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MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN
OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, JUNE 8, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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

Also present were Mr. Ron Secrist, Acting Town Manager, and Mr. Emery Denny, Town Attorney.

Community Development Small Cities Grant and Housing Assistance Plan
(1981-82, Draft Application) - Public Hearing

Mr. Ron Secrist, Acting Town Manager, introduced Mr. Mike Jennings, Planning Director.

Mr. Jennings stated that the major changes in the program involved activities and staff. In the past, the acquisition and rehabilitation of rental properties for low-income families for home ownership had been hampered by the fact that few such houses were on the market. In addition, HUD had objected to the cost per unit for straight housing rehabilitation. Therefore, a change in this third-year proposal would be to reallocate funds for the acquisition and rehabilitation activities, changing that goal from five units to one unit.

The two changes in staffing involved the Human Services Department: (1) two Human Services worker positions would be eliminated, and (2) plans would be to reduce the Community Development support for the secretary in the Human Services Department (a minor reduction from 50% support to 37.5% support of that salary). These changes conformed to the Manager's Recommended Budget which the Council was presently considering.

The Rehabilitation staff change would be the cost for staff, which would be less than that needed to support the existing staff.

A major change in the Housing Assistance Plan would be due to the fact that federal regulations up to this time had required that the Housing Assistance Plan reflect the goal of meeting a fixed percentage of the housing needs regardless of whether or not there had been adequate resources to meet the needs. The Housing Assistance Plan (HAP) goals for the third year would now be now brought more into line with the realistic expectations of the resources available to the Town. Changes would be to reduce the new rental housing goal to the more realistic goal of 9 units.

The 312 loan program would be reduced to 0 because funds for this program had not been available and it was not anticipated that funds would be available for the next year.

Action requested of Council was that the third-year Small Cities program be referred to the Planning Board for further recommendation.

Mayor Nassif asked for comments from citizens, requesting that they state their name before making a statement.

Mrs. Susan Cobb, of 713 Cobb Street, asked for Mayor Nassif to confirm if he had congratulated Mr. Stevenson on the job that he had been doing at the Housing Authority. Mayor Nassif responded that he could have made that statement at some time in the past. Mrs. Cobb stated that she had seen a questionnaire which asked, in part, what the respondent thought of the program. Mrs. Cobb stated that, based on her own experience of living in the CD area, her feelings could be summed up on three words: "one long nightmare." Mrs. Cobb expressed her intentions to prepare a written, detailed report to the Council concerning instances that had transpired between herself and the Housing Authority. Mrs. Cobb stated that since her information was quite lengthy, she opted to put this information in writing. Mrs. Cobb continued that she thought the whole thing was a charade, feeling that the joke was on the poor black. She added that it seemed that the Council wanted citizen

input, only to give others the power to condemn property. She felt this undermined the right of poor blacks to own property and this undermined the trust that voters placed in the Council. Mrs. Cobb continued that the Housing Authority was an extension of the Town and could be no better than the Town, and if the Town wanted to do something about it, they needed to start cleaning here. Mrs. Cobb also stated that if she was wrong, she wanted the Councilmembers to prove she was wrong.

Drucilla Suggs, of 312 McMasters Street, spoke to the Councilmembers about a lot that was next to her house. This lot belonged to her daughter. Mrs. Suggs' husband had bought it for their daughter and even though it was a small lot, her family did not want to sell it. Her daughter planned to come back to Chapel Hill and build something on that land. She reiterated her point that the lot was not for sale.

There were no further statements from the audience.

Mayor Nassif asked for any questions from the Council.

Councilmember Wallace asked for instructions on how to handle any written documentation, referring specifically to the written information that Mrs. Cobb had intended to compile for the Council and Planning Board, wanting a specific time set. Mayor Nassif stated that if Mrs. Cobb sent this information into the Mayor's Office, he would be sure that it was distributed. Mr. Denny, Town Attorney, stated that the Council should have ample opportunity to read and study the submittal, the same as the Mayor would have. Councilmember Wallace suggested that 10 days be allowed for the receipt, duplication, and circulation of this submittal to the Council and the Planning Board. Mayor Nassif was informed that the next meeting of the Planning Board would be on June 25, 1981. He, therefore, stated that anyone wishing to submit a document must have such submittal into the Mayor's Office no later than June 18, 1981, if the document were to be considered.

Councilmember Herzenberg asked Mr. Stevenson, Director of the Housing Authority, if the Housing Authority was familiar with the land that Mrs. Suggs referred to. Mrs. Suggs located the lot on the Planning Development map. Mr. Stevenson viewed the location and stated that he was familiar with the lot and that it had been scheduled for acquisition.

Ms. Shirley Marshall, of the Housing Authority, stated that she was disturbed that it had been stated that the Housing Authority had the power to do the condemning of property, when, in fact, it was actually the Redevelopment Commission that would actually do the condemning. She was also disturbed that there was not any policy flexibility, feeling that these lot numbers referred to specific identified pieces of property or projects, and even if the Council did not know what the lots were, when they approved a lot for condemnation, that was a specific piece of property that they approved.

Mayor Nassif asked where the lot numbers originated. Ms. Marshall believed that the numbers originated from a survey that the Town staff had done when making the original application for the Small Cities grant. Her statement was confirmed; some of items had been modified somewhat as the program years were put together.

Councilmember Smith stated that he had never approved acquisition of property unless he knew what property he was approving. He stated that he was bitterly against condemning property in the CD area for the simple reason that people do buy land, make sacrifices, and somewhere down the road buy it for their children.

Referring to the second page of "Small Cities Program Activities Approved by HUD," item number 7 which read, "... two new street segments and reconstruction of one street segment in the target area, ...," Councilmember Smith wanted to know what the two streets and what segment was referred to.

Mr. Jennings thought the street sections referred to the Caldwell Street Extension. Councilmember Smith thought that this street had already been done. He further stated that he did not want to come back next year, saying that it was really some other street that this section referred to.

Councilmember Smith also wanted an explanation of General Administrative Expenses (referring to item 4, under "Estimate of Planning, Management, General Administration.") Mr. Jennings explained that \$10,000 covered administrative costs, specifically, rent, telephone, copying machine, supplies, utilities, travel, etc.

Mayor Nassif asked for confirmation of the fact that the same items on this information packet were the very same items in the initial grant application. He asked for further confirmation if the Town Council had approved it. Mayor Nassif

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explained that the reason he brought this question into the discussion was because he felt that the direction of this discussion at this meeting was throwing blame on the Housing Authority, suggesting that they had asked for these programs, when that was not the case. It was through Council . . . the very same names and monetary values of which the Town had responded to HUD. So HUD was asking about the three-year program upon the receipt of the application stating that we had to apply specifically to HUD (in January of 1979).

Mr. Jennings stated that the only difference between this application and the original application was that the Town had originally asked for a larger allotment.

Ms. Marshall requested permission to speak in response to Councilmember Smith. The section "Revised Implementation Schedule, Three-Year Small Cities Program," item 3 called for 8 properties to be acquired. Item 5 of the same section called for 9 vacant parcels to be acquired. She stated that if and when the Council approved this acquisition, it would mean that a total of 17 properties would be acquired in order to "keep HUD happy." The only flexibility that the Council would have then would be to explain to people what would happen. If the Town could not get the property by persuasion, in essence, they would be condemning 17 specific pieces of property; i.e., the Council would be giving the Housing Authority very specific directions if this application were to be adopted.

Councilmember Smith said that he was aware of this, and that this was his great concern. He stated that now was the time to make any changes, not in an effort to satisfy HUD, but that the concern be for the citizens that he represented, and the people whose property the Council was subject to condemn and take.

Ms. Marshall stated that she wanted it understood that the Housing Authority Commissioners would be more than willing for the Housing Authority to have flexibility to look at alternate plans, but the Housing Authority could only carry through what the Council asked them to do. She did not believe that any of the Housing Authority Commissioners felt that this specific goal was the best thing for that particular community.

Councilmember Smith wanted the Council to consider the fact that they had the authority to condemn 17 pieces of land, if people would not sell. That would be a tremendous loss to the black citizens of this community who had acquired that property over the years.

Councilmember Smith asked (referring to "Part V. Annual Housing Assistance Goal 1981-82 Narrative," item 11a, which read, "Employment of a development officer for subsidized housing by Chapel Hill Housing Authority.") where he could find anything in the document that showed what the salary of that person or what portion of that salary would come from the Small Cities Grant, stating that somebody on the present staff of the Housing Authority could assume that responsibility.

Mr. Secrist thought that this referred to an already-existing employee. The wording, however, indicated to Councilmember Smith that this was a new person . . . nothing was said about an existing person. Mr. Secrist confirmed that this person was already on the staff.

Councilmember Herzenberg had a question regarding the Manager's memorandum (page 1, third paragraph). There appeared to be a conflict between the two sentences in the same paragraph which read: "The only changes in activities proposed is a major reduction in the 'acquisition and rehabilitation' activity. . . . This reduction is consistent with the recent program change approved by Council . . . to increase the number of rehabilitation grants." Mr. Jennings explained that this referred to two different programs: (1) acquisition, and (2) rehabilitation.

Ms. Mary Falls, a resident of Chapel Hill, spoke to the Council regarding some land that had belonged in her family since her grandmother was living, who had given it to her father. The land was now given to his children (Ms. Falls and her brothers and sisters). Ms. Falls stated that she was presently retiring on disability, and was returning to Chapel Hill, wanting a place to stay and an income. Her father had left this land for her to have income. She said that if she let the Town of Chapel Hill take the land, she would not have anything. Her father had worked hard for her to have this land. He had bought this land and paid taxes on it. She asked why this land should be given to the poor, when she was poor, too? If the Town of Chapel Hill took this land away from her family, then her family would not have anything.

Councilmember Howes suggested that the Planning Board, Housing Authority, and the Community Development Facilitating Committee give the Council specific advice on the properties to be acquired and whether those properties could be acquired through appropriation. He thought that Mayor Nassif had written the Housing Authority following the public hearing several months ago and had indicated that it was the consensus of the Town Council that condemnation clearly should be a last resort, to be used only in the rarest of circumstances.

Mayor Nassif elaborated on the memorandum for the record, stating that the memorandum was written after a meeting to adopt the Redevelopment Plan was held. Mayor Nassif thought that the consensus of the Council was that condemnation would be a last resort. He stated that the entire Council was concerned about condemnation and that the Council wanted the Plan to be flexible enough to be able to go where condemnation was not necessary. At that same meeting, the Housing Authority informed Mayor Nassif and Mr. Shipman that they were only carrying out what the Council asked them to do. This being so, the Council had left the Housing Authority no flexibility. Mayor Nassif stated that if the Council asked the Housing Authority, the Planning Board and the Facilitating Committee to come back with recommendations for that flexibility, then it would be done and should be done now, then see what HUD had to say about it. The motion should be made to incorporate what flexibility could be arrived at to untie the hands of the Housing Authority and the Redevelopment Commission.

Councilmember Kawalec stated that it should be noted that \$700,000 of public money had been spent in this area for improvements during the past two years that otherwise would not have happened. Mayor Nassif said it would be even more if improvements from the Neighborhood Development Program were added.

Councilmember Thorpe said that it sounded as if the Council was apologizing for the development that had gone on, and that Council did not have to apologize for what had been done. This was simply a time for citizens to speak up.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO REFER TO THE VARIOUS ADVISORY BODIES (PLANNING BOARD, HOUSING AUTHORITY, AND THE COMMUNITY DEVELOPMENT FACILITATING COMMITTEE) THE SPECIFIC REQUEST THAT, IN THEIR RECOMMENDATIONS, THEY INCLUDE ADVICE AS TO WHAT EXTENT WHICH PROPERTIES COULD BE ACQUIRED WITHOUT CONDEMNATION.

Councilmember Smith suggested that the Housing Authority also consider the deletion of the five additional parts of land.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif closed the public hearing.

Petitions

Mr. James Haar requested permission to speak on item 10c regarding the proposed public housing site on Piney Mountain Road. The Council granted Mr. Haar's request.

Councilmember Beverly Kawalec requested that the Council develop a time schedule for hiring the Deputy Attorney. She was anxious to get that position filled, and wanted procedures set up. The Council decided to have Councilmembers Boulton, Herzenberg, and Nassif meet to discuss procedures for hiring a Deputy Attorney and bring their recommendations back to the Council.

Mr. Ron Secrist introduced Mr. Steven Gaber, the newly-appointed Director of Human Services.

Councilmember Herzenberg referenced a letter to the Mayor from Mr. Edward Dubovi, President of the Farrington and Morgan Creek Hills Homeowners Association. The members of this association were interested in permitting the construction of temporary barriers on Bayberry and Chestnut Streets.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO REFER THE SUBSTANCE OF THE LETTER TO THE MANAGER AND THE PLANNING BOARD FOR THEIR RECOMMENDATION.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

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Mayor Nassif brought before the Council a request from the Dispute Settlement Center. The request was in the form of a letter addressed to Mayor Nassif from Ms. Evelyn Smith, coordinator of the Dispute Settlement Center. Ms. Smith requested use of temporary office space in the Old Police Building. The reason behind the request was that the old office space for the Dispute Settlement Center was being renovated and the Center was being forced to find temporary office space.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG that the Manager work out the details with Ms. Smith of the Dispute Settlement Center.

THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes (May 11, 1981 and May 18, 1981)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF THE MAY 11, 1981 MINUTES AS CORRECTED.

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF THE MAY 18, 1981 MINUTES AS SUBMITTED.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif stated that the Minutes of May 26, 1981 would be reviewed at the June 22, 1981 meeting of the Town Council.

Ordinance to Amend the Chapel Hill Zoning Ordinance (minimum lots for Planned Development-Housing)

Mr. Ron Secrist introduced Mr. Mike Jennings, Planning Director.

Mr. Jennings stated that this amendment had been heard at the public hearing on May 26, 1981.

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

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ORDINANCE (81-0-39.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Ordinance be amended as follows:

SECTION I

AMEND Article 8.8.6.2, Minimum Land Area, to read as follows:

Except as provided for in Subsections 8.8.2 and 8.8.3, the minimum gross land area required for a zoning lot containing a PD-H shall be:

- a. One hundred fifty thousand (150,000) square feet in R-1 zoning districts.
- b. One hundred thousand (100,000) square feet in R-2 zoning districts.
- c. Thirty-seven thousand five hundred (37,500) square feet in R-3 zoning districts.
- d. Two (2) times the district minimum gross land area (as shown in Section 5.3) in all other zoning districts.

SECTION II

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

This the 8th day of June, 1981.

Councilmember Herzenberg felt that the safeguards which this amendment intended to establish already existed with the Council, and that this amendment could be perceived as a weakening of the ordinance. Councilmember Boulton did not agree, stating that she felt it gave direction in what the Council would like to see.

Mayor Nassif asked for clarification, specifically asking if he owned acreage in the middle of a residential section or elsewhere, would he be permitted to apply. He further stated that it was important to know that the 3-acre lots and the 2-acre lots and the 1-acre lot did not change the face of the community, rather the large tracts would indeed do that very thing and that was what he felt was being left open.

Councilmember Wallace said that this amendment was to protect established neighborhoods from incursion and felt that this was a reasonable protective measure for neighborhoods and should be adopted.

Councilmember Kawalec stated that the planned development was not the incursion by the very definition. Planned developments would fit into a neighborhood or it would not be permitted to go in. She felt it was the unplanned development that would be the incursion.

Councilmember Wallace pointed out that a planned development in the wrong place or in excess could become an incursion. He felt that the question was what were the neighbors in the development area were doing, not what the developers were planning to put together. He felt this to be a flooring below which the planned development would not take place.

Councilmember Kawalec drew a distinction between the generic term "planned development," which would be used for the CD area, and the very specific term "planned development," which meant something that would meet very specific requirements.

Councilmember Smith stated that any ordinance ought to apply to all residential areas. Councilmember Smith felt that no area should be given preferential treatment just because people objected to it.

Councilmember Wallace stated that he believed that a planned development would make unplanned developments more difficult.

Councilmember Smith stated that other residential areas were just as concerned about what would be built in their area as people in R-1, R-2, or R-3 were, and felt that this was giving people in these areas (R-1, R-2, and R-3) preferential treatment.

Councilmember Wallace agreed.

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

The ordinance will come before the Council for a second reading.

Resolution Regarding Development of an Area Airport

COUNCILMEMBER HOWES NOTED A FEW CORRECTIONS, THEN MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING DEVELOPMENT OF AN AREA AIRPORT (81-R-88)

WHEREAS, growth and development in southern Orange County have made Horace Williams Airport undesirable as a permanent site for an airport; and

WHEREAS, it is in the public interest that a site be identified to provide a suitable alternative to the Horace Williams Airport so that said airport can be phased out of use in the future; and

WHEREAS, the University of North Carolina has indicated its desire and intention to phase out Horace Williams Airport; and

WHEREAS, the Board of Commissioners of the County of Orange is currently considering a land use plan for Orange County; and

WHEREAS, such plan should account for the needs of the community for an airport;

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby urges the Board of Commissioners of the County of Orange to act affirmatively in its land use planning to consider the need for an airport to replace Horace Williams Airport; and

BE IT FURTHER RESOLVED that the Town of Chapel Hill will work cooperatively with the Board of Commissioners, the University of North Carolina and all the other public agencies and private bodies to accomplish the objective of phasing out Horace Williams Airport.

This the 8th day of June, 1981.

Councilmember Howes explained that this question had been discussed extensively and it was the concensus of the Council that they stood ready to work with all interested parties and that they should transmit their views to the County Commissioners for their consideration since the Commissioners were in the process of adopting their land use plan.

Councilmember Boulton suggested an amendment that the Council request that the area for an airport development be sought in southern Orange County. Councilmember Howes responded that the purpose of this resolution was to indicate Council interest in finding an airport which would be an alternative to Horace Williams (one which would be acceptable to the University for its purposes).

Councilmember Boulton added that the University had stated that they would not go beyond 10 miles. Councilmember Howes stated that any alternative to Horace Williams Airport was what the Council was concerned about. Councilmember Boulton further pursued her point by stating that if any area were not acceptable to the University, then it would not be an alternative to Horace Williams. Councilmember Boulton had understood that some concerned citizens had asked the University if Efland would be acceptable and the University had said "no." She therefore felt that anything in northern Orange County would probably not be acceptable.

Since the County Commissioners were in the process of adopting their land use plan, Councilmember Straley felt that it important that the County find land which could be zoned for a permitted use for an airport. Mayor Nassif stated that it would be better if the Council said in the "NOW, THEREFORE, BE IT RESOLVED" that they concurred with the County's recommendation and urge them to adopt the land use plan which had in it the special use for airports, because they already proposed such a thing.

Councilmember Straley stated that this was almost precisely what he had proposed, except that he was saying that whereas the County was planning the establishment of an airport through special use, it would be better for the Council to go ahead and make a study of the area and identify places where an airport would be a permitted use instead of a special use.

Councilmember Howes felt that these suggestions were going beyond what the Council could probably agree to. It seemed to him that this resolution said simply that here was a way of indicating the Council's interests of working with the County, with particular respect for their land use plan, and that the Council urge the Commissioners to act affirmatively. He felt that the resolution was deliberately vague to allow the special use procedure. He did not feel that the County was prepared to designate an area for an airport, but they were prepared to pass that special use permit, which the Council ought to support and would be consistent with the resolution and its effect.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Establishing a Development Review Fee Schedule

Mr. Ron Secrist stated that the proposed resolution would revise the resolution on development review fees to conform with the new zoning ordinance.

Mayor Nassif felt that the construction permit fee was excessive and therefore felt that he could not support the resolution.

Councilmember Howes stated that he did not feel qualified to evaluate an appropriate construction permit fee, and asked if it would be appropriate to ask the Manager to report on this and perhaps suggest some alternatives.

Mayor Nassif gave a brief explanation of the reasons behind his lack of support for the motion, stating specifically that the fee was entirely too high and that it should be figured differently, i.e., not by a percentage of the cost of the project.

Councilmember Boulton suggested that the Construction Permit fee be excluded from this particular vote.

Councilmember Howes stated that Mayor Nassif was the only person on the Council who had regular experience with this type of matter, and again asked for formal advice from the Manager.

Councilmember Kawalec felt that passing the resolution would not change the fee, since the fee was in effect now. Mayor Nassif felt that passing it would not change it, but would confirm it. Councilmember Boulton suggested that the Construction Permit fee be deleted and taken up at the Budget session.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC TO ADOPT THE FOLLOWING RESOLUTION, WHICH WOULD NOT INCLUDE THE CONSTRUCTION PERMIT FEE:

A RESOLUTION ESTABLISHING FEE SCHEDULE FOR REVIEW OF LAND DEVELOPMENTS (81-R-89)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby establishes the following schedule of fees for review of land developments:

TYPE OF APPLICATION/PERMIT	FEE
<u>Board of Adjustment</u>	
Variance	\$30
Appeal	\$50
<u>Special Use Permits¹</u>	
PD-Housing, less than 20,000 gross square feet (gsf)	\$150 + \$5/1000 gsf
PD-Housing, above 20,000 gsf	\$350 + \$5/1000 gsf
PD-SC, PD-OI, PD-MU and PD-I	\$350 + \$5/1000 gsf
Special Use Permit ²	\$150
Special Use Permit ³	\$350
<u>Special Use Modifications¹</u>	
Extension or Renewal	\$100
No New Construction	1/5 fee for request - (\$150 minimum)
New Construction	3/5 fee for addition - (\$150 minimum)
Review of Phase	2/5 fee for phase - (\$150 minimum)
<u>Zoning Map Amendments</u>	
To RT, R-1, R-2, R-3	\$150 + \$10/acre
To R-4, R-5, R-6	\$300 + \$15/acre
To Commercial, OI-1, OI-2, OI-3, & Industrial	\$500 + \$100/acre
<u>Subdivisions¹</u>	
	Preliminary Sketch Final Plat & Reapproval
Less than 5 acres	\$ 50 + \$5/lot \$ 50
5 to 10 acres	\$100 + \$5/lot \$ 75
Over 10 acres	\$150 + \$5/lot \$100
<u>Historic District Commission</u>	
Certificates of Appropriateness	\$ 10
Certificates of Appropriateness approved by staff	0
<u>Zoning Compliance Permit</u>	
Site Plan Review	Housing, less than 20,000 gsf \$35
	Housing 20,000 gsf or more \$35 + \$5/1000 gsf
	Commercial/office/mixed use and other 55 + 5/1000 gsf

¹Special Use Permits, Special Use Modifications and Subdivisions proposed to be assisted through HUD conventional Public Housing, Section 8, 202 or 235 funding are exempted. In projects where assisted units comprise only a portion of the total number of units, the fee is reduced by the percentage of the total number of units which are assisted.

²Cemetery, Group care facility, Park/Ride Terminal, Portable building

³Fraternity/Sorority House, Extraction of Earth Products, Landfill, Place of Assembly over 2000 seats, Public Service Facility, Radio/Television facility, Service Station Drive-In Window.

June 8th day of June, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Regarding Temporary Outdoor Activities (for Pedestrian Safety near Vehicular Traffic)

Mr. Ron Secrist stated that this proposed ordinance would require safety measures during temporary outdoor assemblies in parking lots and similar locations as a means of protecting the health and safety and welfare of not only the participants in that particular activity, but passersby as well. He offered to answer any questions from the Council or the audience.

Mr. Emery Denny stated that in the past there had been conflicts between activities, pedestrians, and automobiles, etc. He further stated that such activities were not appropriate uses of parking lots, but if this were to be permitted, it ought to be permitted under regulations to protect all concerned. Mr. Denny advised that it would include anytime anyone (merchant or special group) invaded an area which would normally be used for traffic.

Mr. Denny responded to Councilmember Boulton's question regarding the renewal of directional arrows on lots, stating that such enforcements belonged to the particular business.

Regarding Section 11-94 of the Ordinance ("The Manager may further require the applicant to employ qualified personnel to direct traffic . . ."), Councilmember Smith wanted clarification as to who these persons could be. Mr. Denny stated that such arrangements would have to be approved by the Manager, but that the point here was that the person(s) be qualified.

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

AN ORDINANCE TO AMEND CHAPTER 11 OF THE CODE OF ORDINANCES (81-0-40)

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

SECTION I

That a new Article be added to Chapter 11 of the Code of Ordinances as follows:

Article IX. Temporary Outdoor Activities in or near parking lots or public streets.

Sec. 11.91. Intent.

The intent of this Article is to protect the health, safety, welfare of drivers, pedestrians and other persons participating in or in the vicinity of outdoor activities in or near parking lots or public streets.

Sec. 11-92. Definition.

"Temporary Outdoor Activities," shall be construed as including outdoor displays, exhibitions, carnivals, fairs, sales and similar activities which are likely to cause congregations of persons walking or standing near areas of vehicular traffic and parking; but excluding street fairs and similar events for which the closing of a street(s) to vehicular traffic is approved by the Council pursuant to Sec. 21-7.1 of the Code of Ordinances and certain displays of merchandise which may be permitted by the Chapel Hill Zoning Ordinance.

Sec. 11-93. Approval by Town Required.

A temporary outdoor activity as defined in this Article shall be prohibited unless a permit for said activity is approved by resolution of the Council.

Sec. 11-94. Conditions and Criteria for Approval of Permit.

A temporary outdoor activity as defined by this Article may be approved upon a determination of compliance including but not limited to the following standards and conditions:

- (a) The sponsor of the activity shall undertake such measures as the Council deems necessary to protect the safety of persons attending or otherwise in proximity to the activity. As a condition of approval, the Council may require the applicant to submit a plan acceptable to the Town Manager or his designee which provides

for traffic control and pedestrian safety, including means for the separation of vehicular and pedestrian traffic as deemed necessary by the Manager. The Manager may further require the applicant to employ qualified personnel to direct traffic on public or near private streets or parking areas used for such activity.

- (b) The activity shall not substantially impair the efficient flow of traffic on public streets or otherwise significantly affect the public health, safety or welfare.
- (c) The activity shall be compatible with surrounding uses and property in regard to noise, the general intensity of activity, appearance and the hours of operation. The Council may restrict the duration of the activity, and its hours of operation as a condition of a permit.

SECTION II

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

This the 8th day of June, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding Adjustment of Valuation of Property within Durham County which Is in the Town of Chapel Hill

In response to Councilmember Herzenberg's question, Mr. Denny explained that this process occurred twice every eight years. Since Chapel Hill was in both Orange County and Durham County, and since both counties were not on the same 8-year cycle, the process would occur again when Orange County's 8-year cycle came up, and again when Durham's 8-year cycle came up.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION MAKING HORIZONTAL ADJUSTMENTS FOR TAX APPRAISAL OF CERTAIN PROPERTIES SITUATED WITHIN THE TOWN OF CHAPEL HILL PURSUANT TO PROVISIONS OF G.S. SECTION 105-328 (81-R-90)

WHEREAS, the Town Council did previously upon a re-evaluation of the real estate situated in the Town of Chapel Hill, Durham County, North Carolina, make a horizontal adjustment to equalize the appraisal of said properties with other properties in the Town of Chapel Hill, and situated within Orange County; and

WHEREAS, the County of Orange is making its regular reappraisal of all real estate within the county as of January 1, 1981 effective for the fiscal year beginning July 1, 1981; and

WHEREAS, in order to equalize the reappraised value of said Orange County properties, it is necessary that a horizontal adjustment be made in the appraised valuation of the Durham County properties situated within the Town from their current 80% valuation to 100% of their last appraised valuation, and that with said horizontal adjustment said valuations throughout the Town will be equalized;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CHAPEL HILL, that a horizontal adjustment be made in all real estate situated within the Town of Chapel Hill, and located within the County of Durham so as to reflect 100% of the appraised valuation as applied to all such properties by the County of Durham, said valuation to be as of January 1, 1981 effective for the fiscal year beginning July 1, 1981.

This the 8th day of June, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Tax Equalization Rate (Discussion of S.441)

This item was deferred until the Council could come to an agreement among themselves regarding equalization, wishing to have a recommendation for Mr. Vickery on his bill, and feeling that the Council should support the bill with certain qualifications or stipulations of what the equalization rate should be.

Reports

- a. Monthly Financial Report. There was no discussion.
- b. Monthly CIP Report. There was no discussion.
- c. Option Funds for Proposed Public Housing Site on Piney Mountain Road. Mr. James Haar addressed the Council on behalf of the Piney Mountain Neighborhood Association. He had written a letter to the Mayor and members of the Town Council stating opposition to Mr. Shipman's intention to approve a request for money to extend the option on the Piney Mountain Road site. Reasons given for the association not wishing to have the option continued on this site and for considering the site to be a poor choice were as follows: (1) remoteness of the site from facilities of every kind (shopping, etc.), (2) the project site was in a subcommunity of the Town that already had some assistance housing in it, and (3) it was an area of a neighborhood that had a substantial minority population which was about double for Chapel Hill's average and that the construction of a large scale housing project on this site would cause a serious imbalance tantamount to the introduction of a pattern of segregation in this part of Chapel Hill. In addition, the site was high and exposed with few mature trees. He assured the Council that people who lived on all four sides of the proposed site were in opposition to the proposed location of the project. He urged the Council to consider denying funds for the options.

Councilmember Herzenberg asked for clarification of the use for these funds. Mr. Denny responded that the recommendation by the Manager was not asking the Council to approve or disapprove the site, but the Council could deny or adopt a resolution to spend funds for this purpose. What the Manager was advising was approval of those funds at this time for this purpose unless the Council told the Manager to do otherwise. The written option provided for an extension for an additional four months upon the payment of \$5,000. This four-month option began in November of 1980 and ended in February 1981. The option of paying the first provision was to be extended for four months upon the payment of an additional \$5,000. This period began in March 1981 and would expire June 15, 1981. The question now was whether or not it would be extended for an addition 4 months upon the payment of an additional \$5,000, which would carry the option period to October 15, 1981. If the payment was not made, the option would expire June 15, 1981 and there would be no need to hold a public hearing in September.

Mayor Nassif stated that \$10,000 altogether had been paid to date, all of which would apply to the purchase price and that \$5,000 would buy an option only until June 15, 1981.

Mr. Denny explained that if the Council denied the request, the option would terminate on June 15, 1981.

- d. Flood Hazard District. Mr. Roscoe Reeve, Chairman of the Planning Board, addressed the Council in an effort to explain this matter. The Planning Board was asking for additional time to more fully evaluate the flood hazard plan, due to what they deemed to be varying qualities of flood fringe.

Councilmember Kawalec doubted if it were possible for the Planning Board to collect sufficient evidence to determine a hazard, feeling that that kind of information had to come from the Corp of Engineers or our staff.

Councilmember Straley asked Mr. Reeve what new data did they expect to find. Mr. Reeve responded that the Planning Board had not actually looked at the flood areas in particular detail and they felt that the flood consequences were worth looking at in more detail.

Councilmember Straley asked if there were stations where data was collected to tell how high water did rise and how rapidly it subsides after heavy rains, since there were many places in Chapel Hill which seemed to flood.

Mr. Jennings stated that the Planning Board did not have the facts to say whether, in fact, there would be a public health or safety hazard. The Planning Board discussion had tried to steer away from making restrictions on the amount of development by using floor area ratio or lot size and look, instead, at the kinds of development standards that were applied in other places which had flood plain regulations.

Mr. Reeve said that the Planning Board had not anticipated that this would be a major in-depth study unless Council so desired. They simply wanted to be able to make a better decision than they felt they were coming to at the present.

Resolution to Join the North Carolina Interlocal Risk Management Agency
Workers' Compensation Fund

Mayor Nassif asked if this proposed a \$27,000 savings. Mr. Secrist stated that \$13,000 was being saved was due to the Town's good experience and safety records of the past year and the remaining \$14,000 that would be saved due to the low premium quotation for 1981-82 under the League's plan as opposed to other premium rates charged by private firms.

Mayor Nassif asked what the North Carolina Interlocal Risk Management Agency was. Mary Parker, Finance Director, explained that this was an organization founded by the North Carolina League of Municipalities for the purpose of allowing the option of pooling their workers' compensation program in a non-profit form and produce a cost savings. Mayor Nassif asked if this agency already existed or if it was to begin. Ms. Parker stated that it would start July 1, 1981. Mayor Nassif was concerned with whether the agency might increase their cost. Ms. Parker responded that this agency was offering the Town a 15% discount off of the Town's current policy, not knowing what they might offer in succeeding years, but that the Town could make this decision each year. Nothing would be lost at any time if the Town changed its minds from one year to the next.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION TO JOIN THE NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY WORKERS' COMPENSATION FUND (81-R-91)

WHEREAS, the Town of Chapel Hill is required to provide payment of workers' compensation claims of employees; and

WHEREAS, the North Carolina Interlocal Risk Management Agency has been established by municipalities pursuant to G.S. 160A-460 through 160A-464; and

WHEREAS, it is desirable for the Town of Chapel Hill to join the North Carolina Interlocal Risk Management Agency and participate in its workers' compensation fund in order to provide a method of risk sharing for workers' compensation claims of its employees;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Chapel Hill hereby joins the North Carolina Interlocal Risk Management Agency and agrees to participate in its group fund which has been formed to pay and service the workmens' compensation claims of the employees of the municipalities and other local agencies joining the Agency;

BE IT FURTHER RESOLVED, that the Mayor be authorized to execute and the Clerk attest the application to join the North Carolina Interlocal Risk Management Agency and participate in its workers' compensation fund.

This the 8th day of June, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Bids

Resolution Rejecting Bids for a Data Processing System. Ms. Mary Parker, Finance Director, distributed a letter to the Town Council from Mr. S. M. Gattis, Orange County Manager. Ms. Parker stated that a question had come up in a work sessions regarding what the possible relationship of Orange County was to the computer and stated that this letter spelled out what the County's position was.

Councilmember Thorpe asked Ms. Parker if she proposed to reissue the request for bids for a Data Processing System. Ms. Parker responded that plans were to reissue the request "tomorrow" and retract the bids "tonight," leaving the bids open for a short period (one week, as required by statute).

Councilmember Straley asked about the considerable difference in the price of the computer hardware. Ms. Parker explained that the difference was primarily due to the fact that one bidder was a young establishment. (The consultant for the Town for the purchase of this computer system had advised strongly against taking a chance on the lesser bid.) Ms. Parker also stated that this firm (the low bidder) was interested in having a low bid because they wanted an opportunity to demonstrate the system in North Carolina.

Councilmember Thorpe asked if Mr. Gattis was still acting officially as County Manager. Ms. Parker assumed that he was.

Ms. Parker pointed out, at Mr. Secrist's suggestion, that the fact that only three bids had been received was not indicative of to low interest. The proposal had been constructed very carefully to indicate exactly what the needs were, feeling very pleased that this number of vendors felt they could meet the rather detailed and rather sophisticated software requirements within a certain degree. Ms. Parker stated that she expected these three to rebid, and possibly two more.

Mayor Nassif asked if the Council had approved this bid request in December. Ms. Parker stated that this had not been an approval, rather it was a detailed photocopy of the component's report--a "For Information Only" item. The Finance Department was simply making the Council aware of their action.

There was no further discussion or questions from the Council.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO REJECT THE FOLLOWING RESOLUTION:

A RESOLUTION REJECTING BIDS ON ONE DATA PROCESSING SYSTEM INCLUDING EQUIPMENT, SOFTWARE, INSTALLATION, AND TRAINING (81-R-92)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town has received the following bids on April 16, 1981:

BIDDERS AND BIDS

<u>ITEMS</u>	Distributed Data Systems Inc.	Morrison Services, Inc.	Wayne Computer Center Inc.
<u>ALTERNATE I</u>			
A. Equipment	\$54,185.00*	\$112,765.00	\$86,695.00
B. Software			
1. Alternative A	16,980.00	45,500.00	13,000.00
2. Alternative B	18,260.00	No Bid	16,500.00
C.&D. Other Costs	1,800.00	1,940.00	750.00
Total system cost including only Alternative A software	72,965.00	160,165.00	100,445.00
Total system cost including only Alternative B software	74,245.00	No Bid	103,945.00
<u>ALTERNATE II</u>			
A. Equipment	82,074.24*	No Bid	127,429.92
B. Software			
1. Alternative A	16,980.00	No Bid	13,000.00
2. Alternative B	18,260.00	No Bid	16,500.00
C.&D. Other costs	1,800.00	No Bid	750.00
Total system cost including only Alternative A software	100,854.24	No Bid	141,179.92
Total system cost including only Alternative B software	102,134.24	No Bid	144,679.92
<u>ALTERNATE III</u>			
A. Equipment	No Bid	No Bid	121,771.47
B. Software			
1. Alternative A	No Bid	No Bid	13,000.00
2. Alternative B.	No Bid	No Bid	16,500.00
C.&D. Other Costs	No Bid	No Bid	750.00
Total system cost including only Alternative A software	No Bid	No Bid	135,521.47
Total system cost including only Alternative B software	No Bid	No Bid	139,021.47

NCR Corporation submitted alternate bids of \$4,073 and \$8,740 for straight purchase of one piece of the necessary equipment only, an electronic cash register terminal.

*Does not include the cost of the remote terminal telephone connecting equipment necessary for a fully operational system. Estimated cost \$9,000.00.

AND BE IT FURTHER RESOLVED that the Council hereby rejects all bids as containing too many irregularities and directs that the system be rebid.

This the 8th day of June, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding a Contract for Educational Leave (for Police Employee to Attend the FBI Academy)

Councilmember Smith stated that he was not aware that this procedure had ever been followed in the past.

Mr. David Roberts, Town Clerk, affirmed that this procedure had been followed in the past when officers needed to take leave of absence for training. Mayor Nassif stated that if anyone was absent from their job for a certain length of time, the request had to meet approval of the Council.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING EDUCATIONAL LEAVE (81-R-93)

WHEREAS, the Council of the Town of Chapel Hill has approved a program of educational leave for employees of the Town of Chapel Hill has approved a program of educational leave for employees of the Town of Chapel Hill as outlined in Section 14-88 of the Personnel Section of the Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is hereby authorized to enter into an agreement with Lieutenant A. H. Summey for educational leave according to the stipulations in Section 14-88 of the Code of Ordinances of the Town of Chapel Hill.

This the 8th day of June, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding County Administration and Funding of Retired Senior Volunteer Program (RSVP)

Mayor Nassif asked Mr. Secrist if RSVP had made a request to the Council this year for funds. Mr. Secrist responded affirmatively. Mayor Nassif asked for clarification: if the County was going to take over RSVP, was Chapel Hill, then, telling the County what to do with their budget? Ms. Parker explained that last year an administrative agreement was worked out with the County that after July 1, 1981, RSVP would go the County, with the County eventually taking over the program entirely at the beginning of the federal fiscal year (October 1, 1981). The memo was merely asking the Council to direct the County Commissioners to honor the past administrative agreement by resuming their portion of funding for the program.

Mayor Nassif was not sure that the Commissioners knew what that arrangement was. He further stated that since two administrative units had been involved with the decision, the Council should be sure that the Commissioners knew about the administrative agreement. He suggested that someone from Chapel Hill call the County Commissioners to clarify their understanding of last year's arrangement first, then work out whatever needed to be worked out.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT THE MAYOR CONTACT THE CHAIRMAN OF THE COUNTY COMMISSIONERS TO GET INFORMATION REGARDING ANY AGREEMENT ON THIS PROJECT.

THE MOTION CARRIED UNANIMOUSLY.

Boards and Commissions

Council was notified of all vacancies. Council made a blanket nomination of all recommendations and applications submitted. Mayor Nassif stated that Mr. Gardner had withdrawn his application with OWASA.

Ms. Betty Sanders was nominated for OWASA by Councilmember Herzenberg for her own seat, when it expired.

Councilmember Thorpe nominated Mr. Grey Culbreth for the OWASA Board.

Mayor Nassif stated that there were two slots vacant with OWASA, one by the resignation of Mr. Marvin Silver and the other vacancy would be the expiration of term by Ms. Sanders (who was renominated for her own seat).

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Mr. Roscoe Reeve, Chairman of the Planning Board stated that the Board did not have sufficient nominees and requested that the Council nominate additional people for the Planning Board at the next meeting, to be appointed at that time as well.

Mayor Nassif stated that the Planning Board would have a tremendous number of vacancies (5), and thought the Council could ask the persons (who would be terminating) to remain until their positions were filled, since this was a a very awkward time for the Council to try to recruit interested persons to serve.

Mr. Reeve stated that the Planning Board would, on July 1, have only three members on the Board--two short for a quorum for business. (The Board had forwarded to the County two nominations for the County positions and forwarded one nominee (whose term would expire in July) for consideration before July 1.)

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE COUNCIL ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.

THE MOTION CARRIED UNANIMOUSLY.

The regular meeting of the Town Council of the Town of Chapel Hill adjourned at 10:08 P.M.

At 11:50 P.M. Mayor Nassif called the meeting to order for the second time. Mayor Nassif recognized Councilmember Howes.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1980" (81-O-41)

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>
Revenue Collector	\$ 53,037	\$ 500	-	\$ 53,537
Town Clerk	\$ 42,109	\$ 500	-	\$ 42,609
Legal	\$107,217	\$1,000	-	\$108,217
Sundry Contingency	\$ 6,358		\$2,000	\$ 4,358

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

This the 8th day of June, 1981.

Councilmember Wallace stated that these monies were to cover the period of fiscal year July 1, 1980 through June 30, 1981 for both the Clerk/Revenue Collector and the Town Attorney.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Herzenberg was recognized. Councilmember Herzenberg stated that last week (June 2, 1981) Council had received the resignation of the Town Manager, Mr. Raymond E. Shipman.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER THORPE, THAT THE COUNCIL ACCEPT WITH GRATITUDE AND APPRECIATION THE RESIGNATION OF THE TOWN MANAGER EFFECTIVE JUNE 29, 1981.

THE MOTION CARRIED UNANIMOUSLY.

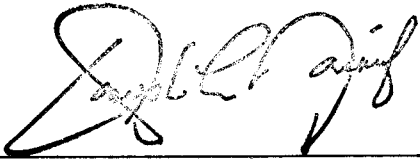
COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE COUNCIL DESIGNATE MR. RON SECRIST, DIRECTOR OF THE RECREATION DEPARTMENT, AS THE INTERIM TOWN MANAGER.

THE MOTION CARRIED UNANIMOUSLY.

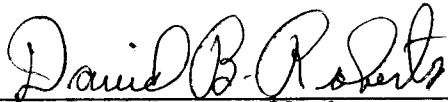
Councilmember Wallace was recognized. Councilmember Wallace stated that the Town Manager, Mr. Shipman, was out of Town. Councilmember Wallace did not know when Mr. Shipman was expected to return. He suggested that there be an establishment of an appropriate time when the new Interim Manager would actually assume the authority of the Town Manager. For this reason, COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE COUNCIL HAVE ON THE AGENDA FOR THE WORK SESSION SCHEDULED FOR THURSDAY, JUNE 11, 1981, AT 4:00 P.M. THAT THIS MATTER BE TAKEN UP BY COUNCIL IN AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.

THE MOTION CARRIED UNANIMOUSLY.

There being no further business to come before the Council, the meeting adjourned at 12:03 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk