

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, MARCH 23, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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

Also present were Town manager E. Shipman and Town Attorney E. Denny.

Preliminary Assessment Roll for Improvements to Indian Springs Road - Public Hearing

Mr. Morris stated the paving project had started by petition of the residents on July 3, 1978. The preliminary resolution calling for a public hearing had been adopted on September 11, 1978, with the public hearing being held on October 30, 1978. Construction began in March 1979, with completion in March 1981. The total cost was \$29,960.23. The total frontage was 1251.73 feet with the Town owning 187.07 feet.

Mayor Nassif asked for comments from the audience. There were no comments. COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Petitions

Senator Charles Vickery asked to speak on the local bill which he had introduced into the legislature. Although it had been reported Mayor Nassif did not think the bill constitutional, Senator Vickery argued this point. He stated Senate Bill 229, regarding the Board of Equalization, would have no impact on city governments. The County government in estimating the tax base would have to go one step further. They were capable of doing this in Senator Vickery's opinion. He did not think the bill would result in an increased tax rate. It would correct the problem of any taxpayer paying a disproportionately high rate. As Orange County was the only one of the four counties which Senator Vickery represented that was being revalued this year, he had introduced this bill as local legislation. Senator Vickery had heard the Council wanted a public hearing on the bill and had arranged for a hearing before the State House. He would inform the Council when it was scheduled. He did not believe the Council should make a formal objection to the bill until the hearing had been held.

Mayor Nassif said discussion of the bill was scheduled later on the agenda. He suggested Senator Vickery stay at the meeting to discuss the item. As the bill had already passed the State Senate the public hearing would not give the Council the opportunity to express its opinion.

Councilmember Thorpe asked when Senator Vickery wanted the Council to express its opinion if not now. Senator Vickery suggested the Council wait until after the public hearing.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, TO ACCEPT THE PETITION AND DISCUSS IT AT THE APPROPRIATE TIME ON THE AGENDA.

Councilmember Smith commented that if the county's estimate of the tax base was late or wrong because of the appeals to the Board of Equalization the Town must be affected.

Mayor Nassif noted that no one had informed the Council of the bill before it was introduced into the Senate. The Council would not have an opportunity to express their opinion of the bill to the Senate. None of the other four counties the senator represented would be affected by the bill. He suggested the bill be applicable state-wide.

Councilmember Wallace commented that legislators frequently refused to introduce controversial local legislation, when requested to do so by local governments. He suggested the Senator should have considered the controversial nature of this bill before it was introduced.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif had received a letter from OWASA requesting a special public hearing to consider a request for a special use permit for the Mason Farm Wastewater Treatment Plant. COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SETTING PUBLIC HEARING ON SPECIAL USE PERMIT REQUEST FOR IMPROVEMENTS TO MASON FARM WASTEWATER TREATMENT PLANT (81-R-40.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for the purpose of receiving comments from citizens on a request by OWASA for a special use permit to make improvements to the Mason Farm Wastewater Treatment Plan, on April 13, 1981, at 7:30 P.M. in the Meeting Room of the Municipal Building, 306 N. Columbia Street.

This the 23rd day of March, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif stated the drive-in business policy had been inadvertently left off the agenda. If no one had any objections it would be considered tonight as all members were present. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO PLACE THE DISCUSSION OF THE DRIVE-IN BUSINESS POLICY ON THE AGENDA AS ITEM 13c. THE MOTION WAS CARRIED UNANIMOUSLY.

Councilmember Thorpe stated the Chapel Hill High School Girls' and Boys' basketball teams had won state championships this year. He wanted the Council to recognize this achievement. The UNC basketball team was a semi-finalist in the NCAA tournament. He thought the Council should also recognize this. Councilmember Thorpe pointed out the Protocol Committee had been abolished with other Council committees and the Council should make some preparation for the opening of the new police facility. Mayor Nassif asked that Councilmembers Thorpe, Herzenberg, and Boulton serve on the Mayor's Committee on Protocol named for the purpose of preparing for the opening of the new police facility and for preparing resolutions for recognizing the basketball teams.

Minutes

ON MOTION BY COUNCILMEMBER WALLACE, SECONDED BY COUNCILMEMBER STRALEY, THE MINUTES OF MARCH 9, 1981, WERE APPROVED AS CORRECTED.

Resolution Granting a Special Use Permit for an Electric Power Substation

Mr. Jennings stated the University had requested two special use permits, one for the power substation on property on the south side of Old Mason Farm Road, and one for the transmission line from the substation southeast to the Durham County line. The staff believed the first finding could be made provided the substation was located outside the flood zone and raised the required distance above the flood elevation. The second and third findings could be made. The staff and Planning Board did not believe the fourth finding could be made with the project located in the Botanical Gardens which was designated as critical environmental area on the land use plan. The staff believed the four findings could be made on the transmission line. The staff and Planning Board recommended denial of the request for the substation.

Mayor Nassif stated that while the Town could not regulate "structures" of the University, Duke Power Company would be co-owner of the substation and was subject to Town regulation. He asked Mr. Denny to give a legal opinion on the environmental sensitivity of the Botanical Gardens.

Mr. Denny stated the staff had recommended denial of the special use permit because the project would not be in harmony with the area and in conformance with the plan of development of Chapel Hill. He explained that the plan of development consisted of the planning and approved planning documents for the development of the area. It was not limited to any one document. On the issue of whether the University was subject to the Town's zoning regulations in this instance, Mr. Denny pointed out that although the University might own the land on which the substation would be located, Duke Power would be using the substation. Therefore in his opinion a special use permit would be needed for construction of the substation and transmission line.

Mr. Reeve did not think the recommendation of the Planning Board for denial had been based on a narrow interpretation of the comprehensive plan.

Councilmember Boulton asked which land was designated as critical environmental areas. Mr. Jennings answered those areas were the floodway, Battle Park and the Mason Farm tract.

Councilmember Smith asked Mr. Jennings to explained the basis for designating the Mason Farm tract as a critical environmental area. Mr. Jennings said the environmental characteristics report looked at many areas. The decision to designate the floodways as critical environmental areas was because of the danger to residents downstream from building in the floodway. The designation of the Mason Farm tract and Battle Park had been made on the understanding the University did not wish to use the properties for any intensive development. The intent was to ensure that adjacent development would not impact these areas. The Mason Farm tract and Botanical Gardens were considered the same. Councilmember Smith asked if the substation and transmission line would be considered intensive development. Mr. Jennings had no specific definition for intensive development.

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

A RESOLUTION DENYING A SPECIAL USE PERMIT FOR AN ELECTRIC POWER SUBSTATION LOCATED SOUTH OF US 15-501 BYPASS (81-R-33a)

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

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

BE IT FURTHER RESOLVED that the Council hereby denies the special use permit requested for said development.

This the 23rd day of March, 1981.

Councilmember Boulton asked if discovering that the owner's intention was to develop the Mason Farm tract would negate the criteria for designating it as a critical environmental area. Mr. Jennings responded this had been discussed at the Planning Board. Some members felt the critical environmental designation should be only for those areas which needed to be protected for public health or safety reasons. There was discussion on designating the Botanical Gardens and Mason Farm tract as environmentally sensitive.

Councilmember Smith was concerned that the Town would designate an area environmentally critical when the persons responsible for the preservation of the area had indicated the project would not cause serious damage. Councilmember Thorpe asked why the Mason Farm tract had not been zoned low density. Mr. Jennings said the University had requested the property not be zoned low density residential. The Planning Board had agreed.

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

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

A RESOLUTION GRANTING AN ELECTRIC POWER SUBSTATION SPECIAL USE PERMIT TO THE UNIVERSITY OF NORTH CAROLINA FOR A SUBSTATION LOCATED SOUTH OF US 15-501 BYPASS (81-R-33b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the electric power substation proposed by the University of North Carolina if developed in accordance with the plans submitted December 3, 1980 and the stipulations and conditions set forth below:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. Meets all required conditions and specifications;
3. Will not substantially injure the value of adjoining or abutting property; and
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

The stipulations upon which the above findings are based are as follows:

1. That the site shall be fenced by a minimum seven (7) foot high dark green vinyl-covered chain-link fence. Such fence shall have a minimum of three strands of barbed wire at the top of the fence and such wire shall be angled outward.
2. That all distribution lines extending from the substation to the campus shall be underground.
3. 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 to Duke Power of the certificate of occupancy.
4. That a detailed screening and landscape plan be approved by the Appearance Commission and Town Council prior to the issuance to Duke Power of a certificate of occupancy. Such screen shall provide a year-round solid appearing screen along each of the four sides of the substation.
5. 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.
6. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.
7. That a detailed grading and drainage plan be submitted to and approved by the Town Manager prior to the issuance to Duke Power of a building permit. Improvements included in such plan shall be completed prior to issuance to Duke Power of a certificate of occupancy.
8. That the applicant prepare and implement an erosion control plan and that such plan be approved by the Orange County Erosion Control Officer prior to the issuance to Duke Power of a building permit or grading permit.
9. That construction shall begin within three years of the date of approval of the special use permit.

BE IT FURTHER RESOLVED that the Council hereby grants an electric power substation special use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 23rd day of March 1981.

Councilmember Smith thought it better to locate the transmission line on University land than to run it through a residential area. The power line would also discourage further development in the area in the future. Councilmember Straley said the substation and power line would cause enormous changes in the area.

Councilmember Kawalec preferred the substation in another location closer to the source with less wires overhead. Councilmember Smith argued that the location suggested by the staff would be more visible than that proposed by the University.

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

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

A RESOLUTION GRANTING AN ELECTRIC POWER TRANSMISSION LINE SPECIAL USE PERMIT TO THE UNIVERSITY OF NORTH CAROLINA FOR A TRANSMISSION LINE LOCATED SOUTH OF US 15-501 BYPASS (81-R-34)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the electric power transmission line proposed by the University of North Carolina if developed in accordance with the plans submitted December 3, 1980 and as modified March 9, 1981 and the stipulations and conditions set forth below:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. Meets all required conditions and specifications;
3. Will not substantially injure the value of adjoining or abutting property; and
4. That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

The stipulations upon which the above findings are based are as follows:

1. All transmission towers shall be of the single tubular pole design.
2. The required building permit shall be obtained by Duke Power Company prior to the start of construction of the transmission line.
3. Construction of the transmission line shall begin within three years of the date of issuance of the special use permit.

BE IT FURTHER RESOLVED that the Council hereby grants an electric power transmission line special use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 23rd day of March 1981.

Councilmember Straley said there would be no way of minimizing the effect of a 68' swath through the area.

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

Resolution Authorizing Submission of a Grant Application for the Retired Senior Volunteer Program

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

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A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION FOR RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) (81-R-41)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to submit an application to ACTION for a \$23,198 grant for continuation of the Retired Senior Volunteer Program and to certify to the federal government the willingness of the town to assure a minimum of 30% in cash, goods, and services as the non-federal share in support of the program.

This the 23rd day of March, 1981.

Mayor Nassif asked if the resolution committed the Town to a specific amount of funding for RSVP. Mr. Shipman responded the resolution stated the support which would be given by Carrboro, Chapel Hill and the County. The share of each would be decided later. Chapel Hill would continue to be the grantee until the new fiscal year.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting a Donation of 23 Acres Near Willow Drive

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

A RESOLUTION ACCEPTING THE DONATION OF APPROXIMATELY 23 ACRES NEAR WILLOW DRIVE AND RIDGEFIELD ROAD (81-R-42)

WHEREAS, the Council of the Town of Chapel Hill has been offered approximately 23 acres of land identified as part of lot 8 of Chapel Hill Township Tax Map 52; and

WHEREAS, the Council finds that on the basis of a competent appraisal that the value of said offered property is \$155,000; and

WHEREAS, the Council finds that said land offered to the Town would help meet the community's need for open space and recreational area; and

WHEREAS, the Town Manager recommends acceptance of said land comprising approximately 23 acres,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill accepts the donation of said land to the Town.

This the 23rd day of March 1981.

Councilmember Boulton asked if the Town needed two appraisals. Mr. Denny said they would be needed for condemnation proceedings or for a public outlay of funds. This appraisal was to support a finding of valuation and had been made by a reputable realtor. Two were not required.

Mayor Nassif asked if the Council had to state a value. Mr. Denny responded this was the usual procedure. The donor would obtain any collateral benefits available to him and the finding of valuation would aid in this. Mayor Nassif asked if this would bind the Town to a value for other property. Mr. Denny said the valuation applied to this property only. It would of course be difficult for the Town to find that identical, adjacent property was valued at a much lesser amount.

Councilmember Kawalec commented she would not want to pay inflated values for adjacent land by attempting to give a tax advantage to the donor.

Councilmember Thorpe said the donor would give the land to the church or scouts if the Town did not want it. The Council should not debate the value.

Councilmember Wallace said he respected the realtor's opinion on land in the area. He did not believe the value would put the Town under an obligation for any other land. He thanked Councilmember Thorpe for convincing the donor to give the land.

Mr. Denny said the appraiser would be paid by the Town if the Town accepted the property.

THE MOTION WAS CARRIED UNANIMOUSLY.

Bids

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR THE CONSTRUCTION OF A FIRE STATION (81-R-43)

WHEREAS, The Town of Chapel Hill has solicited formal bids on February 4, 1981 and the following bids have been received:

<u>Bidders</u>	<u>Base Bid</u>	<u>Bids Alternate 1</u>	<u>Alternate 2</u>	<u>Alternate 3</u>
<u>GENERAL CONSTRUCTION</u>				
Bordeaus Construction Co., Inc. Durham, N.C.	\$228,824	\$-7,854	\$-2,500	\$+3,304
C.C. Woods Construction Co., Inc. Durham, N.C.	287,530	-6,500	- 500	3,600
Centurion Construction Co., Inc. Raleigh, N.C.	273,252	-9,500	+1,000	+4,100
Cumbus and Carter, Inc. Greensboro, N.C.	256,000	-5,700	+2,200	+4,000
D.W. Ward Construction Co., Inc. Durham, N.C.	260,414	+5,188	- 538	+2,492
Delta Construction Co., Inc. Durham, N.C.	269,937	-4,000	- 400	+2,200
Durham Construction Co., Inc. Durham, N.C.	259,491	-4,800	- 500	+1,500
Freedom Construction Co. Sanford, N.C.	224,800	-5,300	+2,200	+1,422
J.D. Beam Construction Co., Inc. Raleigh, N.C.	239,690	- 556	+ 975	+4,135
L.P. Cox Co. Burlington, N.C.	237,000	-9,000	+2,000	+2,400
Par Construction Co., Inc. Durham, N.C.	259,400	No Bid	-2,580	+4,700
Preston Brady Co., Inc. Durham, N.C.	248,444	-5,908	- 500	+3,783
R.L. Casey, Inc. Greensboro, N.C.	228,228	-4,810	+1,000	+3,004
Security Building Co., Inc. Chapel Hill, N.C.	261,500	+8,500	+2,100	+3,800
Trout and Riggs Construction Co., Inc. Durham, N.C.	267,600	-5,000	No Change	+1,800

<u>Bidders</u>	<u>Base Bid</u>	<u>Alternate 1</u>
<u>PLUMBING CONSTRUCTION</u>		
Acme Plumbing and Heating Co., Inc. Durham, N.C.	\$26,355	\$+5,100
Brown Brothers Plumbing and Heating Co., Inc. Durham, N.C.	29,940	+3,500
Copelan Plumbing Co. Durham, N.C.	28,985	+4,861
Mallard Mechanical Services, Inc. Raleigh, N.C.	25,222	+6,777
Condor Mechanical Contractors, Inc. Burlington, N.C.	28,350	+3,700
Reddick Plumbing Co., Inc. Sanford, N.C.	26,973	+5,920
American Mechanical, Inc. Raleigh, N.C.	26,042	+3,700
Boykin Mechanical, Inc. Raleigh, N.C.	28,400	+3,750
<u>HVAC CONSTRUCTION</u>		
Carolina Air Conditioning Co., Inc. Durham, N.C.	\$14,390	
Coggin Heating and Air Conditioning, Inc. Sanford, N.C.	9,600	
Comfort Engineers, Inc. Durham, N.C.	14,951	
Hockaday Heating and Air Conditioning Co. Raleigh, N.C.	15,500	
Lee Air Conditioners, Inc. Durham, N.C.	13,700	
Mallard Mechanical Services, Inc. Raleigh, N.C.	13,888	
Mechanical Associates, Inc. Cary, N.C.	18,920	
Miller Heating and Air Conditioning Co., Inc. Goldston, N.C.	11,993	
Southern Piping Co. of the Triangle, Inc. Raleigh, N.C.	18,427	
Rural Plumbing and Heating, Inc. Raleigh, N.C.	12,194	
<u>ELECTRICAL CONSTRUCTION</u>		
Bitting Electric, Inc. Cary, N.C.	\$ 36,929	
Modern Electric Co., Inc. Durham, N.C.	37,750	
Pendergraph and Thomerson Electric Co., Inc. Durham, N.C.	34,993	

Quality Electric Co., Inc. Durham, N.C.	33,890
Watson Electrical Construction Co. Wilson, N.C.	33,983
Mallard Mechanical Services, Inc. Raleigh, N.C.	38,888
Johnson Electric Co., Inc. Sanford, N.C.	32,934

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accept the base bid plus Alternates 1 and 3 of Freedom Construction Co. in the amount of \$220,874, the base bid of Mallard Mechanical Contractors, Inc. in the amount of \$25,222, the base bid of Coggin Heating and Air Conditioning, Inc. in the amount of \$9,600 and the base negotiated bid of Johnson Electric Co., Inc. in the amount of \$27,334.

This the 23rd day of March 1981.

Councilmember Smith asked how many days would be required for completion. Ms. Rooks said the contract indicated he could complete the job in 165 days. Mayor Nassif asked for clarification with regard to the deletion of the plumbing alternate. Ms. Rooks said the bid on that portion was extremely high. Ms. Parker said she did not think the bidder understood what was wanted. With the deletion of that alternate, she thought the alternate could be included at a lower price by change order or someone else could do that portion of the job for less than the bid.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

AN ORDINANCE TO AMEND THE CAPITAL DEVELOPMENT PROJECT FOR A FIRE FIGHTING STATION AND EQUIPMENT (81-O-27)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Capital Development Project for a Fire Fighting Station and Equipment" as duly adopted on April 14, 1980, be and the same is hereby amended as follows:

Section 4: Reflect the following changes in appropriations to activities:

<u>Activity</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Project</u>
Architect	\$ 34,000	\$ ---	\$11,558	\$ 22,442
Construction	261,140	21,890	---	283,030
Equipment	106,000	19,833	---	125,833
Legal and Fiscal	4,000	---	---	4,000
Contingency	44,860	---	30,165	14,695
TOTAL	450,000	41,723	41,723	450,000

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

This the 23rd day of March 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE COMPACT TRACTOR WITH ATTACHMENTS (81-R-44)

WHEREAS, the Town of Chapel Hill has solicited formal bids on February 27, 1981 and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
Andrew and Riggsbee Tractor Co., Carrboro, N.C.	\$6,935.00
Clark Farm Supply Co., Greensboro, N.C.	6,650.00
E.J. Smith and Sons Co. Charlotte, N.C.	5,895.00
Graham Tractor Co., Inc. Graham, N.C.	7,459.00
North State Tractor Co. Greensboro, N.C.	7,000.00
Oxford Equipment Co. Burlington, N.C.	8,362.06
Revels Tractor Co., Inc. Fuquay-Varina, N.C.	6,993.85
Senter-Sanders Tractor Corp. Raleigh, N.C.	6,955.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accept the bid of Clark Farm Supply Co. in the amount of \$6,650.

This the 23rd day of March 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Granting a Taxi Franchise to Mr. Willie Dixon (Second Reading)

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

AN ORDINANCE AMENDING AN ORDINANCE TO GRANT A FRANCHISE TO OPERATE TAXICABS (4 ADDITIONAL CABS FOR DIXON FRANCHISE) (81-O-23)

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

SECTION I

WHEREAS, NCGS 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 was granted a franchise to operate three taxicabs in Chapel Hill on February 9, 1981, and

WHEREAS, Mr. Willie Dixon proposes to operate four (4) additional taxicabs, for the purpose of providing Shared-Ride services under contract to the Town, and

WHEREAS, the Council finds that the public convenience and necessity require the operation of up to seven (7) taxicabs including four (4) exclusively for said Shared-Ride Services, and that the said Mr. 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 NCGS 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Mr. Willie Dixon be and is hereby granted a franchise to operate a total of seven (7) taxicabs, including four (4) exclusively for Shared-Ride services, 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 23rd day of March, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Certifying Valuation of Property as Required by HUD Handbook 1320.1

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

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 130.1 (81-R-45)

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

<u>Parcel No.</u>	<u>Area (sq. ft.)</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Just Compensation</u>
84-J-26 (313 Caldwell Street Extension)	11,671	Stella Gattis	Land and Structure	\$31,100

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

This the 23rd day of March, 1981.

Councilmember Smith stated that one of the objectives in the last budget was to provide home ownership opportunities. Instead the Housing Authority was moving two houses. He suggested a curve in the road to go around the property would help to slow traffic. He asked what the Housing Authority was doing to help the owner in moving, or if she could get another house for the price the Housing Authority was paying. Mr. Shipman responded he did not know what Ms. Gattis would choose to do.

Mr. Denny stated there had first been a series of problems in the Housing Authority's attempt to purchase this property which no longer existed. The Council had considered the location of the road and alternatives. Mr. Denny reminded the Council representatives of the Housing Authority had been unable to talk with Ms. Gattis to discuss any alternatives. In a taking of property by the Housing Authority several elements entered into the compensation which could be paid to a property owner such as moving expenses, relocation expenses, temporary living expenses, etc. In setting the just compensation, the Council would not be condemning the property nor would it be limiting the amount Ms. Gattis would receive.

Councilmember Smith was still concerned that Ms. Gattis would not be aware of all the benefits available to her.

COUNCILMEMBER BOULTON MOVED TO AMEND HER MOTION TO INCLUDE THE FOLLOWING PARAGRAPH: " BE IT FURTHER RESOLVED that the Council directs the Housing Authority to send to Ms. Gattis, and/or her attorney, by registered mail, a letter listing all possible options with regard to her property and ways in which the Housing Authority could assist her if she decided to sell her property."

The amendment was accepted. THE FOLLOWING RESOLUTION WAS ADOPTED UNANIMOUSLY.

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 130.1 (81-R-45)

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

<u>Parcel No.</u>	<u>Area (sq. ft.)</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Just Compensation</u>
84-J-26 (313 Caldwell Street Extension)	11,671	Stella Gattis	Land and Structure	\$31,100

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

BE IT FURTHER RESOLVED that the Council directs the Housing Authority to send to Ms. Gattis, and/or her attorney, by registered mail, a letter listing all possible options with regard to her property and ways in which the Housing Authority could assist her if she decided to sell her property.

This the 23rd day of March, 1981.

Discussion Concerning Development of Alternatives to Horace Williams Airport

Councilmember Howes said that although many people had expressed feelings against the airport at its current location, and the Council had adopted a resolution expressing its willingness to work with other agencies to relocate the airport, no one was willing to take the lead. He suggested the Council reiterate its resolution to work to close the airport and that the Mayor meet with the Chancellor and the Chairman of the County Commissioners to discuss the issue. Councilmember Boulton commented this would not preclude having another group involved in finding another location.

Councilmember Straley suggested a joint meeting with the County Commissioners to discuss this and other issues.

Mayor Nassif informed the Council he had asked the Chancellor to meet with him to discuss several items and would arrange this meeting in the near future.

Councilmember Howes requested the Mayor convey to the Chancellor that the community would like action taken on finding another site for the airport. Councilmember Kawalec asked that the Mayor indicate that the Council had as an objective the closing of the airport at its present location, particularly as Council votes could be construed in a different manner.

Councilmember Thorpe asked if the Council would specify a time for the mayor to report back to the Council. Mayor Nassif said he would inform the Council at the next meeting of the date of his meeting with the Chancellor, after which the Council could schedule another discussion.

✓ Legislative Requests

The first item on a list of legislative requests was for authorization to regulate condominium conversions. Mayor Nassif thought the Town could regulate the conversions through modification of the Building Code and through the special use permit. All of the warranties suggested for condominiums were not implemented for single-family detached homes.

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

A RESOLUTION TRANSMITTING A LOCAL LEGISLATIVE PROGRAM (81-R-46.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Attorney to draft and transmit to the North Carolina General Assembly the following proposed bills for consideration in the 1981 session:

1. A bill to authorize the Town to regulate condominium conversions.
2. A bill to allow the Town to require internal fire protection systems in new construction of buildings taller than 50 ft.
3. A bill to allow the Town to assume part or all of employee contributions to State retirement plans.
4. A bill to allow the Town to adopt a vehicle decal fee of up to \$5.
5. A bill to exempt Planned Developments from the statutory provisions concerning petitions protesting rezoning applications.
6. A bill setting length of future Mayoral terms at two years.

This the 23rd day of March 1981.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO AMEND THE MOTION TO DELETE NO. 1, "A bill to authorize the Town to regulate condominium conversions." Councilmember Howes did not think regulation of ownership was appropriate for the Council to undertake. Conversion was not a problem local to Chapel Hill, and when it became a large problem, the State would grant general authority to municipalities to regulate. In studies of other Towns with regulation, the regulation appeared to be counter-productive, increasing the cost of housing.

Councilmember Kawalec thought by not requesting the legislation, the Council would be rejecting without sufficient study, something which would benefit the citizens of Chapel Hill. The Council could debate specific issues after receiving enabling legislation. Mayor Nassif argued that none of the citizens had been given an opportunity to speak on the proposed legislation. Councilmember Herzenberg stated that although he agreed that the Council had authority to regulate conversions, many of the Councilmembers did not, and that authority had not been effectively exercised.

Councilmember Kawalec stated the study committee studying conversions believed the regulation of conversions should not be in the zoning ordinance. Mayor Nassif responded the Building Code was not a part of the zoning ordinance.

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

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER THORPE, TO DELETE ITEM 4, "A bill to allow the Town to adopt a vehicle decal fee of up to \$5." Councilmember Smith thought the Town should consider ways to make everyone with a car in Chapel Hill pay the \$1 fee rather than raising the fee for the few who paid. Councilmember Straley suggested checking the cars against the tax listing records on the computer. Mr. Shipman did not think it worth the staff time for the \$1 fee. Councilmember Howes commented the request was authorization to raise the fee, not a raise itself. This was a fair way of collecting revenue for the Town.

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

Councilmember Thorpe asked for an explanation of the bill to exempt Planned Developments from the statutory provisions concerning petitions protesting rezoning applications.

Mr. Jennings stated this had been discussed at the worksession. The ordinance had been revised to eliminate the problem and the bill was not necessary. COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO AMEND THE MOTION TO DELETE NO. 5, "A bill to exempt Planned Developments from the statutory provisions concerning petitions protesting rezoning applications." THE MOTION WAS CARRIED UNANIMOUSLY.

Councilmember Smith asked for the rationale behind changing the Mayor's term to two years.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, TO AMEND THE MOTION BY DELETING NO. 6, "A bill setting length of future Mayoral terms at two years." Councilmember Howes stated the charter commission had recommended the four year term because of the nature of the Mayor office. He was a member of the Council and voted on all items, and therefore should have a term like the councilmembers. Further the office was one of political leadership. The two year term was not enough time for the Mayor to become acquainted with the running of the Town to exert much leadership.

Councilmember Wallace had been in favor of the four year term, but had changed his mind. He thought the Town should elect a majority of the Council every two years. With a two year term, the Mayor would have a fresh mandate, as would the four new councilmembers.

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

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

A RESOLUTION TRANSMITTING A LOCAL LEGISLATIVE PROGRAM (81-R-46.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Attorney to draft and transmit to the North Carolina General Assembly the following proposed bills for consideration in the 1981 session:

1. A bill to allow the Town to require internal fire protection systems in new construction of buildings taller than 50 ft.
2. A bill to allow the Town to assume part or all of employee contributions to State retirement plans.
3. A bill to allow the Town to adopt a vehicle decal fee of up to \$5.
4. A bill setting length of future Mayoral terms at two years.

This the 23rd day of March 1981.

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

A RESOLUTION OPPOSING A LOCAL BILL REGARDING ANNEXATION REFERENDA (81-R-46.2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its opposition to HB 137 and S. 85 which would require that non-petitioned annexations in New Hanover County be approved in a referendum of the annexing city and the area to be annexed.

This the 23rd day of March, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif stated that Representative Hunt had requested the Council's comment on a proposed bill regarding fire hydrant fees by OWASA. Mayor Nassif had drafted a letter of response which had been distributed to the council. Councilmember Howes made an editorial amendment to the letter. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, THAT THE LETTER BE APPROVED AS AMENDED. Councilmember Thorpe asked that a copy be sent to the County Commissioners, Durham County, UNC, OWASA, and Carrboro. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif had also drafted a letter to Senators Vickery and Walker regarding the bill on the Board of Equalization. He noted the public hearing would not affect the passage of the bill by the Senate as it had already been passed. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER THORPE, APPROVAL OF THE LETTER. Councilmember Thorpe requested copies to other governmental agencies as before. THE MOTION WAS CARRIED UNANIMOUSLY.

X

Resolution Authorizing Submission of an Application for a Bicycle Safety Demonstration Grant

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

A RESOLUTION AUTHORIZING THE FILING OF A PROPOSAL WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN A BICYCLE ENFORCEMENT DEMONSTRATION GRANT (81-R-48)

WHEREAS, the Bicycle Program of the North Carolina Department of Transportation has been awarded a grant from the Governor's Highway Safety Program to undertake a project to demonstrate effective bicycle enforcement and judicial practices at the local level; and

WHEREAS, the Bicycle Program is seeking two communities to participate as demonstration localities for this program; and

WHEREAS, the Town of Chapel Hill is committed to providing a safe bicycling environment through enforcement of North Carolina Motor Vehicle Laws and the Town's Bikeway Ordinance; and

WHEREAS, the Town of Chapel Hill is interested in seeking solutions to judicial problems associated with bicycle enforcement.

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 proposal in behalf of the Town of Chapel Hill, North Carolina with the Bicycle Program of the North Carolina Department of Transportation for participation in a demonstration grant for effective bicycle enforcement and judicial practices; and
2. That the Town Manager is authorized to furnish such additional information as the North Carolina Bicycle Program may require in connection with the proposal.

This the 23rd day of March 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Reports by Manager

The Manager had distributed the monthly financial report and the Capital Improvements Program report. Mr. Shipman had planned to give the Council a financial overview on March 26, at a worksession.

Councilmember Howes informed the Council the COG dues would be increased as the assessment rate would remain the same but would be based on the 1980 census figures. The Manager had indicated he would recommend an increased funding in the budget.

Resolution Amending the Goals and Objectives of the Comprehensive Plan to
Manage Growth in Chapel Hill and its Environs

Councilmember Boulton suggested as a compromise, a resolution encompassing guidelines be adopted rather than an ordinance. Mayor Nassif indicated he would support a compromise to prohibit drive-in businesses in the downtown area if they were allowed in areas adjacent to activity centers.

Councilmember Kawalec thought the ordinance was needed. 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 or adjacent to 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.
6. Drive-in businesses shall be prohibited in the CBD.

This the 23rd day of March, 1981.

Councilmember Wallace objected to the form of an ordinance. It would not allow flexibility. He thought the Council might want a drive-in business in the West Franklin Street area. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION AMENDING THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN TO MANAGE GROWTH IN CHAPEL HILL AND ITS ENVIRONS (81-R-49B)

AMEND THE GOALS AND OBJECTIVES BY ADDING A NEW SUBSECTION G2c, as follows:

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

1. Drive-in businesses shall only be permitted within office parks or shopping centers or areas adjacent to shopping centers, or the CBD.
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.
 - 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 or be attached to a building having a minimum gross floor area of 2,000 square feet.

This the 23rd day of March 1981.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO AMEND THE SUBSTITUTE MOTION BY ADDING AFTER THE WORDS "WITHIN OFFICE PARKS OR SHOPPING CENTERS" IN NO. 1, THE WORDS "UNDER UNIFIED CONTROL HAVING A MINIMUM FLOOR AREA OF 25,000 SQ. FT." Mayor Nassif said this would not add flexibility. THE MOTION TO AMEND WAS DEFEATED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, AND STRALEY SUPPORTING AND COUNCILMEMBERS BOULTON, SMITH, THORPE, WALLACE, AND MAYOR NASSIF OPPOSING.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO AMEND THE RESOLUTION BY DELETING THE WORDS "OR THE CBD" IN ITEM 1. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH COUNCILMEMBERS HERZENBERG, KAWALEC, SMITH, STRALEY, AND NASSIF SUPPORTING AND COUNCILMEMBERS BOULTON, HOWES, THORPE, AND WALLACE OPPOSING.

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

THE FOLLOWING RESOLUTION WAS ADOPTED BY A VOTE OF SEVEN TO ONE WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBER THORPE OPPOSING.

A RESOLUTION AMENDING THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN TO MANAGE GROWTH IN CHAPEL HILL AND ITS ENVIRONS (81-R-49B)

AMEND THE GOALS AND OBJECTIVES BY ADDING A NEW SUBSECTION G2c, as follows:

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

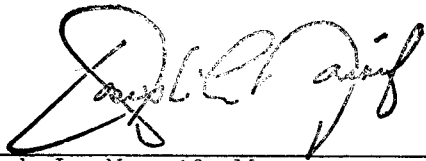
1. Drive-in businesses shall only be permitted within office parks or shopping centers or areas adjacent to shopping centers.
2. Drive-in businesses shall be permitted only if they do not create a safety hazard. This determination shall be based upon an evaluation of the following:
 - a. Vehicular access to drive-in businesses shall not conflict with access and egress points to properties.
 - 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 or be attached to a building having a minimum gross floor area of 2,000 square feet.

This the 23rd day of March 1981.

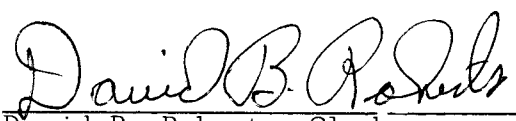
Executive Session

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION, AFTER WHICH THE MEETING WOULD BE ADJOURNED. THE MOTION WAS CARRIED UNANIMOUSLY.

After the executive session the meeting was adjourned at 11:00 p.m.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk