

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,  
MUNICIPAL BUILDING, MONDAY, AUGUST 24, 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  
Jim Wallace (late)

Also present were Interim Town Manager, Ron Secrist; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny.

Petitions

Council had received the petition by letter from Howard Yandle, R.Ph., of the Village Pharmacy to consider painting a pedestrian cross-walk across West Franklin Street at the Kenan Street intersection.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE MATTER TO THE MANAGER AND TRANSPORTATION BOARD.

THE MOTION CARRIED UNANIMOUSLY. (The unanimous vote was 8 to 0--Councilmember Wallace was absent at this time.)

Council granted permission for the following citizens to speak on agenda item #7: Ms. Maye Hardin, Coordinator of the Orange County Women's Center; Ms. Betty Caldwell, President of the Chapel Hill Preservation Society; and Ms. Mary Ellen Bowers, President of the Historical Society.

Minutes

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO APPROVE THE MINUTES OF JUNE 29, 1981, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO APPROVE THE MINUTES OF JULY 6, 1981, AS SUBMITTED. THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

(Councilmember Wallace arrived at this time.)

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO APPROVE THE MINUTES OF JULY 13, 1981, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY (9 TO 0).

Ordinance Amending the Chapel Hill Zoning Ordinance (To Exempt Churches in Town Center Zones from Off-Street Parking Requirements)

(The main motion had been moved by Councilmember Smith and seconded by Councilmember Herzenberg at the July 13, 1981, meeting and was now before the Council for further consideration since it did not receive a 2/3 vote at that time.)

Mr. Mike Jennings, Director of the Planning Department, stated that the ordinance's first reading was for alternate b and would exempt Town Center churches from the parking requirements altogether. The concern at that time was that there were many central area churches which were not in the Town Center which would not benefit from the exemption due to their location or similar circumstances as Town Center churches.

Another alternate ordinance (alternate c) had been prepared and was recommended by the Manager. Mr. Jennings demonstrated the alternative on a map, showing a broadened exemption area. This area was a perimeter of 1500 ft. surrounding the Central Business area.

The Mayor inquired of the Attorney if he had any comments with respect to the proposed amendment. He advised that the enlarged amendment was appropriate.

Councilmember Boulton inquired as to whether or not the enlarged ordinance was legally in order. Mr. Jennings advised that the legal notice of the public hearing was broad enough to cover the ordinance as amended. The Attorney advised that since this was the case the consideration of the amended ordinance was in order. The Attorney concurred with the wording of the ordinance.

Councilmember Straley inquired as to how the 1500 ft. perimeter was determined and if the map which Mr. Jennings had presented was a part of the ordinance. Mr. Jennings pointed out that the 1500 ft. was measured from the external boundaries of the Central Business District areas. Its location could easily be determined with reference to the zoning atlas.

COUNCILMEMBER KAWALEC MADE A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE "CHAPEL HILL ZONING ORDINANCE" (81-O-45c)  
(Parking exemption for churches in or within 1500 feet of Town Center zones)

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 6.6.7 under "Minimum Number of Parking Spaces," for churches in TC-1 and TC-2 Districts, to substitute "N/A" for "1 per 4 persons the use is designed to accommodate," and in Districts other than TC and OI-3, to substitute "1 per 4 seats in the sanctuary, except for churches within one thousand five hundred feet of a Town Center District, which are exempted from parking requirements.

#### SECTION II

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

This the 24th day of August, 1981.

THE MOTION TO SUBSTITUTE CARRIED WITH A VOTE OF 8 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER THORPE OPPOSING.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE SUBSTITUTE MOTION AS THE MAIN MOTION. THE MOTION CARRIED WITH A VOTE OF 8 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER THORPE OPPOSING.

#### Ordinance Amending the Chapel Hill Zoning Ordinance (Off-Street Loading Zones)

This was the second reading for this ordinance and was before the Council for action at this time inasmuch as it did not receive a 2/3 vote at the July 13, 1981 meeting.

Mr. Jennings explained that the main change was in the Town Center which would require that new construction would have to conform to a plan for off-street loading. (The plan was currently being prepared by the staff in the Planning Department.) There was discussion of the effect of this clause and its limited application to existing uses.

Mr. Jennings explained that this requirement would not affect the existing on-street loading zones unless the Council adopted an on-street and off-street loading zone plan.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION (moved by Councilmember Straley, seconded by Councilmember Smith, on July 13, 1981) CARRIED 6 TO 3 WITH COUNCILMEMBERS WALLACE, KAWALEC, HERZENBERG, HOWES, BOULTON AND STRALEY SUPPORTING, AND COUNCILMEMBERS SMITH, THORPE, AND MAYOR NASSIF OPPOSING:

AN ORDINANCE AMENDING THE "CHAPEL HILL ZONING ORDINANCE" (81-0-46b)

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

SECTION I

In Subsection 6.6.1, second paragraph, ADD "Except within the Town Center districts," BEFORE "Off-street loading" and SUBSTITUTE "as well as for any expansion of such uses or change in use, requiring the regular delivery or shipping of goods, merchandise, or equipment to the site by semi-trailer trucks" FOR "having an enclosed floor area greater than five thousand (5,000) square feet," AND ADD "Loading required for development within the Town Center Districts shall be provided through access to approved on-street loading spaces and/or public alleys provided in conformance with Chapel Hill's adopted plan for Town Center loading access."

In Subsection 6.6.8(a) SUBSTITUTE "43" for "50."

In Subsection 6.6.8(e) SUBSTITUTE "55" for "60" and "14" for "16."

In Subsection 6.6.9, first requirement, SUBSTITUTE "1 for floor area of 10,000-29,999 square feet; 2 for floor area of 30,000 square feet or more" FOR "1 per 5,000 square feet of floor area or major fraction thereof, not to exceed 2 spaces."

In Subsection 6.6.9, second requirement, DELETE "or major fraction thereof."

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

This the 24th day of August, 1981.

Resolution Approving the Site Plan and Preliminary Sketch for Timberlyne Office Park South

Mr. Jennings reviewed the background: a unified business development Special Use Permit was issued for this property on July 25, 1979 as part of the application for Timberlyne Office Park and Shopping Center. The application had been approved under the Town's previous Zoning Ordinance when the property was zoned residential.

Section 15.2 of the newly adopted Zoning Ordinance provided that a change in an approved Special Use Permit would require site plan review and approval by Council. The request to subdivide this property would constitute a change in the approved Special Use Permit.

Three alternate site plans were submitted.

In addition, Mr. Jennings explained that, previously, Council had approved the Special Use Permit with the stipulation that Weaver Dairy Road be improved to bring it up to an ultimate 53' cross-section.

Staff and Planning Board recommended (since this was a subdivision and improvement to the north side of Weaver Dairy Road was to be done by Timberlyne Office Park North) that applicant only be required to improve one-half of Weaver Dairy Road. The applicant, however, preferred that the requirement be placed on the Timberlyne Shopping Center--not on the Office Park.

Recommendation was to approve Alternate C with the nine (9) stipulations and nine (9) requirements as listed in the memorandum.

Mr. Page, representing the applicant, felt that it would be dangerous to widen Weaver Dairy Road from the Duke Power line to Kinston Drive Extension at this time since there were no lights on Weaver Dairy Road. To go into a 3-lane road and then into a 2-lane road would be dangerous. He felt that widening Weaver Dairy Road should be done when the shopping center was built, as turn lanes would be necessary at that time. He felt the office park would not generate sufficient traffic to warrant these alterations. He felt this stipulation should be applied to the certificate of occupancy or building permit.

Mr. Page stated that he did not want to post bond. It was a problem to get a bond every year and it would be 5 years before the shopping center would be built. He felt to delay this decision and add it on to the shopping center would insure that road improvements would be done.

It was pointed out that the resolution as drawn omitting stipulation #9 would eliminate the bond requirement, but would not cover the situation with respect to modification of the Special Use Permit for the shopping center.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO APPROVE RESOLUTION 81-R-117b with the stipulation that item 9 be removed.

Councilmember Wallace stated that similar problems in the past had produced the fact that unless it was initially decided who would do the road improvements (state or county or developer), long-term problems would result; therefore, an early decision was necessary. He felt the shopping center should improve the road, as it would be the ultimate beneficiary of the improvement and would create the traffic which made the improvement necessary. He was concerned, however, that if the shopping center were never built (and there was no guarantee that it would be) that there would be no one to make these improvements.

Councilmember Kawalec inquired if it were correct that the shopping center and the office park were the same owner. Mr. Page replied that they were, at the present time, but this was no guarantee that they would remain so.

Councilmember Wallace felt the Council should deal with things as they were at this time to make it clear whose responsibility it should be regardless of the ownership at that time when the improvement was needed or made.

Mayor Nassif inquired of Mr. Jennings: If the shopping center did not get built and the subdivided property no longer had a Special Use Permit with the stipulation that the shopping center pave the street in front of this development, it would not be in effect and there would be no one to pave the street. If the land of the shopping center were sold and carried the Special Use Permit with the land, and if the Special Use Permit expired, then neither the Special Use Permit nor the stipulation would be effective; therefore, no one would be responsible for paving any of the road. It was agreed that this would be the case.

Mayor Nassif stated that he did not object to not having a bond posted, but since there was no guarantee that the shopping center would be built, a problem could arise. If the Council did not require the bond, they would run the risk of possibly not having any of that road improved. There was no clear-cut way except to say that the state would do the roads or they would not be done at all.

It was explained that if a bond were posted, the developers would not be required to widen the pavement at this time. The developer stated that he would be willing to post bond.

COUNCILMEMBER HOWES MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER KAWALEC, TO REQUIRE THE DEVELOPER TO POST BOND (i.e., the resolution including stipulation #9.)

Mayor Nassif felt if the bond expired and there was no shopping center, there would no longer be a bond. The bond could not be called if the shopping center were not built.

After further review of the resolution, Mr. Denny pointed out that the alternative stated that a bond was to be posted and last until 1986 if the shopping center were not built; it could be called at that time and the improvements made with the proceeds. If the shopping center were built prior to 1986, then the improvements must be made at that time. The developer, however, could make the improvements at any time and be relieved of the bond requirement once they were complete.

Mr. Denny reiterated that he felt that the present wording of the resolution was sufficient to protect the interests of the Town whether or not the shopping center was built or whether or not there was a change of ownership.

Councilmember Howes, as the maker of the motion, concurred in this interpretation of the language of the resolution.

COUNCILMEMBER HERZENBERG MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING THE SITE PLAN AND PRELIMINARY SKETCH FOR TIMBERLYNE OFFICE PARK SOUTH (81-R-117)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch Alternative C for Timberlyne Office Park South located on property identified as Chapel Hill Township Tax Map 24, part of lot 28, subject to the following:

1. Site plan approval is based upon conformance with Alternative Subdivision Plan C dated July 16, 1981.
2. That Silver Cedar Court have a minimum paved cross section of 27 feet with curb and gutter. Detailed plans for Silver Cedar Court shall be approved by the Town Manager prior to construction. A paved sidewalk shall be constructed along one side of Silver Cedar Court.
3. That a surety bond or letter of credit sufficient to cover the total estimated costs of all improvements required by the special use permit and site plan approval be submitted to the Town Manager prior to recordation of the final subdivision plat. The type and amount of such bond or letter of credit shall be determined by the Town Manager. The above instrument shall contain inflation adjustment provisions as required by the Town Manager. The July 25, 1979 special use requirement that improvements be made to Weaver Dairy Road prior to issuance of a certificate of occupancy for the second building is herewith removed.
4. That the centerline of driveways for lots #4 and #6 be a minimum of 75 feet from the intersection of the centerlines of Kingston Drive and Silver Cedar Court.
5. Lots #1 and #8 shall have no driveway connection to Weaver Dairy Road.
6. That the centerline of any driveway serving lot #1 and connecting with Kingston Drive be a minimum of 200 feet from the intersection of the centerlines of Kingston Drive and Weaver Dairy Road.
7. That lot #2 shall have only one driveway curb cut, the centerline of which will align with the centerline for Cardinal Street.
8. That the following special use requirements approved on July 25, 1979 be removed because they are no longer applicable: #3, #7, #8, #24, #25.
9. That one-half of the improvements necessary to bring Weaver Dairy Road to a minimum cross-section of 53 feet back to back of curb with curb and gutter along the frontage of the subject property be made by August 31, 1986 or prior to issuance of a certificate of occupancy for the first building of the shopping center, whichever occurs first. Detailed construction plans for such road improvements shall be approved by the Town Manager and the N. C. Department of Transportation prior to construction. A paved sidewalk to Town standards shall be constructed along the frontage of the subject property with Weaver Dairy Road. A surety bond or letter of credit shall be posted for the above improvements as provided in condition #3 above.

This the 24th day of August, 1981.

THE SUBSTITUTE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, THORPE, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER BOULTON OPPOSING.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO ADOPT THE SUBSTITUTE MOTION AS THE MAIN MOTION. THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, THORPE, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER BOULTON OPPOSING.

Ordinance Amending the Chapel Hill Subdivision Ordinance (Lot Size Requirements in Multi-family and Planned Developments)

Mr. Jennings explained that this technical change was necessary in order to allow developers of townhouses and similar projects to get financing for the projects. Lenders were requiring developers to sell part of the property along with the townhouse unit.

Mr. Jennings stated that this change would be incorporated into the Subdivision Ordinance but that this change was necessary at this time.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF ORDINANCE 81-O-47.

Councilmember Smith raised the question as to why this issue was coming up at this time and why prior developments had not experienced the same problem. It was pointed out that until the adoption of the new Zoning Ordinance the former Zoning Ordinance and the Subdivision Ordinance did not present this problem when construed together. Mr. Jennings explained that in the old Zoning Ordinance there were provisions for smaller lot sizes for this type development. It was felt more appropriate that it be placed in the Subdivision Ordinance, when the new Zoning Ordinance was adopted, but this had not yet been done.

Councilmember Wallace objected to the numerous Zoning Ordinance amendments and felt that this was an amendment to an ordinance (subdivision) that was not yet in effect. He further objected to various wordings of the proposed ordinance as being too general, vague, and was impossible to tie down as to what was meant. COUNCILMEMBER WALLACE MOVED THAT THE ORDINANCE BE TABLED. THE MOTION WAS SECONDED BY COUNCILMEMBER SMITH. THE MOTION FAILED 4 TO 5 WITH COUNCILMEMBERS SMITH, STRALEY, BOULTON, AND WALLACE SUPPORTING, AND COUNCILMEMBERS THORPE, KAWALEC, HERZENBERG, HOWES, AND MAYOR NASSIF OPPOSING.

Mr. Denny stated that had the new Zoning Ordinance permitted reduced lot sizes, there would be no problem. The problem was when no reduced lot sizes were permitted.

Mr. Jennings felt that these modifications would take care of the problem. Until these modifications were made there was no solution. This requirement only referred to lots of the same size.

The Attorney advised that although he was not familiar with the specifics of the application as a practicing attorney, he too would be concerned about approving titles under the current ordinance provisions. He felt that even if it were a single financial institution raising the question at this time, that eventually all financial institutions would raise similar questions. It was really not a problem to a single developer although the issue obviously at this time was with a single developer and a single financial institution. Mr. Denny further pointed out that while the language of the amending ordinance seemingly appeared to be vague, it should be read in connection with the provisions of the Code which it was amending, and when so read it clearly defined what was meant by the terms used. Mr. Denny read from the Code the prior subdivision ordinance.

Councilmember Wallace stated that he felt that until the subdivision part of the Code were changed, any request would be in total contradiction to the Code. He felt the previously taken vote should be voided until such a decision could be made that would not be conflicting. Changes should not be made at this time because of only a single incident. Ordinances of the Town ought to be general in their nature and cover a problem area and not be considered to help out only a single developer, applying only to a single lot.

He again requested that the matter be tabled.

Councilmember Smith expressed his concern regarding the piecemeal amendments to the Zoning Ordinance. Councilmember Thorpe concurred. Councilmember Smith asked Mr. Jennings for a time that Council could expect the Subdivision Ordinance to be in compliance with the Zoning Ordinance.

Mr. Jennings explained that a draft was prepared. However, the Council's and Planning Board's agendas were quite full in preparing for the September 21, 1981 public hearing and staff had felt a later date for presentation of the Subdivision Ordinance would be more desirable.

He pointed out that this proposed amendment did not make any changes whatsoever in the Town policy with respect to lot sizes in planned developments and in multi-family developments. It was merely a matter of putting this provision in the proper ordinance and there had been a time lag between the two ordinances.

Previously, the old Subdivision Ordinance said one thing and the Zoning Ordinance said another, causing confusion. That was why, when the Zoning Ordinance was being prepared, staff had wanted to put any modification provisions in the Subdivision Ordinance.

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

AN ORDINANCE AMENDING THE CHAPEL HILL SUBDIVISION ORDINANCE (81-0-47)

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

SECTION I

Section 18-49 of the Subdivision Ordinance, Lot Size be amended as follows:

After the words "All lots," ADD "except those created pursuant to an approved multi-family development or planned development."

SECTION II

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

This the 24th day of August, 1981.

Councilmember Straley asked what would be lost if Council delayed the action until the Subdivision Ordinance was in compliance with the new Zoning Ordinance.

Mr. Denny stated that other projects could be delayed, that he was sure it was not the concern of the developer that action be taken immediately and that action, of course, could be taken in October or November 1981, but that the concern in light of the experience with the Zoning Ordinance was that adoption of the completely revised Subdivision Ordinance might be delayed until 1982 or 1983 and this could and would cause serious problems with respect to these particular types of development.

Councilmember Wallace suggested that conformity be sought before further requests were presented. Good intentions were not enough. He felt any action to adopt the proposed ordinance was, in effect, modifying something without a public hearing that must have a public hearing. He again strongly urged the Council to vote the main motion down, stating that it was illegal, and called the process an embarrassment.

He felt the Council had an obligation to put the Subdivision Ordinance on the agenda at the earliest possible time and complete its adoption in an appropriate way.

Mr. Jennings felt the earliest time the Subdivision Ordinance could be submitted would be the first meeting in October.

Councilmember Wallace stated that it had been repeatedly stated by the Attorney and by Councilmembers and the Mayor that nothing that came before the Council would be considered as to the identity of the person or any such else, but would be viewed solely upon the law. He, therefore, wished to see the votes reflect the continuation of that policy.

THE MOTION CARRIED 5 TO 4 WITH COUNCILMEMBERS KAWALEC, HERZENBERG, THORPE, HOWES, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS WALLACE, BOULTON, STRALEY, AND SMITH OPPOSING. This was considered to be the first reading of this ordinance inasmuch as it did not receive 2/3 vote. The second reading would be scheduled on September 14, 1981.

Councilmember Kawalec desired that the revised Subdivision Ordinance be placed on the agenda for September 21, 1981. Councilmember Smith concurred.

Old Police Building

Mayor Nassif permitted citizens (who previously requested to speak) to speak at this time.

Ms. Hardin, Coordinator of the Orange County Women's Center, referred to her letter to the Mayor and Council, dated August 12, 1981. She reaffirmed statements made in her letter that the Women's Center would be willing to repair and maintain their area of the building at their own expense. She assured the Council that they would maintain adequate security for their part of the building at all times, feeling that the building would be safer and suffer less destruction if the building were well-trafficed.

Ms. Caldwell, President of the Chapel Hill Preservation Society, expressed the desire that there be a public hearing to discuss the pros and cons of the selling or leasing

of the Police Building. Speaking for the Chapel Hill Preservation Society, and for herself as an individual, she expressed the hope that a decision be reached to allow the structure to be maintained in its present form as much as possible. She felt that citizens wanted to keep the "village atmosphere" of Chapel Hill. The concerns of the Society were (1) that the building not be sold for commercial use, (2) if sale was necessary, then the Town retain facade easements on all or part of the building and (3) they would prefer that the Town maintain the building and lease it to non-professional agencies since there were so many non-profit agencies in Chapel Hill that needed office and work space.

Ms. Mary Ellen Bowers, President of the Chapel Hill Historical Society, expressed concern that if the former Police Building were either sold or leased on a long-term basis, the building would be taken out of the hands of the Town. Some communities had generated community spirit by working together in preserving a historical structure. She hoped this would be brought to a public hearing.

Resolution Authorizing the Manager to Have the Former Police Building Appraised and to Refrain from Allowing Additional Use of the Building under Town Auspices

Ms. Sonna Loewenthal, Assistant Town Manager, presented the background on the present uses of the old Police Building. The County was expected to continue using the space on the main floor (Emergency Services and Sherrif's Department) until June 30, 1982; the Town parking attendants were presently using 3 small offices in the rear of the main floor; the Police Department used a room in the basement to store lost or stolen bicycles; and the Dispute Settlement Center was expected to continue to use an office on the second floor until September. There had been two requests for long-term leasing of the building.

Ms. Loewenthal outlined the options for future use of the building:

1. Long-term disposition:

- Sale (sealed bids; negotiated offer, advertisement, and upset bid; or by public auction)
- Lease for private use for up to 10 years with the leasee assuming the cost of renovation in exchange for reduced rent
- Lease to non-profit community agencies and/or other public agencies. The Town would bear the cost of any renovations

2. Short-term disposition:

- Consider the requests previously received (Women's Center and the Chief District Court Judge) or any future requests
- Restrict the use during the next 10 months to the present users

Administration recommended the short-term disposition of restricting use to the present uses. In spite of the fact that there were a number of non-profit groups needing low-cost space, security was a prime consideration, and restricted use was, therefore, advisable. In addition, the interior was not designed for use by a number of different agencies. Night use had caused building security and vandalism problems.

In its position as landlord, the Town administration and staff would have to invest time and allocate funds to keep the building going.

For its long-term disposition, the administration recommended that the building be appraised. This would include:

- Sale price, as is;
- Sale price with facade easements;
- Long-term lease value of the building.

Administration would also recommend a public hearing on November 16 or December 7, after the estimates had been received, to solicit public opinion regarding the disposal or lack of disposal of the building.

After Council presented alternative proposals, a report of staff evaluation would be planned for February 9, 1982.



Hopefully, Council action would be received by March 1982, in time for the Manager to have an estimated sale or rental revenue for compiling the FY 1982-83 budget.

Councilmember Howes felt the cost for appraisal was high. Ms. Loewenthal explained that this estimate (\$1,300) was considerably lower than expected and would be done by a person who specialized in evaluating historical buildings. Mr. Denny felt the appraisal estimate to be in line for this type of appraisal.

Councilmember Howes wanted to know of other types of sale options the Council could consider; i.e., what other limitations could be placed on the disposal of the facility in addition to exterior appearance control.

Ms. Loewenthal explained the sale options again. She felt only serious bidders would spend the time getting engineering estimates and compiling other financial figures at this point.

Mr. Denny pointed out that the options were a matter of general State Enabling Legislation; however, this did not limit the stipulations or provisions that the Town could impose to exterior control only. He stated that he felt that the Council had a variety of options which it could choose that would present no problem from the legal standpoint.

Councilmember Smith wondered if an appraiser who was an expert in appraising historical structures were necessary because the building was located in the historic district. He felt a local person could appraise the building for a smaller fee. Ms. Loewenthal advised that local appraisers had been contacted and that their proposals to do the job were as large as or even larger than the appraiser that she was recommending.

Mr. Denny stated that in his opinion the appraiser fees were appropriate and would include information sufficient for Council to make a decision. A summary appraisal (a one-sheet typed appraisal) could be obtained for much less. A full appraisal should include not only the area of the land involved and the building, but what structural changes, or modifications, would need to be made in the building and the approximate cost in order to preserve its historic nature. It was further pointed out that in the past most of the appraisals that the Town had had made were of vacant land and did not involve structures; therefore, the cost was greatly increased over the appraisal of unimproved land.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT RESOLUTION 81-R-118 WITH THE FOLLOWING DELETIONS:

1. DELETE: "WHEREAS, use by non-governmental functions would cause problems of building security;"
2. (in the "THEREFORE" clause) DELETE: "that the Town Council will authorize under its auspices no additional uses of the former Police Building through June 30, 1982, and"

Councilmember Boulton asked if the Town should receive two appraisals. Mr. Denny advised that this was not necessary from a legal standpoint. If the appraisal went into any kind of detail, and he felt that it would, one would be sufficient at this time.

COUNCILMEMBER STRALEY MOVED AN AMENDMENT TO THE RESOLUTION, SECONDED BY COUNCILMEMBER HERZENBERG, TO DELETE THE WORDS "THE SALE VALUE WITH NO RESTRICTIONS."

Mayor Nassif stated he did not feel a resolution was necessary, feeling that once the Council considered multiple options, all that was needed was to specify any restrictions either for lease or for sale. Options should be considered before appraisal, not after the figure was already set by Council.

Councilmember Howes wished to oppose the motion to amend, feeling that Council should have information on all options and even if it were agreed at present that there was no intent to sell the building, that Council should still have information with respect to all permissible alternatives.

Councilmember Straley felt that the building should not be sold "without any restrictions." It should be made very clear that the exterior was to be preserved.

Mayor Nassif stated that he would not vote for sale of the property, nor for any alterations of the building's exterior, with the exception of opening up those windows that were closed.

Councilmember Wallace wanted a clear idea as to what extent the Council would be considering these alternatives. He opposed the sale and/or alterations of the exterior with the exception of the windows.

Councilmember Wallace wished to indicate that the Council was desiring to consider (1) the disposition, or the altered use, of the former Police Building; and (2) the value of the building for either long-term or short-term use (or both). He therefore felt that the Manager should be authorized to have it appraised to determine the rental value, the sale value with no restrictions, and the sale value with facade easement. He felt this should be completed by October 1, 1981, feeling longer was excessive. He further added that until final disposition was determined, that additional applications for interim building use should be considered by the Council. He wished to make this a motion as an amendment of the motion.

COUNCILMEMBER STRALEY WITHDREW HIS MOTION TO AMEND THE MAIN MOTION; COUNCILMEMBER HERZENBERG WITHDREW HIS SECOND TO THE MOTION TO AMEND THE MAIN MOTION.

COUNCILMEMBER HERZENBERG WITHDREW HIS MAIN MOTION AND COUNCILMEMBER HOWES WITHDREW HIS SECOND TO THE MAIN MOTION.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF (REVISED) RESOLUTION 81-R-118.

Councilmember Smith concurred with the motion by Councilmember Wallace. He felt that this Council should not deal with the disposition of this building until after the new Council was seated. He felt that the new Council should begin the process of determining the future of the former Police Building.

Councilmember Wallace felt that to accelerate the appraisal date would serve exclusively to do precisely what Councilmember Smith had in mind, inasmuch as it would provide the new Council with the necessary information at the very moment the new Council would be debating the election and would be on the Council agenda one month thereafter. Therefore, he felt October 1 would give ample time for the appraisal and would be a fine time for this information to be made public. He felt it would be a legitimate question in the election discussion and therefore it should not wait until after the fact. Councilmember Wallace amended his motion to include this.

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

A RESOLUTION AUTHORIZING THE MANAGER TO HAVE THE FORMER POLICE BUILDING APPRAISED. (81-R-118)

WHEREAS, the Town of Chapel Hill desires to consider the disposition, or the altered use, of the former Police building; and

WHEREAS, the value of the building, either for long-term or short-term use, is at present unknown;

THEREFORE, BE IT RESOLVED that the Town Manager be authorized to have the building appraised to determine the rental value, the sale value with no restrictions, and the sale value with facade easement, said (appraisal) figures to be available to the Mayor and Council no later than October 1, 1981.

Until final disposition is determined, additional applications for interim building use shall (continue to) be considered by the Council.

This the 24th day of August, 1981.

COUNCILMEMBER STRALEY, again stating his concern that to obtain an appraisal for disposition with no restrictions would give the wrong impression, MADE AN AMENDMENT TO THE MOTION TO DELETE THE WORDS "SALE VALUE WITH NO RESTRICTIONS." He again stated that he regreted that Councilmember Wallace's motion contained this alternative.

THE MOTION FAILED FOR LACK OF A SECOND.

Councilmember Kawalec was concerned that the proposed action of the Council not be considered as committing the Council to any one particular course of action.

Councilmember Wallace felt that at a public hearing, the first question that the public would ask would be how much the building was worth. Council needed to be able to state its value and have some idea as to what their desired use of the building was.

THE MOTION CARRIED 6 TO 3 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, THORPE, AND WALLACE SUPPORTING, AND COUNCILMEMBERS SMITH, STRALEY, AND MAYOR NASSIF OPPOSING.

Resolution Authorizing Execution of an Agreement with the County of Orange Regarding Use of the Former Police Building

The lease arrangement had been signed by both the (then) Manager of Chapel Hill and the (then) Manager of Orange County.

Mayor Nassif advised that he had received inquiries as to the differences between the existing lease arrangement and that proposed.

Mr. Denny felt that authorization for this action could possibly not have come before the Council; however, the location of "911" in the Police facility had been discussed many times and the reports made to the Council by its member on the "911" committee. The lease was terminable on 90 days' notice.

Mr. Secrist suggested that action be delayed until Councilmembers could review a copy of the existing agreement.

Council concurred. This item would be placed on the September 14 agenda for Council consideration as well as the consideration of future relocation of the County Emergency Service Center from the former Police Building.

Condominium Conversion

Mayor Nassif stated that his assumption was that there would probably be a lot of conversion since it was more economical to sell condominiums than to build new ones. He felt there would be considerable debate.

At this time, he requested that the Council permit him to work with the Manager and his staff and by mid-October or November 1 present a building code for condominiums to the Council. A standard for building condominiums would result. He was concerned that at the present time the approval by the Council was settled and that this did not leave any way to require that certain things, which he felt were necessary, be done prior to conversion.

Councilmember Herzenberg did not consider the matter "to be settled," but did support the Mayor's willingness to work toward a general solution to the problem. He did arrange his position, however, with respect to consideration of conversions by the Council. He felt that neighborhood groupings would cause difficulty for the Town in the event denial of the right to convert were taken to court.

Councilmember Boulton inquired of the Attorney as to his previous recommendation to the Council as to their authority to control condominiums in the building code.

Mr. Denny stated that he did not recall in detail the discussions at that time. The initial problem at that time had to do with the fact that Chapel Hill, by ordinance, had adopted the State Building Code. If the Town wished to amend this, it would be done under a different process. He did not believe this was what the Mayor wished to do. He felt that Mayor Nassif was talking about a local supplement to deal with construction of structures.

The Attorney again pointed out to Council his concern with respect to the entire area of condominiums and what the Council really desired. He advised that he interpreted the present Zoning Ordinance and the special use approval under the prior ordinance as requiring modification of the Special Use Permit under the modification procedures before a multi-family apartment could be converted to condominium type ownership. He advised that the Building Inspector, the Board of Adjustment, and the administration generally concurred in this. He, however, repeated his concern that zoning was not the most appropriate way to regulate condominiums, but when the Special Enabling Legislation of the General Assembly was considered to enable the Council to regulate such uses, the Council unanimously declined to proceed. In effect, the administration and the Planning Department were somewhat at a loss as to what Council really desired them to do in this area.

Council had said they did not want to control condominiums in any way and, at the same time, there was a need for approval on a straight building permit with no standards. There had been the opportunity to address the General Assembly for specific authority to elaborate on the standards and Council had declined to do so.

He felt there were apparent inconsistencies in the Council's position that the administration was faced with. The administration did not know if the Council did or did not want control.

Mayor Nassif stated that what he wanted to do was simply amend the local building code.

There were no objections from Council.

Resolution Endorsing the Mayor's Task Force on Human Services

Councilmember Straley stated that the Council supported the Task Force on Human Services.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, ADOPTION OF RESOLUTION 81-R-120 AS FOLLOWS:

A RESOLUTION ENDORSING THE MAYOR'S TASK FORCE ON HUMAN SERVICES (81-R-120)

WHEREAS, the effective delivery of human services may serve to resolve family crisis situations, promote harmonious community relations, and avert violence and crime; and

WHEREAS, a significant number of human service problems demand the attention of public and private agencies; and

WHEREAS, decreasing funding at the federal level has had the effect of transferring responsibility for the delivery of many human services from federal agencies to individuals and agencies at the level of local government; and

WHEREAS, the Town of Chapel Hill is and has been a serious and enlightened innovator in the delivery of human services with a clear and present opportunity to establish a standard for other municipalities in the state and in the nation; and

WHEREAS, the effectiveness of the Department of Human Services has been a continued concern of all citizens of Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED that the Chapel Hill Town Council approves the formation of the Mayor's Task Force on Human Services, endorses in essence the change to that Task Force as prepared by the Mayor, and applauds the concerned and able individuals who have agreed to serve on the Task Force.

This the 24th day of August, 1981.

Councilmember Smith felt that all of the wording of the resolution contained in the "WHEREAS" clauses were not necessary to show Council support of the formation of the Task Force.

COUNCILMEMBER SMITH MOVED TO AMEND THE MAIN MOTION BY DELETING THE "WHEREAS" CLAUSES, SECONDED BY COUNCILMEMBER BOULTON, AND ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION ENDORSING THE MAYOR'S TASK FORCE ON HUMAN SERVICES (81-R-120)

BE IT RESOLVED that the Chapel Hill Town Council supports the formation of the Mayor's Task Force on Human Services, endorses in essence the charge to that Task Force as prepared by the Mayor, and applauds the concerned and able individuals who have agreed to serve on the Task Force.

This the 24th day of August, 1981.

Councilmember Smith desired the wording to remain in order to give a sense of direction and support to the Task Force from the Council. It was pointed out that this was the Mayor's Task Force, not Council's, and that the charge to the Task

Force was from the Mayor and not the Council and if Council wished to have a say--so in the nature of the Task Force or its charge, they were certainly free to do so by creating one of their own. As long as it was the Mayor's Task Force, Council ought to leave the matter where the Mayor had put it.

THE MOTION TO AMEND CARRIED 5 TO 4 WITH COUNCILMEMBERS SMITH, BOULTON, THORPE, KAWALEC AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS STRALEY, HOWES, HERZENBERG, AND WALLACE OPPOSING.

THE MOTION TO ADOPT THE AMENDED RESOLUTION CARRIED UNANIMOUSLY.

Resolution Opposing Provisions of U.S. Senate Bill 898 Concerning Local Regulation of Cable Television Rates

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF RESOLUTION 81-R-121.

Councilmember Herzenberg wanted an additional clause to make the resolution more effective, pointing out that at the present time our representatives in Washington were politically in line with the concept of more local control and regulation.

1. He felt the body of the resolution, not just the title, should refer specifically, somewhere, to the opposition of Senate Bill 898.
2. He felt another "whereas" clause would be useful to stress the fact that this bill took away authority from local government.

Councilmember Kawalec concurred and wished to add into the resolution that the Council authorize the Mayor to write to North Carolina Senators and Representatives and express Chapel Hill's opposition to Senate Bill 898.

Councilmember Boulton pointed out that the distribution of the resolution could be done in the same manner as had been done previously.

Mayor Nassif stated that he had written a letter to several Senators and to Durham, Raleigh, and other communities pointing out the provisions of this Bill and the Town's opposition thereto and had had responses from several of the mayors acknowledging receipt of the communication and expressing appreciation for Chapel Hill's concern and calling this to their attention, and they would be willing to join the Town in its opposition.

The question was called.

COUNCILMEMBER KAWALEC (HAD) MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION, AS AMENDED:

A RESOLUTION OPPOSING PROVISIONS OF U.S. SENATE BILL 898 CONCERNING LOCAL REGULATION OF CABLE TELEVISION RATES (81-R-121)

WHEREAS, because of economies of scale and the substantial cost of entering the cable television market, cable T.V. companies have natural monopolies in many areas; and

WHEREAS, the normal operation of a competitive market does not exist in many localities to set rates which would recover costs plus a reasonable return on equity; and

WHEREAS, in the numerous areas where cable T.V. firms have monopolies it is necessary to have public review and oversight of the reasonableness of cable T.V. rates in the interest of fairness to consumers; and

WHEREAS, local governing bodies composed of elected representatives of the citizens can and should review and regulate local cable T.V. rates in light of local market conditions and cable operating costs, and the service of professional consultants is available to assist in such reviews; and

WHEREAS, local governments' review and regulation of cable T.V. rates must provide due process and be subject to a standard of reasonableness to allow a fair return on invested capital; and

WHEREAS, Senate Bill 898 conflicts with the principle that local government, because it is closest to the people and more responsive, is best suited to exercise regulatory functions; and

WHEREAS, cable T.V. franchisees are allowed to use public rights-of-way for installation and maintenance of cable T.V. systems;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its support for the continuation of the right and authority of local governments to review and regulate cable T.V. rates in the interest of fairness to both consumers and cable T.V. investors, and that the Council authorizes the Mayor to write North Carolina Senators and Representatives expressing Chapel Hill's opposition to Senate Bill 898.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding Councilmember Howes' Candidacy for Election to the Board of Directors of the National League of Cities

Councilmember Howes pointed out that he had been active in the regional and state levels and that inquiry had been made of him of his interest in being elected to the Board of Directors and he had indicated his interest.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING COUNCIL MEMBER HOWES' CANDIDACY FOR ELECTION TO THE BOARD OF DIRECTORS OF THE NATIONAL LEAGUE OF CITIES (81-R-122)

WHEREAS, Mayor Pro Tem Jonathan Howes has served the North Carolina League of Municipalities and the National League of Cities in several leadership positions including service as Co-Chair of the League of Municipalities' Task Force on Revenue Sharing and as Chair of the National League of Cities' Committee on Community and Economic Development; and

WHEREAS, such service admirably equips him to serve as a member of the Board of Directors of the National League of Cities; and

WHEREAS, such service will benefit both the Town of Chapel Hill and the State of North Carolina;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that it strongly endorses Jonathan Howes' candidacy for Board of Directors of the National League of Cities and urges the North Carolina League of Municipalities' endorsement of his candidacy.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

An Ordinance Amending an Ordinance to Grant a Franchise to Operate Taxicabs (8 Additional Cabs for Dixon Franchise)

Councilmember Thorpe inquired of the operator (Mr. Dixon) as to whether or not the number of cabs proposed were sufficient to accomplish the Shared-Ride agreement. Mr. Dixon advised that, in his opinion, it was.

The question was also raised as to the unused taxicab permits outstanding for taxicab operators and how long they had been outstanding for taxicab operators. The Manager advised that he had the entire area of taxicabs under study, including metering. This would be reported to the Council.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING AN ORDINANCE TO GRANT A FRANCHISE TO OPERATE TAXICABS (8 ADDITIONAL CABS FOR DIXON FRANCHISE)(81-O-48)

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

SECTION I

WHEREAS, NCGS 160A-304 provides that the Town, by Ordinance, may grant a taxi franchise for a stated number of taxicabs within the Town; and

WHEREAS, Mr. Willie Dixon was granted a franchise to operate a total of seven (7) taxicabs, including four (4) exclusively for Shared-Ride Services, on March 23, 1981; and

WHEREAS, Mr. Willie Dixon proposes to operate eight (8) additional taxicabs; and

WHEREAS, the Council finds that the public convenience and necessity require the operation of up to fifteen (15) taxicabs, including four (4) exclusively for Shared-Ride Services, and that the said Mr. Willie Dixon is a proper person for said franchise;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill, that pursuant to the authority contained in NCGS 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Mr. Willie Dixon be and is hereby granted a franchise to operate a total of fifteen (15) taxicabs, including four (4) exclusively for Shared-Ride Services, within the Town upon compliance with the provision 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 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing Execution of a Mutual Aid Agreement

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

A RESOLUTION AUTHORIZING EXECUTION OF A MUTUAL AID AGREEMENT (81-R-123)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Interim Town Manager to execute the attached agreement for mutual aid during emergencies.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing the Filing of an Application with the Department of Transportation, United States of America, for a Grant under the Urban Mass Transportation Act of 1964, as Amended, and with the North Carolina Department of Transportation

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

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, AND WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (81-R-124)

WHEREAS, the United States and North Carolina Secretaries of Transportation are authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964, and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

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

1. That the Town Manager is authorized to execute and file an application on behalf of the Town of Chapel Hill, North Carolina with the U.S. Department of Transportation and with the North Carolina Department of Transportation, to aid in the financing of the purchase and installation of bus shelters, to aid in the financing of a public transportation system for fiscal year 1981-82, and to provide planning assistance;
2. That the Town Manager is authorized to execute and file with such application an assurance or any other document required by the North Carolina Department of Transportation or the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or any other applicable legislation;
3. That the Town Manager is authorized to furnish such additional information as the North Carolina Department of Transportation or the U.S. Department of Transportation may require in connection with the application or the project;
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs;
5. That the Town Manager is authorized to accept any grant made in response to this application.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Amend "The Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981"

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

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-48.1)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981" as duly adopted on June 29, 1981, 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>
GENERAL FUND				
Mayor and Council	111,020		25,682	85,338
Town Manager - Adm.	139,706	25,678		165,384
- Staff Serv.	72,303	3,040		75,343
Personnel	90,143	4,041		94,184
Finance - Adm./Purchasing	78,093	4,399		82,492
- Acct./Control	78,547	4,807		83,354
Revenue Collections	55,618	1,878		57,496
Town Clerk	37,737	123		37,860
Legal	93,755		165	93,590
Human Services - Adm.	63,603	2,558		66,161
- Comm.Ser.	139,123	8,393		147,516
Planning	181,871	11,739		193,610
Inspections	144,224	10,710		154,934
Town Engineer	126,474	7,589		134,063



Public Works - Adm.	73,095	4,741		77,836
- Constr.	77,727	4,899		82,626
- Streets	852,638	15,367		868,005
- Equip. Serv.	595,773	10,541		606,314
- SW Collec.	815,796	41,919		857,715
- P B & G	268,214	8,367		276,581
Police - Adm.	195,476	7,155		202,631
- Gen. Services	214,798	1,854		216,652
- Patrol	1,016,510	85,024		1,101,534
- Detective	193,722	3,810		197,532
Fire - Adm./Training	109,205	6,025		115,230
- Suppression	935,037	56,254		991,291
- Prevention	72,748	4,764		77,512
Parks & Rec. - Adm.	86,952	3,664		90,616
- Gen. Rec.	211,281	5,326		216,607
- Athletics	237,512	4,990		242,502
- Parks Man	270,094	6,907		277,001
Contributions to Library	302,689		890	301,799
Sundry - Wage/Fringe	533,002		329,825	203,177
- Interfund Trans.	808,098			808,098
- Contingency	70,287			70,287
TOTAL	9,352,871	356,562	356,562	9,352,871

## TRANSPORTATION FUND

Sundry	337,197		74,348	262,849
Administration	124,797	1,104		125,901
Operations	1,241,614	58,614		1,300,228
Maintenance	270,454	14,630		285,084
TOTAL	1,974,062	74,348	74,348	1,974,062

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

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Adopt a Grant Project Ordinance for a Vehicle Replacement Grant from FY 1981 Federal Funds

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

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR A VEHICLE REPLACEMENT GRANT FROM FY 1981 FEDERAL FUNDS (81-O-49)

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

Section 1. The project authorized is a Vehicle Replacement Grant from FY 1981 Federal Funds, more specifically known as U.S. Department of Transportation Grant No. NC-03-0022 awarded under Section 3 of the Urban Mass Transportation Act of 1964, as amended, by the Urban Mass Transportation Administration. The State of North Carolina, Department of Transportation, has awarded a grant of \$100,000 to be used as part of the required local match. The project provides funds for capital equipment for the Chapel Hill Transit System.

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

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

UMTA Section 3 FY 1981 Grant	\$800,000
NC Department of Transportation Match	100,000
Transit Capital Grant Fund Reserve	<u>100,000</u>
TOTAL	\$1,000,000

Section 4. The following amounts are appropriated for the project:

7 Transit Coaches	\$945,000
1 Lift-equipment van	16,000
2 Automobiles	15,000
Contingency	<u>24,000</u>
TOTAL	\$1,000,000

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

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

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

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Amend "The Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981"

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-50)

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, 1981" as duly adopted on June 29, 1981, 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>
Transit Capital Grant	21,898	100,000	-	121,898

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Transit Capital Grant	21,898	100,000	-	121,898

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

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding the Purchase of Two Front-Loading Solid Waste Collection Trucks from the City of High Point, N.C.

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

A RESOLUTION REGARDING THE PURCHASE OF TWO FRONT-LOADING SOLID WASTE COLLECTION TRUCKS FROM THE CITY OF HIGH POINT, N.C. (81-R-125)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the purchase by the Town of Chapel Hill for \$98,000.00 under the provisions of N.C. General Statute 16A-274 of two front-loading solid waste collection trucks from the City of High Point, N.C.; said vehicles to be used in the operations of the Solid Waste Collection Division of the Department of Public Works of the Town of Chapel Hill.

The trucks to be purchased are described as follows:

One 25-Cubic yard Cobey front mount pump front-end loader mounted on a 1980 RX1 White cab and chassis equipped with a NTC230 Cummings Engine, Allison MT654 transmission, a single Eaton heavy-duty rear axle and mobile radio. High Point vehicle #649.

One 25-Cubic yard Cobey front mount pump front-end loader mounted on a 1981 RX1 White cab and chassis equipped with a NTC 230 Cummings engine, Allison MT750 transmission, a single Eaton heavy-duty rear axle and a mobile radio. High Point vehicle #651.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Amend "The Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981"

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

AN ORDINANCE TO AMEND "THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-51)

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, 1981" as duly adopted on June 29, 1981, 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>
GENERAL FUND				
Public Works				
Streets	868,005		10,000	858,005
Equipment				
Services	606,314	-	5,500	600,814
Solid Waste				
Collection	857,715	15,500	-	873,215

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

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Setting Public Hearings (Annexation of OWASA Wastewater Treatment Plant, UNC Wastewater Research Center, and Gatewood Townhouse Development)

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE ZONING ORDINANCE (81-R-127)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for Monday, September 21, 1981 at 7:30 P.M. in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 to consider the following amendments:

1. Amend Article 5.9.3 to allow buildings to be set back from the street according to an established building line in developed areas, regardless of the setback required by the ordinance.
2. Amend Article 6.6.1 to require parking for a change in use increases the intensity of use of the land.
3. Amend Article 6.6.7 to allow a reduced parking ratio for elderly and handicapped dwelling units.
4. Amend Articles 6.12 - Buffers and Screening, 6.13 - Signs to liberalize and make their requirements more workable.
5. Amend Article 5.7.1 to allow lot width to be measured at the building line and not the setback line in cul-de-sac lots as defined in 5.7.4.
6. Amend Article 8.8.1 to allow the Council to make exemptions from the requirements of the Zoning Ordinance for modifications to Special Use Permits granted under provisions of the old Zoning Ordinance.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing to Consider a Zoning Map Amendment

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER A ZONING MAP AMENDMENT (81-R-128)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for Monday, September 21, 1981 at 7:30 p.m. in the Municipal Building Meeting Room to consider the following amendment:

A zoning map amendment to reclassify Lots 9, 10, 10a and 11a of Block E, Chapel Hill Township Tax Map 87 from OI-1 to OI-3.

This the 24th day of August, 1981.

THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Resolution Calling a Public Hearing on Whether to Prevent Through Traffic on Lake Ellen Dam

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

A RESOLUTION CALLING A PUBLIC HEARING ON WHETHER TO PREVENT THROUGH TRAFFIC ON LAKE ELLEN DAM (81-R-129)

WHEREAS, the Town of Chapel Hill has not accepted ownership or maintenance of the Lake Ellen Dam; and

WHEREAS, said dam is in poor condition; and

WHEREAS, access to nearby properties is available to emergency vehicles by alternate routes including Piney Mountain Road and Dixie Drive; and

WHEREAS, residents of the neighborhood near the dam have expressed interest in closing the dam to traffic;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby calls a public hearing at 7:30 p.m. on November 16, 1981 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C., on the question of whether to install barricades at the east end of Taylor Street and at the west end of Lake Ellen Drive as a means of preventing through traffic across the dam.

This the 24th day of August, 1981.

THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

The Council discussed the possibility of having two public hearings, one on September 21 and the second on September 22. Council elected to have one public hearing on September 21.

Resolution Setting a Public Hearing for Sale of a Community Development Lot

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

A RESOLUTION SETTING A PUBLIC HEARING FOR SALE OF A COMMUNITY DEVELOPMENT LOT (81-R-130)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby sets a public hearing on September 21, 1981 at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider private sale by the Housing Authority of a parcel of land located on Whitaker Street, to Ms. Stella Gattis in furtherance of the purposes of the Community Development Program.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing to Consider Changing the Name of Weaver Road

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER CHANGING THE NAME OF WEAVER ROAD (81-R-131)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for 7:30 p.m. September 21, 1981 in the Meeting Room of the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. 27514 to consider changing the name of Weaver Road.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution to Appoint a Deputy Clerk

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

A RESOLUTION TO APPOINT A DEPUTY TOWN CLERK (81-R-132)

WHEREAS, Section 172 of Chapter 160A of the General Statutes of North Carolina authorizes the Council of the Town of Chapel Hill to provide for a Deputy Clerk to have full authority, and to exercise and perform any of the powers and duties of the Town Clerk that may be specified by the Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that Ms. Brenda Cherry be, and Ms. Brenda Cherry is hereby appointed Deputy Town Clerk with full authority to exercise and perform any of the powers and duties of the Town Clerk that may be specified by law or by the Council from time to time.

This the 24th day of August, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Monthly Financial Reports

The monthly financial reports were accepted.

Nominations and Appointments

Historic District Commission. Council received formal notification of the resignation of Ms. Kristina Lee from the Historic District Commission. Council would receive recommendations from this Commission in the near future.

Community Appearance Commission. COUNCILMEMBER SMITH MOVED TO DELAY THE FILLING OF THIS VACANCY ON THE COMMUNITY APPEARANCE COMMISSION. Councilmembers had previously discussed the fact that Boards and Commissions in Chapel Hill were not racially balanced, and Councilmember Smith felt that a delay in filling this vacancy would allow sufficient time for persons of varying racial backgrounds to apply.

THE MOTION FAILED FOR LACK OF A SECOND. Councilmembers felt that this position should be filled at this time, as proper advertisement notice had been given.

The Community Appearance Commission needed to fill one vacancy. The following votes were taken:

Votes counted for Mr. Jon Condoret were as follows: Councilmembers Boulton, Howes, Kawalec, Herzenberg, Smith, Straley, Wallace, and Mayor Nassif.

Councilmember Thorpe voted for Mr. Edward Boer.

Mr. Condoret received 8 votes; Mr. Boer received one vote. Mr. Condoret would fill the vacancy of the Community Appearance Commission.

Special Work Session

A special work session was scheduled for Tuesday, September 15, 1981 at 4:00 P.M. to consider position classifications and pay plan.

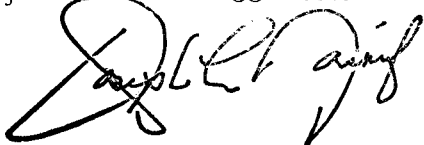
Future Agenda Items

Mayor Nassif notified the Council of the August 26 (9:30 A.M.) meeting to discuss the illegal sale of alcohol to minors.


Mayor Nassif arranged the schedule for Councilmembers to interview the applicants for the position of Deputy Town Attorney.

An Executive Session was scheduled for Monday, August 31, 1981 at 4:00 P.M. to discuss the selection of the Deputy Town Attorney.

There being no further business to come before the Council, the meeting was adjourned at 10:55 P.M.



\_\_\_\_\_  
Joseph L. Nassif, Mayor



\_\_\_\_\_  
David B. Roberts, Clerk