

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, FEBRUARY 9, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

- Joe Herzenberg
- Jonathan Howes
- Beverly Kawalec
- R. D. Smith
- Joe Straley
- Bill Thorpe
- Jim Wallace

Also present were Assistant Town Manager A. Hooper and Town Attorney E. Denny. Councilmember Boulton was excused.

Joint Planning - Public Hearing

Mayor Nassif stated the ad hoc committee on joint planning had submitted an agreement to the Council for approval. The Council had decided to call a public hearing to discuss the agreement.

Councilmember Howes explained the agreement was a way of formalizing the process of joint planning. It had evolved from a request by Chapel Hill to extend its planning district which had not been granted by the County Commissioners. The agreement would give the committee official standing. The land use plan attached to the agreement was not up for adoption, but was a draft from which the committee could work towards planning for the transition area.

Mr. Jeff Feis, representative for the Parker Road/Laurel Hills Neighborhood Association, stated that many residents in the transitional areas would be affected by this agreement. They wanted an orderly procedure for planning as quickly as possible. Mr. Feis added that they would like to vote for the governing body which made the final decisions.

Mr. Watts Hill Jr. thought the legislators and County Commissioners should be present at the hearing to listen to comments. He believed the proposed process for joint planning a poor substitute for the extension of the planning jurisdiction. In the committee, three other governing bodies would have partial veto over what Chapel Hill believed the standards for Chapel Hill should be. Mr. Hill quoted some of the goals from a 1968 planning report of the County. He thought the proposed process would slow the planning process.

Mr. Roger Baker said the boundaries of the transition and rural areas were not exact. He believed there would be difficulty in getting agreement among Carrboro, the County and Chapel Hill as to what the standards should be. Mr. Baker stated that industrial companies were interested in locating in the area, but needed large tracts of land in an urbanized area. The buffer around the town would be rural which posed a conflict.

Mr. Francisco pointed out the land use map proposed as a draft was that developed by Chapel Hill's Planning Board as a result of the discussions for the comprehensive plan. The buffer was planned because Chapel Hill wanted a greenbelt, not because the County wanted it.

Councilmember Smith asked if the Council could have a joint meeting with the legislators and the County Commissioners. Mayor Nassif said the Planning Board and staff had worked with the County planning department. He added that joint planning did not infer that the planning district would not be extended. The County, in the agreement, was agreeing to adopt Chapel Hill's zoning standards for the transition area. The land use plan had been drafted in 1980, not 1968, and was a draft from which to work. The Town could ask the legislators and commissioners to meet in a worksession.

Councilmember Wallace also thought the legislators and commissioners should be meeting with the Council to hear comments. The General Assembly in the past had opted for extraterritorial jurisdiction. Although this matter was controversial he believed the legislators should decide it.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THE MATTER TO THE MANAGER AND PLANNING BOARD. Mayor Nassif read a statement from "CHANGE", an anti-nuclear group supporting the joint planning effort. They believed the joint planning would help in conserving energy, allowing for zoning regulations to encourage energy efficient building.

Councilmember Howes stated the Council was not faced with a choice between joint planning and planning jurisdiction extension. The decision was the commissioners. He thought the commissioners would learn more about urban development as they attended public hearings on planning in the transition area.

THE MOTION WAS CARRIED UNANIMOUSLY.

Petitions and Requests

Coker Hills West residents had submitted a petition regarding a walkway to Estes School. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE MATTER TO THE MANAGER TO BE CONSIDERED IN THE CIP BUDGET. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Cohen requested to speak on item 12, CATV. The Council agreed.

Mr. John Romano requested to speak on Transportation contract positions. The Council agreed.

Councilmember Smith moved, seconded by Councilmember Wallace, that the Manager report to the Council on the advisability of requesting the State to reduce the speed limit from the Chatham County line to the city limit.

Mayor Nassif stated the Neighborhood Watch signs being purchased by residents were not allowed on the town's right-of-way as they were in some communities. Some were already on the right-of-way. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE MANAGER REPORT TO THE COUNCIL ON THE POSSIBILITY OF ALLOWING THESE SIGNS TO BE LOCATED ON THE RIGHT-OF-WAY. Councilmember Straley asked that the report include an explanation of the cost of the signs.

Mr. Bryan requested to speak on items 5 and 6, payments for open space and Lystra Woods Subdivision. The Council agreed.

Minutes

On motion by Councilmember Smith, seconded by Councilmember Herzenberg, the minutes of January 19, 1981, were approved as submitted. On motion by Councilmember Straley, seconded by Councilmember Wallace, the minutes of January 26, 1981, were approved as corrected.

Request of the Planning Board for Council to Reconsider Ordinance Regarding Drive-in Businesses

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO RECONSIDER THE ORDINANCE REGARDING DRIVE-IN BUSINESSES. Councilmember Wallace stated he had no objection to standards for drive-in businesses, but objected to them being in the form of an ordinance.

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

Mr. Reeve stated the Planning Board considered the current situation of no policy or ordinances on drive-in businesses a bad situation. They considered the proposed ordinance which had been considered in detail appropriate. The proposed ordinance arose from the comprehensive plan addressing the direction of activity centers and addressing the problems of strip development. Mr. Reeve stated the Board considered the question of equity to be a legitimate concern. It was their intention that the Council consider the ability to extend the concept of the unified development shopping center to more than the property on which the shopping center was located, to adjacent property. The Planning Board encouraged the Council to adopt the ordinance which would provide standards for the drive-in businesses.

Mayor Nassif asked if there were any modifications to the ordinance since it was last presented. Mr. Reeve said nothing was different except the question of equity.

COUNCILMEMBER SMITH MOVED ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS" (81-O-1b)

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:

Amend Section 4-C-8 of the Zoning Ordinance to include the following new section and reletter subsequent sections:

f. Standards:

The following standards shall apply to drive-in business developments, with the exception of those drive-in businesses which service the automobile itself such as service stations and car washes:

- 1. Drive-in businesses shall only be permitted within "activity centers" as designated on the Land Use Plan.
- 2. Drive-in businesses shall be permitted only if they do not create a safety hazard. This determination shall be based upon an evaluation of the following:
 - a. Vehicular access to drive-in businesses shall not conflict with access and egress points to properties within activity centers.
 - b. Drive-in businesses shall be permitted within parking areas only if median dividers exist between parking bays to channelize vehicular traffic.
 - c. Drive-in business shall be designed and located so as to minimize vehicular/pedestrian conflicts.
- 3. The exterior appearance of drive-in facilities shall be reviewed and approved by the Appearance Commission.
- 4. Drive-in businesses shall be incorporated in a building providing the same service within the building to pedestrians.
- 5. Drive-in businesses shall have a minimum gross floor area of 2,000 square feet.

This the 9th day of February, 1981.

The motion died for lack of a second. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS" (81-O-1)

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:

Amend Section 4-C-8 of the Zoning Ordinance to include the following new section and reletter subsequent sections.

f. Standards:

The following standards shall apply to drive-in business developments, with the exception of those drive-in businesses which service the automobile itself such as service stations and car washes:

1. Drive-in businesses shall only be permitted within shopping centers or office parks under unified control having a minimum floor area of 25,000 square feet.
2. Drive-in businesses shall be permitted only if they do not create a safety hazard. This determination shall be based upon an evaluation of the following:
 - a. Vehicular access to drive-in businesses shall not conflict with access and egress points to the shopping center.
 - b. Drive-in businesses shall be permitted within the parking area of a shopping center only if median dividers exist between parking bays to channelize vehicular traffic.
 - c. Drive-in business shall be designed and located so as to minimize vehicular/pedestrian conflicts.
3. The exterior appearance of drive-in facilities shall be reviewed and approved by the Appearance Commission.
4. Drive-in businesses shall be incorporated in a building providing the same service within the building to pedestrians.
5. Drive-in businesses shall have a minimum gross floor area of 2,000 square feet unless attached to a building within the shopping center or office park having a minimum gross floor area of 20,000 square feet.

This the 9th day of February, 1981.

Councilmember Kawalec was concerned that with drive-in businesses allowed in all commercial areas, Chapel Hill would have the same type of strip development as has developed in Durham and Fayetteville. Allowing one drive-in business under special use would mean the Council had to allow others. This would defeat the purpose of the proposed zoning ordinance.

Councilmember Thorpe thought the Council should consider amendments with regard to the adopted zoning ordinance, not the proposed zoning ordinance, as it had not yet been adopted.

Mayor Nassif stated that drive-in businesses had been controlled in the past through special use permits. The proposed ordinance would allow no flexibility. The Council could formulate standards for approval of the drive-in businesses if they wished.

Councilmember Kawalec reminded the Council they had not believed they could deny the special use permit for Easco although they did not like the development.

Mayor Nassif argued that the Council could have denied the permit for Easco. He believed the Town could have won the case in court.

COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, AND STRALEY SUPPORTED THE MOTION WITH COUNCILMEMBERS SMITH, THORPE, WALLACE AND MAYOR NASSIF OPPOSING IT. As the vote was tied, under Council rules the matter would be placed on the next agenda for another vote.

Ordinance to Amend Section 18-51 of the Code of Ordinances (Optional Payment in Lieu of Open Space)

Mr. Bryan thought the ordinance was deviating from the original intent of dedicating open space. The subdivision which paid for the open space would not necessarily benefit from that payment.

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

AN ORDINANCE TO AMEND SECTION 18-51 OF THE CODE OF ORDINANCES (OPTIONAL PAYMENTS IN LIEU OF DEDICATING OPEN SPACE IN SUBDIVISIONS) (81-O-8)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 18-51 of the Code of Ordinances as follows:

(F.) Exemptions. The Town Council may grant exemptions from one or more of the requirements of this section after recommendation by the Planning Board and Parks and Recreation Commission:

(1) Where the Town Council determines that the amount of land⁴ required to be dedicated as recreational area by this section would be less than 3,000 square feet and where the required area cannot be combined with an existing or planned recreational area, then dedication of such area may not be required as a condition of approval of the subdivision plat.

(2) Adequate active recreational areas. Where the Town Council determines that the active recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational areas, it may grant exemptions from one or more of the requirements of subsection (e). In such cases, the required recreational area may be used for preserving woods, steep slopes, ponds, streams, glens, rock outcrops, native plant life, and wild life cover. These areas would provide for the community's need for passive recreational areas.

(3) Undue hardships. Where the Town Council determines that the requirements of subsection (e) create undue hardships, it may grant exemptions from one or more of the requirements of subsection (e). In such cases, the required recreational area may be used for preserving woods, steep slopes, ponds, streams, glens, rock outcrops, native plant life, and wild life cover. These areas would provide for the community's need for passive recreational areas.

ADD a new subsection (g) as follows:

(g) Payments in Lieu of Dedication. Any subdivider required to dedicate open space pursuant to this section may, with the approval of the Town Council, make a payment in lieu of such dedication, or may make combination dedication and partial payment in lieu of dedication, whichever in the opinion of the Town Council shall be in the best interest of the Town. The amount of the payment in lieu of dedication shall be equal to the value of an acre of raw land in the subdivision, times the number of acres which would be required to be set aside for open space. The value of raw land in the subdivision shall be determined from the most recent Orange County tax appraisal, with an adjustment for each year to reflect an increase in property values. Such adjustment shall be determined annually by the Town Council. Alternatively, the Town may accept an appraisal, done at the expense of the subdivider, which has been completed by a qualified individual to determine the value of land. All monies received by the Town pursuant to this section shall be used only for the acquisition or development of recreation, park or open space sites.

SECTION II

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

This the 9th day of February, 1981.

Councilmember Herzenberg asked if the Planning Board had to make a recommendation for exemption before the Council could grant one. They did not. Councilmember Straley asked if the developer could opt for a payment without the Council's permission. They could not.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Reapproving the Preliminary Sketch for Lystra Woods Subdivision,
Phase 2

Mr. Bryan stated the whole plat had been approved in 1979. Two phases had been completed since that time. The Council in 1979, had not required open space. They were now changing their regulations in requiring open space. Mayor Nassif inquired about the size of the lots. They were one acre or more each.

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

A RESOLUTION REAPPROVING A PRELIMINARY SKETCH FOR LYSTRA WOODS, PHASE 2 SUBDIVISION LOCATED ON OLD LYSTRA ROAD (81-R-11a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby reapproves the preliminary sketch for the Lystra Woods, Phase 2 Subdivision until January 26, 1982 subject to all previously approved conditions remaining in effect except as follows:

AMEND condition #11 approved December 10, 1979 to read as follows:

- 11. That the applicant comply with the open space dedication requirements of the subdivision ordinance, either by dedicating the required amount of open space, or by making a payment in lieu of such dedication.

This the 9th day of February, 1981.

Councilmember Howes stated that the requirement for open space would be a retroactive application of the law which he would not support.

Mayor Nassif thought the lots large enough not to require open space. As there was no maintenance provided for the open space, it would not be used. The subdivision was not large enough to require more open space than each lot would have.

Councilmember Wallace accepted Councilmember Howes' argument that the application would be retroactive. He also thought the lots large enough not to require more open space.

Councilmember Straley said the open space would provide a benefit to the town.

Councilmember Smith reiterated his concern about the development of Colony Woods which had been piecemeal without open space. He believed the Lystra Woods area to be similar. Although the lots were large, a field could not be built on individual lots. Mayor Nassif argued that the Colony Woods development was different in that the development had been in groups of 40 or 50 lots. And, there was land next to Ephesus School for recreational purposes.

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

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

A RESOLUTION RENEWING A PRELIMINARY SKETCH FOR THE LYSTRA WOODS, PHASE 2 SUBDIVISION LOCATED ON OLD LYSTRA ROAD (81-R-11b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby reapproves the preliminary sketch for the Lystra Woods, Phase 2 Subdivision until January 26, 1982 subject to all previously approved conditions remaining in effect.

This the 9th day of February, 1981.

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

Resolution Granting a Modification of the Special Use Permit for Kroger Plaza

Mr. Jennings described the proposed addition to Kroger Plaza which would be on the Franklin Street side of the building. The access to the shopping center would not be changed. The parking spaces would be reduced, but the staff recommended a reduction in the parking requirement because of offices in the buildings which did not need as much parking as the commercial uses. The Planning Board had recommended a left turn lane in the entrance to Kroger Plaza to facilitate traffic going to the addition. The staff did not believe it was justified. The left turn lane would necessitate the removal of much concrete.

Councilmember Smith commented that more traffic might be generated depending on the use of the addition. Mr. Anderson said the left turn lane would mean considerable expense. It might be better to provide a right turn lane, although he did not think a turning lane was needed.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR KROGER PLAZA UNIFIED BUSINESS DEVELOPMENT TO ADD 7,200 SQUARE FEET OF ENCLOSED FLOOR AREA (81-R-19b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to R. Charles Ginn for the Kroger Plaza Unified Business Development on East Franklin Street is hereby modified to allow construction of 7,200 square feet of enclosed floor area as shown on plans dated December 11, 1980 subject to the following:

1. 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.
2. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy. Such plan shall show adequate mechanical means for watering landscaped areas.
3. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
4. That provisions for garbage collection be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
5. That the screening of all exterior mechanical equipment be reviewed and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
6. That all utilities be placed underground.
7. That the applicant be permitted to reduce the number of required parking spaces by up to 12% 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 development 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 has been used for additional landscaping. This is based upon giving credit for the 20 foot wide landscape strip along Franklin Street, the planters along the front of the proposed addition, and the proposed landscape islands in the parking lot facing the addition.
8. That a revised site plan incorporating all the above stipulations be submitted to the Building Inspector prior to issuance of a building permit.
9. That construction begin by March 31, 1982 and be completed by March 31, 1984.

- 10. 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.
- 11. That there be no parking of any kind along the side of the building fronting on Elliott Road for a distance measuring 35 feet either side of the centerline of the principal access drive (i.e. the access drive located closest to the intersection of Franklin Street and Elliott Road.)
- 12. That a left turn lane be added within the principal access drive located directly in front of the Kroger Store. The detailed plans shall be approved by the Town Manager prior to construction. Such turn lane shall be installed prior to issuance of a certificate of occupancy for the proposed addition.
- 13. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the special use permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial special use permit.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans submitted December 11, 1980 continues to meet the four findings made by the Council on March 10, 1969 (and subsequently modified).

This the 9th day of February, 1981.

Councilmember Smith asked if the landscape plan for Kroger Plaza had been completed. Mr. Jennings said it had.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER THORPE, TO DELETE STIPULATION #12. Councilmember Kawalec commented that she had experienced confusion in this parking lot. With all of the parking lanes and driving lanes the same width, it was difficult to know when one was turning into the driving lanes. The turning lane would help. Councilmember Howes argued that a left turn lane was not the solution. He suggested the developer look at the whole parking lot.

THE AMENDMENT WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH COUNCILMEMBERS HOWES, THORPE, AND WALLACE SUPPORTING AND COUNCILMEMBERS HERZENBERG, KAWALEC, SMITH, STRALEY, AND MAYOR NASSIF OPPOSING. Councilmember Kawalec amended her original motion to delete the word "left" in stipulation #12. The amendment was accepted. This would allow the developer flexibility.

THE MOTION WAS CARRIED UNANIMOUSLY.

Laurel Hill Subdivisions

Mr. Jennings explained that this subdivision had an approved preliminary sketch which had not lapsed. The applicant wanted to increase the number of lots from five to seven and delete the requirement for curb and gutter. The Planning Board and staff recommended approval.

Councilmember Smith inquired why the Planning Board had not required open space. Mr. Jennings responded the subdivision had been approved before the open space ordinance, and the approval had not been allowed to lapse.

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR LAUREL HILL SUBDIVISION SECTION 2 PHASE 2 (81-R-20)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated September 5, 1980 for Laurel Hill Subdivision Section 2, Phase 2 located on property identified as Chapel Hill Township Tax Map 131, Lot 17, subject to the following:

1. That water lines be installed in compliance with OWASA standards. Detailed plans for the water lines shall be approved by OWASA prior to construction.
2. That detailed plans for sewer lines be approved by OWASA prior to construction. Sewer, drainage and utility easements shall be dedicated as required by the Town Manager.
3. That a detailed drainage plan and grading plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of any certificate of occupancy.
4. 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 approval of the final plat.
5. That a surety bond or a letter of credit, in type and amount to be determined by the Town Manager to be sufficient to cover the total estimated cost of all uncompleted improvements shown on the approved preliminary sketch and described within the approved conditions shall be submitted to the Town Manager prior to recordation of the final plat.
6. That the applicant supply the Town with a letter from the Department of Transportation prior to release of the surety bond or letter of credit stating that all road improvements comply with State standards applicable for determining if a street is acceptable for maintenance.
7. Prior to paving streets, utility service laterals shall be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped-off above ground.
8. All lots connecting onto the sanitary sewer system shall be served by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
9. That Bayberry Drive be paved to the Town's standards for collector streets without curb and gutter. The detailed design and plans shall be approved by the Town Manager prior to construction. Such design shall include a paved turn-a-round and graded shoulders with a minimum width of 12 feet.
10. That the street grade of Bayberry Drive be exempted from the maximum grade standard of Section 18-38 of the Subdivision Ordinance due to the steep topography in the area. The street grades may be equal but shall not exceed 13.3%.
11. That erosion control measures along the ditch section of Bayberry Drive shall be approved by the Town Manager as being adequate to control erosion along the steep grades.

This the 9th day of February, 1981.

Councilmember Smith asked about the access to the subdivision. Mr. Jennings explained that the only access at this time would be from Arboretum Drive. As Fearington Hills Subdivision was developed, Bayberry Drive would be extended to the property line.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif introduced the following resolution.

A RESOLUTION CALLING A PUBLIC HEARING ON ROAD NETWORK PLANNING AND EXTENDING FOR 60 DAYS THE PLANNING BOARD REVIEW PERIOD (81-R-21)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for _____, 1981 at 7:30 P.M. in the Meeting Room of the Chapel Hill Municipal Building to hear comments in order to prepare a road network plan for the area bounded by NC 54 East and US 15-501 Bypass to the North, Farrington Road to the west, the Planning District line to the South, and the Orange-Durham County line to the east.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the Planning Board review period for Laurel Hill IV for sixty days in order to allow the Town time to adopt a road network plan for the area described above.

This the 9th day of February, 1981.

Mr. Reeve stated that in the area surrounding Laurel Hills the Town was receiving requests for small subdivisions connecting to existing roads. The roads were not designed for the traffic they would eventually bear with these subdivisions. The residents were upset with the hazardous conditions. There was no transportation traffic plan for the area. The Planning Board wanted a public hearing to consider the traffic patterns in this area before any more subdivisions were approved.

Mr. Hooper said the Council could extend the review period for Laurel Hill Subdivision, Phase 4 and call the public hearing as requested by the Planning Board; or proceed with the review of the project and direct the Planning Board to consider it at their next meeting; or the Council could consider Laurel Hills, Phase 4 at this time.

Mr. Denny stated he had discussed the matter with the staff. He had several legal concerns. He pointed out the Council must act on the request of the developer to approve Laurel Hills Subdivision, Phase 4 within a reasonable time. He added that this was not a special use. Under the subdivision ordinance, when a developer complied with the requirements, he was entitled to subdivision approval. It was his understanding that the project complied with all requirements. Although Mr. Denny recognized the concerns of the Planning Board for a traffic plan, there was no provision in the ordinance requiring one. If the Council believed this necessary, it would be more appropriate to amend the ordinance to require such a plan for all subdivisions. Mr. Denny was also concerned that even if a public hearing was held and a traffic plan decided upon, it would have no legal effect as it would not be a part of the ordinance. As the subdivision regulations would be the same after the hearing as before, he could not justify delaying the project for a hearing.

Mr. Reeve stated the Planning Board had not been aware of the legal implications of their request.

Councilmember Howes asked if North Carolina had a "streets act". Mr. Denny did not know of one.

Councilmember Smith asked if there was an alternative road network for the area which could be accepted by the developer, staff and residents. Mr. Jennings responded the staff had been evaluating projects on the basis of the comprehensive plan. Their recommendation was based on the belief that Parker Road should be extended to NC 54, and that there would be two loops, one comprised of Bayberry and Arboretum and one of Rhododendron and Bayberry extension off of Parker and Farrington Roads. There was not a plan for the Hunt property.

Mr. Messer said he had made available to the staff a traffic generation and use plan for nine areas south of town. This had projected long and short range development plans.

Mr. Feis said the residents thought the problem of a road plan could be solved quickly. The plan by Mr. Messer was based on hypothetical roads which the state might not build.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO DELAY THE PROJECT UNTIL THE NEXT REGULAR MEETING TO ALLOW THE RESIDENTS, STAFF AND DEVELOPER TO MEET AND DECIDE ON A ROAD PLAN TO PRESENT AT THAT TIME. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH COUNCILMEMBERS HERZENBERG, KAWALEC, SMITH, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS HOWES AND STRALEY OPPOSING.

Personnel

Mr. John Romano represented the contract bus drivers. They asked the Council to consider the differences between contract drivers and part-time drivers. They believed the contract drivers did not receive equal pay for the same job performed by both contract and part-time drivers. Contract drivers were working as many or more hours than many part-time drivers but received no benefits such as vacation, sick leave and group insurance. The drivers wanted a review of their status and benefit package.

Mayor Nassif introduced the following ordinance.

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (81-O-13)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan, etc., for the period July 1, 1980 through June 30, 1981" as follows:

Section One

In Section III, DELETE the lines:

- 10 Deputy Clerk
- 12 Bus Dispatcher
- 12 Transit Operations Supervisor
- 13 Public Works Supervisor
- 14 Building Inspector
- 14 Electrical Inspector
- 14 Housing Inspector
- 14 Plumbing and Heating Inspector
- 17 Parks Supervisor
- 19 Public Works Superintendent
- 19 Equipment Services Superintendent
- 19 Transportation System Superintendent

and ADD the lines:

- 12 Word Processor Supervisor
- 13 Bus Dispatcher
- 13 Deputy Clerk
- 13 Transit Operations Supervisor
- 13 Public Works Supervisor I
- 16 Building Inspector
- 16 Electrical Inspector
- 16 Housing Inspector
- 16 Plumbing and Heating Inspector
- 17 Public Works Supervisor II
- 19 Parks Superintendent
- 20 Public Works Superintendent
- 20 Equipment Services Superintendent
- 20 Transit System Superintendent

Section Two

In Section IV.C, DELETE the lines:

	<u>FULL TIME</u> <u># Hours</u>	<u>PART-TIME</u> <u># Hours</u>	GRADE NO.
TOWN MANAGER'S OFFICE			
Word Processor	2	37½	11
PARKS AND RECREATION			
Parks Supervisor	1	40	17
TRANSPORTATION			
Transportation System Supt.	1	40	19
Equipment Services Supt.	1	40	19
Bus Dispatcher	4	40	12
Transit Operations Supv.	3	40	12

CLERK AND COLLECTION

Deputy Town Clerk 1 37 1/2 10

INSPECTIONS

Building Inspector 2 37 1/2 14
Housing Inspector 2 37 1/2 14
Electrical Inspector 1 37 1/2 14
Plumbing/Heating Inspector 1 37 1/2 14

PUBLIC WORKS (CONSTRUCTION)

Public Works Superintendent 1 40 19

PUBLIC WORKS (EQUIPMENT SERVICES)

Equipment Services Superintendent 1 40 19

PUBLIC WORKS (BUILDING AND GROUNDS)

Public Works Supervisor 1 40 13

PUBLIC WORKS (SOLID WASTE COLLECTION)

Public Works Superintendent 1 40 19
Public Works Supervisor 2 40 13

PUBLIC WORKS (SOLID WASTE DISPOSAL)

Public Works Supervisor 1 40 13

PUBLIC WORKS (STREETS)

Public Works Superintendent 1 40 19
Public Works Supervisor 1 40 13

and ADD the lines:

TOWN MANAGER'S OFFICE

Word Processor 1 37 1/2 11
Word Processor Supervisor 1 37 1/2 12

PARKS AND RECREATION

Parks Superintendent 1 40 19

TRANSPORTATION

Transportation System Supt. 1 40 20
Equipment Services Supt. 1 40 20
Bus Dispatcher 4 40 13
Transit Operations Supv. 3 40 13

CLERK AND COLLECTION

Deputy Town Clerk 1 37 1/2 13

INSPECTIONS

Building Inspector 2 37 1/2 16
Housing Inspector 2 37 1/2 16
Electrical Inspector 1 37 1/2 16
Plumbing/Heating Inspector 1 37 1/2 16

PUBLIC WORKS (CONSTRUCTION)

Public Works Superintendent	1	40	20
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PUBLIC WORKS (EQUIPMENT SERVICES)

Equipment Services Superintendent	1	40	20
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PUBLIC WORKS (BUILDINGS AND GROUNDS)

Public Works Supervisor III	1	40	17
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PUBLIC WORKS (SOLID WASTE COLLECTION)

Public Works Superintendent	1	40	20
Public Works Supervisor I	2	40	13

PUBLIC WORKS (SOLID WASTE DISPOSAL)

Public Works Supervisor I	1	40	13
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PUBLIC WORKS (STREETS)

Public Works Superintendent	1	40	20
Public Works Supervisor II	1	40	15

This the 9th day of February, 1981.

Councilmember Kawalec said she had been contacted by Shufie Davis-Gebhardt with regard to her position. Councilmember Kawalec believed an amendment to the ordinance to upgrade Ms. Davis-Gebhardt's position should be made. Although the position was a Secretary I, she believed the work was high than that of a Secretary I.

Councilmember Howes asked whether there was a personnel procedure to be followed when an employee was dissatisfied with his or her position. Councilmember Kawalec responded it was planned by Personnel to look at all secretarial positions in the future for possible reclassification, but Ms. Davis-Gebhardt had already completed the forms necessary for reviewing her position.

Mr. Hooper said the ordinance contained the results of a study of several positions, which the staff believed merited reclassification. The Personnel Department in considering Ms. Davis-Gebhardt's position, believed the duties of that position were similar to those of other secretarial positions in the town which had not been studied. Mr. Hooper added that if the Council reviewed individual positions, they would receive requests from all employees for individual review.

Mr. Denny stated the Council had adopted a precise Personnel Code which provided a procedure for individual employees to follow with regard to dissatisfaction with their job classification. He was concerned that this employee had asked the Council for redress of a grievance without following that procedure. Mr. Denny was also concerned there might be legal difficulties with the Council reviewing individual employee's classification.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE PRECEDING ORDINANCE. Councilmember Thorpe said he would vote for the ordinance, but still wanted all such matters presented to the Council at budget time. THE ORDINANCE WAS ADOPTED BY UNANIMOUS VOTE.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, 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" (81-O-14)

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>
GENERAL FUND				
Town Manager -				
Staff Services	\$ 77,913	\$ 225	-	\$ 78,138
Town Clerk	41,849	260	-	42,109
Inspections	160,207	1,910	-	162,117
Public Works -				
Construction	63,407	425	-	63,832
Streets	566,660	740	-	567,400
Equipment Svcs.	562,056	405	-	562,461
Solid Waste				
Collection	753,836	425	-	754,261
Public Buildings & Grounds	267,789	530	-	268,319
Parks and Recreation -				
Parks Maintenance	196,244	335	-	196,579
Sundry - Contingency	12,613	-	5,255	7,358
TRANSPORTATION FUND				
Operations	1,039,330	2,260	-	1,041,590
Maintenance	281,680	405	-	282,085
Sundry	328,985	-	2,665	326,320

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

This the 9th day of February, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Hooper returned to the question of contract bus drivers versus part-time drivers. He explained that the part-time employees coincided with the state's definition of one who worked 20 hours a week or more. Contract workers did not work as much on a long-term basis. With more hours of work, benefits increased. Contract workers received the same hourly rate as part-time employees in the same position.

Councilmember Howes thought there was a difference between the contract employees in the Transportation Department and those in other departments. While others were usually hired for seasonal work, the contract driver position in the Transportation Department appeared to serve as entry into the department in a permanent position. Mr. Hooper responded that the Town hired other contract employees as permanent employees. The variable schedules provided a distinction between the Transportation Department and other departments.

Mayor Nassif thought the contract employees were hired to do a specific task for a certain length of time. Mr. Hooper did not agree. Mayor Nassif expanded on his definition of a contract employee. He then asked Mr. Hooper to explain the distinction between contract and part-time employees in the view of the Personnel Department. Mr. Hooper said one distinction was the number of hours worked on a regular basis. The contract was for less than 12 months.

Mr. Godding stated the department had begun to hire contract employees to have trained personnel for permanent positions when they became vacant. There had been situations where the contract employees were hired to take the place of a permanent employee although the position was not vacant. The permanent employee could not for some reason perform his job for a time.

Mayor Nassif asked how many contract employees were in the department. Mr. Godding answered there were 5 to 7 contract people. Earlier in the year there had been 9. Mayor Nassif repeated that there appeared to be a difference between the contract workers in the Transportation Department and those in Recreation. He suggested that if high absenteeism was causing the department to hire people on a contractual basis, the Council should know.

Mr. Denny said the personnel code was specific in its definition of contract and part-time workers.

Councilmember Wallace asked if all departments had contract workers. Mr. Hooper said they did not. Councilmember Wallace then inquired whether other departments with part-time workers were having the same difficulties as the Transportation Department. They were not. Councilmember Wallace suggested there might be a different category of worker in the Transportation Department since all drivers seemed to be doing the same work.

Councilmember Smith reminded the Council they had discussed the part-time employees situation before. They had decided at that time, that a part-time employee was one who worked at least 20 hours a week.

Councilmember Wallace suggested the evaluation of the service to the Town could not be equated to the hours of work.

Ordinances Concerning Abolition of Council Committees

Councilmember Kawalec stated that many of the Council committees hampered the smooth operation of the Council. She gave examples of committee meetings which had not helped the Council. Therefore, she proposed eliminating these committees. Councilmember Smith agreed that the Streets and Public Safety Committee should be eliminated.

Councilmember Straley said the Council policy manual contained an inadequate description of many committees' purpose. Councilmember Kawalec explained that research had not uncovered an adequate description.

Councilmember Howes stated the Council had never had a committee system and he did not believe it should have one. He suggested eliminating the committees with the provision that the Mayor appoint ad hoc committees as needed.

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

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL TO ELIMINATE STANDING COMMITTEES OF THE COUNCIL (81-0-15a)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 2, Code of Ordinances, Town of Chapel Hill be amended to read as follows:

Section I

The Mayor and Council may appoint such Committees of the Council as deemed appropriate or necessary from time to time, and may assign to such Committee s such duties, functions, andd responsibilities as it deems fit, or Council may act as a Committee of the whole.

Section II

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

This the 9th day of February, 1981.

Councilmember Thorpe pointed out the Audit Committee was in the process of choosing a new auditor for the coming fiscal year. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH COUNCILMEMBERS HOWES, KAWALEC, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS HERZENBERG AND THORPE OPPOSING.

Ordinance Granting a Taxicab Franchise to Mr. Willie Dixon

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

AN ORDINANCE TO GRANT A FRANCHISE TO OPERATE TAXICABS (81-0-10)
(Second Reading)

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

SECTION I

WHEREAS, N.C.G.S. 160A-304 provides that the Town, by Ordinance, may grant a taxi franchise for a stated number of taxicabs within the Town; and

WHEREAS, Mr. Willie Dixon proposes to operate three (3) taxicabs, and

WHEREAS, the Council finds that the public convenience and necessity require the operation of up to three (3) taxicabs, and that the said Willie Dixon is a proper person for said franchise;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, that pursuant to the authority contained in N.C.G.S. 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Willie Dixon be, and he is hereby granted the franchise to operate a total of three (3) taxicabs within the Town upon compliance with the provisions of Chapter 20, Code of Ordinances, Town of Chapel Hill.

SECTION II

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

This the 9th day of February, 1981. (First Reading on January 27, 1981.)

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend the Ordinance Granting a Cable Television Franchise to Village Cable, Inc.

Mr. Hooper explained the Town had received a request to modify the language of the cable television franchise with regard to the foundation. The request related to information concerning the tax liability or potential tax liability of the foundation in terms of receiving stock rather than cash.

Councilmember Straley asked why the foundation would be accepting \$10 per share rather than keeping 10% ownership, since with inflation, the 10% would appear to be a better investment. Mr. Hooper agreed. Councilmember Herzenberg asked where the \$10 figure was arrived at, as it seemed to contradict the value of \$100 for each subscriber. Councilmember Wallace asked when the share of the corporation would be issued to the foundation. Mr. Hooper was not sure.

Mr. Cohen said the decision to accept a cash settlement in lieu of stock had been made at a directors' meeting with only four directors present. There were now nine directors. He believed this decision should be made by the full Board of Directors after public comment.

Councilmember Kawalec was concerned that a member of Village Cable was also a member of the Board of Directors of the foundation which was to be independent. Mr. Woodruff stated the Board of Directors had asked him to serve because of his expertise. He did not believe this was a violation of the independence of the Board.

Councilmember Howes inquired of Mr. Woodruff the rationale for the request. Mr. Woodruff stated the tax attorneys in studying the stock transfer had suggested there might be a tax liability to Village Cable and to the foundation by the transfer of stock with resale back to Village Cable. Village Cable was trying to avoid potential problems.

Mr. Woodruff also tried to explain how the \$10 value was derived.

Councilmember Wallace pointed out there was no requirement for the foundation to sell the shares. It could collect dividends on the stock. And, there was no requirement that the foundation sell to Village Cable in his opinion. Council-

member Wallace suggested there be further study on this proposal and the Council receive a report from a legal or tax expert on the proposal. Mayor Nassif concurred in the need for clarification.

Mr. Denny questioned the appropriateness of the Town attorney investigating a tax issue. He suggested the Council request the interested parties to provide legal and tax opinions. Mayor Nassif said the Council would also like Mr. Denny's opinion on the proposal.

Councilmember Howes said he would like a vote from the foundation with a greater number of directors present.

The Council deferred the matter until it could receive reports on legal and tax issues.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980"

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, 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" (81-O-17)

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	\$57,441	\$2,798	-	\$60,239

ARTICLE II

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Grants Fund	\$57,441	\$2,798	-	\$60,239

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

This the 9th day of February, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing on the Preliminary Assessment Roll for Improvements to Indian Springs Road

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

A RESOLUTION CALLING A PUBLIC HEARING ON A PRELIMINARY ASSESSMENT ROLL FOR STREET IMPROVEMENTS (INDIAN SPRINGS ROAD) (81-R-23)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m. on Monday, March 23, 1981 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to receive comments on the preliminary assessment roll for street improvements to Indian Springs Road.

This the 9th day of February, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting an Assessment Lien Sale

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

A RESOLUTION SETTING AN ASSESSMENT LIEN SALE (81-R-24)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Revenue Collector to sell Town of Chapel Hill assessment liens on June 8, 1981.

This the 9th day of February, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Application for a Transportation System Management Grant

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

A RESOLUTION AUTHORIZING THE FILING OF A LETTER OF INTEREST WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED (81-R-25)

WHEREAS, the United States Secretary of Transportation is authorized to make grants for Transportation Systems Management Projects; and

WHEREAS, the United States Department of Transportation has announced the availability of \$15 million for grants on a national competitive basis; and

WHEREAS, the Town of Chapel Hill has many Transportation Systems Management (TSM) Projects in its Capital Improvements Program and Transportation Development Plan;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

1. That the Town Manager is authorized to execute and file a letter of interest on behalf of the Town of Chapel Hill, North Carolina with the U. S. Department of Transportation for a coordinated system of TSM Projects; and
2. That the Town manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the letter of interest.

This the 9th day of February, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Condemnation Proceedings to Acquire Easements on Estes Drive for Sidewalk Purposes

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

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS TO ACQUIRE EASEMENTS ON ESTES DRIVE FOR SIDEWALK PURPOSES (81-R-26)

WHEREAS, the Town Council has directed that a sidewalk be constructed on Estes Drive westward to the Airport Road, and

WHEREAS, additional right-of-way is required for the construction of said sidewalk as directed by the Council, and

WHEREAS, negotiations have been pursued to acquire the necessary right-of-way, but have been unsuccessful in two instances, and

WHEREAS, said project is scheduled for construction in the immediate future, and the prompt acquisition of said right-of-way easements is urgent.

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NOW, THEREFORE, BE IT RESOLVED, that the Town Attorney is hereby authorized and directed to institute condemnation proceedings to acquire said easements by the filing of complaint and declaration of taking and notice of deposit in the Office of Clerk Superior Court of Orange County against any property owners whose property is required for said project, and with whom a negotiated easement has not been able to be obtained.

This the 9th day of February, 1981.

Mr. Denny stated there were three property owners with whom the Town could not reach agreement. The work was already under progress. With the filing of the condemnation suit work could continue until the issue of the easement could be resolved. The maximum easement needed would be 5' with a 15' temporary construction easement.

THE MOTION WAS CARRIED UNANIMOUSLY.

/ Report Regarding Possible Requests for Local Bills in 1981 General Assembly Session

Mr. Hooper said the Manager was considering the possibility of the Town's paying the employees share of retirement. The legislation would be needed to allow this.

The Town was also considering enabling legislation to allow the exemption of certain portions of the new zoning ordinance from a protest petition.

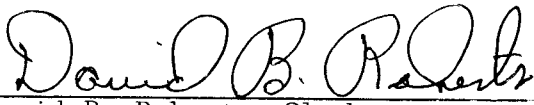
Councilmember Wallace suggested the Council again request the Mayor's term be reduced to two years.

Councilmember Kawalec commented that other governing bodies arranged a special occasion for the members of the governing body to meeting with the legislators for their district. She suggested Chapel Hill arrange such an occasion.

There being no further business to come before the Council, the meeting was adjourned at 12:10 a.m.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk