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MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, APRIL 27, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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

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

Resolution of Appreciation to the Chapel Hill Service League

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

RESOLUTION

WHEREAS, the membership of the Chapel Hill Service League has for the past 42 years dedicated itself to making Chapel Hill a better place in which to live; and

WHEREAS, the Service League has provided support and assistance in the fields of Health, Welfare, Education and Recreation to community organizations; and

WHEREAS, the Service League held its 21st annual Charity Ball on Saturday, April 11, 1981;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill, on behalf of all citizens, hereby expresses sincere thanks and appreciation to the Chapel Hill Service League for its recent contribution of \$3,200 for the Chapel Hill Community Center Teen Room and for the Service League's long tradition of contributing to the quality of life in Chapel Hill; and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent record of the Town.

This the 27th day of April, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Proposed Zoning Ordinance and Map - Public Hearing

Mr. Jennings reviewed the changes which had been made since the March 16 public hearing.

Mr. James Haar of the Piney Mountain Neighborhood Association stated the residents of the area had presented a petition at the last hearing, which, upon evaluation by the attorney, had been declared invalid as a protest petition. Mr. Haar believed the Council not to be responsive to property owners' wishes.

Mr. John Drake representing Citizens for Airport Planning, stated 1989, as proposed by the University, too long for the phase out of the airport. He wanted the Town to keep the airport as non-conforming with a quick phase-out.

Mr. Donald Fox objected to any increased density in current R-20 areas. The density could be almost doubled by the proposed ordinance. He requested that the floor area ratio be reduced for R-1 zoning so that no more than a 35% increase would be allowed in any bonus category.

Ms. Margaret Taylor disagreed with the provision of the ordinance which increased density in residential areas. Although most neighborhoods had covenants, to be protected homeowners must oppose any breach to the covenants. Ms. Taylor had noted real estate advertisements which described vacant lots as suitable for 3 units for houses as suitable for conversion to 2 units. She asked that the ordinance be changed to protect single-family living in Chapel Hill.

Mr. Spann said the ordinance could not easily be understood by citizens. He asked that this proposed ordinance not be adopted.

Mr. Bill Olsen questioned the effect of the ordinance on existing special use permits. Mr. Jennings responded most apartment complexes would still require special use permits or planned developments. Any time a change was made to office or commercial uses, the Council would conduct a site plan review to insure any special stipulations were retained.

Mr. Watts Hill representing the Chamber of Commerce, asked that three recommendations be reconsidered. The Chamber asked that procedures for revision of the ordinance be written into the ordinance. Affected persons should submit requests for revision which would be referred to the Planning Board for a recommendation to the council for deferral until the entire ordinance was revised or for action. A date, no later than January 1, 1982, should be set for reconsideration.

Mr. Roger Baker spoke to the other two recommendations of the Chamber. They believed the 5 acre minimum for a planned development was arbitrary. The second issue was the design manual which would specify the detailed criteria for plans. The design manual would be ready until six months after the adoption of the ordinance. The existing design standards would be codified for use until then. Mr. Baker thought design professionals, architects, engineers and builders should be included in preparation of these design criteria. Mr. Baker on his own behalf, requested the tract next to Northwestern Bank be zoned R-5 instead of R-4.

Mr. Robert Page objected to reclassification of land owned by Mr. Cooper and Mr. Harris, on which the Tarheel Motel was built. If reclassified as proposed, the use would be non-conforming. The land would be almost useless. Mayor Nassif asked Mr. Page if he was aware of the 1978 ordinance. He asked Mr. Jennings to explain. Mr. Jennings stated the Flood Damage Protection Ordinance prohibited any construction or reconstruction in the floodway without a variance from the Board of Adjustment which would be difficult to obtain. The motel was in the floodway.

Mr. David Frankstone thought the flood hazard overlay harsh. Council should have the authority to make exceptions where warranted.

Mr. Mariakakis said the Council should not put more restrictions on property owners. The restrictions would amount to a taking of property.

Ms. Whitfield was concerned about the extension of the flood plain. Only one unit would be allowed on her 9 acres which currently could be used for 20 units. That one unit however, would be over 7,000 sq. ft., much larger than any house would be. She asked that the property be left as is.

Mr. Mel Rashkis requested the sign ordinance be changed to allow more square footage on "for sale" signs on commercial property. More information was needed on the sign for prospective purchasers.

Mr. Gerry Barrett stated that proposed zoning for the Coker property, bordered by North Street, Hillsborough Street and Bolin Creek, would be R-4, R-1, and R-2. He thought the portion of the property currently zoned R-10 should be zoned R-2, not R-1, to maintain consistency. He thought the line of demarcation for the R-4 zoning should be the Chapel Hill Historic District line. Mr. Barrett asked that the Council reconsider the proposed ordinance as it would drastically change the residential areas of Chapel Hill.

There were no further comments. The public hearing was closed.

Petitions

Mr. Scott Norberg asked to speak on the proposed noise ordinance. The Council agreed. Mr. Fred Barrens, Mr. Fred Schroeder, Mr. Jim Maynard, and Mr. Robert Bianci requested to speak on the noise ordinance also. The Council agreed.

Minutes

On motion by Councilmember Wallace, seconded by Councilmember Straley, the minutes of April 13, 1981, were approved as submitted.

Resolution Approving a Modification of the Preliminary Sketch for Farrington Hills Subdivision, Section 5

Mr. Jennings stated the request was to allow a sewer pump on one lot. Normally the town discouraged the use of pumps so that the systems would be of better design

without the failure of pumps. This lot could not connect to the existing line because of gravity and extending the line down Bayberry Drive would put a large expense on one homeowner.

Councilmember Straley asked why two members of the Planning Board had objected. Mr. Jennings explained those members had thought the sewer line must eventually go in if adjoining property was developed. Therefore, they believed it should either be put in now or the lot should not be developed until it was in. He added the owners of the adjoining property had expressed no interest in developing their property.

Councilmember Smith asked what the effect of the exception to the sewer policy would be. He did not believe it should be made. Mr. Jennings responded there had been other exceptions to the policy over a number of years. The decision to make an exception was a matter of judgment.

Mayor Nassif asked what type of power the pump would use. It was electric. He asked if there was a back-up. None had been mentioned. Mayor Nassif believed it should have a back-up in case of power failure.

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

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR FARRINGTON HILLS SUBDIVISION LOCATED ON BAYBERRY DRIVE SUBJECT TO MODIFIED CONDITIONS (81-R-64)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated October 1, 1974, for Farrington Hills Subdivision subject to the following modified conditions:

1. That Bayberry Drive be paved to Town standards for a collector street without curb and gutter. That the plans and profiles of the street be approved by the Town Manager and North Carolina Department of Transportation prior to construction.
2. That the number, location and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permits.
3. That sewer, drainage, and utility easements be dedicated as required by the Town Manager.
4. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance of any grading permit, building permit, start of construction of improvements, and submission of an application for final plat approval.
5. That a detailed drainage plan and grading plan be submitted to and be approved by the Town Engineer 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.
6. That all lots connecting onto the sanitary sewer system except for lot #38 within Section 5, be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted except for lot #38 within Section 5. If a pump is used on lot #38 within Section 5, such pump shall be located within 10 feet of the residence.
7. That prior to paving streets, utility service lines and laterals shall be stubbed-out to the front property line of each lot. Sanitary sewer laterals shall be capped-off above ground. A letter from the owner or owner's representative shall be presented to the Town Engineer prior to paving any street certifying that all utilities are in place.
8. That water and sewer improvements shall be to the standards of OWASA and that all utilities be placed underground.
9. That prior to the sale of any lots within the development, a sign indicating that Bayberry Drive is subject to future extension shall be placed at its eastern terminus.

This the 27th day of April, 1981.

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

Mayor Nassif commented he would not delay the project because of his belief there should be a back-up power source.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE ABOVE RESOLUTION. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO THREE WITH COUNCILMEMBERS BOULTON, HOWES, THORPE, WALLACE, AND MAYOR NASSIF SUPPORTING AND COUNCILMEMBERS HERZENBERG, SMITH, AND STRALEY OPPOSING.

Councilmember Howes asked the manager to draft an amendment to the code which would require a back-up power source on sewer pumps.

Ordinance to Amend Article 3 of Chapter 11 of the Code of Ordinances (Noise Ordinance)

Mr. Schroeder stated that in review of the proposed noise ordinance, he had found many situations which would make it difficult to enforce in an efficient, equitable manner. He asked the Council to delay consideration to allow more time to interact with the town staff and council on the ordinance.

Mr. Norberg stated the students had some concerns with the ordinance. He suggested the distance at which the sound was to be measured should be 75' from the source or the property boundary, whichever distance was greater. As noise during the day was not a problem, he asked the Council to increase the level from 60 decibels to 65 decibels. There was some concern that no spontaneous parties permitted if the noise permits must be obtained two days in advance. The students believed a year of receiving no permits was a severe punishment for the first offense of infraction of the ordinance.

Mr. Barrens said the ordinance was liberal. The sound levels were among the highest allowed anywhere in the United States. If the police were to give a warning to reduce the noise each time the ordinance was violated, citizens could not hope to receive a response to their complaints. Mr. Barrens asked for clarification with respect to placement of the speakers when measuring noise. They could be moved so there was no interference in trying to take a measurement.

Mayor Nassif reviewed the process followed to insure all parties involved had received an opportunity to comment on the proposed ordinance. Several meetings had been held with student groups. The result was the compromise draft being considered by the Council tonight.

Mr. Maynard, president of the Interfraternity Council, asked that the Council consider fraternity charity fundraisers as a special exception to the ordinance.

Mr. Bianci, president of the Residents Hall Association, asked that the one year ban on permits for a violation be reconsidered. This long a ban would condemn future students for a violation. He asked that the ban be reduced to six months or the academic year. He suggested one night of orientation week be considered as a special exception.

Councilmember Boulton asked what the turnover in dorms was each year. Mr. Bianci answered it was about 50%. The officers changed each year. Councilmember Boulton asked if the students also wanted more time to work on the ordinance. Mr. Norberg said the most important thing was for the ordinance to be considered while the students were in residence at the University. He believed a delay of two or three weeks would be helpful. Councilmember Wallace asked if the student leaders could return in the summer if the Council delayed consideration at this time. Mr. Norberg said most of them could.

Councilmember Smith inquired whether next year's leadership would be as interested as current leaders in working with the Town on a noise ordinance. One of the problems in enforcing the ordinance was holding someone responsible. Mr. Norberg said the students had asked for University administration involvement to be sure future leadership would be responsible for informing students of the ordinance.

Councilmember Smith suggested the Council adopt this ordinance and consider the changes requested by the students during the summer. The changes would be liberalizations to the ordinance. Mr. Barrens commented that the students had participated in the drafting of the ordinance. The townspeople had not had such opportunity.

Councilmember Wallace had no objection to a delay as long as the students did not in the fall complain that the Council had considered the ordinance after they left for the summer.

Councilmember Smith commented the students were not the only source of noise. The Town needed the ordinance now. COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO REVISE AND REWRITE PORTIONS OF CHAPTER 11, ARTICLE 3 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL (NOISE CONTROL) (81-O-33)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends Article III of Chapter 11 of the Code of Ordinances to read as follows:

ARTICLE III

NOISE

SECTION 11-37: Article Designated Noise Control Code

This article shall be known as the "Noise Control Code for the Town of Chapel Hill."

SECTION 11-38: Terminology and Standards

Definitions

All terminology used in this article not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- A. "A-Weighted Sound Level": The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).
- B. "Decibel (dB)" Means: A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.
- C. "Sound Pressure Level" Means: 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micronewtons per square meter.
- D. "Sound Level Meter" Means: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighing network used to measure sound pressure levels.
- E. "Sound Level" Means: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- F. "Emergency Work" Means: Any work performed for the purposes of preventing or alleviating physical trauma or property damage threatened or caused by an existing or imminent peril.
- G. "Outdoor Amplified Sound" Means: Any sound using sound amplifying equipment whose source is outside or whose source is inside and the sound propagates to the outside through open doors or windows or other openings in the building.
- H. "Sound Amplifying Equipment" Means: Any device for the amplification of the human voice, music or any other sound, including jukeboxes, stereos and radios.

SECTION 11-39: Maximum Permitted Sound Levels

- A. Standards, instrumentation, personnel, measurement procedures, and reporting procedures to be used in the measurement of sound as provided for in this section shall be those as specified and referred to in Section 11-41.
- B. No person or group of persons shall operate or cause to be operated any source of sound in such a manner as to create a sound level which at its peaks exceeds the limits set forth below when measured at 75 feet from the source of sound.

1. Nighttime sound levels (after 11:00 P.M. until 8:00 A.M.) may not exceed 50 dB(A) except as noted in 3 below.
2. Daytime/evening sound levels (between 8:00 A.M. and 11:00 P.M.) may not exceed 60 dB(A) except as noted in 3 below.
3. Daytime/evening sound levels in excess of 60 dB(A) will be permitted as follows:

	<u>Without a Permit</u>	<u>With a Permit</u>
Thursday evening (5:00 P.M. - 11:00 P.M. Thurs.)	70 dB(A)	85 dB(A)
Friday evening (5:00 P.M. - 1:00 A.M. Sat.)	70 dB(A)	85 dB(A)
Saturday (10:00 A.M. - 1:00 A.M. Sun.)	70 dB(A)	85 dB(A)

SECTION 11-40: Permit to Exceed Limit

- A. Sound Amplifying Equipment is limited to the conditions specified in 11-39.B. above.
- B. A person or group of persons may produce or cause to be produced sound in excess of 60 dB(A) only during the hours specified in Section 11-39 B.3.; a person or group of persons may exceed 70 dB(A) only if the person or group of persons has obtained a permit to exceed for the time and place of the activity.
- C. The Town Manager or his designee will act upon all requests for a permit to exceed the limits specified during the hours specified under Section 11-39 B.3.
- D. No individual or musical group using sound amplifying equipment may operate out of doors at any time other than during the hours specified under Section 11-39 B.3. and only if the business manager or an authorized agent of that business manager has been granted a permit. This permit may be secured after it is signed by an authorized agent of the musical group and by a representative of the individual organization or group retaining the services of the musical group and on whose premises the amplifying equipment is to be used.
- E. The Town Manager or his designee will act upon all requests on behalf of the business manager and the authorized agent of any musical group that wishes to operate out of doors during the hours specified under Section 11-39 B.3.
- F. The Town Manager or his designee may grant a request either to exceed (item C above) or to operate (item E above); the permit to exceed the sound limits and/or to operate sound amplifying equipment may be issued only after payment of a \$5 administrative fee to the Town of Chapel Hill.
- G. The Town Manager or his designee may impose any or all of the following conditions upon the issuance of a permit to exceed or to operate. He may require that:
 1. Permit holders agree to cooperate with the Police Department in enforcing the Noise Ordinance by having the signers of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the Noise Ordinance;
 2. No amplified sound speakers shall be set up more than ten feet off the ground;
 3. The Police Department or other agent of the Town may require the permit holders to change the set up of loudspeakers or other sound instruments so as to minimize the disturbance of others.
- H. Any person requesting a permit to exceed must notify the Town Manager or his designee at least two (2) working days prior to the date of the activity for which the permit is requested.
- I. Violation of any standard set forth in this ordinance is unlawful and punishable under this Code and is cause for immediate revocation of permit to exceed limits,

in addition to the penalties provided in this Code generally. Further, the Town Manager or his designee will deny a request to exceed (item C above) or to operate (item E above) to any individual, group, organization or musical group who has held a permit to exceed noise levels within the previous 12 months and has violated the conditions of said permit, or who has violated any condition of this ordinance within the previous 12 months, with or without permit. Printed on permits to exceed (item C above) and/or to operate (item E above) shall be a statement of the penalties for violation of Chapter 11, Article III, Chapel Hill Code of Ordinances.

SECTION 11-41: Exceptions

The following are exempt from the provisions of this article:

1. Sound emanating from regularly scheduled outdoor athletic events on the campus of the University of North Carolina.
2. Construction operations from 7:00 A.M. to 9:00 P.M. on weekdays and 8:00 A.M. to 9:00 P.M. on weekends for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment manufacturer's mufflers and noise reducing equipment in use and in proper operating condition.
3. Noises of safety signals, warning devices, emergency pressure relief valves and bells and chimes of churches and the bells of the Bell Tower on UNC campus.
4. Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.
5. Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town in accordance with the above. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained above.
6. Unamplified noises at street activity (such as fairs or parades) where the participants have a permit for use of the streets.
7. An official all-campus University of North Carolina musical event, held in Kenan Stadium, of no more than one weekend in duration, occurring no oftener than once per year.
8. All noises coming from the normal operations of properly equipped aircraft (not including scale model aircraft).
9. All noises coming from motor vehicles properly equipped with the manufacturer's standard mufflers and noise reducing equipment.
10. Noise from lawful fire works and noisemakers on holidays.
11. Lawn mowers and agricultural equipment used between daylight hours 7:00 A.M. and 9:00 P.M. when operated with all the manufacturer's standard mufflers and noise reducing equipment in use and in proper operating conditions.

SECTION 11-42: Sound Level Measurement

- A. Method: Sound level measurement shall be made with a sound level meter using the "A" weighting scale, set on "slow" response.
- B. Instrumentation: Sound level meters shall be of at least Type Three meeting American National Standard Institute Incorporated (ANSI) S1.4-1971 requirements. The entire sound measurement system shall be serviced and calibrated and operated as recommended by the manufacturer. Persons using the sound level meters shall be trained in sound level measurement and the operation of sound level measurement.
- C. General Order: The Town Manager or his designee shall issue a general order adopting standards and procedures for sound level measurement and enforcement consistent with this ordinance.

Councilmember Straley moved to amend the ordinance under Section 11-40.B. to read "No live individual or musical...." The amendment was accepted. Councilmember Herzenberg moved to amend the ordinance under Section 11-41.3. to include the bell in South Building. The amendment was accepted. Councilmember Herzenberg then moved to amend the ordinance to add a new Section 11-43, "This ordinance shall become effective July 1, 1981." The amendment was accepted.

Councilmember Howes asked why Section 11-40.G.1. was left to the discretion of the manager rather than being mandatory as he thought it should be. Councilmember Wallace moved to amend Section 11-40.G. to read:

- G. Permit holders agree to cooperate with the Police Department in enforcing the Noise Ordinance by having the signers of the permit available at the site of the event during the entire time for which the permit has been issued and capable of assisting the police in enforcing the Noise Ordinance.

The Town manager or his designee may impose any or all of the following conditions upon the issuance of a permit to exceed or to operate. He may require that:

1. No amplified sound speakers shall be set up more than ten feet off the ground;
2. The Police Department or other agent of the Town may require the permit holders to change the set up of loudspeakers or other sound instruments so as to minimize the disturbance of others.

The amendment was accepted.

Councilmember Boulton argued that the year's ban was too severe in Section 11-40.I.; She thought the first offense should receive a warning.

Councilmember Wallace suggested the remainder of the academic year as punishment. Councilmember Smith responded this would not prevent violations at the end of the academic year. Councilmember Wallace then suggested the first offense be punishable by a 90 day ban, the second by a 180 day ban. Action on the ordinance could be delayed to rewrite this section. There was a noise ordinance which would continue in effect until the new ordinance could be adopted.

Councilmember Straley moved, seconded by Councilmember Wallace, to amend Section 11-40.I. to read: "...Further, the Town Manager or his designee will deny a request to exceed (item C above) or, on a second offense, will deny a request to operate (item E above), to any individual, group, or organization, or musical group who has held a permit to exceed noise levels within the previous 6 months and has violated the conditions of said permit, or who has violated any condition of this ordinance within the previous 6 months,..."

Mr. Denny clarified the definition of a violation for the Council.

Mayor Nassif stated it was difficult for two policemen to go into a group of 500 to enforce the ordinance. He did not think a year too harsh a ban.

Councilmember Boulton thought the punishment should not be so severe, but that permits should be more difficult to obtain. The number of permits within a specific area should be limited.

Councilmember Smith still wanted to adopt the ordinance now and consider amendments during the summer. The motion to amend was withdrawn.

Mr. Denny had reservations with attempting to give some applicants permits while denying others without good reason. Mr. Shipman said he would issue the permits on a first come, first serve basis. Mr. Denny advised this might result in litigation.

Councilmember Boulton reminded the Council the students had asked for more exceptions. She asked if they could request these exceptions at any time. Mr. Denny responded the ordinance could be amended at any time.

Mr. Boulton thought the changes could be back before the Council in two to three weeks.

Mr. Denny advised that Section 11-39.B. should be amended with regard to the point of measurement. He explained the interest of the Town extended only to the point where the activity interfered with someone else. The police had no right to go on

private property to measure the sound at 75'. Councilmember Straley argued that the police did not have to go on the property. Sound travelled such that the sound could be measured at a further distance and the level at 75' calculated. Mr. Denny replied that the question was not how much noise was being made, but how much was reaching other people where they had a right to be.

Councilmember Wallace again suggested action be delayed for better drafting. Councilmember Howes wanted to dispose of the matter at this meeting.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER THORPE, TO DELAY CONSIDERATION OF THE ORDINANCE FOR TWO WEEKS. THE MOTION FAILED BY A VOTE OF FOUR TO FOUR WITH COUNCILMEMBERS BOULTON, STRALEY, THORPE, AND WALLACE SUPPORTING AND COUNCILMEMBERS HERZENBERG, HOWES, SMITH, AND MAYOR NASSIF OPPOSING.

Councilmember Straley asked where the property line for the dorms would be if the ordinance was amended to measure the level at the property line rather than at 75'. Mr. Denny replied the property line would be the first private property line from the source of the noise. He added that dormitory regulations were the proper authority of the University.

Councilmember Smith indicated he would accept the amendment to the ordinance to measure the sound level at the property line.

The vote on the ordinance was tied with Councilmembers Herzenberg, Howes, Smith, and Mayor Nassif supporting and Councilmembers Boulton, Straley, Thorpe, and Wallace opposing. Under Council rules, the ordinance would be on the next meeting's agenda. Mayor Nassif requested anyone with suggested changes to contact himself or the Manager before that time.

Resolution in Support of Continued Parks and Recreation and Library Support Funds by Orange County

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

Councilmember Boulton asked if the Recreation Commission would again consider whether county residents should pay more to use the new facilities than city residents. Ms. White said they had considered it but such a regulation would be difficult to enforce administratively. Further, the County would reduce its amount of support funding.

Councilmember Herzenberg asked why there was no difference in the recommendation for the library. Mr. Shipman said the Library Board had accepted his recommendation of 10% increase. Councilmember Howes moved to amend the resolution to include a 15% increase for the library as well. The amendment was accepted.

Councilmember Thorpe asked about the status of a county appointee on the library board. Mr. Shipman did not have any information and suggested he talk with the County Commissioners.

THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE.

A RESOLUTION IN SUPPORT OF CONTINUED PARKS AND RECREATION AND LIBRARY SUPPORT FUNDING BY ORANGE COUNTY (81-R-65)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its appreciation to the Orange County Board of Commissioners for the County's previous funding of the Parks and Recreation Municipal Support Program; as well as support for the Chapel Hill Public Library; and

BE IT FURTHER RESOLVED that the Council hereby requests \$70,840 from Orange County for Parks and Recreation municipal support funding and \$91,080 in support of the municipal Library in 1981-82.

This the 27th day of April 1981.

Resolution Authorizing Submission of a Change in the Small Cities CD Program

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

RESOLUTION AUTHORIZING SUBMISSION OF A CHANGE IN THE SMALL CITIES CD PROGRAM TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (81-R-66)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby authorizes the Town Manager to submit to the U.S. Department of Housing and Urban Development information concerning an increase in the number of rehabilitation grants in the Small Cities CD Program (1979-80 and 1980-81 Grants).

This the 27th day of April 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Filling of A Vacancy in the Office of the Town Clerk

Councilmember Smith asked at what grade level would the position in the Clerk's office be paid. Mr. Shipman answered it would be same as before, grade 8. Councilmember Smith was concerned that the Town could not attract someone who would stay at this level of pay.

Councilmember Thorpe reminded the Council this position had been transferred from the Mayor's office to the Clerk's office and was to assist the Council. With the change in the description the Council would have no one to assist them. He was not in favor of such a change.

Mr. Shipman stated that if the position in the Clerk's office was not filled the work would get behind. The question of an assistant for the Council was a different issue. He was recommending a second part-time position in the budget for assisting the Council. Councilmember Thorpe commented that another position was not needed. Before the vacancy existed, the Council had received assistance from the position in the Clerk's office.

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

A RESOLUTION AUTHORIZING FILLING A VACANCY IN THE OFFICE OF THE TOWN CLERK (SECRETARY I)(81-R-67)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager and Town Clerk's Office to proceed with filling the vacant part-time position of Secretary I.

This the 27th day of April 1981.

Councilmember Smith did not think the council had enough work for a part-time position. He did not wish to pay someone for waiting for Council. The position in the Clerk's office had fulfilled both requirements in the past. Councilmember Boulton commented that the job description did not include assistance to the Council.

Mr. Shipman said the position in the Clerk's office could continue to assist Council until the question of an assistant to the Council was resolved.

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

Reports by Manager

There were no questions on the monthly financial report or the capital improvement program. Mr. Shipman had submitted alternatives for the access for handicapped persons to the Post Office. Councilmember Straley moved, seconded by Councilmember Boulton, that the Manager proceed with option B. The motion was carried unanimously.

Mayor Nassif asked if at the time of design of the new police facility, the County was asked whether it wished to move the 911 facilities to the new building. Mr. Shipman said they had been asked, but had chosen other quarters. Mayor Nassif indicated there was controversy over the location of the 911 facilities and he would like the Manager to review the discussions which had been held with the County. Mr. Shipman did not recall exact discussions but would go over the matter later. Mayor Nassif then questioned the advisability of locating the 911 facilities in the post office and the attorney general's office in the post office, such that the Town would be paying to heat the new police facilities and to run two plants for heating the post office.

Mr. Shipman stated the post office basement had a separate access and more security for the 911 facilities. The County would pay for the moving. The facilities and communications system needed approximately 1000 sq. ft. This move had been coordinated between the County manager and the architect. Mr. Shipman said he would work with the County to move the facilities.

Councilmember Straley had made a study of street lighting a few years ago. He asked if it was true there would be little savings in switching to high pressure sodium lighting. Mr. Harris responded there would be an increase in the monthly rental for high pressure sodium lighting. The amount of lighting would be greater. Mr. Harris said some people objected to the color of the high pressure sodium lighting. Mayor Nassif indicated the Council could discuss changing the lighting during the budget.

Discussion of Affirmative Action Plan

Councilmember Smith asked why it would take 12 years to promote a woman into a professional position in the fire or police departments. He also wanted more black officers in the position of lieutenant or captain of the patrol divisions. He wanted more recruitment of qualified black officers. Ms. Crofts responded the Town must take turnover into consideration when discussion promotion. Availability of the work force also affected the setting of goals.

Resolution Accepting Bids and Awarding a Contract for Street Reconstruction

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY, 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:

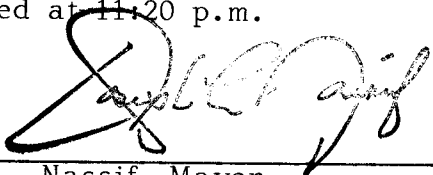
NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the base bid of Lee Paving Company in the amount of \$56,836 and its unit prices as listed above.

This the 27th day of April, 1981.

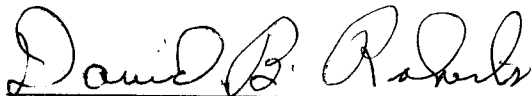
Notification of Vacancies

The Council was notified of vacancies on Town boards and commissions effective June 30. Mayor Nassif informed the Council Mr. Silver had resigned from OWASA.

There being no further business to come before the Council, the meeting was adjourned at 11:20 p.m.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk