

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, APRIL 13, 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
Jim Wallace (late)

Also present were Town Manager E. Shipman and Town Attorney E. Denny.
Councilmember Thorpe was excused.

Resolutions of Appreciation to Chapel Hill High School Boys and Girls Basketball
Teams

Councilmember Herzenberg stated the resolutions of appreciation had been Councilmember Thorpe's suggestion, but Councilmember Thorpe could not be present at this meeting. COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

R E S O L U T I O N (81-R-49)

WHEREAS, the people of Chapel Hill over the years have supported a strong system of public schools, including superior student athletic programs; and

WHEREAS, the people of the Town have a special and continuing enthusiasm for basketball; and

WHEREAS, the 1980-1981 girls' basketball team of Chapel Hill Senior High School has won the Class 4-A State Championship;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Chapel Hill, on behalf of all citizens, hereby offer congratulations to the Chapel Hill Senior High School girls' basketball team and its coaches and expresses to them its appreciation for the standards of excellence in competitive athletics which they have demonstrated so well; and

BE IT FURTHER RESOLVED that this resolution be made a part of the records of the Town of Chapel Hill.

This the 13th day of April 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

R E S O L U T I O N (81-R-50)

WHEREAS, the people of Chapel Hill over the years have supported a strong system of public schools, including superior student athletic programs; and

WHEREAS, the people of the Town have a special and continuing enthusiasm for basketball; and

WHEREAS, the 1980-1981 boys' basketball team of Chapel Hill Senior High School has won the Class 4-A State Championship;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Town of Chapel Hill, on behalf of all citizens, hereby offer congratulations to the Chapel Hill Senior High School boys' basketball team and its coaches and expresses to them its appreciation for the standards of excellence in competitive athletics which they have demonstrated so well; and

153
BE IT FURTHER RESOLVED that this resolution be made a part of the records of the Town of Chapel Hill.

This the 13th day of April 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Use of Revenue Sharing Funds in 1981-82 - Public Hearing

Ms. Parker stated the public hearing was for citizen comment on the use of revenue sharing funds in the 1981-82 budget. The administration's preliminary plans called for the funds to be used as last year, to fund capital equipment in the general fund, and to underwrite the expenses of the Parks Maintenance Division of the Recreation Department. The Town would receive approximately \$449,000 in entitlement funds and about \$10,000 from prior years' funds. (Councilmember Wallace arrived.)

Ms. Shirley Marshall asked that the contingency fund be enlarged with revenue sharing funds to be later used for funding social programs which would lose federal and state funding this year.

Ms. Lisa Price expressed the need for a bicycle path along Airport Road from Estes Drive to North Forest Hills. Many people would not ride here because they considered it dangerous. Children were not allowed to ride to the Y. She informed the Council the shoulder of the road was level and should not need much grading.

Mayor Nassif asked for further comments from citizens. There were none.

Councilmember Smith asked how the elimination of revenue sharing funds would affect the recreation maintenance budget. Ms. Parker responded the budget was approximately \$177,000. With the elimination of revenue sharing funds, the Town would have to fund this division. The staff was planning for an orderly transition of funding from revenue sharing to funding by the Town.

Councilmember Straley asked if the town could set aside uncommitted funds as suggested by Ms. Marshall. Ms. Parker answered the Town must obligate the funds within two years of receiving them. She was unclear whether Ms. Marshall wanted the money to go for programs normally funded by the town or for other programs in the community.

Councilmember Kawalec inquired about the revenue sharing funds used for transportation. Ms. Parker explained that the Town hoped to continue receiving these funds through 1984, and capital grants would be available until 1986.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Zoning Text Amendment and Special Use Permit Application - Public Hearing

All witnesses for the special use permit request were sworn. Mr. Jennings stated the zoning text amendment was necessary because the current zoning ordinance did not allow wastewater treatment plants in industrial zones. The majority of the property was within an industrial district. The special use permit request could not be considered without the zoning text amendment. Mr. Jennings believed the omission to be a mistake in the ordinance since the treatment plant was industrially zoned and there was no known policy to make it non-conforming. The special use permit request was made to expand the capacity from 5½ million gallons per day to 8 million gallons per day. Mr. Jennings pointed out the location of the project.

Mr. Epting, representing OWASA, submitted the statement of justification for the record. He stated the present loading on the plant was in excess of 5 million gallons per day. The expansion would take two years to complete. He stated the expansion was a public necessity to increase capacity to meet growth needs of the Town. The project would not injure the public health. Eighty per cent of the funding would come from the federal government with the rest from the state. Mr.

Epting said the environmental impact statement had been filed. No changes would be made to the roadway. A berm would be constructed to help control flood waters. The surrounding property was that of the University. There were no residential uses within 1000 feet of the project. It could not be seen from the residential areas. With the zoning amendment, the use would meet all conditions and specifications. Mr. Epting added the project would not injure the value of adjoining property.

Mr. Reeve asked what part of the project was within the floodway. The entire project was in the floodway. The berm would be constructed to a height 3' above the 100 year level. Mr. Reeve asked if the engineer believed this would not displace floodwaters downstream or divert them to residential property. Mr. Epting said he did. Mr. Reeve asked if the smell would increase to be noticeable to surrounding areas. Mr. Epting responded the smell would be improved by the project. Mr. Reeve then inquired whether the project would initiate a change in the policy of development for the area. Mr. Epting said it was not the intention of OWASA to add any additional capacity to this site other than what was under consideration. When additional capacity was needed, it would be at another site.

Councilmember Straley asked how long the berm could maintain the flood waters. Mr. Munden said the berm would be impervious. It would be an earthen dam with a concrete retaining wall near the creek. Councilmember Straley inquired about the quality of the water downstream. Mr. Munden responded the quality of the water downstream had improved significantly over the last few years. Fish and plant life were resuming. He did not believe there would be a stench.

Mr. Epting said the permit was sought to expend the federal funds. If the funds were lost because of lack of a permit, the funds must come from the rate base.

Mr. Cohen pointed out that fire and police protection could not be provided by Chapel Hill since the site was not in the corporate limits. He suggested the Town request OWASA to petition for annexation.

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

Petitions

Mr. John Thomas stated the United Nations had proclaimed 1981 the International Year of the Disabled Person. The goals were to promote the involvement of disabled persons in the mainstream of their community. He listed some of the proposed activities. Carrboro had adopted a resolution giving their support to the proposed activities. He asked that the Council adopt a similar resolution.

Mayor Nassif asked for Mr. Denny's opinion of the Council acting on a petition with one councilmember absent. Mr. Denny said as the petition was listed on the agenda of a regular meeting, the Council could act if it chose to do so.

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

RESOLUTION ENDORSING THE INTERNATIONAL YEAR OF THE DISABLED PERSON (81-R-50.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council endorses the International Year of the Disabled Person and encourages the formation of a committee to spearhead the I.Y.D.P. activities in our community. The Council further recommends that the Mayor serve as a good will ambassador to the Carrboro Mayor and Board of Aldermen with the recommendation of joint participation between these two municipalities on I.Y.D.P. activities.

This the 13th day of April, 1981.

Councilmember Smith reminded the Council they had requested greater participation by the disabled in town sponsored recreational activities. He asked that the efforts of the staff be coordinated with those of the committee working on the activities for the I.Y.D.P. Councilmember Herzenberg informed the Council the funds given to the Art School had resulted in additional performances of "Detours", a play about the disabled.

160
THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Councilmember Straley, seconded by Councilmember Wallace, the minutes of March 16, 1981, were approved. On motion by Councilmember Straley, seconded by Councilmember Herzenberg, the minutes of March 23, 1981, were approved as corrected.

Redevelopment Plan

Mayor Nassif stated the Council had held a hearing which had centered around the powers of the redevelopment commission. He believed there had been much misunderstanding at the end of the hearing. Mayor Nassif asked Mr. Denny to comment on the legal aspects of the proposed plan.

Mr. Denny stated he had prepared a memo to be distributed to the Council. He would summarize the comments made in that memo. His intention was not to urge a particular action on the Council. One of the concerns expressed by others to Mr. Denny was the relationship between the acquisition of property by eminent domain and the special local act of the town. Mr. Denny said they were not related. The Town had separate and independent powers of eminent domain exercisable in accordance with law. The Chapel Hill Housing Authority, acting as a redevelopment commission, had powers of power of eminent domain on its own motion. The two authorities were not related. The Town had power, with respect to property acquired by eminent domain, to use the property for certain purposes, or if no longer needed, to dispose of the property by public sale. The Housing Authority had the power to dispose of property by public auction, and in addition after making certain findings, by private sale.

The issue in Mr. Denny's opinion was not the granting or denying the power of eminent domain by adoption of the plan. It was, that the Housing Authority had no funds except those given by the Town of Chapel Hill. Mr. Denny said the Council should consider that no matter what plan was adopted, the Housing Authority must be in a position to implement it. The option of taking land from one individual and selling to another was a policy decision, one which the Council should have taken into consideration when voting for the goals of the program. To provide safe, sanitary housing, the Council must either renovate housing or build new housing in a location which could be served by utilities. Mr. Denny added that the Council must adopt a plan of some type to determine the purpose for expending of public funds.

Councilmember Wallace asked if the Town had an obligation to grant funds to the Housing Authority if the redevelopment plan was adopted. Mr. Denny responded that while there was no legal obligation to grant the funds, HUD would probably object to a withholding of funds.

In response to Councilmember Wallace, Mr. Denny explained that after adopting the plan the Housing Authority would be the entity, at this time, to exercise the power of eminent domain in acquiring property to sell to individuals for housing.

Councilmember Howes stated the Chapel Hill Small Cities Program began in the 50's. He asked if the power of eminent domain had been used before. Mr. Denny said it had not been used for private housing. It had been used for public housing, streets, sidewalks, and utilities.

Councilmember Smith asked how many of the 23 parcels were owned by the Housing Authority, and how many could be acquired through negotiation. Mr. Stephenson said the Housing Authority owned five of the parcels. He did not know how many of the remaining owners would negotiate to sell their property. There were more than 23 families applying for new housing. Councilmember Smith was against the condemnation of property. He wanted the plan amended to show the provision of new housing only on property which could be acquired through negotiation.

Mr. Denny further reviewed the redevelopment programs of the town, particularly the reasons for acquiring property. Councilmember Wallace commented the Council was now considering not only vacant lots, but occupied houses. Mr. Denny responded most were vacant lots, and any houses were substandard, unfit for human habitation.

Councilmember Straley asked if those owners who sold their property would be allowed to buy new housing. Mr. Denny said they frequently did buy, and displaced persons received priority in housing.

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

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CHAPEL HILL APPROVING THE REDEVELOPMENT PLAN FOR THE SMALL CITIES PROGRAM (81-R-51)

WHEREAS, the Town finds that: the financial aid to be provided in the contract is necessary to enable the program to be undertaken in accordance with the Redevelopment Plan; (2) the Redevelopment Plan will afford maximum opportunity consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the redevelopment areas by private enterprise; (3) the Redevelopment Plan conforms to a general plan for the development of the locality as a whole, and (4) the Redevelopment Plan gives due consideration to the provision of adequate park and recreation areas and facilities, as may be desirable for neighborhood improvement with special consideration for the health, safety, and welfare of children residing in the general vicinity of the sites covered by the Plan; and

WHEREAS, the Town has made studies of the locations, physical condition of structures, land use, environmental influences, and social, cultural, and economic conditions of the urban redevelopment areas comprising the Program and has determined that the areas are rehabilitation, conservation and reconditioning areas under provisions of Subsection 21 of GS 160A-503 and by reason of the factors listed in Subdivision (2) and Subdivision (10) of said GS 160A-503 and are subject to clear and present danger that, in the absence of municipal action to rehabilitate, conserve, and recondition the areas, they will become in the reasonably foreseeable future blighted areas in the residential portions thereof or a non-residential redevelopment area as to that portion thereof which is predominantly non-residential, and the members of the Governing Body have been fully apprised by the Town, and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the Town Council of the Town of Chapel Hill (herein called the "Governing Body") for review and approval a Redevelopment Plan, and

WHEREAS, the Redevelopment Plan has been approved by the Governing Body of the Local Public Agency as evidenced by a copy of said body's duly certified resolution approving the Redevelopment Plan which is attached hereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the Planning Board of the Town of Chapel Hill, which is the duly designated and acting official planning body for the Locality, had submitted to the Governing Body its report and recommendations respecting the Redevelopment Plan for the urban Renewal Areas comprising the Program, and has certified that the Redevelopment Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations and certification of the Planning Board; and

WHEREAS, the Local Public Agency has prepared a program for the relocation of individuals and families that may be displaced as a result of carrying out the program in accordance with the Redevelopment Plan; and

WHEREAS, there has been presented to the Governing Body information and data respecting the relocation program which has been prepared by the Local Public Agency as a result of studies, surveys, and inspections in the areas comprising the Program and the assembling and analysis of the data and information obtained from such studies, surveys, and inspections; and

WHEREAS, the members of the Governing Body have general knowledge of the conditions prevailing in the Community Development area and of the availability of proper housing in the locality for the relocation of individuals and families that may be displaced by the Program, and in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the relocation program and the Redevelopment Plan for the Program, in

conformity with the contract for financial assistance between the Local Public Agency and the United States of America, acting by and through the Secretary of Housing and Urban Development; and

WHEREAS, the Governing Body is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities and undertaking with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, or national origin:

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

1. It is hereby found and determined that the Community Development areas comprising the Program are rehabilitation, conservation, and reconditioning areas and qualify as eligible project areas under the Urban Redevelopment Law of the State of North Carolina.
2. That the Redevelopment Plan for the Program, having been duly reviewed and considered, is hereby approved, and the Town Clerk be, and he is hereby directed to file a copy of the Redevelopment Plan, identified as Annex #1 with the minutes of this meeting.
3. That it is hereby found and determined that where clearance is proposed that the objectives of the Redevelopment Plan cannot be achieved through rehabilitation of the Urban Renewal areas comprising the program.
4. That it is hereby found and determined that the Redevelopment Plan for the Program conforms to the general plan of the locality.
5. That it is hereby found and determined that the financial aid to be provided pursuant to the contract for Federal financial assistance pertaining to the Program is necessary to enable the Program to be undertaken in accordance with the Redevelopment Plan for the areas comprising the Program.
6. That it is hereby found and determined that the Redevelopment Plan for the Community Development area comprising the Program will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the renewal of the areas by private enterprise.
7. That it is hereby found and determined that the Redevelopment Plan for the Community Development area gives due consideration to the provisions for adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.
8. It is hereby found and determined that the Program for the proper relocation of individuals and families displaced in carrying out the Urban Renewal Plan in decent, safe, and sanitary dwellings in conformity with acceptable standards is feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the plan; and that such dwelling units available or to be available to such displaced individuals and families, are at least equal in number to the number of displaced individuals and families in the area comprising the program, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.
9. That in order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, it is found and determined that certain official action may be required and taken by this Body with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action, and accordingly, this Body hereby pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate in a manner consistent with the Redevelopment Plan, and (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan.

This the 13th day of April, 1981.

Councilmember Wallace objected to the forced transfer of property from one individual to another through the process of eminent domain.

Mayor Nassif said that when the Small Cities Program was adopted, the community wanted urban renewal and enacted a plan for it. If there was no longer a need for the program, then it should be discontinued. Mayor Nassif indicated he would support the resolution because he thought there was a need for homes in the town. The land was not available for acquisition without the process of eminent domain. The program was for the good of the town.

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

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

RESOLUTION SETTING A PUBLIC HEARING FOR SALE OF A COMMUNITY DEVELOPMENT LOT (81-R-52)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby sets a public hearing on May 11, 1981 at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider private sale by the Housing Authority of a parcel of land located at 609 Bynum Street, to Louis Edwards in furtherance of the purposes of the Community Development Program.

This the 13th day of April, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for the Eagles View Subdivision

Mr. Jennings presented the plans for the 7 lot subdivision on property zoned R-4. The street exceeded the grade standard. The staff recommended an exemption because of the steep topography and lack of other means of access. The width of pavement was also below standard but was the same as now existed on Carver Street. The staff and Recreation Commission disagreed on the open space.

Councilmember Smith asked for the lot size. Mr. Jennings answered they were between 4,800 sq. ft. and 5,800 sq. ft. They were large enough for duplexes which the developer intended to build. Councilmember Boulton asked if any concession was made for lot size because of the topography. Mr. Jennings said it was not in the current ordinance. The proposed ordinance would take into consideration the topography of the land.

Councilmember Smith questioned the plans for permanent open space in the cul-de-sac. The developer indicated this would be a level concrete surface for recreation rather than a planting area which would require a high level of maintenance. The plans would have to be approved by the Town Manager. Councilmember Smith did not think a basketball court should be put here because children could run in front of cars. The developer said he was following the recommendation of the Planning Board and would plan the space as the Council wanted.

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR EAGLES VIEW SUBDIVISION (81-R-53)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated February 18, 1981 for Eagles View Subdivision located on property identified as Chapel Hill Township Tax Map 94, Block B, Lot 18, subject to the following:

1. That the detailed plans for water and sewer service be reviewed and approved by OWASA prior to the start of construction of improvements. All lots connecting onto the sanitary sewer system shall be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.

2. That the paving and curb and gutter for the proposed extension of Carver Street be to the same standards as the existing portion of the street.
3. Exemptions are granted from the cul-de-sac maximum length standard, the maximum street grade standard and the minimum right-ofway standard due to the lack of alternative means of access, the site's steep topography and the small amount of buildable area available on the property, respectively.
4. That slope easements required for street construction be dedicated as required by the Town Manager.
5. That the private sanitary sewer line crossing under the proposed extension of Carver Street be placed in a steel casing of a sufficient size to carry the service lateral or be constructed to a comparable higher standard as approved by OWASA.
6. That prior to paving the street, utility service lines and laterals shall be installed and stubbed-out to each lot. A letter from the owner or owner's representative shall be presented to the Town Manager prior to paving the street certifying that all utilities are in place.
7. That the number, location and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permits.
8. That sewer, drainage, and utility easements be dedicated as required by the Town Manager.
9. That a detailed drainage plan and grading plan be submitted to and be approved by the Town Manager prior to issuance of a grading permit, building permit, start of construction of improvements, and prior to submission of an application for final plat approval.
10. That the proposed open space be labeled "Permanent open space and pedestrian and non-motorized vehicle easement."
11. The open space in the cul-de-sac is permanent open space not dedicated as part of the public right-of-way. All improvements within this open space area shall receive written approval of the Town Manager before planting or construction. Such open space shall be privately maintained.

This the 13th day of April, 1981.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR SECURITY FEDERAL SAVINGS AND LOAN LOCATED AT THE INTERSECTION OF EAST FRANKLIN STREET AND ESTES DRIVE (81-R-54)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to Security Federal Savings and Loan for a Drive-In Business Special Use Permit on East Franklin Street is hereby modified to allow changes to the landscape plan and sign plan as shown on plans submitted February 4, 1981 subject to the following:

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 February 4, 1981 continues to meet the four findings made by the Council on November 14, 1977 (and subsequently modified).

This the 13th day of April, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Addition to Mason Farm Wastewater Treatment Plant

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

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS" (81-O-29)

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:

SECTION I

AMEND Section 4-C-18 b. to add "Industrial" after the word "Agricultural".

SECTION II

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

This the 13th day of April, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION GRANTING A SEWAGE TREATMENT PLANT SPECIAL USE PERMIT TO THE ORANGE WATER AND SEWER AUTHORITY FOR THE MASON FARM WASTEWATER TREATMENT PLANT (81-R-55)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Sewage Treatment Plant proposed by the Orange Water and Sewer Authority if developed in accordance with the plans submitted March 25, 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.
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 detailed sign plan, lighting plan, and a site plan showing the location of landscaped areas within the OWASA site, and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit. Such site plan shall show landscaping around buildings and other available areas as is determined to be appropriate, given the available space on the site and the functional requirements of the sewer plan. Evergreen trees of medium height such as Carolina Laurel Cherry and Red Cedar are suggested for consideration.

- 166
2. That as much significant planting as possible be retained on the OWASA site and that such planting be shown on the above referred to site plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the site plan.
 3. That a detailed landscape/planting plan be submitted to and approved by the Appearance Commission within 60 days of completion of construction of the proposed OWASA berm. No final certificate of occupancy shall be issued until the detailed landscape plan is approved by the Appearance Commission. In preparation of the detailed landscape plan consideration shall be given to planting an evergreen screen consisting of tall trees around the outside of the OWASA property on the northwest and southwest sides. Tall evergreen trees such as Canadian Hemlock and Magnolia Grandiflora are suggested for consideration. Landscaping along the side adjoining Finley Golf Course and the southeast side of the OWASA property shall be worked out in consultation with the University of North Carolina. Where space is not available on OWASA property for planting trees around the periphery of the OWASA berm, consideration shall be given to obtaining permission from adjoining property owners to plant such trees on their property.
 4. 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 (as when originally planted) by the end of the next planting season.
 5. That a pedestrian and non-motorized vehicle easement be dedicated as space permits, along the frontage of the OWASA property with Morgan Creek. Such easement shall be recorded by deed or map prior to issuance of the final certificate of occupancy.
 6. That utility plans be reviewed and approved by the Town Manager prior to construction of such improvements.
 7. That an erosion and sedimentation control plan be submitted to and approved by the Sediment and Erosion Control Division of the Orange County Planning Department prior to the start of any grading or construction.

BE IT FURTHER RESOLVED that the Council hereby grants a Sewage Treatment Plant Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 13th day of April 1981.

Mayor Nassif asked for the Planning Board recommendation. Mr. Jennings said they recommended adoption of the resolution with the added stipulation "That the site be provided with police and fire protection as approved by the Town Manager, perhaps best by annexation." The mover and seconder accepted this amendment to the resolution. Mayor Nassif stated this did not mean the property must be annexed for the provision of fire and police protection or that this protection must be provided by Chapel Hill.

Mr. Epting pointed out the sheriff's department patrolled the area, as did the University security staff.

THE FOLLOWING RESOLUTION WAS ADOPTED UNANIMOUSLY.

A RESOLUTION GRANTING A SEWAGE TREATMENT PLANT SPECIAL USE PERMIT TO THE ORANGE WATER AND SEWER AUTHORITY FOR THE MASON FARM WASTEWATER TREATMENT PLANT (81-R-55)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Sewage Treatment Plant proposed by the Orange Water and Sewer Authority if developed in accordance with the plans submitted March 25, 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.
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 detailed sign plan, lighting plan, and a site plan showing the location of landscaped areas within the OWASA site, and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit. Such site plan shall show landscaping around buildings and other available areas as is determined to be appropriate, given the available space on the site and the functional requirements of the sewer plan. Evergreen trees of medium height such as Carolina Laurel Cherry and Red Cedar are suggested for consideration.
2. That as much significant planting as possible be retained on the OWASA site and that such planting be shown on the above referred to site plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the site plan.
3. That a detailed landscape/planting plan be submitted to and approved by the Appearance Commission within 60 days of completion of construction of the proposed OWASA berm. No final certificate of occupancy shall be issued until the detailed landscape plan is approved by the Appearance Commission. In preparation of the detailed landscape plan consideration shall be given to planting an evergreen screen consisting of tall trees around the outside of the OWASA property on the northwest and southwest sides. Tall evergreen trees such as Canadian Hemlock and Magnolia Grandiflora are suggested for consideration. Landscaping along the side adjoining Finley Golf Course and the southeast side of the OWASA property shall be worked out in consultation with the University of North Carolina. Where space is not available on OWASA property for planting trees around the periphery of the OWASA berm, consideration shall be given to obtaining permission from adjoining property owners to plant such trees on their property.
4. 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 (as when originally planted) by the end of the next planting season.
5. That a pedestrian and non-motorized vehicle easement be dedicated as space permits, along the frontage of the OWASA property with Morgan Creek. Such easement shall be recorded by deed or map prior to issuance of the final certificate of occupancy.
6. That utility plans be reviewed and approved by the Town Manager prior to construction of such improvements.
7. That an erosion and sedimentation control plan be submitted to and approved by the Sediment and Erosion Control Division of the Orange County Planning Department prior to the start of any grading or construction.
8. That the site be provided with police and fire protection as approved by the Town Manager, perhaps best by annexation.

BE IT FURTHER RESOLVED that the Council hereby grants a Sewage Treatment Plant Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 13th day of April 1981.

Resolution Authorizing Submission of Recommendations from Chapel Hill to the North Carolina Board of Transportation for the North Carolina Transportation Improvement Program

Mr. Shipman stated the state public hearing on the transportation improvement program was on April 29, 1981, in Cary. Mr. Jennings said the recommended requests were the same as last year with two additions, that of Parker Road and Piney Mountain Road. Piney Mountain Road, however, was not a state maintained road and should be deleted from the requests.

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

A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM CHAPEL HILL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (81-R-56a)

WHEREAS, it is the policy of the Town of Chapel Hill to develop a system of major thoroughfares which will provide access to and between major neighborhood centers and which will be integrated with inter-city movements; and

WHEREAS, it is the policy of the Town of Chapel Hill to discourage through traffic on residential streets;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following road improvements in the State's 1982-88 Transportation Improvement Program:

1. That the U.S. 15-501 and N.C. 54 Bypass be widened to a four-lane urban cross-section with turning lanes and signalization at major intersections. This would replace a project currently on the program which calls only for intersection improvements. The Town of Chapel Hill requests it be allowed to participate in the design of this project.
2. That improvements be made to the Pittsboro Road/15-501 Bypass interchange.
3. That Manning Drive be widened to four lanes in the existing two lane section between the 15-501 Bypass and Ehringhaus Dormitory.
4. That South Columbia Street/15-501 South be widened to four lanes from Manning Drive to 15-501 Bypass/South Columbia Street interchange.
5. That Ephesus Church Road be widened and improved.
6. That service roads and slip ramps along both sides of 15-501 Boulevard from the city limits to Franklin Street be extended and paved after an early and detailed study of the need for such facilities has been conducted.
7. That Willow Drive connector to link U.S. 15-501 Bypass with Ephesus Church Road be extended.
8. That Estes Drive from Airport Road to Caswell (west) be widened to the same cross-section as Estes between Caswell (east) and Franklin Street.
9. That 15-501 South be widened to four lanes to the Orange-Chatham county line.
10. That the Town of Chapel Hill reaffirm its support for improvements to N.C. 86 North and N.C. 54 East.
11. That Parker Road (SR 1916) be improved and extended to N.C. 54.

and

WHEREAS, it is an objective of the Town of Chapel Hill to provide various modes of transportation and to provide a cost effective transportation system;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following public transportation improvements in the State's 1982-88 Transportation Improvement Program:

1. That operating assistance equal to one-half of the net cost of transit service for each fiscal year be provided.
2. That capital assistance equal to 90% of the bid price for the purchase of 22 new buses and related equipment be provided.
3. That capital assistance equal to 90% of the bid price for the purchase of six new paratransit and support vehicles and related equipment be provided.
4. That capital assistance equal to 90% of the bid price for the purchase and installation of 40 bus shelters and 40 bus benches be provided. (Related to Roadways Request #1);

and

WHEREAS, it is the policy of the Town of Chapel Hill to provide utilitarian and recreational bikeways, separated from motor vehicle roadways, where necessary;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation include the following bikeways facilities improvements in the State's 1982-88 Transportation Program:

1. That bicycle lanes along 15-501 Business, also known as South Columbia Street, from Manning Drive to the 15-501 Bypass be provided. (Related to Roadways Request #4.)
2. That bicycle lanes along Estes Drive from Caswell (west) to N.C. 86 be provided. (Related to Roadways Request #8.)
3. That bicycle lanes along Ephesus Church Road from Legion Road to Colony Woods Drive be provided. (Related to Roadways Request #5.)
4. That bicycle lanes along the Willow Drive connection between 15-501 Bypass and Ephesus Church Road and/or bicycle lanes along Ephesus Church Road from the Bypass to Legion Road be provided. (Related to Roadways Requests #5 and #7.)
5. That grade-separated bike paths along the 15-501 Bypass from Smith Level Road to Morgan Creek Road, from Laurel Hill Road to Hayes Road, and from Willow Drive to Ephesus Church Road be provided. (Related to Roadways Request #1.)
6. That a bicycle lane along 15-501 South from Star Point to the 15-501 Bypass be provided. (Related to Roadways Request #9);

and

BE IT FURTHER RESOLVED that the Council hereby requests that the State give the Town an opportunity to request bikeways facilities in conjunction with any future State-supported road improvements programmed in the Town; and

BE IT FURTHER RESOLVED that the Council hereby requests the state to replace as soon as possible all parallel grates along State-maintained roads in Chapel Hill with street grates which run perpendicular to the street; and

WHEREAS, it is the policy of the Town of Chapel Hill to encourage carpooling where the use of mass transit is impractical;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests that the State of North Carolina continue to support regional ride-sharing programs in the Triangle area.

170
This the 13th day of April 1981.

Councilmember Boulton asked why the Transportation Board had recommended the deletion of Parker Road. Mr. Lathrop said the Board thought the requests should be the same as last year. They did not believe this the appropriate time to introduce new projects to DOT.

Councilmember Howes said that while he expected nothing concrete on Parker Road, adding it to the list would begin the process for considering its construction.

Councilmember Smith suggested the Town apply for a grant for a park/ride lot on 15/501 South. The lot on Hwy 54 had received complements from DOT. He moved to amend the motion to add: "12. That a demonstration project for a park/ride lot on Hwy 15-501 South near Morgan Creek be provided." The amendment was accepted.

THE FOLLOWING RESOLUTION WAS ADOPTED UNANIMOUSLY.

A RESOLUTION AUTHORIZING SUBMISSION OF RECOMMENDATIONS FROM CHAPEL HILL TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE NORTH CAROLINA TRANSPORTATION IMPROVEMENT PROGRAM (81-R-56a)

WHEREAS, it is the policy of the Town of Chapel Hill to develop a system of major thoroughfares which will provide access to and between major neighborhood centers and which will be integrated with inter-city movements; and

WHEREAS, it is the policy of the Town of Chapel Hill to discourage through traffic on residential streets;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following road improvements in the State's 1982-88 Transportation Improvement Program:

1. That the U.S. 15-501 and N.C. 54 Bypass be widened to a four-lane urban cross-section with turning lanes and signalization at major intersections. This would replace a project currently on the program which calls only for intersection improvements. The Town of Chapel Hill requests it be allowed to participate in the design of this project.
2. That improvements be made to the Pittsboro Road/15-501 Bypass interchange.
3. That Manning Drive be widened to four lanes in the existing two lane section between the 15-501 Bypass and Ehringhaus Dormitory.
4. That South Columbia Street/15-501 South be widened to four lanes from Manning Drive to 15-501 Bypass/South Columbia Street interchange.
5. That Ephesus Church Road be widened and improved.
6. That service roads and slip ramps along both sides of 15-501 Boulevard from the city limits to Franklin Street be extended and paved after an early and detailed study of the need for such facilities has been conducted.
7. That Willow Drive connector to link U.S. 15-501 Bypass with Ephesus Church Road be extended.
8. That Estes Drive from Airport Road to Caswell (west) be widened to the same cross-section as Estes between Caswell (east) and Franklin Street.
9. That 15-501 South be widened to four lanes to the Orange-Chatham county line.
10. That the Town of Chapel Hill reaffirm its support for improvements to N.C. 86 North and N.C. 54 East.
11. That Parker Road (SR 1916) be improved and extended to N.C. 54.
12. That a demonstration project for a park/ride lot on Hwy 15-501 South near Morgan Creek be provided.

and

WHEREAS, it is an objective of the Town of Chapel Hill to provide various modes of transportation and to provide a cost effective transportation system;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation to include the following public transportation improvements in the State's 1982-88 Transportation Improvement Program:

1. That operating assistance equal to one-half of the net cost of transit service for each fiscal year be provided.
2. That capital assistance equal to 90% of the bid price for the purchase of 22 new buses and related equipment be provided.
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4. That capital assistance equal to 90% of the bid price for the purchase and installation of 40 bus shelters and 40 bus benches be provided. (Related to Roadways Request #1);

and

WHEREAS, it is the policy of the Town of Chapel Hill to provide utilitarian and recreational bikeways, separated from motor vehicle roadways, where necessary;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill hereby requests the North Carolina Board of Transportation include the following bikeways facilities improvements in the State's 1982-88 Transportation Program:

1. That bicycle lanes along 15-501 Business, also known as South Columbia Street, from Manning Drive to the 15-501 Bypass be provided. (Related to Roadways Request #4.)
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3. That bicycle lanes along Ephesus Church Road from Legion Road to Colony Woods Drive be provided. (Related to Roadways Request #5.)
4. That bicycle lanes along the Willow Drive connection between 15-501 Bypass and Ephesus Church Road and/or bicycle lanes along Ephesus Church Road from the Bypass to Legion Road be provided. (Related to Roadways Requests #5 and #7.)
5. That grade-separated bike paths along the 15-501 Bypass from Smith Level Road to Morgan Creek Road, from Laurel Hill Road to Hayes Road, and from Willow Drive to Ephesus Church Road be provided. (Related to Roadways Request #1.)
6. That a bicycle lane along 15-501 South from Star Point to the 15-501 Bypass be provided. (Related to Roadways Request #9);

and

BE IT FURTHER RESOLVED that the Council hereby requests that the State give the Town an opportunity to request bikeways facilities in conjunction with any future State-supported road improvements programmed in the Town; and

BE IT FURTHER RESOLVED that the Council hereby requests the state to replace as soon as possible all parallel grates along State-maintained roads in Chapel Hill with street grates which run perpendicular to the street; and

WHEREAS, it is the policy of the Town of Chapel Hill to encourage carpooling where the use of mass transit is impractical;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests that the State of North Carolina continue to support regional ride-sharing programs in the Triangle area.

This the 13th day of April 1981.

Resolution Authorizing Sale of Bonds for Fire Station North

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

A RESOLUTION REGARDING ISSUANCE OF BONDS FOR FIRE STATION NORTH (81-R-57)

WHEREAS, the bond order hereinafter described has taken effect and the Council desires to make provision for the issuance of bonds authorized thereby; NOW, THEREFORE,

BE IT RESOLVED by the Council of the Town of Chapel Hill, as follows:

1. The Town of Chapel Hill (hereinafter referred to as "Town") shall issue its bonds of the aggregate principal amount of \$450,000 pursuant to and in accordance with a fire fighting facilities bond order adopted by the governing body of the Town of September 4, 1979. The bonds shall be designated "Fire Fighting Facilities Bonds". The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of ten years computed from May 1, 1981.

2. The bonds shall be of the denomination of \$5,000 each, shall be numbered from 1 upwards in the order of their maturity, and shall be payable in annual installments on May 1 in each year as follows, viz.:

\$50,000 in each of the years 1982 to 1990, inclusive.

3. The bonds shall be dated May 1, 1981, and shall bear interest from their date at a rate or rates which shall be hereafter determined upon the public sale thereof and such interest shall be payable semi-annually on May 1 and November 1.

4. The bonds shall be coupon bonds, registrable as to principal only, and shall bear the facsimile signature of the Mayor and Town Clerk. A facsimile of the corporate seal of the Town shall be imprinted upon each of the bonds. Each of the interest coupons to be attached to the bonds shall be authenticated by the facsimile signature of said Town Clerk.

5. Both principal of and interest on the bonds shall be payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts.

6. The bonds and the interest coupons representing the interest payable thereon and the provisions for the registration of the bonds and for the approval of the bonds by the Secretary of the Local Government Commission to be endorsed thereon shall be in substantially the following form:

(Form of Bond)

No. _____

No. _____

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
TOWN OF CHAPEL HILL

\$5,000

\$5,000

FIRE FIGHTING FACILITIES BOND

The Town of Chapel Hill (hereinafter referred to as "Town"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for

value received hereby promises to pay to the bearer of this bond, or, if it be registered, then to the registered holder, the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on May 1, _____, and to pay interest thereon from the date of this bond until it shall mature at the rate of _____ per centum (____%) per annum, payable semi-annually on May 1 and November 1 in each year, upon presentation and surrender of the coupons therefore attached hereto, as they severally mature. Both principal of and interest on this bond are payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts.

This bond may be registered as to principal only the holder in his name on the bond register of the Town kept in the office of the Bond Registrar of the Town, and such registration shall be noted hereon by said Bond Registrar. If so registered, this bond may be transferred on said bond register by the registered owner in person or by attorney, upon presentation of this bond to the Bond Registrar with a written instrument of transfer in a form approved by said Bond Registrar and executed by said registered owner. If this bond be so registered, the principal shall thereafter be payable only to the person whose name it is registered, unless this bond shall be discharged from registry by being registered as payable to bearer. Such registration shall not affect the negotiability of the coupons which shall continue to pass by delivery.

This bond is issued pursuant to Subchapter IV of The Local Government Finance Act and a bond order adopted by the governing body of the Town on September 4, 1979, to finance fire fighting facilities improvements. The issuance of this bond and the contracting of indebtedness thereby have been approved by a majority of the qualified voters of the Town voting at an election held in the Town on November 6, 1979.

It is hereby certified and receipted that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the Town, is within every debt and other limit prescribed by said constitution or statutes. The faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, the Town has caused this bond to bear facsimiles of the signatures of its Mayor and Town Clerk and a facsimile of its corporate seal to be imprinted hereon, and the annexed coupons to bear the facsimile signature of said Town Clerk and this bond to be dated May 1, 1981.

(SEAL)

(facsimile signature)

Mayor

(facsimile signature)

Town Clerk

(Form of Coupon)

No. _____ No. _____

On the 1st day of May/November, _____, the TOWN OF CHAPEL HILL, a municipal corporation of the State of North Carolina, will pay to bearer _____ (\$ _____)

at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanovers Trust Company, New York, New York, in such coin or currency of the United States of America as at the time of payment shall be legal tender for the payment of public and private debts, being the semi-annual interest then due on its Fire Fighting Facilities Bond, dated May 1, 1981.

(facsimile signature)

Town Clerk

(Endorsement on Bond)

The within bond has been registered
as to principal only, as follows:

Date of Registration	:	Name of Registered Holder	:	Signature of Bond Registrar
	:		:	
	:		:	
	:		:	
	:		:	

The issue hereof has been approved under the provisions of The Local Government Bond Act.

JOHN D. FOUST
Secretary of the Local Government Commission

By: _____
Designated Assistant

7. The Town's Finance Officer is hereby authorized and directed to provide a suitable bond register for the registration of said bonds and to act as Bond Registrar in registering said bonds and to carry out the provisions set forth in said bonds for the conversion of said bonds into registered bonds and for the transfer thereof.

8. The Local Government Commission of North Carolina is hereby requested to sell said bonds and to state in the Notice of Sale of said bonds that bidders may name one rate of interest for part of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission.

9. The Mayor and Town Clerk are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute said bonds and to turn said bonds over to the purchaser or purchasers to whom they may be sold by said Local government Commission.

10. The brochure setting forth financial and statistical data in connection with the offering of said bonds, which was circulated with the Notice of Sale thereof, is hereby approved. In connection with this approval, the Council has examined copies of the brochure and has, to the extent and in the manner it has deemed necessary, discussed the contents thereof with officers of the Town Administration. The Council does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said brochure contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

This the 13th day of April, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Confirming the Assessment Roll for Improvements to Indian Springs Road

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

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR STREET IMPROVEMENTS TO INDIAN SPRING ROAD (81-R-58)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby confirms the following as the final assessment roll for street improvements for Indian Springs Road in accordance with North Carolina General Statutes 160A-228:

<u>MAP</u>	<u>BLK</u>	<u>LOT</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>FRONT FEET</u>	<u>TOTAL COST</u>
49	A	13	Gary Duane Eichel	206 Howell St., C.H.	118.00'	\$1,590.15
49	A	14	Dr. Maurice e. and Loretta Newton	814 Old Mill Rd., C.H.	416.00'	5,605.95
49	A	15A	Town of Chapel Hill	306 N. Columbia St., C.H.	187.07'	2,520.92
49	A	18	E. Blaine & Nancy Liner	808 Indian Spring Rd. C.H.	205.00'	2,762.55
49	A	19	Dr. Maurice E. Newton	814 Old Mill Rd., C.H.	198.66'	2,677.11
49	A	20	Walter W. Baucom	Box 2174, C.H.	127.00'	1,711.43
TOTAL					1,251.73'	\$16,868.11

TOTAL COST: \$33,736.22
 50% of Total Cost: \$16,868.11
 Cost per FRONT Foot: \$13.47584/ft.

This the 13th day of April, 1981.

THE RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE AT 9:50 P.M.

Ordinance to Amend Article 6 of Chapter 21 of the Code of Ordinances

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

AN ORDINANCE TO AMEND ARTICLE VI OF CHAPTER 21 (BICYCLES) (81-O-30)

BE IT ORDAINED by the Council of the Town of Chapel Hill that;

Section I

The Council hereby amends Article VI of Chapter 21 of the Code of Ordinances of the Town of Chapel Hill as follows:

DELETE Section 21-48. Riding on Roadway Adjacent to Bike Path or Lane.

AMEND Section 21-49. Direction of Travel

delete: Airport Road (east side) - Airport Drive to Estes Drive

add: Airport Road (east side) - Estes Drive to 646' south of Estes Drive.

DELETE Section 21-59. Registration fees.

Section II

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

This the 13th day of April, 1981.

Councilmember Straley wanted the bikes which were registered to be identifiable as registered bikes. Mr. Shipman suggested metal plates could be used. When questioned about the elimination of the fee for registration, Mr. Shipman said the fee appeared to be an impediment to registration. Councilmember Herzenberg argued that the fee was not the impediment, it was lack of cooperation by the police in registering the bikes. Councilmember Howes thought it a problem of enforcement.

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

Traffic

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

AN ORDINANCE TO AMEND SECTION 21-13 (RIGHT-OF-WAY AND STOP REGULATIONS) (81-O-31)

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

The Council hereby amends Section 21-13 as follows:

Section I

THROUGH STREET

STOP STREET

ADD: McMasters Street
Spruce Street
East Franklin Street
Old Oxford Road

Church Street
Cypress Road
Milton Avenue
Eastwood Lake Road

DELETE: Church Street
Eastwood Road

McMasters Street
Shadylawn Road

Section II

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

This the 13th day of April 1981.

Councilmember Smith was concerned about the cars on McMasters Street which had been hit by cars coming from Church Street. Mr. Morris explained that was the reason for putting a stop sign on Church Street. It had been requested by the residents.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

AN ORDINANCE TO AMEND CHAPTER 21, TRAFFIC CODE (PARKING REGULATIONS) (81-O-32)

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

Section I

That Chapter 21 of the Code of Ordinances be amended as follows:

SECTION 21-27: NO PARKING AT ANY TIME AS TO PARTICULAR STREETS

	<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
ADD:	Carolina Avenue	East	East Franklin Street	283' North of Centerline of East Franklin Street

Carolina Avenue	West	East Franklin Street	50' North of Centerline of East Franklin Street
Eastwood Lake Road	Both	Old Oxford Road	737' North of Centerline of Old Oxford Road
Hillcrest Road	South	Roosevelt Drive	Hillcrest Circle
Roundhill Road	North	Laurel Hill Road	300' West of Centerline of Laurel Hill Road
Roundhill Road	South	Laurel Hill Road	200' West of Centerline of Laurel Hill Road
SR 1740	North	Sage Road	600' East of Centerline of Sage Road
SR 1740	North	760' East of Centerline of Sage Road	Eastowne Drive
SR 1740	South	Sage Road	400' East of Centerline of Sage Road
SR 1740	South	775' East of Centerline of Sage Road	825' East of Centerline of Sage Road
SR 1740	South	1175' East of Centerline of Sage Road	Eastowne Drive
SR 1836	Both	Scarlette Drive	666' East of Centerline of Scarlette Drive except for bus stop on south side
SR 1838	Both	Scarlette Drive	600' East of Centerline of Scarlette Drive

SECTION 21-27.1: NO PARKING DURING CERTAIN HOURS

(C) 9:00 A.M. to 4:00 P.M. - Monday-Friday

	<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
DELETE:	Roundhill Road	Either	Full Length of Road	
ADD:	Roundhill Road	North	200' West of Centerline of Laurel Hill Road	300' West of Centerline of Laurel Hill Road
	Carolina Avenue	West	50' north of Centerline of East Franklin Street	283' north of Centerline of East Franklin Street

Section II

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

This the 13th day of April 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION REGARDING DESIGNATION OF NC 54 AND US 15-501 ROUTES (81-R-60)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests the North Carolina Department of Transportation to remove the Business designation for N.C. 54 and U.S. 15-501 from local streets, being Franklin Street, South Road and Columbia Street, and that the alternative routing, referred to as the Bypass, be the only officially designated routes for N.C. 54 and U.S. 15-501.

BE IT FURTHER resolved that the Council requests the N.C. Department of Transportation to install signs at appropriate points to advise those drivers who need to go to the CBD area.

This the 13th day of April, 1981.

Councilmember Straley was concerned that drivers downtown would not be able to find their way out of town. Mr. Morris explained the signs would only be removed from the by-pass.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding a Contract for Street Reconstruction

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR THE RECONSTRUCTION OF STREETS (81-R-61)

WHEREAS the Town of Chapel Hill has solicited formal bids on March 29, 1981 and the following bids have been received:

<u>Bidders</u>	<u>Bids</u>			
	<u>Base Bid</u>	<u>Unit Prices</u>		
	<u>5465 sq.yds. pavement</u>	<u>Pavement Removal</u>	<u>Subgrade Replacement</u>	<u>Sub-base Compaction</u>
B. & B. Paving Co., Inc. Morrisville, N.C.	\$69,405.50	0-500 sq. yds. @ \$2.00/sq. yd. 500-1000 sq. yds. @ \$1.50/sq. yd. 1000-2500 sq. yds. @ \$1.00/sq. yd.	0-500 cu. yds. @ \$10.00/cu. yd. 500-1000 cu. yds. @ \$7.50/cu. yd.	\$30/hr.
C.C. Mangum, Inc. Raleigh, N.C.	\$65,580.00	0-1500 sq. yds. @ \$1.75/sq. yd.	0-1000 cu. yds. @ \$25.00/cu. yd.	\$35/hr.
Lee Paving Co., Sanford, N.C.	\$56,836.00	0-500 sq. yds. @ \$3.50/sq. yd. 500-1000 sq. yds. @ \$3.00/sq. yd. 1000-2500 sq. yds. @ \$2.75/sq. yd.	0-500 cu. yds. @ \$9.50/cu. yd. 500-1000 cu. yds. @ \$9.00/cu. yd.	\$35/hr.
Nello L. Teer Co., Durham, N.C.	\$77,056.60	0-500 sq. yds. @ \$2.40/sq. yd. 500-2500 sq. yds. @ \$2.20/sq. yd.	0-1000 cu. yds. @ \$13.40/cu. yd.	\$40/hr.
REA Construction Co. Charlotte, N.C.	\$58,803.40	0-500 sq. yds. @ \$2.00/sq. yd. 500-1000 sq. yds. @ \$1.75/sq. yd. 1000-2500 sq. yds. @ \$1.50/sq. yd.	0-500 cu. yds. @ \$25.00/cu. yd. 500-1000 cu. yds. @ \$20.00/cu. yd.	\$75/hr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the base bid of Lee Paving Company in the amount of \$56,836 and its unit prices as listed above.

This the 13th day of April, 1981.

Mayor Nassif asked how much of the \$256,000 the town had spent. Mr. Shipman did not know. He could have the information at the next meeting. The Council delayed action on the bid until the information was received.

Resolution Calling a Public Hearing on Transit Services and Fare and Pass Prices for 1981-82

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

A RESOLUTION CALLING A PUBLIC HEARING ON PUBLIC TRANSIT SERVICES AND FARE AND PASS PRICES FOR 1981-82 (81-R-62)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 pm on Tuesday, May 26, 1981, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to receive comments from citizens on proposed public transit services and fare and pass prices in 1981-82

This the 13th day of April, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

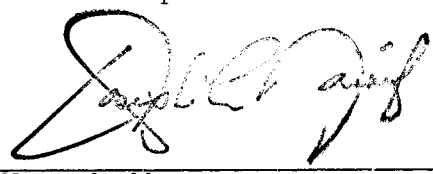
Future Agenda Items

Mr. Shipman had distributed a memo on the deputy attorney's position and asked for Council comment. The Council discussed whether the salary should be set at a definite amount or negotiable, and whether the advertisement should stipulate the attorney would be full-time. It was decided to advertise for a full-time attorney with the salary negotiable.

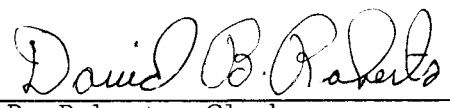
Councilmember Straley asked that the noise ordinance be on the next agenda.

Councilmember Smith asked that a discussion of the affirmative action program be on the next agenda.

There being no further business to come before the Council, the meeting was adjourned at 10:20 p.m.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk