That the off-street parking and circulation areas be screened from the abutting properties on the west side of Airport Road by a solid six-foot high screen consisting of vegetation, trees and/or fencing. The detailed design of such screen shall be shown on the landscape plan and shall be approved by the Appearance Commission.
- 8. 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.

ADMINISTRATIVE

- 9. 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.

- 10. That construction begin by November 30, 1982 and be completed by November 30, 1983.

Other Conditions

PUBLIC HEALTH AND SAFETY

- 11. That the applicant connect the subject development to the municipal sewer-system when municipal sewer service is available within 200 feet of the property. Such improvements shall be installed to the standards of OWASA and necessary sewer easements shall be dedicated as required by the Town Manager.

APPEARANCE

- 12. 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.
- 13. That all utilities be placed underground.

ADMINISTRATIVE

- 14. That the subject existing service station be exempted from the requirements of sections 4-C-2-F-1 and 4-C-2-G of the Zoning Ordinance.

BE IT FURTHER RESOLVED that the Council hereby grants an Automobile Service Station Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 10th day of November, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending the Ordinance Granting a CATV Franchise to Village Cable Inc.

Mr. Shipman reviewed the changes to be made in the franchise to Village Cable. Dr. Rivers had given the School Board's support to the modifications.

Councilmember Herzenberg questioned the language of the proposed ordinance which he thought vague. Mr. Grills explained that the language was from the FCC, but he was unable to give a detailed explanation of its meaning. Councilmember Herzenberg asked that the percentages be changed to numbers of days to add specificity to the ordinance. Councilmember Smith asked how long it would take Village Cable to activate the second network. Mr. Heavner said it would take 90 days for installation. Mayor Nassif asked why the B network had not been installed with the A network. Mr. Heavner responded that the company had spent most of its efforts trying to get the subscriber network activated. New technology now indicated the best way to build the institutional network would be to add capability to the A network and delay construction of the B network until an overload occurred on the A network.

Mayor Nassif suggested the town give the company a delay for a specific period for construction of the B network. Then they would know when to expect activation rather than relying on a formula which might be misinterpreted. Councilmember Howes argued that the modification proposed by Village Cable offered some capacity now with more when the demand justified such capacity.

Councilmember Boulton stated the Council would still need some criteria for deciding whether the additional capacity was necessary. Councilmember Straley also inquired as to how the Council would know what the demand was at a particular time. Mr. Heavner reviewed the FCC inspection procedure for broadcasting companies. He suggested a similar procedure for the time. The consultant could perform an inspection. Councilmember Straley asked if the company could not give the Council a report on a regular basis.

Mayor Nassif asked if the public would still be allowed to use the B network for three years at no cost. Mr. Heavner indicated this portion of the proposal would not change.

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Councilmember Kawalec asked if the technology could conceivably change so that the second network would not be needed. Mr. Heavner indicated there were technological changes constantly. The whole network could be rebuilt.

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

AN ORDINANCE AMENDING THE ORDINANCE GRANTING A CATV FRANCHISE TO VILLAGE CABLE INC. (80-0-74)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Granting a Franchise to Village Cable Inc., etc." as follows:

ADD to Section 13 (amendments to original proposal)

5. In lieu of the separate "B" institutional network originally proposed, franchisee may activate the return capability of the 'A' subscriber network as a means to allow origination of audio-visual, data and audio signals from institutional sources and transmit such institutional signals on additional band width of the downstream "A" system as described in correspondence from the President of Village Cable dated October 8, 1980. In addition, Village Cable shall make cable security and fire alarm services available to subscribers by May 1, 1982.

It is further provided that whenever either the downstream or upstream institutional network channels are in use during twenty-four of the weekdays (Monday-Friday) during a period of six consecutive weeks during any consecutive three-hour period for six consecutive weeks, Village Cable shall be required to make available within 90 days the institutional cable network originally incorporated in Village Cable's proposal of September 4, 1979.

All other terms and conditions regarding the institutional network pursuant to Village Cable's proposal of September 4, 1979, shall remain in effect.

This the 10th day of November, 1980.

Councilmember Thorpe asked how much money would be saved by the change and whether this savings could benefit the customers. Mr. Heavner pointed out that Village Company in its proposal had not included the cost of the educational network. It would have no consequence as far as the rate schedule.

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

Motion to Reconsider "A Resolution Requesting Study and Installation of Traffic Signals by the N. C. Department of Transportation"

Mr. Lathrop explained that the Transportation Board felt strongly that the 100 block of Franklin Street should not have a signal at the crosswalk. Therefore they requested the Council to reconsider its request to the State DOT for such a signal.

Councilmember Howes said that at the time of Council consideration, the position of the Transportation Board was not fully understood.

Ms. Leaver stated that the Council had passed the resolution in the summer when students were not present in conjunction with the Pickard Lane signal. Students believed these were two separate issues. Not only students in general, but handicapped students objected to the signal at the crosswalk on the 100 block of Franklin. Mr. Dixon informed the Council that blind students were oriented during the summer to the crosswalk on Franklin as the safest way to cross Franklin Street. There was some question as to whether a signal would be safer. Some students might not predict when the light turned red after triggering the signal.

Councilmember Boulton pointed out that when the matter was discussed by the Council, the student body had representatives present. They had said they would endorse whatever measures would make the crossing safe. The Transportation Board had supported the signal at a crosswalk in front of Pickard Lane. The same rationale should apply downtown Franklin Street as the speed limit was the same. It was also important to the senior citizens that a signal be installed.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, THAT THE COUNCIL RECONSIDER RESOLUTION 80-R-101. Councilmember Wallace thought the Council was aware of the Transportation Board's position on this signal. They took action on the matter for the safety and health of the community. THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, AND STRALEY SUPPORTING AND COUNCILMEMBERS BOULTON, SMITH, THORPE, WALLACE AND MAYOR NASSIF OPPOSING.

Transit

Mr. Cohen stated that a number of the improvements in the TDP had been adopted at the budget adoption. Saturday service on the A and D routes was next on the list of priorities. Although the manager had recommended against mid-year adoption of such service changes, Mr. Cohen refuted his arguments. The A service would reduce overcrowding on the F route.

Mayor Nassif asked how much was left in the Transportation Department contingency. Mr. Shipman explained that the town had approximately \$37,000 left because of the budget adopted by Carrboro.

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

A RESOLUTION REGARDING SATURDAY BUS SERVICE ON A AND D ROUTES (EFFECTIVE JANUARY 10, 1980) (80-R-212B)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes provision of Saturday bus service on the "A" and "D" routes from 9 a.m. to 6 p.m. effective January 10, 1981 through June 30, 1981.

This the 10th day of November, 1980.

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

COUNCILMEMBER BOULTON 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" (80-O-75)

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				
Operations	1,036,430	2,900	-	1,039,330
Sundry	331,885	-	2,900	328,985

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

This the 10th day of November, 1980.

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

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

A RESOLUTION AUTHORIZING EXECUTION OF A GRANT CONTRACT FOR A PARK-RIDE LOT (80-R-213)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is hereby authorized to execute a grant agreement with the N. C. Department of Transportation for an in-bound and out-bound Park-Ride Lot.

This the 10th day of November, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION REGARDING ALLOCATION OF UMTA FUNDS (80-R-214)

BE IT RESOLVED by the Town Council of the Town of Chapel Hill that continued bi-partisan support for the reauthorization of the Mass Transit Act is hereby supported; and

BE IT FURTHER RESOLVED that passage of provisions in the Senate bill allowing greater flexibility for the States' Governors to transfer funds from Section 5 to Section 18 where appropriate is strongly recommended.

This the 10th day of November, 1980.

Councilmember Kawalec called the Council's attention to the bulldozing of the park-ride lot. She asked that the Manager ensure that the lot would be landscaped well. Mr. Hooper explained that the lot was so thickly wooded it would have been difficult to weave between trees. The budget contained money for screening and landscaping.

Annual Budget

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

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1980" (80-O-76)

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>
Grants Fund	\$ 48,986	\$ 8,455	-	\$ 57,441
Capital Improvement Fund	\$958,800	\$23,570	-	\$982,370

ARTICLE II

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Grants Fund	\$ 48,986	\$ 8,455	-	\$ 57,441
Capital Improvement Fund	\$958,800	\$23,570	-	\$982,370

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

This the 10th day of November 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman had drafted a resolution to effect citizen involvement in the budget process. This had resulted from one of the Council worksessions. Councilmember Straley wanted to discussed the proposed "hot line" before implementation. Mr. Shipman explained that Southern Bell needed the order soon to install the line. Councilmember Boulton commented that citizens would not be interested in the budget at Christmas time.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO TABLE THE MATTER. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding a Contract (Compact Trucks)

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FOUR (4) COMPACT TRUCKS (80-R-216)

WHEREAS, the Town of Chapel Hill has solicited formal bids on October 23, 1980, and the following bids have been received:

<u>Item</u>	<u>Bidders and Bids</u>	
	<u>Coggin Ford, Chapel Hill, N.C.</u>	<u>Howard Ford, Durham, N.C.</u>
<u>Alternate I (1980 Models)</u>		
Vehicle #1	\$ 5,544.20	\$ 5,924.32
Painting	300.00	No Bid
Type Transmission	3-Speed Automatic	3-Speed Automatic
Extra Equipment	Radial Tires Tinted Glass	Radial Tires AM - FM Radio Tinted Glass West Coast Mirrors
Vehicle #2	\$ 5,616.69	\$ 5,977.04
Painting	300.00	No Bid
Type Transmission	3-Speed Automatic	3-Speed Automatic
Extra Equipment	AM - FM Radio Tinted Glass	AM - FM Radio Tinted Glass West Coast Mirrors
Vehicle #3	No Bid	\$ 5,997.51
Painting	No Bid	No Bid
Type Transmission	-	3-Speed Automatic
Extra Equipment	-	AM - FM Radio Tinted Glass Special Paint
Vehicle #4	\$ 5,244.08	\$ 7,050.49
Painting	300.00	No Bid
Type Transmission	4-Speed Manual	3-Speed Automatic
Extra Equipment	-	Deluxe Interior and Exterior Accessories Air Conditioning Radial Tires AM - FM Radio Tinted Glass West Coast Mirrors

Alternate II (1981 Models)

Only one vehicle (already in stock) was bid under this Alternate as follows:

Vehicle #4	\$ 5,991.25
Painting	300.00
Type Transmission	5-Speed Manual
Extra Equipment	AM - FM Radio
	Tinted Glass

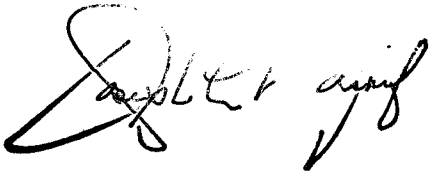
Underlined items recommended for acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Coggin Ford for the underlined items in the amount of \$11,160.89 and the bid of Howard Ford for the underlined items in the amount of \$11,901.34.

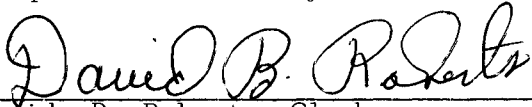
This the 10th day of November, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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



Joseph L. Nassif, Mayor



David B. Roberts, Clerk