

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, NOVEMBER 24, 1980, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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

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

Mayor Nassif introduced newly appointed members of advisory commissions.

Preliminary Assessment Roll for Sourwood and Smith-Coolidge Sanitary Sewer Improvements - Public Hearing

Mr. Morris, the Town Engineer reviewed the history of the sewer project begun in 1978. The construction work had been completed in July 1980, with the final assessment roll prepared and mailed for this hearing. The cost per owner differed in the two areas because of the number of property owners in each area to share the total cost. A state clean water grant had been applied to the cost to save some money.

Mr. William Flash questioned the method of determining cost per lot. He suggested another method might be more equitable, such as having the cost prorated on the assessed value of the property. Mr. Shipman explained that the method for assessment was chosen by Council and applied to all properties in Town. Mr. Hunter did not believe the method suggested by Mr. Flash to be permissible by law. He would investigate this and give Mr. Flash an answer at a later time.

Mr. Jim Johnston stated he had first been informed of the sewer by Mr. Drake, when Mr. Drake had sought an easement across the Johnston's property for the sewer. To save money on the cost of the whole project, the line had been constructed entirely on the Johnston property, although their property was undeveloped and would not benefit at this time. Mr. Johnston objected to the assessment. He added that he had not received a notice of the preliminary assessment roll. Mr. Shipman explained that Mr. Johnston's property was being assessed as a lot since it could be served when developed. He would check to see if Mr. Johnston had been mailed a notice of the preliminary assessment.

Ms. Patricia Johnston emphasized that the line was entirely on her property. The easement across her property had saved the Town \$30,000, but had rendered a portion of her property unuseable. (Councilmember Wallace came in.)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Modification of Special Use Permit for the Oaks Apartments - Public Hearing
Witnesses were sworn. Mr. Jennings stated the four necessary findings to be made to grant the modification for conversion from apartments to condominiums.

Mr. Hyman, representative for Grant Homes Inc., stated the project would not adversely affect the four findings. There would be no change in the traffic, road network, or utilities. There would be no additional unit construction on the site and the open space would not be changed. The relationship with the thoroughfare plan, flood plain, and greenway plan would remain as is.

Councilmember Boulton asked if there were any statistics on the number of condominium units which remained as rental units after conversion. Mr. Hyman cited the HUD study, a copy of which had been distributed to the Council, as showing nationally a 5% net decrease in the rental units. Councilmember Straley asked if Chapel Hill could be expected to follow the national average. Mr. Hyman did not know. Mayor Nassif pointed out the study did not differentiate between those tenants completing lease time, and those units which would remain rental.

Councilmember Smith asked if there were structural differences between condominiums and apartments, and if so, whether the Oaks complied with all code requirements. Mr. Hyman explained that condominium referred only to a form of ownership. There were no differences between the code requirements for apartments and those for condominiums.

Mr. Heffner stated that in his opinion, the conversion to condominiums would have no adverse effect on the adjoining property. Not only had he examined this property, but other conversions in Chapel Hill as well, none of which had adversely affected adjoining property. Mayor Nassif asked if the other projects in Chapel Hill had been rented as apartments at the time of conversion. Mr. Heffner said the Smith Avenue project had been apartments. A few of the others had been under construction. Mayor Nassif asked if there was a large rental market in Chapel Hill. Mr. Heffner responded that there were few vacancies in rental units. Mayor Nassif asked if there were a great number of people wishing to rent. Mr. Heffner indicated that most people looking for a rental unit could find one.

Councilmember Herzenberg asked about the impact of the conversion on the rental market. Mr. Heffner cited the HUD study as showing the impact would not be as great as most believed. The conversion would reduce the number of rental units in Town, but would also reduce the number of people wishing to rent.

Mayor Nassif asked why Chapel Hill had no apartments under construction. Mr. Heffner said the return on condominiums was greater than that on apartments. Mayor Nassif commented that banks would not lend money for apartments. He asked Mr. Jennings when apartment construction was last started in Chapel Hill. Mr. Jennings answered that the last apartments built had been started in 1973, but that a permit had been issued recently for the Howell Street apartments. Mr. Heffner said that most of the apartment construction had been in Carrboro or Chatham County because of lower land cost and more lenient development regulations.

Mayor Nassif asked if it was not more economical to convert existing apartments to condominiums than to build new condominiums. Mr. Heffner thought it was. Mayor Nassif asked what would happen if the trend of conversion continued. Mr. Heffner said the real estate market could only support a number of units for sale. If all the apartments were converted, they could not be sold. When the demand for condominiums decreased, the conversion would decrease. Mayor Nassif emphasized that conversion was better economically than new construction. He pointed out that with the fast rate of growth in Chapel Hill, there would be many people who only wanted to rent. Mr. Heffner responded that many of these people were from the Research Triangle Park, and would go to Raleigh or Durham if Chapel Hill did not have enough units. Mayor Nassif requested Mr. Jennings to provide the Council with the ratio of apartment units to the number of single family units.

Councilmember Howes asked if multi-family rental housing was being built anywhere in the Triangle area. Mr. Heffner said he was not familiar with the Durham or Raleigh markets. There were more units for sale than for rent. Councilmember Howes asked if this was unique to Chapel Hill or if it was characteristic of a larger market. Mr. Heffner thought it characteristic of a larger market. There were areas which supported high rental rates with high salaries among a transient population. Councilmember Howes asked if small investors in Chatham and Carrboro would also be interested in similar units in Chapel Hill. Mr. Heffner stated that many small investors bought single units in Chapel Hill to rent out.

Mr. Austin Bisbing referred to the petition submitted by adjoining property owners at the last public hearing on the Oaks, supporting the conversion and asked that it again be a part of the record. He also submitted a survey by UNC Housing Department on Chapel Hill rental units. This indicated there were 6,014 rental units in the Chapel Hill area. With this conversion, a maximum of 85 units would be taken off the rental market. And, as some of the units would be sold to people now renting them, the renters market would be reduced.

Mayor Nassif asked if any of the houses in the area had gone down in value. They had not. Mr. Bisbing stated the condominiums would be at a price affordable for first-home buyers. There were no detached units in that price range in Chapel Hill. Mayor Nassif noted that statistics did not indicate how many tenants in the Oaks could be expected to buy their units. Mr. Bisbing commented, however, that he had received 18 serious inquiries about buying.

Councilmember Herzenberg was concerned about the applicability of the HUD study to Chapel Hill which had a high transient population. Mr. Bisbing stated the rental market was largely student, but there were many young professionals who wanted to buy low-cost housing.

Mr. Donald Chapin requested that a survey of the residents at the Oaks, presented at the September 15 meeting, be included in the record. The residents were opposed to the conversion. Mr. Chapin listed some of the repairs that needed to be made at the Oaks. He did not believe they would meet the Chapel Hill building code.

Councilmember Herzenberg asked what Mr. and Mrs. Chapin would do if the conversion was approved. Mr. Chapin said that although he did not want to, he would buy a unit if the price was reasonable.

Mr. John Grizzard said many families would be displaced by conversion. The reputation of Chapel Hill would be hurt by the sale of poorly constructed units. He asked that the Council not approve any conversion without a set of guidelines for conversion.

Councilmember Herzenberg asked Mr. Grizzard to comment on the fact that the Oaks were some of the most expensive apartments in Chapel Hill, and that the tenants were generally "well-to-do". Mr. Grizzard stated that many of the young people here were on the margin of middle income. The whole Chapel Hill community was "well-to-do". These young people did not have the money for a down payment on a home. Councilmember Thorpe asked if Mr. Grizzard considered the apartment of good quality. He did not. Councilmember Howes suggested that if the repairs were effected, the rents would be raised. He interpreted Mr. Grizzard's remarks as saying that the apartments should be allowed to deteriorate rather than raising the rents.

Councilmember Smith asked that the Building Inspector inspect the apartments for code violations and work with the owner to correct these. Mr. Shipman responded that the Inspector was currently working with the owner on this. Councilmember Kawalec inquired about the Town's alternatives if the owner refused to cooperate. Mr. Shipman said the owner must bring the building into compliance with the code or the Town could evict the tenants. Mr. Hunter added that there were penalties against the owner. Councilmember Kawalec did not want the tenants evicted. Mayor Nassif asked if the structure violated the building code. Mr. Shipman said they were referring to the minimum housing code.

Ms. Lee Hopkinson stated there was a shortage of rental housing in Chapel Hill, especially housing which accommodated children. She would not have been able to return to graduate school without this provision. There were many young people who could not afford to buy housing in the community.

Ms. Ann Jackson said the payments for buying a home would be prohibitive.

Ms. Susan Strayhorn, representing Student Government, stated they opposed the conversion of apartments to condominiums until the rental market changed to provide for more apartments.

Mr. Wick asked the Council to consider whether this request would set a precedent for future requests for conversion and whether they needed guidelines for conversions.

Mayor Nassif asked that the following minutes of previous meetings be included in the record of the hearing: April 1968, March 1969, June 1969, August 1969, April 1970, May 24, 1971, June 1971, and January 1972. He also asked that Mr. Jennings supply the Council with the number of condominiums built since 1973.

There were no further comments. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Optional Payments in Lieu of Dedicating Open Space in Subdivisions

Mr. Secrist stated the proposed amendment would allow developers the option of a cash payment instead of an open space dedication. The Council would retain final authority to accept the payment by determining if the potential open space would be advantageous to the residents by size or location. The current ordinance

allowed exemption from the open space requirements and were frequently granted in subdivisions of few lots or topography not conducive to active open space pursuits. The payments could be combined to allow the town to acquire park land available to all residents.

Councilmember Herzenberg asked if the current exemption would not be allowed if the amendment was adopted. Mr. Hunter said the developer could still request an exemption.

Councilmember Wallace suggested that if this amendment was challenged it might be declared invalid by the Courts. He wanted to wait to see if the General Assembly would pass enabling legislation during the next session to allow cash payments.

Councilmember Kawalec thought this amendment might work a hardship on the small developers.

Mr. Ray Burby, a representative of the Recreation Commission, stated this option was common elsewhere. The purpose of the open space requirement was to meet the needs of the residents, but they were not being met in the case of small developers.

Ms. Patricia Max-Hampton was concerned that the Council was considering adopting a proposal which allowed for no exemptions. Mr. Shipman responded that although there were no exemptions allowed in the ordinance, the Council could allow one.

There were no further comments. COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THE MATTER TO THE PLANNING BOARD AND RECREATION COMMISSION FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Standards for Drive-In Businesses

Mr. Jennings presented the standards for drive-in businesses proposed by the Planning Board as directed by the Council. Mayor Nassif questioned the 2,000 sq. ft. minimum size requirement. He did not believe the attachment to a building 20,000 sq. ft. in size necessary either.

Councilmember Boulton inquired about the definition of shopping center, particularly Kroger Plaza and Eastgate. Mr. Jennings explained which of the areas were under special use permit. Burger King was not a part of the Kroger Plaza special use permit.

There were no further comments. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO REFER THE MATTER TO THE PLANNING BOARD FOR RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Zoning of Timberlyne Phase II, Section 2 - Public Hearing

Mr. Jennings pointed out the property being considered for rezoning from R-20 to R-15. He listed the three criteria for considering a zoning map amendment. The proposed reduction would change the allowable density. In addition, the second unit allowed on the property would have no restriction on size. The property was designated high density residential on the land use plan.

Mr. Page, representative for the applicant, stated the change would bring the property into compliance with the land use plan. The larger second unit allowable under the new zoning would off-set the high cost of housing. The developers did not plan to change the lot lines. Mr. Page said the streets were wide enough for the additional traffic, with no cross-connectors. Kingston Drive extension emptied to Weaver Dairy Road, with another access by Timberlyne Drive. In Mr. Page's opinion, there would be no conflict with the adjoining property.

Councilmember Smith said there was no mention of changing the zoning at the time of annexation. Mr. Page responded that he had assumed sixty to ninety days would be allowed for zoning the property after annexation. He had forgotten that the property was already zoned.

Mr. David Clark presented a petition from the residents of Timberlyne Phase I opposing the rezoning. The residents had bought homes on the representation that both Phase I and II would be single family detached housing, protected by zoning regulations. They believed the change would have a detrimental environmental impact and would alter the basic character of the community. The homeowners believed the roadway inadequate for higher density housing. There was only one paved access to Butternut Drive. Timberlyne Road, the only paved access to Weaver Dairy Road, was used by children to walk to the school bus. There were no sidewalks or curb and gutter on the roads. The residents suggested that duplexes would cost more than a single unit. If they wanted to provide housing at a lower cost, Timberlyne Associates should concentrate their efforts on the condominiums originally planned. Mayor Nassif inquired whether the residents would consider the roads adequate if all those planned were paved. Mr. Clark believed this would help.

Mr. Dick Johnson said the restrictive covenants limited the building to one detached single-family dwelling. He believed this should be considered in this request for rezoning. Mr. Hunter responded that covenants usually limited the kind of building on a lot. This had nothing to do with the Town.

Mr. Steven Pizer, Stateside Drive, said the adjoining subdivision was zoned R-20. The residents of that community also believed the rezoning would change the character of their neighborhood.

Mr. John Seeds said the cost of duplexes would be over \$100,000. The potential income from rent would not be considered when applying for a mortgage. Middle income families would not be able to buy these houses. He added that Timberlyne Road was only 20 feet wide with no sidewalks. All of the children used this road to reach the bus.

Mr. Gordon Brown represented the buyers of 8 lots. Some of his clients wished to develop single units and others wanted duplexes. The five lots, next to the condominiums were geographically segregated by a Duke Power easement and a sewer easement. His clients would not oppose duplex development on these lots along Red Cedar Lane because of the geographic segregation. They would oppose it anywhere else.

Mayor Nassif asked for the time schedule for completing the roads in the area. Mr. Page said Kingston should be partially paved by next summer if they had sold enough lots. This would also allow for the beginning of construction on the condominiums.

Mr. Joe Bylinski stated that everyone going to Phase II must go through Phase I. He added that all the area surrounding Phase II was zoned R-20. He believed this rezoning would constitute spot zoning. Mr. Bylinski noted that under the current zoning, duplexes could be built on eleven lots.

Councilmember Boulton asked if there would be any sidewalks in the development. Mr. Page said there would be a sidewalk along Kingston Drive from Timberlyne Drive to Weaver Dairy Road.

Ms. Carol Bylinski said there was no open space for the children to play. They played in the streets. The roads were narrow and busy with construction activity. Higher density housing would create a greater danger for the children.

Mr. Tom Rothwell agreed with the other speakers.

Mr. Scott Wallace expressed the same concerns as other residents. He pointed out the Town would have no control over the type of structures built under the rezoning. Changing the density would destroy the character of the neighborhood. The original development already provided for high density residential housing. The rezoning would serve only limited interests.

There were no further comments. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

Proposed Amendments to Animal Control Ordinance

Mr. Hunter stated the proposed amendments were the result of suggestions of the Animal Control Officer, the APS and citizens of the Town. They would change the definition of a restrained animal to one on a leash or chain. A civil citation procedure would be implemented to aid the Animal Control Officer in enforcing the ordinance. Mr. Hunter explained other minor changes which reflected procedures already being followed.

Councilmember Boulton asked if the changes would help in enforcement. Mr. Hunter explained that under the current ordinance, the Animal Control Officer must have a policeman swear out a warrant. Under the amended ordinance this would not be necessary. The civil citation would be applied to more than stray dogs. Councilmember Boulton inquired about the hours worked by the Animal Control Officer. Ms. Dawson said they worked 7 days a week, from 7 a.m. to 7 p.m.

Mayor Nassif questioned the relationship between restraining dogs to a leash and the new penalties being levied. Ms. Dawson explained that under voice command the dogs would jump at children and return to owners at command without violating the ordinance. This harassment would stop if the dog was on leash.

Mayor Nassif thought the problem one of insufficient personnel to enforce the ordinance. Unless the warden saw the violation, she could not do anything.

Mr. Willis Brooks stated he supported the changes. The current leash law was not enforceable. The proposed leash law would also help to keep lawns clean. Mr. Brooks then read a statement from Anne Shearer, a neighbor, also supporting the changes in the ordinance.

Mr. Lunsford Long objected to the proposed leash law. His dogs were under voice control, but would be criminals under the new law. He believed the problem to be that of enforcement of the current law. Any citizen could go to the magistrate and swear out a warrant against the owner of any dog for harassment.

Mr. Eric Bingham said he had frequently been chased by dogs when running on the streets. He was in favor of more stringent laws. He said his health had been threatened. Frequently the owners of dogs could not be identified should he choose to swear out a warrant.

Mr. Tom Brickhouse said he and his wife had been chased off the streets by dogs. He suggested an increase in the license fees could fund more personnel to better enforce the ordinance.

Ms. Cheryl Wolfington stated that garbage cans were often overturned by dogs. The lawns were dirtied and she could not grow certain plants. She had been attacked by dogs while riding a bicycle. Added to this were near wrecks from trying to miss dogs chasing cars. She advocated a stricter leash law.

Mr. Wes Hair was in favor of all the proposed changes except the leash law.

Mr. Robert Walton said he had also been attacked by dogs while running.

Mr. Kip Gerard, one of the residents requesting the changes, noted that voice control did not solve the intimidation factor. A dog jumping out at a person could cause fear without actually harming anyone. While there might still be a problem with enforcement, the changes would help in controlling animals.

Mr. Riley Wilson believed the changes would interfere with his right to own a dog. Restraining a dog would create a hardship for some people. Mr. Wilson did not want to build a pen as this would entail considerable expense, and would not look well with his house.

Dr. Robert Greenberg, Vice President for the Animal Protection Society, endorsed all of the changes. They would help to eliminate the nuisance and danger caused by dogs. They would help to decrease the animal population and would reduce injuries to people.

Ms. Jane Hutton, manager for the animal shelter, supported the changes to the ordinance. She said many animals were frequently hit by cars while supposedly under voice control. She commented that owning a pet was not a right, but a privilege that carried responsibility with it. Animals harassing people had been poisoned and shot.

Councilmember Boulton thought there would still be a problem of enforcement after the animal control officer was off-duty. Ms. Dawson said she had tried working until late at night, but found it difficult to catch dogs in the dark. A spotlight only frightened them. Tranquilizers did not work because they could take up to 30 minutes to take effect. The dog would have run away by then.

Mr. Shipman informed the Council he would like to address the level of enforcement in the budget. He believed the civil penalties would also be a deterrent.

Mayor Nassif said the animal control officer would still have to see the violation. Mr. Shipman responded that this was a policy which the Council could change. Mr. Hunter added that one of the problems with the criminal citation was that district court judges believed them too minor to take up court time. The civil citation would avoid this.

Councilmember Howes commented that Mr. Long and Mr. Hair had offered no solution for stopping intimidating animals. He could see no room for compromise. Councilmember Smith added that a strict leash law would keep animals on their owner's property. They would not be allowed to destroy anyone's lawn. If the department needed more personnel for enforcement, the Council should appropriate more funds.

There were no further comments. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Prohibit Parking on Franklin Street on the Morning of a Christmas Parade

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

AN ORDINANCE TO PROHIBIT PARKING ON FRANKLIN STREET ON THE MORNING OF A CHRISTMAS PARADE

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby prohibits parking on Franklin Street on December 6, 1980 from 6:00 A.M. until 12:30 P.M.

This the 24th day of November 1980.

Councilmember Smith asked if the removal of parking would affect the businesses on West Franklin Street. He inquired whether the merchants had agreed to this. Mr. Henderson, Chairman of the Christmas Parade, had spoken with most of the merchants who had agreed to the removal of parking for these few hours. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution to Deny Request for the Elimination of Stipulation in Special Use Request (Laurel Hill V)

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

A RESOLUTION TO DENY REQUEST FOR THE ELIMINATION OF STIPULATIONS IN A SPECIAL USE PERMIT FOR LAUREL HILL, SECTION V (80-R-218)

The applicant having applied to the Council to eliminate two stipulations from those previously imposed; and the matter having been heard and referred to the Planning Board; and its recommendations having been submitted to Council; and the Council having found that in the event said stipulations were eliminated, that said use and proposed use would not comply with the special use provisions of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas,

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and that a positive finding could not be made as required by said Ordinance inasmuch as the request is to eliminate the requirement for fire protection and to eliminate the requirement for improved access, both of which are required in the event that said uses be determined to comply with all conditions and specifications and to enable a finding that the public safety would not be jeopardized;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that said request of the applicant for the elimination of said stipulations be and the same is hereby denied.

This the 24th day of November, 1980.

Councilmember Herzenberg was concerned about the fire protection provision because the residents of the area had voted it down. The residents said they were trying to schedule another referendum. Councilmember Boulton pointed out one of the reasons for the stipulation was the greater risk of danger from fire in a multi-dwelling structure. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO TWO WITH COUNCILMEMBERS BOULTON, HOWES, SMITH, STRALEY, THORPE, WALLACE AND MAYOR WALLACE SUPPORTING AND COUNCILMEMBERS HERZENBERG AND KAWALEC OPPOSING.

Petitions

Mr. Scott Maddry, a pilot and resident of Chapel Hill, petitioned the Council to appoint him a member of the Airport Study Task Force. COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER THORPE, THAT THE COUNCIL RECEIVE THE PETITION. THE MOTION WAS CARRIED UNANIMOUSLY.

* At 11:50 p.m. the meeting was recessed until November 26, at 4:00 p.m., in the Meeting Room.

Mayor Nassif reconvened the meeting on Wednesday, November 26, 1980, at 4:00 p.m. in the Meeting Room. Present were:

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

Councilmember Howes was excused. Councilmember Wallace was counted as voting yes without excused absence. Mayor Nassif announced he would have to leave the meeting early. Councilmember Kawalec moved that Councilmember Boulton be appointed to conduct the meeting in his absence. The Council agreed.

Petitions

Mr. Shipman requested the Council delete item 9, regarding sale of secondhand goods, and place it on the next agenda. The attorney had some more items he wished to add to the proposed ordinance. The Council agreed.

Minutes

The approval of the minutes of November 10, 1980, was delayed.

Ordinance to Revise and Rewrite Portions of Chapter 20 of the Code of Ordinances (Taxicabs)

Councilmember Boulton suggested that before the Council change the taxicab ordinance, they schedule a worksession to discuss it. SHE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT CONSIDERATION OF THIS MATTER BE DELAYED UNTIL A WORKSESSION COULD BE SCHEDULED. Mr. Shipman recommended that the Council at least adopt the new zone structure. Mr. Lathrop added that a new fare structure would have to be adopted with the proposed zone structure.

Councilmember Smith asked why the old zone structure was so difficult to understand. Mr. Lathrop explained that not only were there many zones, but that their boundaries did not correspond to any definite geographical point.

Mayor Nassif asked why the Town now regulated cab fares. Mr. Lathrop reviewed the history of the Transportation Board's discussions on taxi regulation, which had resulted from the confusion experienced by both cabs and citizens under the current structure. Mr. Gilbert explained that regulation had first started during the depression when cabs were viewed as a public utility. Mayor Nassif asked why the cab companies could not submit their rate structures to the Town for approval. Mr. Lathrop responded that the proposals offered to the Council had come from the companies. Mr. Gilbert added that this would be a maximum fare; the companies could charge less if they wished. This would still cause some confusion unless the Council imposed one fare structure on all companies.

Councilmember Straley repeated his suggested that each cab have copies of a map with fares, and the name of the operator and cab company to be given to customers. Mr. Shipman thought the ordinance could be amended to require this.

Councilmember Boulton commented that the fares had been changed 3 times in approximately 3 years.

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

AN ORDINANCE TO AMEND CHAPTER 20 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL (New Taxicab Zone-Fare System) (80-O-79c)

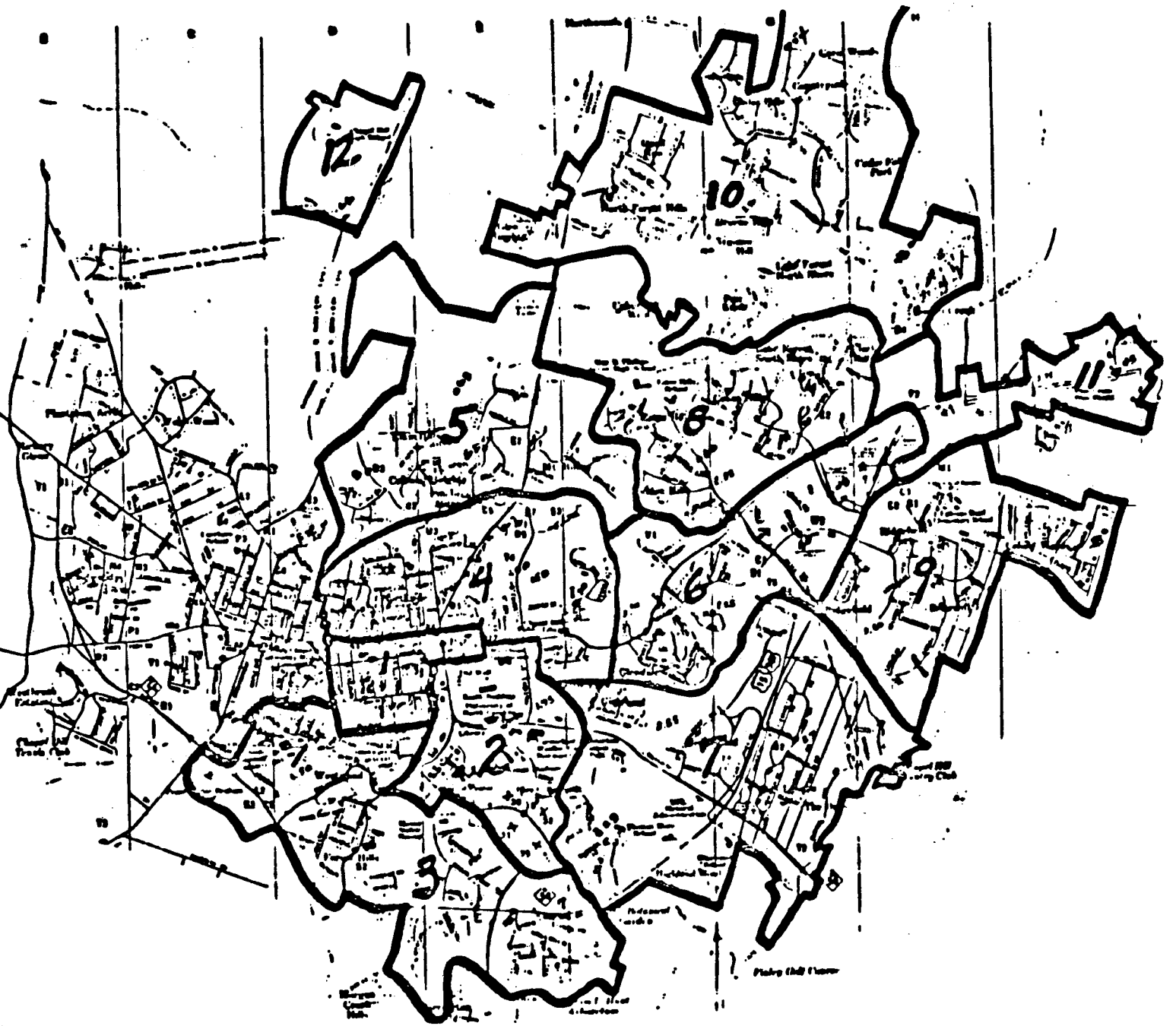
BE IT ORDAINED by the Council of the Town of Chapel Hill:

SECTION I

That the Council hereby amends Sections 20-75 through 20-78, Article V of Chapter 20 of the Code of Ordinances to read as follows:

Section 20-75. Zone system established.
There is hereby established a system of numbered zones to be used as a basis for setting rates for taxicab service.

Section 20-76. Numbered zones designated.
The numbered rate zones shall be as designated on the following taxi zone map:



Section 20-77. Availability of Zone Map and Rate

A zone map of standard Chapel Hill zones with fares must be posted within clear view of all passengers inside of the vehicle; a copy of the zone map with fares, the name and phone number of the cab company and the name of the driver should be given to each passenger.

Section 20-78. Basic fares.

Every taxicab or for-hire vehicle under the terms of this chapter, shall charge for transportation of individual passengers, on a single trip to a designated terminus or destination within the corporate limits, maximum rates in accordance with the following zone schedule table:

	I	II	III	IV	V	VI	VII	VIII	IX	X	IX	XII
I	.90	1.75	1.95	.90	1.75	2.25	2.55	2.85	3.60	3.90	3.75	3.45
II		.90	1.95	1.75	2.55	2.70	1.95	3.30	3.75	4.50	4.05	4.20
III			1.40	2.40	2.85	3.15	2.40	3.75	4.05	4.80	4.35	4.20
IV				1.40	1.95	2.40	2.55	2.85	3.75	3.90	3.90	3.15
					1.75	2.55	3.30	2.40	3.75	3.30	3.90	2.25
						1.60	2.70	1.75	2.10	3.45	2.40	3.60
VII							2.25	3.00	3.30	4.50	3.45	4.50
VIII								1.95	2.70	2.85	2.70	3.30
IX									1.60	4.20	2.85	4.65
X										2.55	3.15	3.15
XI											1.40	4.35
XII												1.25

Rate Structure

1st mile \$.90
 2nd mile \$.70
 3rd mile \$.65
 4th mile \$.60

NOTE: Computed on 1/4 mile increments.

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

SECTION III

This amendment shall become effective January 1, 1981.

This the 26th day of November, 1980.

Councilmember Thorpe asked if the Council should not be notified when the ownership of a company changed. Mr. Hunter said the new owner could apply to the Council for approval of assignment of the franchise.

Councilmember Kawalec thought meters should be installed rather than a zone structure. Mr. Gilbert responded that meters protected the operator from stealing by the driver. He did not recommend meters, however, as they cost approximately \$500, and did not encourage group riding.

After more discussion on whether or not the Council should act on a new zone structure at this time, Councilmember Herzenberg moved to amend the motion by making the ordinance effective January 1, 1981. The amendment was accepted.

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

The Council agreed that a worksession should be scheduled to further discuss the rate structure.

Gifts

The Manager had recommended a policy regarding gifts to the Town. Councilmember Boulton asked if any difficulty could be caused by accepting cash donations for a current program which was ended when adopting a new budget.

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Mr. Shipman responded that it must be a large donation for the Town not to be able to spend it in a few months. He would ask the Council to consider acceptance of any gifts in this category. Mayor Nassif suggested that all gifts should come before the Council.

Mr. Shipman was concerned that the Council would then spend a great deal of time on small gifts. Mayor Nassif asked how many such gifts the Town had received the past year. Ms. Parker listed most of the gifts. Councilmember Boulton suggested the Council set a definite figure, over which the Council must consider acceptance of the gift. Councilmember Smith did not believe all gifts had to come before the Council, such as anonymous gifts.

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

A RESOLUTION REGARDING POLICY FOR ACCEPTANCE OF GIFTS (80-R-219)

BE IT RESOLVED BY THE Council of the Town of Chapel Hill that the Council hereby adopts the following policy on gifts and donations:

Section 1. The purpose of this policy is to establish a uniform policy for accepting gifts and donations made to the Town of Chapel Hill.

Section 2. Any gifts or donations solicited by or received by the various boards and commissions appointed by the Town are construed to be gifts or donations to the Town and therefore governed by this policy.

Section 3. The Council of the Town of Chapel Hill shall be informed through the agenda process of the following types of gifts and donations and shall make a determination in a regular Council meeting of whether or not to accept the following types of gifts and donations:

- a. real estate
- b. personal property ownership of which would require a significant expenditure of Town funds, and
- c. cash to be used for a specified program or purpose which is not included in a current operating plan for the Town.

Section 4. The Council of the Town of Chapel Hill hereby delegates to the Town Manager the authority to accept other gifts and donations, such as:

- a. unrestricted cash,
- b. cash to be used for a specified program or purpose which is included in a current operating plan for the Town, and
- c. personal property that does not require a significant expenditure of Town funds.

This the 26th day of November, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

The Appearance Commission had submitted a report on a gift of over \$1000 received from the sale of Forsythia. They were donating the funds for landscaping of the cemetery.

Orange County Energy Commission Report

Dr. Strauss was not present to give the report. Councilmember Straley commented that work had been done in Chapel Hill on energy useage. He was interested in the reports the Council was receiving on energy useage and asked if workload could be reallocated so that the Council could continue to receive these reports although the intern was no longer employed. Mr. Shipman explained that because of budget constraints he had not recommended the hiring of interns in any departments this year. He believed that other work should take priority over the reports. Councilmember Straley did not think the program on energy auditing should have been interrupted. He asked if the new computer could be programmed to gather this information. Ms. Parker said this was possible and had been discussed with the consultant. She would be presenting the Council with a comprehensive report on the possible programs for the computer, and recommendations for actual programs.

Monthly Financial Report

Mr. Shipman had distributed a monthly financial report. Ms. Parker gave a brief summary of the report. Mayor Nassif inquired about the operation of Parking Lot #3. Mr. Shipman said the Town would continue to operate the lot for several more months, after which he would make recommendations to the Council. Mayor Nassif objected to operating the lot much longer as the Town was losing \$800 a month on this lot. Mr. Hooper said the revenue had started to increase over the last two months. Councilmember Boulton commented that the lot was not well advertised for citizens to locate it.

Capital Improvement Program Report

Mr. Hooper submitted the report. He asked if the Council would like a monthly report. Mayor Nassif thought the report sufficient in its present form.

Resolution Authorizing Execution of an Agreement with the N. C. Department of Transportation (Bridge Inspections)

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

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE N.C. DEPARTMENT OF TRANSPORTATION (BRIDGE INSPECTIONS) (80-R-220)

WHEREAS, the Town of Chapel Hill has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the inventory, inspection, and analysis of all public bridges on the Municipal Street System in the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will inventory, inspect, and prepare the necessary inventory, inspection reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspections Standards; and

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the Town of Chapel Hill shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not approved and paid by the Federal Highway Administration,

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced bridge inspection work is hereby formally approved by the Town Council of the Town of Chapel Hill and the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the required agreement between the Town of Chapel Hill and the Department of Transportation.

This the 26th day of November, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing the Town Manager to Execute a Community Development Block Grant Entitlement Agreement

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

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AGREEMENT (1979-80 AMENDMENT FOR \$55,606) (80-R-221)

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 \$55,606.26 in surplus Neighborhood Development Program funds reprogrammed to the 1979-80 CDBG entitlement program.

This the 26th day of November, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Bids

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

A RESOLUTION ACCEPTING BIDS AND AWARDED OF CONTRACT FOR STOCK PARTS FOR GMC MODEL RTS II-04 ADVANCE DESIGN BUSES (80-R-222)

WHEREAS, the Town of Chapel Hill has solicited formal bids on October 31, 1980 and the following bids have been received:

Bidders and Bids

<u>Item</u>	<u>Muncie Reclamation and Supply Co.</u>	<u>GMC, Parts Division</u>
One #792068 Arm	\$ 21.32	\$ 25.12
One #792069 Arm	46.53	53.35
One #795099 Arm	46.38	53.35
Five #793355 Switches	40.00	58.20
One #706779 A/C Drier	13.20	24.79
One #4975519 Absorber	35.00	59.15
One #4992909 Valve	83.02	89.16
Sixteen #2350908 Bushings	3.04	5.76
Four #4975550 Absorbers	160.00	236.60
Five #9992908 Valves	207.55	216.15
Twenty-Five #2312324 Diaphragms	62.50	100.00
Twenty #2003712 Seals	115.00	195.20
Two #793430 Front Brake Drums	236.00	328.08
Ten #2284301 Diaphragms	26.00	38.30
Four #793431 Rear Brake Drums	698.00	899.08
Five #2009301 Kits	53.75	72.55
Five #2032692 Kits	102.50	139.90
One #1941002 Rotor	162.50	396.33
One #1969312 Frame	218.75	509.89
Two #1967035 Diodes	49.00	106.80
Five #674422 Switches	24.15	54.50
Three #2455932 Gauges	21.00	28.02
Two #673498 Switches	4.94	18.94
Five #792070 Blade Assemblies	60.55	73.80
Three #795098 Arm Assemblies	61.74	75.36
Ten #2041862 Windshield Wiper Blades	32.10	41.70
One #2058059 Radiator Assembly	720.35	794.64
Ten #792070 Wiper Blades	121.10	147.60
SUB TOTALS	\$3,425.97	\$ 4,842.32
Remainder (244 categories, 1,449 items)*	No Bid	\$33,942.06

* GMC indicated that five categories listed (15 items) were either duplicates or were not needed for this model bus. Therefore, GMC did not bid on these.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accept the bid of Muncie Reclamation and Supply Co. for the above listed items in the amount of \$3,425.97 and the bid of GMC Parts Division for 1,172 items in 233 of the remaining categories in the amount of \$26,463.38.

This the 26th day of November 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR NINETY (90) DOUBLE-DOOR LOCKERS (80-R-223)

WHEREAS the Town of Chapel Hill has solicited formal bids on November 5, 1980 and the following bids have been received:

<u>Bidders</u>	<u>Bids (90 Double-Door Lockers)</u>
Lyon Metal Products, Inc., Charlotte, North Carolina	\$10,269.00
Republic Steel Corporation, Richmond, Virginia	\$ 9,693.00
The Philip W. Smith Co., Inc., Raleigh, North Carolina	\$10,600.00

Recommendation: That the low bid by Republic Steel Corporation in the amount of \$9,693.00 be accepted and that this firm be awarded the contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Republic Steel Corporation in the amount of \$9,693.00.

This the 26th day of November, 1980.

Mayor Nassif asked why the lockers were not a part of the building bid. Mr. Hooper explained that the specifications had not been written that way. The cost would be included in the police building budget. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding Reimbursement for Meal Expenses

Councilmember Kawalec wanted a system of reimbursement which would be easily understood by everyone involved. The Mayor's Assistant had called other cities to find their methods of reimbursement. The Council discussed the two options currently used for reimbursement.

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

A RESOLUTION REGARDING REIMBURSEMENT FOR FOOD EXPENSES INCURRED DURING TRAVEL ON TOWN BUSINESS (80-R-224)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby sets the following policy on reimbursement for meal expenses incurred by Council members during travel on Town business.

Council members shall be reimbursed for the full cost of meals and tips upon presentation of a receipt for same.

This the 26th day of November, 1980.

Councilmember Thorpe thought there should be a maximum on the amount which could be spent. Councilmembers Straley and Smith agreed that there could a larger reimbursement with receipts, as long as there was a maximum amount set on the spending. COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, THAT THE MOTION BE AMENDED TO SET A MAXIMUM AMOUNT OF \$25 PER DAY. Councilmember Boulton said there were some cities in which the cost of meals would be higher. She did not think there should be a maximum. Mayor Nassif suggested that \$25 was too high.

THE AMENDMENT WAS CARRIED BY A VOTE OF SIX TO TWO WITH COUNCILMEMBERS HERZENBERG, KAWALEC, SMITH, STRALEY, THORPE, AND WALLACE SUPPORTING AND COUNCILMEMBER BOULTON AND MAYOR NASSIF OPPOSING. THE RESOLUTION AS AMENDED WAS DEFEATED BY A VOTE OF FOUR TO FOUR WITH COUNCILMEMBERS HERZENBERG, KAWALEC, SMITH AND WALLACE SUPPORTING AND COUNCILMEMBERS BOULTON, STRALEY, THORPE AND MAYOR NASSIF OPPOSING.

Resolution Regarding Creation of an Airport Study Task Force

Councilmember Kawalec suggested the task force studying the Airport include Carrboro Aldermen and Orange County Commissioners. She also wished to request Carrboro and the County to adopt similar resolutions to Chapel Hill's. Councilmember Smith pointed out that the airport was Chapel Hill's problem. The Council continued to discuss who should serve on such a committee. Councilmember Thorpe suggested the normal procedure for appointing a committee of interested citizens was adequate. He thought all interested citizens should have an opportunity to serve on committees. Councilmember Boulton wanted the task force objectives specifically stated. If it was to locate a specific site, only government officials need serve on the committee.

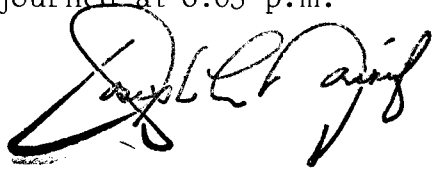
Councilmember Smith thought the Town should consider whether the airport should be a municipal airport or a University airport.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT THE MATTER BE TABLED UNTIL THE DECEMBER 8 MEETING, AT WHICH TIME HE WOULD PRESENT A RESOLUTION REGARDING THE TASK FORCE. THE MOTION WAS CARRIED UNANIMOUSLY. Councilmember Boulton pointed out the Council would need the attorney's opinion on the whole matter of the airport.

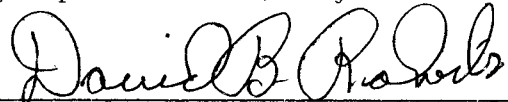
Committees

The Council was notified of four vacancies on the Historic District Commission for terms expiring December 31, 1983.

There being no further business to come before the Council, the meeting was adjourned at 6:03 p.m.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk