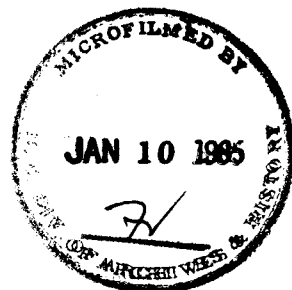


MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, JULY 6, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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



Councilmember Jim Wallace was excused. Also present were Interim Town Manager, Mr. Ron Secrist and Town Attorney, Mr. Emery Denny.

All persons wishing to give testimony during the public hearing on Woodglen Townhouses and the public hearing on Franklin Park were sworn by Mr. David B. Roberts, Town Clerk.

Woodglen Townhouses Special Use Permit Application - Public Hearing

Mr. Mike Jennings, Director of the Planning Department, presented the following introduction and recommendations. He stated that the request for the Planned Development-Housing Special Use Permit was to construct 19 townhouses for a total floor area of 18,000 sq.ft. on approximately 1.7 acres of land located on the south side of Longview Street near the intersection of Clark Street. The property and surrounding areas were zoned R-4. There were no major issues in considering this proposal. The staff recommended approval of the 10 stipulations which would be presented to the Council again on July 13, 1981.

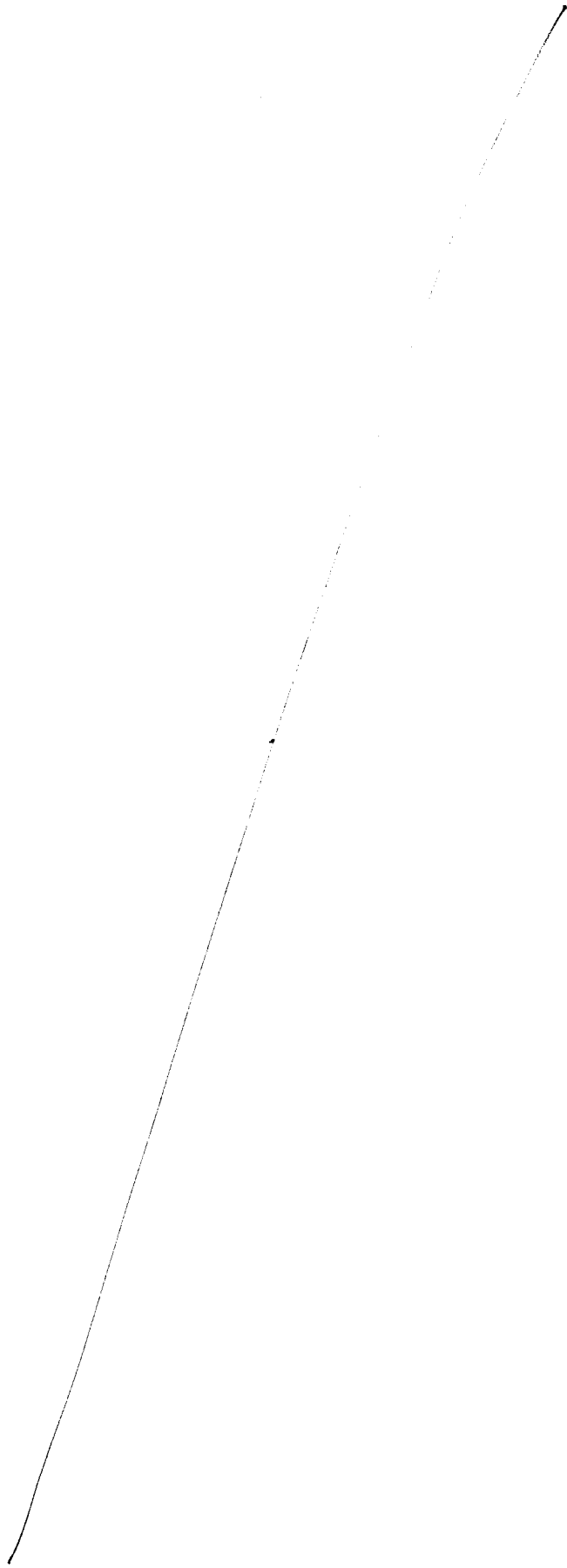
The Chairman of the Planning Board, Mr. Roscoe Reeve, presented the Board's recommendations. He stated that the Planning Board found the application to be in conformity with all requirements of the Special Use Permit. The Board found no issue of concern, further stating that the proposed application complied with the conditions for the Special Use Permit.

Ms. Lucy Davis, applicant, described the property: Woodglen would be a residential development with 19 townhouses, each approximately 950 sq.ft.; units would be solar heated; the townhouses would be clustered in such a way as to preserve the trees and other natural features of the site; access was planned at the current curb cut in the center of the property and would not endanger the public health and safety, as the curb cut entered at a fair distance from the nearest intersection of Clark Street; the existing drainage to the property would be improved. She stated that current zoning requirements had been met, adding that a lesser number of units were planned than that allowed in the ordinance. She further stated that this property would not injure the value of adjacent properties, feeling that the quality of construction of this property was equal to or better than existing structures in the area. The applicant stated that this proposed project was in harmony with its site, permitting natural vegetation to remain. Additional landscaping was planned. She submitted a Statement of Justification as part of her presentation.

No citizens requested to speak.

Councilmember Smith asked, regarding the statement under Finding #2: "Basketball and volleyball courts will be located nearby," if this would be on the property. Ms. Davis answered affirmatively. Councilmember Smith attempted to determine the grade on the road leading out of the property onto Longview Street. Mr. Giles Blundon, Architect for the project, stated that he did not know precisely what the percentage of slope was, other than that it would meet Town standards for driveway entrances. Councilmember Smith's concern was in regards to the speed of traffic on Longview Street, wondering if drivers exiting from this drive would be able to see sufficiently. Mr. Jennings pointed out the graded markings on a map, but did not have a reading of what the precise grade would be. He concurred with Mr. Blundon's statement that it would meet Town standards. He further explained that the part of the road coming into the drive would be flat. Councilmember Smith did not feel that his question had been answered sufficiently, but was assured by staff that an answer would be given at the July 13, 1981 meeting.

There were no further questions or comments from Council.



COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE MATTER BE REFERRED TO THE MANAGER AND ATTORNEY FOR CONSIDERATION AND RECOMMENDATION.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Franklin Park Special Use Permit Application - Public Hearing

Mr. Jennings presented the project. The request was for a Planned Development Office and Institutional Special Use Permit. Mr. Jennings displayed three site plans for the Council and pointed out the location of the property, describing the surrounding properties as well. The plans were for the construction of 7 office buildings, the total floor area to be 75,000 sq.ft. One consideration centered around possible traffic problems. The proposal would have two accesses: (1) Franklin Street, and (2) Northwestern Bank. The access on Franklin Street was a 5-lane cross-section with a turn lane. These were felt to be safe and staff found that the Elliott Road access would provide a good alternate access by dividing the traffic between the two entrances to the property.

The Planning Board felt that the primary problem of conformance with the Comprehensive Plan was that the property was adjacent to an activity center (Kroger Plaza and Eastgate) but was not actually in the activity center as designated on the Land Use Plan. Staff recognized that the Land Use Plan was a guide, not a regulatory document, and was subject to interpretation by the Council. Therefore, staff recommended that Council fail to make a fourth finding. A resolution of denial of the project had been prepared. An alternate resolution had also been prepared which incorporated stipulations that the staff felt would be necessary if the Council determined that it could make the fourth finding and approve the request. This project would be on the Council agenda for July 13, 1981.

Mr. Reeve stated that the Council had read documents and heard statements concerning the basic concerns of the Planning Board and its recommendation for denial of the fourth finding. The issue of public health and safety had been addressed considerably and even though the Planning Board did not feel that the ingress and egress conditions were perfect, the conditions were acceptable and were not a condition for denial of the project.

Mr. Reeve stated that the issue of conformity to the Comprehensive Plan was not a test of principal or of general issue, it was site-specific. The Planning Board was not opposed to the expansion of new or existing activity centers. The Board believed this properties and the adjacent property to be appropriate for high-density housing. The Board felt that Mr. Baker's plans had been comprehensive, and had provided and promoted a well laid out idea for an office park. The desire of the Planning Board to maintain the presently designated use of the Land Use Plan was one that they felt they ought to support as a site-specific condition. The first, second, and third findings had been addressed appropriately in the recommended stipulations that the Council would consider in granting this permit.

Mr. Roger Baker, the applicant, distributed an aerial photograph that showed the subject property and the surrounding properties. He felt that such a photograph would be useful in providing a bird's-eye view of the property and the surrounding uses.

He felt that there was no question here regarding the quality of the plan itself, as demonstrated by the first three findings. The surrounding activity areas had shown that a major activity center in this section of Town worked well. The question raised now was if this plan was appropriate for a high-density residential area. He felt this matter to be debatable, feeling that Office and Institutional was an appropriate use if one looked at the broader issues of arterial traffic flow, greenway entrances and safety. He thought this was an interesting issue since the fourth finding was that the location and character had to be in harmony with the area in which it was to be located. He felt that these plans were in conformity with the general plan of development and that this project would be an asset to Chapel Hill. Mr. Baker submitted a Statement of Justification and a traffic study that analyzed a variety of concerns. He wanted these documents entered into the public record.

Mr. Baker was concerned that there were some ambiguities about the processes that one had to go through to have properties originally designated residential on the Zoning Map re-zoned for other kinds of uses. Virtually all vacant properties had

been designated as residential in use on the newly-adopted Zoning Map. Mr. Baker noted that in the new Zoning Ordinance, one was required to have a 5-acre minimum if the property was adjacent to or across the street from a Commercial or Office and Institutional Use property, suggesting that properties of this description were a special condition. He submitted that this was the situation here, that the activity center for this area of Town was relatively well-defined and that this property fell within those activity centers. The only other property which happened to be adjacent to his was vacant. It was interesting to note that the adjacent owner's main concern had been how he could have his own property rezoned to Office and Institutional or Commercial Use. Mr. Baker felt that the question of harmony with the surrounding area was not an issue.

Mr. Watts Hill, Jr., stated that he was speaking as an individual, not as a representative of the Chamber of Commerce, nor as a representative of Mr. Roger Baker. He stated that individual members of the Town Council had made the point at various times in the past that the new Zoning Ordinance was not in conformity with the Land Use Plan in a number of instances. One of the recommendations that the Chamber of Commerce had made was that the Land Use Plan be brought into conformity with the Zoning Ordinance. Mr. Baker asserted that to make an argument that this was not an extension of an activity center (when there was a Kroger Plaza Shopping Center across the road, a bank on one side, and a radio station virtually on the other side) seemed to him to be an arbitrary drawing of a line. He felt this "line" was understandable at the time the Land Use Plan was drawn up because a line had to be drawn somewhere; but he thought to say that this line was hard and fixed and ought to stay seemed to be without regard to the realities. This brought into question the whole kind of relationship that existed between the Council and the Planning Board and not this particular project. He thought there might be some good legal reason whereby the Planning Board felt itself constrained by the Land Use Plan (which was not yet in conformity with the Zoning Ordinance). He suggested that if there were ever a clear instance where, through common sense, an area ought to be zoned Office and Institutional, this was it, given the surrounding uses.

He raised a second question: Why was this zoned high-density residential to begin with? He referred to the fact that immediately south of the property was a large piece of land owned by UNC which UNC had planned to develop as a high-density residential property, but because of the existing economic conditions could not find a way to do that. He felt that this was just some indication of what the problems were in regards to high-density residential property development today.

His third question was whether high-density residential property ought to be located that close to a major thoroughfare (stating that "Franklin Street's five lanes are about as major a thoroughfare that could be conceived of in Chapel Hill."). He asserted that Mr. Jennings had said that the Land Use Plan was a guide, subject to change by the Council.

Mr. Hill summed up his statements with three main points:

1. The Land Use Plan and the Zoning Ordinance were not in conformity with each other.
2. This piece of property, if there was any piece of property anywhere in Chapel Hill, ought to be made part of an activity center.
3. Who would handle questions like this in the future and how would they be handled. It seemed to him that whatever the Council decided in this regard would set a policy for the future, a policy that needed to be thought through and acted on and not just a recommendation for a piece of property. He felt that a firm policy would aid developers in knowing what they could do in the future. He felt that one of the major reasons that property (both residential and commercial) was so exorbitantly expensive in Chapel Hill was because of the rules and regulations (or process) that developers had to deal with. He felt that the high cost of this process benefitted no one. The cost of doing business in Chapel Hill, in his own personal experience, was much higher than in any of the neighboring counties and communities.

Mayor Nassif stated that even though the Council did not normally get into answering questions, he wished to respond to Mr. Hill. He asserted to Mr. Hill that Mr. Baker had originally requested the R-5 zoning of this property.

Mr. Reeve also wished to respond to a few assertions made by Mr. Hill. He explained that WCHL was not on the "other side" of this project. He knew that Mr. Hill had used the words "'virtually' on the other side," but he wanted to assure Mr. Hill that it was not. He further asserted that the Planning Board did not feel "legally compelled" in their recommendation.

Councilmember Straley asked Mr. Baker to state the location of the property owned by Mr. Mousmoles. Mr. Baker explained that this property was the only other property that fronted on Franklin Street in this section.

Mayor Nassif asked Mr. Jennings if the access at Northwestern Bank was part of the Special Use Permit. Mr. Jennings explained that the Northwestern Bank agreement required that the applicant pave that road to Town standards. The access had never been dedicated as a public right-of-way, nor had it been accepted by the Town. Therefore, the Planning Board had recommended the stipulation on the alternate resolution that required the applicant to demonstrate that he had legal access to that driveway across the Northwestern Bank property. Mayor Nassif asked Mr. Denny if Northwestern Bank's Special Use Permit would have to be modified. Mr. Denny asked if the access went all the way to the property line; Mayor Nassif stated that it did not, that it was off the property line 5 feet. Mr. Denny said that, from the legal standpoint, if the roadway was to be extended greater than was permitted in the Special Use Permit, it would require a modification, however slight, to permit access through that property. He assumed that this had not been contemplated in the original application or the original hearing by Northwestern Bank.

Mayor Nassif stated that it had been contemplated by the Bank, but had not been picked up by the Town to make it part of the Special Use. Mr. Denny said that if it was not part of the Special Use Permit, it was not part of the requirements.

There were no further questions from the public or the Council.

Mr. Baker requested to make another statement. He spoke regarding the easement of Northwestern Bank: Mr. McCormick, Manager of Northwestern Bank thought that access to this property was required. Mr. McCormick had stated that he would have an easement dropped that would guarantee rights of access through that road, if necessary. A third lane was planned to be combined with the two existing lanes leading onto Elliott. Additional plans were to cut back the embankment on the side to allow improved visibility. That would be the only access onto Elliott; there was no access onto Milton Avenue.

Mr. Denny commented further on Mayor Nassif's earlier statement, stating that it could well be that the property owner of the Northwestern property was obligated to give access to this property. This would not answer the question of whether or not it would require any modification and approval by Council to continue the operations of Northwestern Bank at that location under that Special Use Permit without modification. It was not a question of what was in the Special Use Permit.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO REFER THE MATTER TO THE MANAGER AND ATTORNEY FOR CONSIDERATION AND RECOMMENDATION.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Proposed Closing of Unused Whitaker Street Right-of-Way - Public Hearing

Mr. Jennings pointed out the specific location of this right-of-way. The purpose of this public hearing was to close the unopened right-of-way as it was not needed for streets. No property would be denied access by this action. This would come back to Council for action on July 13, 1981.

No citizens requested to speak for or against this proposal.

Councilmember Smith asked if this property was on the north side of the new street being cut through that location and how many properties were involved. Mr. Jennings answered that he was correct regarding the location and that four properties were involved: three along Mitchell Lane and one on Whitaker, itself. Mr. Smith asked if the property owner would be required to seed the embankment on the new street, or would the Town do it. Mayor Nassif and Mr. Jennings answered that the Town would seed it.

There were no further questions.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY TO REFER THE MATTER TO THE MANAGER FOR CONSIDERATION.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Proposed Amendment to the Chapel Hill Zoning Ordinance Regarding Loading Zones - Public Hearing

Mr. Jennings stated that consideration of this amendment to the Chapel Hill Zoning Ordinance came about as a result of enforcement problems of Town Center loading zone requirements. The Planning Board and staff, however, looked at the loading zones in general. Staff and Planning Board recommended revisions in an effort to give the Planning Board flexibility in applying loading zone requirements. Essentially, as the ordinance was now written, there were requirements for certain uses of certain sizes of separate loading spaces to accommodate the largest tractor trailer. The flexibility provided by this revision would allow the Planning Board to require separate spaces for locations where the use and the size of the building required service by a tractor trailer. Otherwise, the general feeling was that for occasional loading activities, parking areas could be used.

The second area of agreement was to revise the threshold size of buildings (that housed businesses that required loading space) to accommodate a tractor trailer inside the building. The staff and Planning Board did not totally concur on this approach to loading in the Town Center. The staff and Planning Board concurred that to require individual loading spaces in the Town Center was not advisable. Generally, the feeling was that this would require too much land to be devoted to driveways and loading spaces. This would result in drivers coming across Franklin Street and conflicting with the pedestrian traffic. The staff and Planning Board did not concur totally on a recommended approach. Staff felt that the loading question in the Town Center should be a shared responsibility among property owners of the Town. The staff felt that off-street loading was best done through a system of service alleys and on-street loading zones. The staff recommendation included a requirement that all new construction (whether commercial or whatever) be required to comply with a loading plan that would be prepared in a temporary form of goals and objectives formed at some time in 1982-83. This would provide a system of service alleys in the Town Center, in addition to on-street loading. This would also be advisable for Town services; i.e., garbage pickup, police patrol, and fire protection. The Planning Board did not recommend service alleys but recommended that all loading in the Town Center occur primarily on the streets. The Planning Board recommended ordinance 81-O-46a. Staff recommended alternate ordinance 81-O-46b. The only difference in these two proposed ordinances was whether or not a property owner in the Town Center would be able to comply with the service alley plan.

Mr. Roscoe Reeve stated that this was a difficult issue. The businesses on Franklin Street were not similar in their unloading techniques or needs. It was an unhappy situation, as it now existed. Deliverers to businesses simply did what they pleased, which created an almost constant enforcement problem. He stated that the Board had seriously considered a plan by which the loading zones would be centralized on the blocks of East Franklin Street and the deliverers would have to move from those central zones to the businesses on the blocks. The Board felt, however, that the most flexible solution would come by establishing the hours of delivery, thereby freeing up any particular site-located loading zones (i.e., to restrict unloading from 10:00 or 11:00 P.M. to 10:00 or 11:00 A.M., when there would be little parking demand on Franklin Street, Columbia Street, and Rosemary Street) so that the beer trucks could park in front of their places and some of the longer trucks could park in the 100 block. The Planning Board did go along with the staff's recommendation of requiring smaller truck sizes to make the deliveries. He felt that a time restriction was probably the only way to solve both the existing problem and the problem of certain businesses not being able to function under staff recommendation. The Planning Board was not fully satisfied with staff recommendation and tried to create a solution that would meet the tremendous variety of needs that existed in the business community. The Planning Board had wanted to hear from the business community on this particular issue, but had not had any response.

No citizens requested to speak for or against these recommendations.

Councilmember Boulton asked Mr. Reeve if the business community had, indeed, not spoken out in any of the Planning Board work sessions. Mr. Reeve stated that this was true and this was a source of concern for him. He was disappointed in this, but felt it was the Town's responsibility to solve this problem. Councilmember Boulton expressed her surprise that it was not being discussed in a more comprehensive way. Mayor Nassif asked if notices had been given out regarding any proposals to regulate zoning. Mr. Reeve responded negatively. Mayor Nassif asked how businesses had been notified that the Planning Board was doing this. Mr. Jennings stated that a letter had been sent to the Chamber of Commerce and that even though the Chamber's liaison had been at a Planning Board meeting, he had not spoken on the issue. Mayor Nassif asked if the businesses that did not belong to the Chamber of Commerce received any notification and if not, how could they respond to this at a work session?

Councilmember Smith asked the Planning Board and staff if the matter of time limit for parking in the unloading zones had been considered. He felt that some of the problems were created by deliverers parking and staying in a zone an hour or more and were not actually unloading. He had noticed this on several instances and did not know where the driver was that was parked in the loading zone. The driver was taking up space that some other delivery person might need in order to make his own deliveries and continue on his route. He wondered if this time limit restriction could be enforced and whether this problem had been discussed with the Police Department or Police Chief. Mr. Jennings stated that the staff had discussed the general issue with the Public Safety Department and the Public Works Department, but not the enforcement of time, essentially.

Councilmember Smith was concerned with the suggestion of an alley way and wondered where in the world and when and how a business could put an alley way in the Central Business District. In his way of thinking, one could not even get a truck in the alleys. Unless they re-did the whole block, he could not see how an alley could be added. Mr. Jennings stated that the biggest problems with using the alley way as it presently existed in the 100 block was the continuous pedestrian flow on the sidewalk and the differences in the grading. The staff felt it would be good to have a plan in effect which would require that an area be reserved for trucks to get through or to have building structures end at a certain point allowing a continuous alley way behind the structures. He felt that the provision of a system of service alleys was a very important part of planning for the Town Center, not only for those who did business there, but also for the Town's provision of safety.

Mr. Denny clarified one aspect of a previous statement. It was quite true that the Town did not own a large portion of the East Franklin alley in question. However, there was a public alley way which extended from Rosemary Street up behind Ledbetter Pickard, Rathskeller, Amber Alley, took a northerly turn at the post office property, and came back to Rosemary Street. All the rest of the alleys there were private alleys and, as far as he knew, all of the other alleys in the Town Center were private.

Councilmember Straley asked if the Town could do anything "in a public way" with a private alley. Mr. Denny said that the Town could require that enough space be left open for fire reasons. Councilmember Straley asked if the Town could just go out and declare that an alley be an access alley. Mr. Denny answered no, except for fire reasons.

Councilmember Smith suggested that a systematic plan be considered to determine where to locate loading zones. A survey could be made as to what businesses used on-street loading zones in order to determine the best area for a loading zone on Franklin Street. A loading time limit could be put on the area and require deliverers to feed the meter. Another alternative was to ask the Police Department to patrol those areas and mark the tires on vehicles that were spending half a day in a loading zone. The problem could be solved by enforcement.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THIS MATTER TO THE MANAGER AND ATTORNEY FOR CONSIDERATION AND RECOMMENDATION.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Proposed Amendment to the Chapel Hill Zoning Ordinance Regarding
Off-Street Parking Requirements for Churches in the Town Center - Public Hearing

Mr. Jennings stated that the Zoning Ordinance required one space for four persons that the church was designed to accommodate. This requirement was designed to satisfy the parking need of churches generally, but careful consideration by the staff and the Planning Board produced a concensus that application of this requirement in the Town Center would severely hamper the expansion of existing churches in the Town Center. Furthermore, the implementation of this requirement in the Town Center would not be necessary to protect the public interest since there were other parking facilities available during the high usage periods of churches on Sundays. In addition, there were light traffic flows through Town at that time. The Planning Board and the staff concurred in their recommendation to exempt churches from parking fines in the Town Center at this time. There were only two churches that were within the Town Center I and Town Center II districts. There were a lot of churches downtown, but the line excluded most of them. There had been an inquiry by one church that was interested in locating in the Town Center.

Mr. Reeve concurred with the comments of Mr. Jennings.

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Mr. Denny commented regarding special legal concerns that while it was true that there were only two existing churches in the technical current downtown business area, the real problem would be explaining why one physical church was exempt and another was not. This would be a very difficult case if it came up in court when an area was defined by zoning. He thought that from a policy standpoint, the Town needed to consider to what extent they desired to serve the downtown church.

Councilmember Straley asked if the ordinance clarified that a church was a building and not a group of people. Mr. Denny stated that the Zoning Ordinance itself provided for the use of structures and the use of land and if there was no structure involved, he assumed that there was no property. If the group were meeting in a structure on a permanent basis and if they wanted to do something with that structure (i.e., if they wanted to add to it) then and only then would they get to the question as to what the use was. Defining the word "church" was the problem.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES TO REFER THE MATTER TO THE MANAGER AND ATTORNEY.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif declared the public hearings closed.

Petitions

The first petition was by OWASA for annexation of the Mason Farm Treatment Plant.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THIS ITEM TO THE MANAGER.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Secrist presented a request from Mr. Raymond Burby, Chairman of the Parks and Recreation Commission to delay Commission appointments until July 13, 1981.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO APPROVE THE REQUEST TO DELAY APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION UNTIL JULY 13, 1981.

Councilmember Smith felt that there was no need to delay this action. Council did not need the Chairman to oversee the Council's appointment to these vacancies.

THE MOTION FAILED 3 TO 5 WITH COUNCILMEMBERS STRALEY, HOWES, AND HERZENBERG SUPPORTING, AND COUNCILMEMBERS SMITH, BOULTON, THORPE, KAWALEC, AND MAYOR NASSIF OPPOSING.

Mayor Nassif presented a request from Mr. Watson Jordan to lower the speed limit on Weaver Dairy Road to 35 mph.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THE REQUEST TO THE MANAGER.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif presented a petition from Mr. Arthur S. Marks. Mr. Marks requested a leave of absence from the Historic District Commission until January 1, 1982.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, TO GRANT A LEAVE OF ABSENCE TO MR. ARTHUR S. MARKS FROM THE HISTORIC DISTRICT COMMISSION UNTIL JANUARY 1982, AND TO DIRECT THE COUNCIL TO MAKE AN INTERIM APPOINTMENT.

Council discussed the possibility of making an appointment at the July 13, 1981, Council meeting. Mr. Denny advised that if Council had either (1) unanimous attendance at a meeting or (2) if they made certain that every Councilmember was notified and consented to the procedure, then it would be permissible to proceed, but only under those two circumstances.

Mayor Nassif felt that, in the absence of Councilmember Wallace, Council ought not entertain the motion to alter the procedures. This item should be considered on the agenda for the next Council meeting.

Council elected to discuss this issue at the next Council meeting.

Council granted permission to Mr. Larry Kehrer of the ECOS Recycling Center to speak on agenda item 13.

Minutes

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO APPROVE THE MINUTES OF JUNE 15, 1981, AS CORRECTED.

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO APPROVE THE MINUTES OF JUNE 22, 1981, AS SUBMITTED.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing the Submission of an Application for a Community Development Small Cities Program Grant, 1981-82

Mayor Nassif reviewed the background information and current status of this application. Specifically, the program began approximately three years ago, was presented to Council, and subsequently approved. As things presently stood, land had been acquired but there was not sufficient funding to fulfill the obligation of putting houses on the land, nor was funding available. Options were (1) continue with the same program and do what could be done with limited funding or (2) state that the Town did not wish to exercise the option of building houses, request that HUD take that portion of the money back and allow the Housing Authority to continue with that portion that could be execute. (There was the reality of not being able to do that.)

Ms. Shirley Marshall of the Housing Authority concurred with Mayor Nassif's recommendation that the Housing Authority proceed with limited funding.

Mr. Denny concurred with Mayor Nassif's recommendation, stating that a \$30,000 loan over 30 years with an interest subsidy would probably commit close to \$75,000 on that one loan. ("How many \$75,000 commitments could \$300,000 spend?") He felt that was the problem.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO DIRECT THE MANAGER TO PREPARE A RESOLUTION.

Mr. Secrist informed the Council that the application deadline for the third-year program was Friday, July 10, 1981. Mr. Secrist suggested asking for an extension on the deadline. Mayor Nassif concurred.

Ms. Marshall offered to submit a report by Wednesday on what the Housing Authority had done since the Housing Loan Trust Fund was initially established. This would include the procedure by the Housing Authority for implementing funding.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Reaffirming Designation for the Town of Chapel Hill as Part of an "Area Center" Growth Center

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER THORPE, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION REAFFIRMING DESIGNATION FOR THE TOWN OF CHAPEL HILL AS PART OF AN "AREA CENTER" GROWTH CENTER (81-R-104)

WHEREAS, the Balanced Growth Policy of the State of North Carolina encourages economic progress and job opportunities throughout the State in a way designed to assure a healthy and pleasant environment and to preserve the State's natural resources; and

WHEREAS, this policy provides for the designation of growth centers throughout the States in an attempt to carry out the parking; and

WHEREAS, the Town of Chapel Hill has adopted as a good the attainment of gainful and stable employment for a diverse population as well as policies encouraging the

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location of new employees which provide jobs for a wide range of skill levels, and reserving the adequate amount of suitable land to meet economic objectives;

THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby requests the redesignation of Chapel Hill as part of an "Area Center" growth center, in conjunction with the Town of Carrboro and Orange County.

This the 6th day of July, 1981.

There was no discussion.

THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, AND THORPE SUPPORTING, AND MAYOR NASSIF OPPOSING.

Report

A report for use of the former Police Building on Rosemary Street was submitted by Mr. Secrist. Mayor Nassif stated that current use of the building was to house the "911" system, Court, District Attorney, Sheriff's Department, Town parking lot attendants, and the Dispute Settlement Center. Having received various requests for both short and long-term space occupancy of the building, Mayor Nassif felt it was time for the Council to consider future use of the building. Presently, the Town was under commitment to house the "911" system. The Court area would soon move out, leaving the second floor level and the basement available for use. One option was to move the "911" facility and other county agencies into the basement of the building and have other interested individuals lease the remainder of the building for a 10-year period. (He proposed an effective leasing date of July 1, 1982.)

Councilmember Boulton felt that leasing the spaces in the building could accomplish two purposes: provision of office spaces and keeping the building there for historic reasons. She felt that a decision for leasing ought to be reached soon.

Councilmember Howes felt that the Town ought to give some serious consideration to selling the property. He felt that the Town had a rare piece of "leverage" not usually available to a public body. He would argue (not in favor of selling it) but in favor of consideration of selling it in the context of an overall program of downtown revitalization. He felt this was not inconsistent with what the Mayor suggested in terms of some kind of lease arrangement. He did not feel, however, that market conditions were right, now, for sale of the property. He felt that the opportunity this presented was limitless. Councilmember Smith did not want to see the building sold.

Councilmember Kawalec suggested that Council review the current applications before deciding. She favored leasing space to the Women's Center.

Mayor Nassif thought a good plan for leasing would be difficult. The Town could find themselves entrapped by their own willingness to be kind. The Town could become involved in problems-solving decisions between tenants, etc.

Councilmember Boulton suggested that the Manager come up with suggestions for handling various leasing applications. She did not feel that Council should close their minds to selling the property, although she favored leasing.

Mayor Nassif suggested that persons interested in leasing make an offer for leasing whatever section they wished.

Council requested that the Manager include the following in his report: (1) how to advise the public of Council's intent to lease the building, and (2) what stipulations would be included in the advertisement. Council would discuss this again in their August 24, 1981, meeting.

Resolution Renewing a Preliminary Sketch for Colony Woods North Subdivision Located on Legion Road

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION RENEWING A PRELIMINARY SKETCH FOR COLONY WOODS NORTH SUB-DIVISION LOCATED ON LEGION ROAD (81-R-105)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby renews the approval of the preliminary sketch for Colony Woods North Subdivision until July 6, 1982, subject to all previously approved conditions remaining in effect.

This the 6th day of July 1, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding Special Leaf Collection Service

Mr. Secrist reviewed the background of this resolution: during the budget deliberations, Council discussed the present leaf collection services performed by the Public Works Department. Council did not delete leaf collection services from the Adopted Budget. Therefore, funds were available to provide personnel and equipment necessary to carry on this function as it had been done in the past. However, there had been discussion as to the future of the service and to the transferring of employees who performed these services during the fall and winter months. Under present circumstances, there appeared to be three options: (1) leaf collection to take place this year as in the past. The status of leaf collection for the fall of 1982 and winter of 1983 could be discussed during the budget deliberations for FY 1982-83. With the current turnover rate of this position, staff could still transfer those individuals into other sections; (2) special leaf collection could continue as in the past with the public being given notification of the intent of Council that this would be the last year for such service. Employees could still be transferred to other assignments within the Town before the end of this fiscal year; and (3) with the current turnover rate within laborer classifications throughout the Town, most if not all of the four leaf collection laborers could be transferred to other assignments, curtailing the service immediately. Eliminating the service this year would require intensive publicity of Council's intent.

Mr. Secrist recommended leaf collection for this year. He felt that a reclassification of the job and a change in next year's service level could be made. Council would have time to give the public a notice of intent that this would be the last year for such service.

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

A RESOLUTION REGARDING SPECIAL LEAF COLLECTION SERVICE (TO PHASE OUT SERVICE AFTER 1981-83) (81-R-106b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it is the intent of the Council that the special collection of leaves and pine straw in loose piles shall be provided during 1981-82 but the present Council intends that this special collection be discontinued after 1981-82.

This the 6th day of July, 1981.

Councilmember Smith questioned why this issue was before the Council since he did not remember the Council expressing a desire to do away with leaf collection. He felt that the Council wanted that service continued. He thought there were too many problems with discontinuing leaf collection. The issue had been to reduce staff, not delete a service.

Mayor Nassif explained that Council, by concensus and by adoption of the Budget, intended to eliminate the service and move those persons laterally within Public Works or other areas of the Town during the year. Now the Manager was asking which options the Council would like to take. There was even a chance to reverse that decision. The Manager was trying to tell the Council that they could not only move these persons laterally, but could have the leaf collection done, too.

Councilmember Smith felt there would be a lot of citizen complaints if leaf collection were discontinued in Chapel Hill. Councilmember Herzenberg concurred with Councilmember Smith, in that there would be a lot of complaints from citizens who placed considerable value on leaf collection and had never had a chance to speak at a public hearing.

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COUNCILMEMBER BOULTON MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER THORPE, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING SPECIAL LEAF COLLECTION SERVICE (TO CONTINUE SERVICE FOR INDEFINITE FUTURE) (81-R-106c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to provide special collection of leaves and pine straw in loose piles at the edge of streets from October 20, 1981, through March 15, 1982. It is the intent of the present Council that this service continue in future years, subject to approval through future Annual Budget Ordinances.

This the 6th day of July, 1981.

Mr. Secrist stated that if laborers moved laterally into other positions, the Town would have to hire contractual assistance. Past experience had not been good in finding contractual people who could work eight hours a day for five months during the non-summer months.

Mr. Secrist offered another approach: have a loan system whereby personnel were shifted from one crew (creating impact on that crew's service level) to another to do leaf collection.

Mayor Nassif asked if leaves could be collected with the present staff without hiring contractual personnel. Mr. Secrist answered no, but stated that if this was a priority, it could be done, effecting present service levels.

Councilmember Boulton suggested only leaf collection in November and December. Mr. Harris said that in October there was heavy leaf collection. Things slacked off until the beginning of March, when the work load became heavy again.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Recycling Committee Formation Discussion

The Council discussed meeting with Orange County and the Town of Carrboro regarding use of landfill funds to support recycling.

Councilmember Kawalec introduced Mr. Larry Kehrer of the ECOS Recycling Center. Mr. Kehrer review background of recycling in Chapel Hill. His request was for a formal reinstatement and recognition of the Chapel Hill Recycling Implementation Committee.

Councilmember Kawalec felt the Council should think through and define what their relationship to the committee would be. She also felt this group of people should be expanded beyond the Chapel Hill city limits to include Carrboro and Orange County.

Councilmember Smith suggested that the Chapel Hill Town Council, Carrboro Board of Aldermen, and the Orange County Board of Commissioners meet to discuss how to use the landfill funds for recycling. He did not feel that the Council should go into any in-depth analysis of recycling until they knew what funds were available. He felt that once that was determined, the three entities of government could form a committee to look at ways to begin recycling in the area.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG THAT THE COUNCIL OF THE TOWN OF CHAPEL HILL CONSULT WITH THE ORANGE COUNTY BOARD OF COMMISSIONERS AND CARRBORO BOARD OF ALDERMEN, STATING THAT MAYOR NASSIF WOULD CONTACT THE CHAIRMAN OF THE BOARD OF COMMISSIONERS AND THE MANAGER OF THE TOWN OF CARRBORO TO SEE IF THEY WOULD AGREE TO DISCUSS THE USE OF LANDFILL FUNDS TO SUPPORT RECYCLING.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Kawalec did not want Chapel Hill's hands "tied" by what Carrboro or the County might or might not decide to do. She was interested in exploring other options available to Chapel Hill and felt it would expedite matters if Council would simply recognize the existence of the committee and request that the committee submit a report to the Council on recycling options for the area.

Councilmember Herzenberg felt this suggestion might preclude involvement of other citizens. Mayor Nassif did not feel that a motion was necessary and suggested that a letter be sent to Ms. Sharp thanking her for bringing this citizens committee to the attention of the Council, informing her what action the Council had taken and that the Council would be back in touch with her. Council could also state that they were delighted that this group was active in this area.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT COUNCIL RECOGNIZE THE EXISTENCE OF A CITIZENS COMMITTEE FOR RECYCLING, REQUESTING THAT THEY REPORT TO THE COUNCIL THEIR RECOMMENDATIONS IN THE AREA OF RECYCLING, THAT THEY INFORM THE COUNCIL OF ALTERNATIVES AVAILABLE TO THE TOWN, AND THAT THEY CONTINUE TO MEET.

Councilmember Straley requested that the report from the group include facts concerning their present existence and purpose.

Councilmember Herzenberg was interested in knowing who was on this committee.

THE MOTION FAILED 2 TO 6 WITH COUNCILMEMBERS KAWALEC AND STRALEY SUPPORTING, AND COUNCILMEMBERS HERZENBERG, THORPE, HOWES, BOULTON, SMITH, AND MAYOR NASSIF OPPOSING.

In view of the failed motion, Councilmember Kawalec wished to follow the suggestion made by Mayor Nassif regarding having a letter sent to Ms. Sharp. Council concurred.

Town Manager's Position

Councilmember Kawalec felt that the Council should establish a procedure and a time-table for hiring a Town Manager. Councilmembers Kawalec, Smith, and Howes were appointed to meet and formulate the wording for an advertisement for the position of Town Manager. This would be presented to the Council for approval on July 13, 1981.

Ordinance Amending an Ordinance to Grant a Franchise to Operate Taxicabs

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

AN ORDINANCE AMENDING AN ORDINANCE TO GRANT A FRANCHISE TO OPERATE TAXICABS (81-O-44)

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

SECTION I

WHEREAS, N.C.G.S. 160A-304 provides that the Town, by Ordinance, may grant a taxi franchise within the Town; and

WHEREAS, Thomas J. Posillipo was granted a franchise to operate six (6) taxicabs in Chapel Hill on September 8, 1980; and

WHEREAS, Thomas J. Posillipo has requested that his partners in his taxicab firm, Joseph Posillipo and Dominic Nobile, also be named as grantees of the franchise; and

WHEREAS, the Council finds that the said Thomas J. Posillipo, Joseph Posillipo, and Dominic Nobile are proper persons for said franchise;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, that pursuant to the authority contained in N.C.G.S. 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Thomas J. Posillipo, Joseph Posillipo, and Dominic Nobile be, and they are hereby granted the franchise to operate a total of six (6) taxicabs within the Town of Chapel Hill upon compliance with the provisions of Chapter 20, Code of Ordinances, Town of Chapel Hill.

SECTION II

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

This the 6th day of July, 1981.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

This ordinance would be presented for a second reading on July 13, 1981.

Nominations and Appointments for Boards and Commissions

Mayor Nassif opened the floor for nominations. COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES, TO NOMINATE ALL PERSONS LISTED AND TO CLOSE THE NOMINATIONS.

THE MOTION CARRIED UNANIMOUSLY.

Community Appearance Commission. The following votes were taken: Ms. Ella D. Akin: 7 votes; Ms. Jane M. Norton: 5; Mr. James H. Belk: 3; Ms. S. Brooks Morton: 3; Mr. Edward Boer: 3; and Ms. Grace Wagoner: 8.

A second vote was taken as there was a tie for three applicants: Mr. James Belk, Ms. S. Brooks Morton, and Mr. Edward Boer. The vote was as follows: Mr. James Belk received 3 votes; Ms. S. Brooks Morton received 4 votes; and Mr. Edward Boer received 1 vote. The applicant with the lowest vote (Mr. Edward Boer) was dropped and the two remaining applicants were voted on.

A third vote was taken: Mr. James Belk received 2 votes and Ms. S. Brooks Morton received 6 votes.

Council appointed the following persons to the Community Appearance Commission: Ms. Ella D. Akin, Ms. Jane M. Norton, Ms. Grace Wagoner, and Ms. S. Brooks Morton.

Planning Board. Ms. S. Brooks Morton's application was deleted from the list as she had now been appointed to the Community Appearance Commission. The following votes were taken: Ms. Alice Jane Graham Ingram received 5 votes; Ms. Diane Brookhouse Day received 7 votes; Mr. Kevin Zimmer received 1 vote; Mr. Henry Mattox received 4 votes; Mr. James H. Belk received 1 vote; Ms. Pat Evans received 5 votes; Mr. Aarne Vesilend received 3 votes; and Mr. John Mason received 6 votes.

The Council appointed the following persons to the Planning Board: Ms. Alice Jane Graham Ingram, Ms. Diane Brookhouse Day, Mr. John Mason, and Ms. Pat Evans.

Personnel Appeals Committee. Mr. Jake Wicker was reappointed by unanimous vote.

Board of Adjustment. All applicants were placed in nomination. The following votes were taken: Mr. Edward Boer received 4 votes; Mr. Harvey Mann received 2 votes; Ms. Shann Tracy received 1 vote; Ms. Marcia E. Herman-Giddens received 8 votes; and Mr. George R. Peoples received 0 votes.

A second vote was taken between Mr. Boer and Mr. Mann: Mr. Boer received 3 votes and Mr. Mann received 5 votes.

The Council appointed Ms. Marcia E. Herman-Giddens and Mr. Harvey Mann to fill the vacancies on the Board of Adjustment.

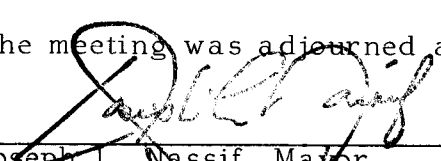
Parks and Recreation Commission. All applicants were placed in nomination. The following votes were taken: Ms. Mary Pendergraft received 4 votes; Ms. Caroline Lindsay received 5 votes; and Ms. Kani Hurow received 7 votes. The following applicants received no votes: Mr. Edward Boer, Mr. Dennis Pagano, Ms. Charlene Register, and Ms. June Burbage.

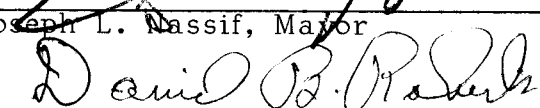
The Council appointed Ms. Caroline Lindsay and Ms. Kani Hurow to the Parks and Recreation Commission.

Notification had been previously given to Council regarding the resignation of Mr. Robert Stipe. Councilmember Kawalec nominated Mr. Gary Freeze for the Historic District Commission and Councilmember Straley nominated Mr. Phillip Gallagher.

There being no further business to come before the Council, COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADJOURN TO EXECUTIVE SESSION.

The meeting was adjourned at 10:54 P.M.


Joseph L. Nassif, Mayor


David B. Roberts, Clerk