

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL
MUNICIPAL BUILDING, TUESDAY, MAY 26, 1981, 7:30 P.M.

Mayor Nassif called the pulic hearing to order. Present were:

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

Also present were Town Manager E. Shipman, and Town Attorney E. Denny.

Mayor Nassif explained that the public hearing was in four parts, and that the first three parts regarding different aspects of the budget should be addressed in that order.

Mayor Nassif explained that each item for the public hearing would be introduced, after which citizens would introduce themselves and then be allowed to make any statements.

Manager's Recommended Budget for 1981-82 and Capital Improvement Program for 1981-86 - Public Hearing

Mayor Nassif asked Town Manager E. Shipman to introduce the first item on the agenda.

Mr. Shipman presented a statement covering the highlights of the Manager's Recommended Budget for 1981-82. The Manager's statement was as follows:

"The 1981-82 Manager's Recommended Budget would maintain or enhance the present levels of services provided by the Town of Chapel Hill to its citizens. Specific service improvements recommended for funding include:

General Government: Replacement of the existing, obsolete mini-computer with a more flexible data processing system that would support Personnel, Finance, and Revenue Collection functions.

Community Development: Creation of a position for a half-time drafting technician in the Planning Department in order to assist in the development of the Design Manual and other projects.

Addition of a laborer position in both the Construction and the Public Building and Grounds Divisions of the Public Works Department due to increased workloads.

Leisure: Addition of a groundskeeper position in the Parks and Facilities Maintenance Division of the Parks and Recreation Department as a result of the increased number of sites to be maintained.

Transit: Improved headways on the D route during the peak commuting hours.

The recommended budget also incorporates other changes which would enable the Town to render present services more efficiently and effectively.

Community Development: A reorganization which would cause the Inspections and Planning Departments and the Town Engineer to report directly to the Assistant Town Manager. This would facilitate the implementation of the new Zoning Ordinance.

A deletion of the supervisory position in the Neighborhood Services Unit, a reduction to half-time of the Community Organizer position with the Housing Authority, and a reduction to half-time of a Community Development Human Services Worker position. These changes reflect the decreased target area of community development grant activities and represent a more efficient means of delivering community organizer services.

Public Safety: A reclassification of certain positions in the Police Department which would institutionalize the reorganization approved by Council and executed in 1980-81.

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A reorganization of the Fire Department to implement the 10/14 shift system in order to open Fire Station North without adding new personnel, and the creation of the single class of Fire Safety Officer to encompass both present Firefighters and Fire Equipment Operators.

Leisure: The creation of a full-time Service Desk Attendant position at the Community Center to replace three present contract positions in order to strengthen internal control of cash collections.

Transit: The recomposition of five part-time Bus Driver 1 positions into four full-time Bus Driver 1 positions, and the elimination of the K and A routes which do not meet established service standards. The former patrons of the K route would be served through the expanded service on the D route or through the F or L routes; the A route area would be served by peak hour shared-ride feeder service.

Finally, the Recommended Budget includes a 5 percent across-the-board pay increase for employees effective July 1, 1981. The budget also provides funds for 5 percent merit increments during the year for eligible employees. All fringe benefits for Town employees will remain at the 1980-81 level except for the Social Security contribution which will increase to 6.7 percent of gross salary on January 1, 1982 and except for the Town's contribution to the Law Enforcement Officer retirement fund which is proposed to return to the 6 percent level as a result of the State's having resumed its contributions.

The Recommended Budget requires a total tax rate of 69.5 cents, including 64.5 cents for the General Fund and 5 cents for the Transportation Fund. This tax rate is approximately 1.75 cents below the equilization rate.

This effective decrease in the total amount of taxes that the Town would have received from taxpayers had re-valuation not occurred is proposed in order to moderate the financial strain that revaluation will place on many residential property owners.

Residential real property has tended to appreciate more in value than has commercial real property. In addition, residential taxpayers generally have a much smaller proportion of personal property in their individual total assessed valuation than do commercial taxpayers. Since revaluation directly affects only real property values, the total assessed valuation for residential property owners increases much more sharply than that of commercial property owners.

In order to set the tax rate below the equilization rate, it has been necessary to appropriate an extremely large amount of fund balance to the General Fund (\$797,908). While the use of such a one-time revenue may necessitate tax increases in future years, I am comfortable in recommending its appropriation for two reasons. First, that action will still allow an increase in the General Fund's unappropriated fund balance from \$155,735 in 1980-81 to \$200,000 in 1981-82 which represents adherence to the schedule for increasing unappropriate fund balance. Second, I have examined future expenditure requirements for the next three years and believe that the Town is in a favorable financial position for dealing with the probable need to replace this one-time revenue in future years.

The staff and I are prepared to assist you as you review these budget recommendations and consider other alternatives for serving our Town."

Having presented these recommendations for consideration by the Council, Mr. Shipman introduced Mr. Mike Jennings, Planning Director, who presented the next item for consideration: the Capital Improvement Program (CIP).

Mr. Jennings stated that the primary focus of the CIP had been to anticipate future needs of the population as well as to "catch up" with existing needs.

Plans for the 1981-82 CIP program were listed: (1) all authorized improvements in 1976 and 1979 bond referenda would be completed during the 1981-82 budget year, and (2) while the program would continue to address some unmet needs because of the success of the program so far, the primary focus would be on future needs.

Mr. Jennings called attention to highlights of the past five years of the CIP, specifically, 28 projects in Transportation, Leisure Activities, Public Safety, and General Municipal functions. The total cost of the CIP would be \$9,034,000. Of that amount, future bonds would require \$7,944,000. Part of the CIP was the recommendation that a referendum be held in the spring of 1982 for unfunded projects during the first three years in the amount of \$5.95 million.

The proposed highlights of individual categories for this fiscal year included:

Transportation: Sidewalk project included interim improvements on Pittsboro Road, similar to those that were done on the Estes Drive sidewalk. In considering the sidewalk plan, the Council would set priorities for an ongoing sidewalk program. The Council had adopted a bikeways plan which would start an annual rotation program. Federal Funds to tie in with the Cararrboro bikeways plan had been denied, so funds were still being sought for this project.

The proposed Town Center parking would provide for a 440 parking space deck on Lot #1.

Other projects included right-of-way acquisition, drainage study, and traffic control.

Leisure Activities: (1) Finishing improvements on existing parks (picnic shelters, paving parking lots, and other onsite improvements), and (2) starting new parks. In new parks, the program proposed the acquisition of land in the North Forest Hills and Morgan Creek areas, and a second community-sized parks in the southern part of Chapel Hill, timing this with the development of the area. The Town presently owns a park on the Bolin property which is to be developed and planned improvements to a park (to be acquired) in the North Forest Hills area.

Another project would be the Public Library expansion. This expansion was programmed in the CIP for last year. There was a feasibility study which the Council had yet to consider and this project could change depending upon the Council's action on the study.

Greenway trails were being considered, from Pritchard to Umstead Park (1982), Umstead Park to Mitchell Lane (1983), and with experience gained from these trails, there were plans to complete the remainder of the plans in 1986.

Public Safety: The Plan outlined the need for a fire station to the south of Town. This program would provide the money for land acquisition for that project. The timing for this construction would also be contingent upon the rate of development to the south of Town. The Plan also included replacing firefighting equipment as it became older.

General Municipal Facilities: (1) Implementing the Master Plan for Memorial Cemetery, (2) moving the old Transit Garage to the Airport Road site which would be used by the Department of Public Works for equipment storage, and (3) expanding the Municipal Building office and meeting space.

Debt Service Requirement: The Debt Service Requirement for the \$5.95 million proposed would peak at a total of 17.2 cents assuming new bond referendas would go back to the current level by 1990-91.

There were no questions from the Council.

Mayor Nassif opened the floor to questions or comments from citizens.

Ms. Mary Hardin, a member of the Board of Directors of the Orange County Rape Crisis Center, requested funding in the amount of \$3,000 for the coming fiscal year. Past funds had been used judiciously to provide services for people of Chapel Hill and Ms. Hardin expressed her appreciation to the Council for this support. Ms. Hardin distributed literature in support of the need for services rendered by the Rape Crisis Center in Chapel Hill.

Mr. James Wadsworth, a citizen of Wilson Court, spoke to the issue of roll-out garbage. Mr. Wadsworth expressed the desire to increase taxes in order to pay our collectors higher salaries rather than having citizens roll out garbage to the curb area.

Ms. Barbara Stocking, a citizen of Michaux Road, expressed concern, after having read in the paper that citizens who participated in the roll-out garbage would be given a tax cut. Ms. Stocking felt that if persons were given a tax cut for using roll-out garbage collection, then it would stand to reason that a citizen who did not need to use the public school system should also be given a tax cut. Ms. Stocking expressed concern for herself as well as others who were not able to participate in a roll-out garbage program due to the topography of their property or physical restrictions, feeling this service to be a basic community need, as was police and fire protection.

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(Ms. Colisa McKnight, a citizen, spoke at this time regarding needs of handicapped persons. In order to provide continuity to these minutes, Ms. McKnight's comments have been included in the "Proposed Transit Services and Fare and Pass Prices" section.)

Ms. Karen Gentemann spoke on behalf of the Steering Committee of the Orange-Durham YWC Coalition for Battered Women. Ms. Gentemann explained that funds had been requested last year for the ACCESS Program, but due to lack of funds from other community sources, the program had folded. The Coalition for Battered Women proposed to provide emergency shelter at the site of the former ACCESS program building on Graham Street. The house had been given to the Coalition by the ACCESS Program and funds in the amount of \$5,000 were sought from the Town to open and operate this emergency facility. These funds would be used only for the emergency shelter program. The ACCESS shelter would be able to provide for 12 women and children and two transients. The group wished to continue their practice in Chapel Hill of providing shelter.

Councilmember Smith asked Ms. Gentemann to give a figure showing the number of people classified as battered women who seek relief through the courts as a result of being in this situation. Ms. Gentemann asked Ms. Constance Renz, Director of the Coalition, to respond. Ms. Renz responded that she could not give an accurate figure, but estimated about 50%.

Ms. Sue Baker, Chairman of the Board of Directors of Women's Health Counselling service (WHCS), requested that the Town reconsider their policy of not funding the WHCS. She supported the request by informing the Council that numerous letters had been written to the Mayor in support of this funding in the amount of \$1,300 or 6.3% of the budget of WCHS. The WCHS served minority women and teens who were Chapel Hill residents, provided education and health counselling, and were available 24 hours a day. These services were provided at the cost-effective rate of \$2.75/hr.

Mr. Wilson McKerrow of 604 Emery Drive expressed concern regarding roll-out garbage. This was the third time in four years that Mr. McKerrow had appeared before the Council requesting that the Town not enforce a roll-out garbage collection policy. Mr. McKerrow listed the following objections: (1) Appearance: Mr. McKerrow made reference to another North Carolina town where containers had been left alongside the road during the day because residents did not return home until late in the day to retrieve their containers and return them to the rear of their homes, thus causing unsightly roadside conditions; and (2) Mr. McKerrow felt he was still vigorous enough to "roll his own," but felt that there were many of his friends who could not, yet were too proud to ask the Town for assistance of this kind. Mr. McKerrow submitted that the cost of roll-out garbage tended to outweigh the advantages and suggested that the money would be better spent on additional rear-end collection trucks to replace side-loaders, making both consumers and operators happier.

Mr. Phil Rominger, Chairman of the Greater Chapel Hill-Carrboro Chamber of Commerce Budget and Tax Committee, introduced Mr. George High who presented a position statement of the Greater Chapel Hill-Carrboro Chamber of Commerce. The Committee felt that the budget's format was too broad and generalized and without sufficient detail to provide for a fair analysis by the Committee or by the Council. The Committee recommended that the Council adopt a line item format with less narrative. In addition, the Committee requested a breakdown of figures used in constructing departmental budgets. Questions which arose during their study concerned (1) the lack of established guidelines, criteria, and/or controls in preparation of the budget; (2) allocating total specific costs to each department as opposed to creating a sundry account; and (3) surplus carry-over from fiscal year 1980-81 and the inclusion of that surplus in the proposed budget. The Committee strongly encouraged the Council to continue governmental trends to cut costs on all levels, concentrating on general services for the entire community as opposed to specific services to a small percentage of the community. The Committee suggested that such specific services could be provided by other civic groups and organizations rather than by governmental services. The Committee further encouraged the Council to adopt a hard line in controlling the development of new positions and, if possible, eliminate positions which were not essentially needed by the Town. A final recommendation was that more controlled and exacting measures be used in awarding salary, merit, and/or cost-of-living increases.

Ms. Ann Dunbar spoke supporting the request for funds for the Dispute Settlement Center. Ms. Dunbar reviewed past requests presented before the Council for support of a fledgling project that was trying to put into practice an innovative idea for the resolution of disputes between citizens out of court. This past endorsement of the

Council was greatly appreciated. Ms. Dunbar reviewed the origin of the Dispute Settlement Center concept: a group of concerned citizens wishing to provide a no-cost mediation of interpersonal conflicts. Volunteer effort was a major part of its workforce and the amount of time being contributed was estimated to be about 5,000 hours per year. Approximately 500 cases per year were handled by the Dispute Settlement Center. The original volunteers had been trained by the U.S. Department of Justice who now trained mediators for this center as well as branch centers in other areas. The Center is accessible 24 hours per day. Of the 500 cases per year, 50% of these cases come from Chapel Hill. Because of this, and the evidence for the need for local support, financial assistance was being requested from the Town of Chapel Hill in the amount of \$4,000 or 14% of their budget in order to continue to provide the ongoing services. There was also a pressing need for space to provide facilities for the Center. In order to provide an ongoing operation of the Center, the Center requested assistance from the community in which it provided the greatest direct effort.

Dr. George Price, a mediator at the Dispute Settlement Center since its origin three years ago, explained that he often dealt with persons in deep conflict or trouble, whose lives frequently appeared out of control. Such expressions of anger and helplessness often resulted in assault, violent trespass and/or irrational actions of all categories. Dr. Price felt that there was a community need for a place where persons could go, i.e., a community escape valve, where alternate ways of handling confrontations could be realized in more successful ways, enabling such citizens to find more successful ways of managing their own lives. Dr. Price felt that the value of such a place could not be measured in dollars and cents. Volunteers at this Center had saved countless dollars' worth of violence of citizen upon citizen and reduced tension in our Town.

Dr. Price further stated that on June 15 the Dispute Settlement Center would lose their office space. They had not been able to find anything affordable and needed the help of the Council of the Town of Chapel Hill, stating that, in hard cash, centers of this caliber paid off. This Center had been widely heralded and was rated first in its field in the entire country. The Center requested \$4,000.

Mrs. Jane Barrows, a citizen of Tinkerbell Road, spoke concerning the roll-out garbage, based on her personal experience while a resident in Illinois. She expressed that initially all concerned thought this to be a sensible idea which, ultimately, did not work out. Problems experienced by Mrs. Barrows were as follows: (1) backyard pick-up was paid for by those who could least afford it: the handicapped and the elderly; (2) since collection was done in the early morning hours, garbage cans were put out the night before, creating garbage problems caused by dogs; (3) children enjoyed knocking cans over and playing with lids; (4) cans sat out during the day until residents returned home late in the day to remove refuse containers to the rear of their homes; (5) winds blew lids into the road, cars ran over the lids, and flattened them into disks rather than tight-fitting lids; and (6) containers ended up in the streets, by one method or another, causing traffic hazards. After one year of dealing with such problems caused by roll-out refuse collection, the Town Council of that city met and decided to return to backyard pick-up service, "whatever the cost."

Mr. Henry Whitfield, a citizen residing at 302 Plum Lane, gave a calculated account of the actual cost of the operation of roll-out garbage collection for the average citizen. Mr. Whitfield weighed the savings for the Town (over the next 7 years, beginning with the summer of 1980) against the cost of operation for each citizen, using his own tax values as base figures. The bottom line of his calculations was a \$4.539/year savings by carrying his own garbage to the streets. Mr. Whitfield continued that such a savings did not take into account weather conditions to be encountered, risking personal health without benefit of Workers' Compensation or city insurance (which the present collectors got). Mr. Whitfield also considered the problem of if someone forgot to put trash out on the curb, leaving a pile of garbage for his neighbors to view until the next refuse collection day, provided that person did remember to put his trash at the roadside the next time. Mr. Whitfield concluded, "T'ain't worth it, in my book."

Councilmember Wallace suggested that the Council table this issue permanently with approval from Council and citizens.

Mr. Al Dawson of the Steering Committee of the Community Services Division of the Inter-Faith Council (IFC) spoke in favor of support of the continued existence of the Department of Human Services. During a time of federal cutbacks, Mr. Dawson stated that IFC felt that a strong base of assistance should be available to the citizens of this community.

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Ms. Dee Gamble, a citizen, also spoke in favor of the Department of Human Services. Ms. Gamble felt concerned that over the past several years the words "deletion" and "reduction" had been words aimed at the Human Services Department, noting the deletion of the Children and Youth Coordinator position and then the Human Services Analyst position. She further stated that in this budget there was "reduction" and "deletion" in terms of deleting the supervisory position for Human Services and reducing two of the full-time workers to half-time positions. Ms. Gamble requested that citizens not quietly allow the reduction and deletion of the Department of Human Services. She stated that she felt it was an important service which served all of the Chapel Hill residents and wanted this matter considered seriously, urging, when feasible, the formation of an Advisory Body of the Human Services Department, and urging that Council not cut positions as proposed.

Mrs. Lane Cooke, supervisor of Children's Protection Services for the Orange County Department of Social Services in Southern Orange County located at Carr Mill Mall, Carrboro, spoke in support of the Human Services Department. Mrs. Cooke did not view the Department of Human Services as a staff who duplicated their services. She felt that the Department and her organization were partners, and that the Human Services Department offered services to families and children that her agency could not offer. She requested that this partnership be allowed to continue at the present staff level.

Mrs. Kani Hurow, a citizen of Chapel Hill for more than 11 years, stated that one week ago she read a flyer from the Chapel Hill Parks and Recreation Department regarding the 1981 summer program. This flyer raised questions to which Mrs. Hurow requested answers at the next budget meeting, specifically:

1. What was the total payroll for the Recreation Department and the number of permanent employees and their salaries as well as the number of temporary employees and their salaries.
2. How much was allocated for advertising and publicity of the recreation programs.
3. How many people participated last year in these programs.
4. Having read that the fees for summer day camps were set to recover 35% of the actual cost of the program, meaning that 55% was paid by the taxpayer, Mrs. Hurow asked if this ratio applied to all the other programs as well and how was the 35% figure established.
5. Was she (Mrs. Hurow) correct in concluding that the participants could not afford to pay more?

Mayor Nassif directed the Town Manager to compile the answers to these questions presented by Mrs. Hurow.

Mr. James Belk, representing the Triangle Group Associates, coordinated his position with that taken by the Chamber of Commerce in that he wanted to see the Town of Chapel Hill save money. The Chamber of Commerce recommended reduction of positions, and Mr. Belk's question was "where do people go when positions are reduced?" Mr. Belk proceeded to request support from the Town for the establishment of small businesses. He recommended his agency as a source of consultation for those seeking to establish themselves in small businesses.

General Art Hurow, a citizen, made the suggestion that since 18 persons were sitting in 150 cu. ft. of space each, and the rest of the citizens filled the remainder of the room, that the room be rearranged by the next meeting to allow citizens the same comfort as the Council.

Ms. Shirley Marshall, 707 E. Franklin Street, Chairman of the Housing Authority, stated that the Council was in need of a clear policy statement especially with a new Director of the Department of Human Services coming. She suggested three policy commitments that she felt would be helpful in guiding all those concerned: (1) that Council reaffirm their commitment to goals and objectives of the Comprehensive Plan of Chapel Hill and its environment in which the human people goals and objectives were integrated with the physical planning; (2) that the Council reaffirm a commitment to the community that government is a part of all organizations, and that we all work together; and (3) that Council make a commitment of support to the Orange County Human Services Advisory Commission.

There were no other comments from citizens or Councilmembers.

Mayor Nassif adjourned item #1 until the June 15 public hearing.

Proposed General Revenue Sharing Funds in 1981-82 - Public Hearing

Ms. Mary Parker, Finance Director, stated that the proposed Revenue Sharing Funds allowed similar patterns of past years in that the money would be used for capital outlay items. A copy of the General Revenue Sharing Fund showed charts illustrating how these funds related to the total budget with a breakdown showing, specifically:

- General Government--\$190.00
- Community Development--\$250,140.00
- Public Safety--\$187,387.00
- Leisure--\$37,138.00

There were no questions or comments from the citizens or the Council. The item was adjourned until the July 15 public hearing.

Proposed Transit Services and Fare and Pass Prices for 1981-82 - Public Hearing

Mayor Nassif turned the next item over to Mr. Shipman, who turned the floor over to Mr. Bob Godding, Transportation Director. Mr. Godding concentrated his remarks on the proposed fare and pass price increases. The staff recommended the following increases:

	<u>Current</u>	<u>Proposed</u>
Fare Box	35¢	40¢
Annual	\$79.00	\$90.00
9-month	\$65.00	\$74.25
6-month	\$47.25	\$54.00
3-month	\$27.50	\$31.50
40-ride	\$11.25	\$12.80

Mr. Godding further stated that pass prices were set as a discount of the fare box rate (based on full use of the bus system). Reduced fares for youths, senior citizens, handicapped persons, and pass prices are set at 50% of the adult rate. The increase which was expected to generate approximately \$65,000 of additional revenue, was requested as a hedge against increased inflationary costs and to continue to improve a healthy cost revenue ratio, allowing a good discount and a reasonable rate for use of the public transportation system.

Mayor Nassif asked for comments from citizens.

(Ms. Colisa McKnight spoke earlier in the evening, but for continuity, her statements have been entered in the minutes at this point.)

Ms. Colisa McKnight, a citizen, spoke regarding the accessibility for the handicapped persons in using the new improvements to the Library and the parks and other facilities proposed by Mr. Shipman. She expressed concern that there was a proposal to cut back the E-Z Rider services, even though the ridership of this service was expanding rapidly. She stated that such services offered not only mobility, freedom, and transportation to handicapped persons, but also provided a certain amount of dignity and self-respect for those who had to depend on others for transportation, making them feel like human beings rather than burdens. This is the year when Chapel Hill has given its support to the United Nation's International Year for the Disabled Person, and it seems ironic to have new barriers put up. Ms. McKnight further stated that disabled persons did not want sympathy, they wanted assistance.

Mrs. Essie Brooks, a citizen, stated that the E-Z Rider service was her means of remaining independent and doing things for herself (shopping, getting medicine, etc.) and not having to depend on others. Oftentimes she had to do without items because she could not find others to do errands for her.

Mrs. Pat Carpenter of 107 Stateside Drive presented a petition of 145 signatures to the Council, urging the adoption of the Transportation Board's recommendation that the A bus route (modified) be continued. She presented the following reasons to support this request: (1) no expense of an additional car, (2) no parking permit required, and (3) many other residents had stated that they would use the bus if it covered more area and a certainty of the route continuation were given. She stated that the Town would benefit with less traffic if buses were put on more popular routes (such as this one). Mrs. Carpenter urged reinstatement of this service.

Mr. Jonathan Kotch, a citizen, stated that he had appeared before the Council last year, and had stated at that time that if the bus service were continued, he would sell his car (and he did). Mr. Kotch felt that bus service was the most visible service that the Town provided to its citizens and requested that it be continued.

Mr. Joe Lowman, a resident of Virginia Drive, felt that there were basic facts supporting the request to continue the A route (an appendix of the L route): (1) even though the A route was small, there was heavy use of this bus route (feeling that the Council should continue this route in light of a year-and-a-half previous commitment, as part of an act of good faith), (2) new growth is occurring in this area, causing continued expansion of the A route in the not-too-distant future, and (3) this area offers loyal support. Mr. Lowman stated that the cost of the fare was nothing compared to the price he would have to pay for not having this transportation. He further offered that the Saturday A bus was nice, but not needed and that a weekday route was more important to its riders. He also felt that Shared-Ride was "O.K.," but not an adequate substitute. He felt that the option of running the L bus was not a feasible alternative, cost-wise, for the Town.

Mr. Gerry Cohen, a citizen, made suggestions concerning the Manager's Recommended Transportation Budget. Mr. Cohen felt that the Manager's recommendation, that the A route be terminated, would be a great mistake for these reasons: (1) this route serves a significant number of persons relative to population in this area, (2) this is the only fixed route bus service for the 1980 annexed area, and (3) this route serves to increase headways on Airport Road where the Council is trying to increase development. Mr. Cohen believed that a change in routing would produce twice the ridership. Mr. Cohen further supported the fare increase which he felt necessary to continue the good level of service. Mr. Cohen urged the following: (1) adoption of the revised A route, (2) additional summer D service, and (3) extension of evening F/L Service. These suggestions created no increase of vehicular hours or miles from last year's budget, and was merely a transfer from less productive routing to more productive routing (by eliminating the K route). He further stated that the way to increase ridership was to add service, not cut fares.

Mr. Cohen suggested that the Council consider contacting the Town of Carrboro regarding possible joint financing of their third E-Z Rider bus (which Carrboro was presently considering eliminating, and which picked up ridership in Chapel Hill).

Ms. Iris Schwintzer, an E-Z Rider bus driver, requested that the Council not concur with the Manager's recommendation to reduce the amount of transportation available to the handicapped and elderly community by abolishing the third E-Z Rider driver position. Ms. Schwintzer noted that the E-Z Rider service was the only bus service that had shown an increase in ridership and was the only service slated for a reduction in service. This ridership was possible only because of the additional driver. Even now with three drivers, E-Z Rider could not accommodate all requests for trips, stating that the adoption of the Manager's recommendation would force E-Z Rider to make the difficult decision of who to say "no" to. Ms. Schwintzer did not wish to see this much needed service cut.

Mr. Jim Huegerich, a citizen supporting the A route, stated that he used this bus route every day, further stating that the Shared-Ride option proposed by the Town was not a suitable option for the following reasons: (1) impractical, due to his own irregular schedule (stating that one must call two to three hours in advance to request such service); and (2) he had not found Shared-Ride to be adequate or reliable, stating that he had been left six times without a ride, three of these occasions he had his 4-year-old daughter with him and had to walk better than a mile back to his house. There were other occasions when he had been left stranded at other locations waiting for a Shared-Ride connection. Mr. Huegerich urged that the Council not consider Shared-Ride as an alternative to the A bus route.

Ms. Bevin Murphy, a citizen, spoke on behalf of proposed cuts in the E-Z Rider service. Ms. Murphy stated that such services as E-Z Rider allowed persons with handicaps as her own a certain amount of freedom to lead their own life. As an example, she stated that she lived across the street from the A&P on Airport Road, and in order to get a quart of milk, she would have to take the A bus all the way around its route just to get on the side of the street that the A&P store was on. Ms. Murphy also stated that with such service, she could accomplish about two things in one day, feeling that this would not be possible without the E-Z Rider service. She stated that a cut in this category "would be a drastic and tragic mistake."

Mayor Nassif asked Mr. Bob Godding to supply a list of the Chapel Hill ridership for E-Z Rider. Mr. Godding consented.

Mr. Ray Dingleline, a North Forest Hills resident speaking on behalf of the A bus, stated that the A bus saved him about \$1/day as opposed to operating his car. He felt that he would save more if he sold his car, as Mr. Kotch had done, saving car insurance expenses as well.

Mr. Mario Pieroni of 9 Rogerson Drive spoke in support of the E-Z Rider service, stating that he and his wife had visual disability which did not allow either of them to drive a car or allow them the same mobility as sighted persons. Mr. Pieroni made sure that persons understood that this did not mean they were totally helpless, but were only limited in their ability to accomplish tasks that others might take for granted. He stated that problems occurred if they needed to get to other areas where bus service was not provided (groceries, doctor's office, etc.). E-Z Rider filled such needs for Mr. Pieroni, who stated that other alternatives (cab, etc.) were unaffordable, living on a limited income, and he asked that the service be maintained at its present level. He complimented the present service and staff for their excellent help.

Ms. Susan Ancharsky, a law student, had a temporary disability causing her to spend a good deal of time in the student infirmary. She had no problem getting to school, but when she got home, she was a prisoner without E-Z Rider. She wanted to see this service continued.

Ms. Linda Wright, a resident of Colony Apartments, reiterated the previous E-Z Rider remarks, explaining that due to the location of her residence, she was unable to cross the four-lane highway thus causing her to be unable to use the bus service offered in her area. E-Z Rider gave her a sense of independence, not having to rely on sighted friends for transportation, further requesting that E-Z Rider be allowed remain in its present state of existence.

Ms. Chris Carlson, an E-Z Rider driver, also supported that the existing level of service be continued. E-Z Rider riders were tax payers also, and were thus entitled to the same services that other tax payers received. Ms. Carlson concluded by reading a letter that had been sent to the Council from Mrs. Ellis, an E-Z Rider participant, in support of the continuation of the E-Z Rider service at its present level of operation.

Mr. Tramble Turner, a resident of Collums Road in North Forest Hills, spoke in favor of the A route. Mr. Turner felt that even though he used the A bus only in bad weather in the winter, he felt that some alternative to driving was better than no alternative, or an unreliable compromise.

Councilmember Wallace read a letter dated May 20, from Mr. George Matthews, a citizen who could not be present for this public hearing. The contents of the letter supported E-Z Rider, feeling that any savings for the Town by this reduction was beyond understanding. Mr. Matthews stated that the E-Z Rider service was well-run and was necessary for persons with limited abilities.

There being no further discussion, Mayor Nassif adjourned this item for the June 15 public hearing.

After a 4-minute recess, Mayor Nassif called the meeting to order for the second time.

Zoning Ordinance Amendment to Increase Minimum Lot Sizes for Planned Development-Housing (PD-H) in R-1, R-2, and R-3 Districts - Public Hearing

Mr. Shipman introduced Mr. Mike Jennings, Planning Director. Mr. Jennings presented the proposed amendment to increase the minimum land area for Planned Development-Housing in R-1, R-2, and R-3 districts:

<u>District</u>	<u>Proposed</u>	<u>Current 2 x Minimum Land Area)</u>
R-1	150,000 sq.ft.	34,000 sq.ft.
R-2	100,000 sq.ft.	20,000 sq.ft.
R-3	37,500 sq.ft.	11,000 sq.ft.

Adoption of this amendment was recommended by the Planning Board on a vote of four to one, with Mr. Rohe voting against the motion.

One concern was that PD-Hs would be requested in the middle of developed areas; the staff, however, believed that PD-Hs could be developed to be compatible with single family detached developments in the low density districts.

The Manager recommended that the Council not adopt the proposed amendment.

Mr. Roscoe Reeve, Chairman of the Planning Board, commented that the Planning Board and Council hoped to raise the consciousness of the status of the Planned Development. Master Planning was the development of a parcel to bring the best possible fit to that parcel in relation to the goals and objectives of the Comprehensive Plan. He further stated that the Planning Board supported that Council consider encouraging redevelopment.

Even though he knew that the Planning Board was responding to a requisition, Councilmember Thorpe felt concerned that proposals for amendments were already beginning when, in fact, the ink on the new Zoning Ordinance was not yet dry.

Councilmember Herzenberg asked for reasons concerning Mr. Rohe's dissenting vote on the proposed amendment.

Mr. Reeve stated that Mr. Rohe believed the existing proposed lot size required planned development.

Councilmember Straley recalled that the reason the Council did not deal with Planned Development-Housing as a permitted use was because it required a 3/4 vote. He questioned if this amendment was a way to get around that. Mr. Reeve replied that this was not the same concept, that the difference was that this amendment would encourage minimum restrictions on the lot. A simple majority would work.

Councilmember Wallace stated that he would like to see the sq.ft. much larger than that recommended. This not being possible, he would, with reluctance, go along with this recommendation of the Planning Board in order to expedite the matter.

Councilmember Smith asked for the recommendation of the Planning Board as opposed to the Manager. Mayor Nassif stated that the recommendation of the Board was for the adoption of these restrictions and that the recommendation of the Manager was not to adopt the amendment.

Councilmember Howes added that these new figures grew out of what appeared to be a consensus of opinion of the Council that these figures had sufficient merit, and thus proposed them.

Councilmember Thorpe offered his support.

Mayor Nassif stated that he did not feel that this was a good proposal and would not support it because it appeared to consider a mix within residential districts bad, when he did not see anything wrong with it. This appeared to protect some zones and not protect others. The treatment did not appear to be the same, across-the-board.

Councilmember Herzenberg stated that the general consensus was to have a public hearing, not extending the consensus beyond this public hearing.

Mr. Joseph Capowski, a resident of Old Pittsboro Road, spoke in support of the amendment, stating that he felt that this amendment would help maintain the quality of life of residents of established neighborhoods with a few remaining vacant lots and urged the adoption.

Mr. Martin Feinstein, a resident, expressed his support for this amendment anticipating that such an amendment would help established neighborhoods maintain their stability.

Mr. Reeve reiterated that every member of the Planning Board supported public housing and the development of public housing opportunities in Chapel Hill and any proposal to suggest any lack of support would never be considered by the Planning Board.

There being no further discussion, COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT THE MATTER BE REFERRED TO THE MANAGER AND ATTORNEY, TO BE BROUGHT BACK BEFORE THE COUNCIL AT THE NEXT SCHEDULED MEETING.

THE MOTION WAS CARRIED UNANIMOUSLY.

The public hearings were formally concluded and the regular meeting of the Town Council was called to order.

Petitions

There were no petitions from citizens or Council. Mr. Shipman presented a petition, which had been distributed to the Council, from the Historic District Commission regarding the creation of a historic district in the McCauley-Cameron area.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO RECEIVE THE PETITION.

THE MOTION WAS UNANIMOUS.

Ordinance to Amend Certain Sections of the Code of Ordinances to Conform to the Zoning Ordinance

Mr. E. Denny, Town Attorney, stated that the reference in the Ordinance to "Substitute proposed Zoning Ordinance in Chapter 24" was not necessary as it had been taken care of in the adopted Ordinance at the last meeting. With the deletion of the last sentence, COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT THE FOLLOWING ORDINANCE BE ADOPTED:

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL TO CONFORM TO THE ZONING ORDINANCE (81-O-39)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Code of Ordinances of the Town of Chapel Hill be, and the same is hereby amended as follows:

Amend Section 1-2 of the Code of Ordinances to amend the definition of "street" wherever the same appears through the Code to read as follows:

Street: A right-of-way or easement greater than twenty (20) feet in width containing a roadway which provides or is used primarily for vehicular circulation.

Street, Private: A street consisting of a private easement and a privately maintained roadway.

Street, Public: A street consisting of a publicly dedicated right-of-way and a roadway maintained by the Town of Chapel Hill or the State of North Carolina.

Amend Chapter 2 to delete Articles II and III and renumber as necessary.

Delete Chapter 6A.

Amend Chapter 11A, 16 and 17 where references are made to "CBD" and "Central Business District" to read "Town Center Districts."

Delete Sections 16-1 and 16-4 and renumber as necessary.

Amend Chapter 17 where references are made to "street" to read "public street."

Delete and reserve Section 17-1.

Delete Section 17-104.

Amend Chapter 21 where references are made to "street" to read "public street."

Amend Chapter 23 to delete Articles I and II and renumber as necessary, and substitute new chapter title "Storm Drainage" for "Water, Sewers and Sewer Disposal."

This the 26th day of May, 1981.

There being no further discussion, THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend Article II of Chapter 11 of the Code of Ordinances (Noise Ordinance) - Second Reading

During the May 11 meeting of the Town Council, there was a motion to adopt, and the motion passed 5 to 4. This was the second reading of the Ordinance.

Councilmember Herzenberg discussed a proposed amendment to clarify the ordinance further. Councilmember Smith questioned certain aspects of the proposed amendment, specifically regarding the fact that the penalty for not applying early enough for a permit might be excessive and the time restriction should be more specific,

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suggesting further that there be a re-wording of this section. Councilmember Wallace suggested the following wording: (1) "If a permit to exceed 70 dB(A) is requested and granted less than forty-eight (48) hours...", and (2) "... an administrative fee of \$15.00 will be required."

Councilmember Herzenberg consented to this wording.

Further discussion regarded the reason behind the higher fee, that being to encourage early application. He felt the fee should remain at \$25.00. In reference to "administrative fee," Councilmember Smith felt that such terminology suggested that it would cost more to perform the process of application for an early permit request as opposed to processing a late permit. Councilmember Kawalec stated that such a fee was an attempt to curb violation of the spirit of the ordinance, that being to get a permit prior to the event. Councilmember Straley referred to the "timeliness" of the application, stating that the issuance of such a permit was contingent upon the discretion of the Manager and the timeliness of the application would play a role in that decision. Councilmember Kawalec felt such discretion resulting in a denial could result in a court action, if grounds for such a denial were not well-founded.

Councilmember Thorpe asked if the student government had been contacted regarding any of these proposed amendments. Councilmember Herzenberg had not spoken recently with the students in detail, but Councilmember Straley stated that he and student leaders had considered these same points at a previous meeting, and stated that the Council had the full support of all those concerned.

Councilmember Wallace supported the adoption of the ordinance with the change in the wording "less than" in section 11-41-F, rather than "later than." Councilmember Wallace further discussed the fee for a late permit request, stating that he did not feel such a fee to be a matter of great concern, feeling that an impromptu party should have to pay more, and if such persons were really interested in saving the \$20.00 difference, then this fee would be an incentive for early application. In the event that persons requested a permit "after the fact," Councilmember Wallace expressed his hopes that the Manager would exercise his rights in using his own discretion of whether to allow or disallow such permission.

Councilmember Kawalec wanted further wording changed regarding the time deadline for an application relating to an "after the fact" application.

Mr. Denny advised that it would be difficult to find suitable wording which would be any better, other than that of allowing the Manager's discretion. Any time period set would be totally arbitrary.

Mayor Nassif stated that he had not previously supported the ordinance and because he had not been able to study and read the amendments, would not support the adoption of this ordinance at this time.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER STRALEY, THE ADOPTION OF THE FOLLOWING ORDINANCE, AS AMENDED:

AN ORDINANCE TO REVISE AND REWRITE PORTIONS OF CHAPTER 11, AMENDMENT III OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL (81-O-33)

BE IT ORDAINED by the Council of the Town of Chapel Hill Article III, Chapter II of the Code of Ordinances is hereby amended to read as follows:

SECTION I

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.

1. Terminology

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)": 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": Twenty (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": 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": 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 Sl.4-1971, or the latest approved version thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.
- F. "Emergency Work": 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": 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": Any device for the amplification of the human voice, music or any other sound, including juke boxes, stereos and radios.

II. Standards

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 herein.

- A. Sound level measurement shall be made with a sound level meter using the "A" weighting scale, set on "slow" response.
- B. Sound level meters shall be of at least Type Three meeting American National Standard Institute Incorporated (ANSI) Sl.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. The Town Manager or his designee shall issue a general order adopting standards and procedures for sound level measurements and enforcement consistent with this Article.

SECTION 11-39: Maximum Permitted Sound Levels.

- A. The use of sound amplifying equipment is limited to the conditions specified in this Section.
- 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 hereinbelow when measured beyond the property line of the property from which the sound originates.
- C. A live musical group or individual using sound amplifying equipment may operate out of doors 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.

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D. The following are established as maximum sound levels:

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. Thursday)	70 dB(A)	85 dB(A)
Friday evening (5:00 P.M. - 1:00 A.M. Saturday)	70 dB(A)	85 dB(A)
Saturday (10:00 A.M. - 1:00 A.M. Sunday)	70 dB(A)	85 dB(A)

SECTION 11-40: 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, all church bells, and the bells of the Bell Tower, and the bell on South Building on the 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 noise makers 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 condition.

SECTION 11-41: Permit to Exceed Limits.

- A. Who May Apply. 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, and may exceed 70 dB(A) only if permit has been obtained to exceed for the time and place of the activity has been obtained.

- B. Application for Permit. Any person or group of persons desiring a permit shall apply as provided herein, and shall provide all information required.
- C. Timeliness of Application. The business manager or authorized agent of any person or group of persons desiring a permit for a live musical group or individual to perform out of doors using sound amplifying equipment must apply at least forty-eight (48) hours prior to the activity for which the permit is requested. A person applying for a permit to exceed 70 dB(A) during the hours stated in Section 11-39 D(3) may apply jointly with the business manager or authorized agent of the aforementioned live musical group or individual if live music is to be provided.

A person desiring a permit to exceed 70 dB(A) during this stated time period where live music is not to be provided may apply at a time less than forty-eight hours prior to the event. The granting of permission to exceed 70 dB(A) under these circumstances will require the payment of a larger administration fee as stated in (F) below.
- D. Action by Town Manager. The Town Manager or his designee will act upon all requests for (a) a permit to exceed the limits specified during the hours specified; (b) a permit on behalf of the business manager or authorized agent of any musical group that wishes to operate out of doors during the hours specified.
- E. Consideration by Town Manager. In considering and acting on all requests for permits pursuant to this Article, the Manager shall consider, but shall not be limited to the following, in issuing or denying such permit: the timeliness of the application; the nature of the requested activity; previous experience with the applicant; the nature of the event; the time of the event; other activities in the vicinity of the location proposed; the frequency of the application; the cultural or social benefit of the proposed activity; the effect of the activity on the residential areas of the Town; previous violations, if any, of the applicant.
- F. Requirements by Town Manager.
 - (a) A permit granted forty-eight (48) hours in advance of an event will require the payment of a \$5.00 administration fee. If a permit to exceed 70 dB(A) is requested and granted less than forty-eight (48) hours prior to the event an administrative fee of \$25.00 will be required.
 - (b) The Town Manager or his designee may require that no sound speakers shall be set up more than ten (10) feet above the ground.
 - (c) The Town Manager or his designee may require that the permit holders change the arrangement of loud speakers or the sound instruments so as to minimize the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines.
- G. Cooperation with Police. Permit holders agree to cooperate with the Police Department in enforcing the Noise Control Code 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 Control Code. Failure of such signer of a permit to be present or to assist the police in complying with this ordinance will be cause for revocation of said permit.

SECTION 11-42: Violation.

Violation of any of the standards set forth in this Article shall be unlawful, and punishable under the Code as provided therein, and is cause for immediate revocation of a permit to exceed limits. The Town Manager or his designee will deny a request to exceed the limits or to operate sound amplifying equipment to any individual, group, 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 Article within the previous 6 months, with or without a permit. All permit issues pursuant to this Article shall contain a statement of the penalties for violations set forth herein.

SECTION 11

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

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SECTION III

This Ordinance shall be effective from and after the first day of July 1981.

This the 26th day of May, 1981.

THE MOTION CARRIED EIGHT TO ONE, WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, THORPE, AND WALLACE SUPPORTING, AND MAYOR NASSIF OPPOSING.

Report on Request for Funding of Glass Recycling Project

Mr. Shipman introduced Mr. Jim Mackorell, troop leader for Boy Scout Troop #39, who had operated the glass recycling project on Plant Road during its operation over the past several years. Mr. Mackorell explained the pros and cons of the past experience of operating the glass recycling project, stating that it was a good experience for the boys, but that the project was a large one and at times was hard to keep under control. Since the glass recycling project was no longer in operation, the scouts had been operating another money-making project, that of recycling commercial paper. The troop hoped to eventually recycle glass, cardboard, and plastic bottles, creating a recycling center.

Councilmember Boulton questioned the profit of such an endeavor. Mr. Mackorell estimated that to recycle glass would only accrue about \$4/ton, stating that paper was a more profitable project. Mr. Shipman stated that it was known to be desirable to have a certain amount of glass in a landfill. Glass recycling would be useful for this. Any profit was used to help other persons in the community and the scouts even had an international exchange of scouting program which could use funds from this. Mr. Mackorell felt that such an opportunity was invaluable to the boys involved.

Councilmember Howes asked Mr. Mackorell if he could expect such a project to continue only on tradition and volunteers. Mayor Nassif stated that this could not be guaranteed by any group and further stated that others in the community had expressed a desire to see this project begun again. Councilmember Howes asked about the money amount involved in the request. Mayor Nassif referred to a letter presented to the Council from Mrs. Anne Barnes that had stated that a gift of a used jaw crusher and donations totalling approximately \$4,000 was a gift to the troop.

Regarding the expenses of getting this crusher to Chapel Hill and making it operable, the cost was figured to be approximately \$60,000.

Councilmember Smith asked if the scouts could remake \$60,000 in a year doing glass recycling. This not being possible, he further asked Mr. Mackorell if it would then be more feasible to head in another direction with recycling. Mr. Mackorell restated intentions of recycling numerous other types of containers.

Since the letter from Mrs. Barnes merely asked if the Council were willing to explore the feasibility of such a project with the County Board of Commissioners, COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, THAT COUNCIL COMMUNICATE WITH COUNTY COMMISSIONERS THAT THE COUNCIL WOULD LIKE TO EXPLORE THE FEASIBILITIES OF THIS PROJECT with no commitment to do anything, but rather to get some kind of a joint understanding regarding what the Town could expect in return for any support the Town might wish to offer.

COUNCILMEMBER WALLACE PROPOSED AN AMENDMENT THAT A REPORT OF THIS COMMUNICATION BE MADE BACK TO THE COUNCIL BY JUNE 15.

Mayor Nassif asked what plans were to get this report accomplished. After considerable discussion regarding the extent to which the Town might eventually go with such an endeavor as a recycling center, the Council decided to stick to the basic issue of simply exploring the feasibility of pursuing such a project initially before proceeding with any further long-range expansion of this idea.

THE MOTION WAS CARRIED EIGHT TO ONE, WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, THORPE, AND WALLACE SUPPORTING AND MAYOR NASSIF OPPOSING.

Councilmember Howes suggested that the easiest way to get this report accomplished would be to indicate that the Manager contact Orange County Board of Commissioners and report back to Council at the June 15 meeting. Councilmember Boulton agreed. Councilmember Kawalec felt that the Mayor should respond to the Chairman.

Ordinance to Amend the Ordinance Concerning Appropriations and the Raising of Revenues for the Fiscal Year Beginning July 1, 1980 (Transit Funds)

There being no discussion, THE MOTION BY COUNCILMEMBER BOULTON, SECONDED BY COUNCILMEMBER HERZENBERG, TO ADOPT THE FOLLOWING ORDINANCE WAS CARRIED UNANIMOUSLY:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1980" (81-O-35.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980" as duly adopted on June 16, 1980, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Transportation Fund				
Sundry	\$326,320	\$130,459	--	\$456,779
Transit Capital Grant Fund	\$202,885	\$104,485	--	\$307,370

ARTICLE II

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Transportation Fund	\$1,724,315	\$130,459	--	\$1,854,774
Transit Capital Grant Fund	\$ 202,885	\$104,485	--	\$307,370

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

This the 26th day of May, 1981.

Ordinance Amending the Project Ordinance for the Community Development Small Cities Grant

Councilmember Kawalec asked for a response as to why the estimated expenditures were expected to exceed the budget by \$4,000. On this suggestion, COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO TABLE THE ADOPTION OF THE PROPOSED ORDINANCE.

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

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (81-O-36.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11, 1980, be and the same is hereby amended as follows:

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Section 4: Reflect the following increase in appropriations to activities.

<u>Activity</u>	<u>Year 1 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1 Revised Project</u>	<u>Year 1 & 2 Revised Project</u>
Acquisition of Real Property	93,055	-	-	93,055	227,070
Disposition of Real Property	700	-	-	700	2,100
Public Facilities and Improvements	245,385	-	-	245,385	417,600
Clearance Activities	4,200	4,000	-	8,200	13,100
Relocation Payments and Assistance	83,110	-	-	83,110	173,555
Rehabilitation and Preservation	194,265	-	-	194,265	431,675
General Administration	58,995	-	-	58,995	108,495
Non-departmental	20,290	-	(4,000)	16,290	26,405
TOTAL	\$700,000		-	\$700,000	1,400,000

This the 26th day of May, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Establishing a Project Ordinance for Transportation Administration Costs

Councilmember Smith asked what constituted this particular award. Ms. Parker, Finance Director, explained that this money was given specifically to Administration, whereas in the past such monies had been given as part of a transit capital grant. This money would be used to pay 90% of salaries and fringe benefits of the Transportation Administration Division as well as for various supply items.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT ADMINISTRATIVE COSTS FROM FY 1981 FEDERAL FORMS (81-O-37.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is a Transit Administration Grant from FY 1981 Federal Funds, more specifically known as North Carolina Department of Transportation Grant No. 81-18-000 awarded under the Urban Mass Transportation Act of 1964, as amended, by the North Carolina Department of Transportation. The project provides funds for the administration of Chapel Hill Transit.

Section 2. The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the North Carolina Department of Transportation and within the funds appropriated herein.

Section 3. The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application:

Transit Administration Grant	\$60,893
Transportation Fund Contribution	6,766
TOTAL	\$67,659

Section 4. The following amount is appropriated for the project:

Administration	\$67,659
TOTAL	\$67,659

Section 5. All funds expended from the Transportation Fund on behalf of this project shall be repaid to the Transportation Fund from the project.

Section 6. The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Report. He shall also keep the Council informed of any unusual occurrences.

Section 7. Copies of this project ordinance shall be entered into the Minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director and Clerk.

This the 26th day of May, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Scheduling of Public Hearings

Resolution of Intent to Close Unopened Portion of Whitaker Street Right-of-Way (with hearing proposed for July 6)

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

A RESOLUTION OF INTENT TO CLOSE AN UNOPENED PORTION OF WHITAKER STREET (81-R-83.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to close permanently the unopened Whitaker Street right-of-way adjoining property identified as Tax Map 85-B-2, 85-C-1, 85-C-2, and 85-C-3; and unopened Whitaker Street right-of-way adjoining property identified as Tax Map 85-B-2, 85-C-1, 85-C-2, and 85-C-3; and unopened Whitaker Street right-of-way wholly within the Hargraves Community Center property of the Town of Chapel Hill (adjoining Tax Map 85-A-1, p/o 85-C-4, 85-C-5, 85-C-6, 85-C-7, and 85-C-8); and

BE IT FURTHER RESOLVED that the Council hereby calls a public hearing on the question of closing said street at 7:30 p.m. on July 6, 1981 in the Meeting Room of the Municipal Building, 306 North Columbia Street, Chapel Hill, N.C.

This the 26th day of May, 1981.

Councilmember Smith asked about the right-of-way on this street. Mr. Jennings responded that there was a 30' right-of-way.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing to Consider an Amendment to the Chapel Hill Zoning Ordinance (Loading Zone Requirement)

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

A RESOLUTION CALLING A PUBLIC HEARING FOR JULY 6, 1981 (81-R-84)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for July 6, 1981 at 7:30 P.M. in the Meeting Room of the Municipal Building to consider an amendment to Article 6.6.8 of the Zoning Ordinance (Loading Space Design Standards).

This the 26th day of May, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding a Contract (Police Vests)

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

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A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR SIXTY BODY ARMOR VESTS (81-R-86)

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

<u>Bidder</u>	<u>Proposal 1</u>	<u>Proposal 2</u>
American Uniform Sales, Inc. Fayetteville, North Carolina	\$6,932.40	-
Davidson's Greensboro, North Carolina	\$6,106.94	\$9,420.00
National Police Supply Charlotte, North Carolina	\$6,558.53	\$9,912.84

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Davidson's (Proposal #1) in the amount of \$6,106.94.

This the 26th day of May, 1981.

THE MOTION WAS CARRIED UNANIMOUSLY.

A-95 Regional Review for Grant Application (for Restaurant at 207 E. Franklin Street

Mr. Shipman had received a "Notice of Proposal to Waive Comment" from the Triangle J Council of Governments. The notice was in regards to project J299-81. This project was an application for a Business and Industrial Loan from the Farmers' Home Administration for land and building costs for a Burger King Restaurant to be located at 207 E. Franklin Street.

The request from the Manager was that the Council authorize the Mayor to forward the following letter from the Mayor's office:

Mr. Ray Green
Triangle J Council of Governments
P. O. Box 12276
Research Triangle Park, NC 27709

Dear Mr. Greene:

I am writing in response to your May 6, 1981 Notice of Proposal to Waive Comment on project J299-81. This project is an application for a Business and Industrial Loan from the Farmers' Home Administration for land and building costs for a Burger King Restaurant to be located at 207 E. Franklin Street.

It is the Council's understanding that the purpose of this program is to improve economic conditions in rural communities. While Chapel Hill technically meets the location eligibility requirements, the Council does not feel that it meets the intent of the program. According to the 1980 Census, there are 32,421 people residing within the corporate limits of Chapel Hill and 50,572 residing within the township. Chapel Hill's daytime population is probably considerably higher than 32,421 since the Town attracts students and employees from Carrboro, Hillsborough, Pittsboro, Durham and other surrounding communities. If there are limited funds available under this program for economic assistance within Region J, it would appear desirable to place priority on projects which would assist truly rural communities.

With respect to the particular site on which this project is proposed, this is the only vacant lot remaining on E. Franklin Street, the oldest and most established part of the Town's central business district. To build a restaurant on this site would appear to be a very inefficient use of prime commercial property. The Council would encourage a project which combined the restaurant with office or residential uses. Furthermore, this property is located within the Town's Historic District and the designs for any new construction must receive a Certificate of Appropriateness from the Chapel Hill Historic District Commission. The initial request for a Certificate of Appropriateness for this structure was denied by the Commission on April 23, 1981

because the Commission determined that the design was not compatible with the surrounding buildings. However, if the applicant is willing to work with the Commission, an acceptable design can be found.

The Council appreciates the opportunity to comment on this application and I hope you will feel free to contact me if you have any questions.

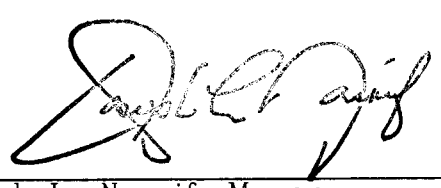
Sincerely,

Joseph L. Nassif
Mayor

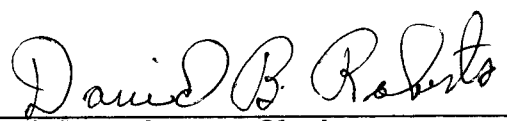
COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BOULTON TO FORWARD THE LETTER TO TRIANGLE J COUNCIL OF GOVERNMENTS, DELETING THE THIRD PARAGRAPH.

THE MOTION CARRIED SEVEN TO TWO WITH COUNCILMEMBERS SMITH, STRALEY, BOULTON, HOWES, THORPE, KAWALEC AND WALLACE SUPPORTING, AND COUNCILMEMBER HERZENBERG AND MAYOR NASSIF OPPOSING.

There being no further business, the meeting was adjourned.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk