

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, SEPTEMBER 14, 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 Wallace was absent.

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

Introduction of New Board and Commission Members

Mayor Nassif introduced the following Board and Commission members to the Council: Planning Board--Ms. Alice Ingram and Ms. Pat Evans; Appearance Commission--Ms. Grace Wagoner and Ms. Ella Akin; Library Board--Ms. Lisa Price; Board of Adjustment--Mr. Harvey Mann.

Mayor Nassif presented each member with a Certificate of Appointment and expressed appreciation for their serving on their respective Boards and Commissions.

Petitions

Mr. Frank G. Umstead, property owner, petitioned the Council by means of a letter dated August 6, 1981. The request was that the existing 90-ft. right-of-way along Umstead Drive be adjusted to 60 ft.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE PETITION TO THE MANAGER AND THE TRANSPORTATION BOARD.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Evelyn Smith presented a petition regarding continued use of the Old Police Building by the Dispute Settlement Center.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO DEFER THE ITEM TO AGENDA #6 FOR DISCUSSION AT THAT TIME.

THE MOTION CARRIED UNANIMOUSLY.

Mr. William Lindsay spoke to the Council regarding what he felt to be a useless battle against increasing tax rates. Mr. Lindsay expressed concern over the apparent abject indifference and total lack of concern among citizens and public officials regarding the "plight of citizens who support our government." Mr. Lindsay reviewed the history of his own family home of nearly 100 years. Mr. Lindsay stated that he was now forced to part with the most precious thing in his life, his home, since he could not afford to pay the taxes. He stated that he "could not find words to describe the situation, other than pure insanity."

There were no other petitions to come before the Council.

Minutes (Aug. 24, 1982)

In order to expedite the process of completing the minutes, Mayor Nassif encouraged the Council to (1) speak directly into the mics, (2) be concise when making motions, and (3) use caution when handling paperwork near the mics. Council concluded that if Councilmembers wished to specifically go on record regarding either a statement or a motion (whether or not the motion was seconded or adopted), they should so state. This would assure its inclusion in the public records.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO APPROVE THE MINUTES AS AMENDED AND CORRECTED.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for the Leon Peace Subdivision

The Planning Board and Manager recommended adoption. Mr. Mike Jennings, Planning Director, pointed out the location of the property on the map. He stated that the property totalled 7.1 acres. The applicant proposed to cut off a 2-acre tract to give to his son for future office purposes (property is presently zoned O-I). The property owner presently lives on the property. Proposed access would be by a 60-ft. private easement and a 30-ft. private easement to the property.

Mr. Jennings addressed three issues regarding the proposed subdivisions:

1. Future subdivision of land. Since the submitted proposal did not provide for future subdivision plans, staff proposed a two-phase alternative: Phase I would subdivide the 2-acre parcel and the parcel that included the existing residence; Phase II would subdivide the remainder of the property. This would ease the financial burden of the applicant.
2. Access to the project. The first problem regarding access required that a 60-ft. public right-of-way be dedicated in order to meet Zoning Ordinance requirement that a lot have a minimum street frontage width equal to at least 80% of the minimum width for the zoning district. The second problem regarding access would require the alignment of the driveway to a 90° angle with Airport Road (the present 30° angle would not comply with ordinance requirements). The third problem was that the proposed private road would not ensure access to the remainder of the property for future development; the staff proposed a temporary gravel cul-de-sac to provide access. This would be done during the second phase of improvement.
3. Open space dedication. Ordinance required an open space dedication on every residential subdivision. However, staff felt that since the intent was for office use and not residential, no open space dedication was warranted.

In answer to Councilmember Herzenberg's inquiry, Mr. Jennings stated that if the son decided to build a house instead of an office when he returned, the building request would be evaluated at that time regarding the fact that there was no open space dedication.

Mr. Jennings stated that the applicant concurred with staff's proposals.

Councilmember Smith inquired as to the necessity of stipulation #4 (regarding fire hydrants): if the area was already developed, why would staff require additional fire hydrants. Mr. Jennings explained that there might be a future need for a fire hydrant on the back side of the property, even though there was no need at this time. This was a preliminary sketch for the entire property. The stipulation did not require that a fire hydrant be installed at this time, but should the need come up in the future, the provision would have already been made. It would not be required unless a need arose.

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR THE LEON PEACE SUBDIVISION (81-R-134)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch as revised by condition #1 below for the Leon Peace Subdivision located on property identified as Chapel Hill Township Tax Map 29, Lot 10, subject to the following:

1. That the applicant revise the preliminary sketch to be consistent with the staff's alternative plan dated August 28, 1981, showing access by means of a dedicated public right-of-way perpendicular to Airport Road and extending eastwardly through the subject property to the southern property line.
2. That a detailed drainage plan and grading plan be submitted to and be approved by the Town Engineer prior to issuance of a grading permit, building permit, and start of construction of improvements.
3. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Engineer prior to issuance of any grading permit and start of construction of improvements.

4. That the number, location and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permit.
5. That sewer, drainage, and utility easements be dedicated as required by the Town Manager.
6. That no proposed street names duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
7. That the applicant prepare and implement an erosion control plan and that such plan be approved by the Orange County Erosion Control Officer prior to issuance of a building permit or grading permit.
8. That the applicant dedicate that portion of the subject property in the right-of-way of Airport Road to the Town of Chapel Hill.
9. That all utilities be placed underground.
10. That the street serving the subdivision be paved to Town standards with a temporary cul-de-sac serving Phase I. Detailed plans for the street shall be approved by the Town Manager prior to construction.
11. That a plat dedicating all easements, open spaces and public rights-of-way shown on the sketch plan be recorded at the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit.

This the 14th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Chapel Hill Subdivision Ordinance

This was the second reading of this ordinance inasmuch as it did not receive 2/3 vote on the first reading on August 24, 1981.

Ms. Loewenthal explained that should the Council approve the proposed amendment, it would allow the creation of lots which did not meet the lot size requirement for approved multi-family developments and planned developments. This would include multi-family residential developments as well as office and commercial developments where units were individually owned. (The proposal to amend the Subdivision Ordinance was made in response to a request by a developer on Esseola Townhouses, who indicated that his mortgage company would lend him money only if the property under the unit was deeded with the unit. This was a common requirement of mortgage lenders.)

Ms. Loewenthal explained that the Subdivision Ordinance and the proposed Design Manual were meant to complement each other, and were meant to be considered and adopted at the same time. Staff felt that if the Subdivision Ordinance were adopted before the Design Manual, as suggested at the last meeting, some areas would be left unregulated for the period of time between the adoption of the two items. Staff and Planning Board unanimously recommended not only adoption of the proposed Subdivision Ordinance amendment, but also to retain the original schedule of consideration of both the Subdivision Ordinance and the Design Manual in October/November of this year.

COUNCILMEMBER THORPE (HAD) MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO ADOPT ORDINANCE 81-O-47.

Councilmember Straley expressed concern regarding the possible misinterpretation of the wording used in the proposed amendment. He read the wording of the proposed amendment as follows: "All lots, except those created pursuant to an approved multi-family development or planned development, shall meet or exceed minimum width and area requirements for the district in which they are situated as shown by the Zoning Ordinance of Chapel Hill and the surrounding areas." He felt that this could be incorrectly interpreted to mean that multi-family development and planned development would be exempted from the Zoning Ordinance.

Therefore, COUNCILMEMBER STRALEY MOVED TO AMEND THE MAIN MOTION BY ADDING THE FOLLOWING WORDS AFTER THE WORDS ". . . AND SURROUNDING AREAS.":

The exemption of lots created pursuant to an approved multi-family development or planned development from the minimum width and area requirements shall not be construed to exempt said developments from other intensity regulations as

shown in Section 5.3 of the Zoning Ordinance "Schedule of Intensity Regulations."

COUNCILMEMBER HERZENBERG SECONDED THE MOTION TO AMEND THE MAIN MOTION AND 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 14th day of September, 1981.

There was no discussion on the motion to amend.

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

COUNCIL VOTED TO ADOPT THE MAIN MOTION (WHICH WOULD INCORPORATE THE AMENDMENT). THE MOTION CARRIED 7 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Old Police Building

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

Councilmember Thorpe asked why the Sheriff's Department had turned down space offered them in the new Police Building. Mr. Secrist stated that the reason for turning it down was the lack of adequate space. He also stated that the County was aware of the fact that this agreement was under consideration by Council during this meeting.

Mayor Nassif stated that the 1978 agreement made between the County and the Town of Chapel Hill was basically that the County would supply services to the Town and the Town, in turn, would supply space to the County. Now that the old Police Building was being vacated, the matter had become more complex. One problem was regarding item #1(d) on the agreement. This concerned off-street parking. Mayor Nassif felt it would be better to spell out the number of parking spaces available. Mr. Secrist concurred, stating that Council might wish to consider leasing these spaces on a short-term basis until final disposition of the building had been determined.

A second problem was in regards to who would now assume the cost of janitorial service. He wondered if the Town would supply the janitorial service for the remainder of the building not used by the County.

Mr. Secrist stated that the County would maintain the office space and the corridors that they used. He felt that the logical agreement would be to have the Town supply janitorial services for the foyer area and the stairwell. The Town would probably recommend that other organizations provide their own custodial services for their area.

Mayor Nassif felt that problems could result by having many different groups using the building, making it difficult to enforce individual maintenance and overall security of the building. He felt that the Town should keep up the building and provide janitorial services and charge tenants accordingly. The Town would also be

responsible for the security of the building and would not permit continued infiltration of occupants into the building until a decision had been reached.

Councilmember Kawalec wanted to know how much harm would be done if roof repair were delayed until next June. She also stated that she felt that the outside was badly in need of paint. Mr. Secrist stated that the intention was to maintain the building to keep it from deteriorating any further; however, a great deal of improvements were not planned until final disposition was determined.

In response to the specific question regarding the roof, Mr. Secrist stated that the Town would continue as they had in the past, by placing buckets under the leak areas to prevent any further damage to the internal portions of the building. He felt that there was no evidence at the present time of any leak causing damage to the wiring.

Councilmember Smith returned to the question concerning painting the exterior of the building. He expressed concern that, with winter months approaching, deterioration would be hastened, allowing water to seep through the woodwork and cause more cost through damage than that which might be incurred by preventive maintenance at this time.

Mayor Nassif reminded Councilmembers that the Manager would bring a report to Council at the first meeting in October regarding staff recommendations concerning issues pertaining to the old Police Building.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE FOLLOWING RESOLUTION, AND TO RELAY TO THE COUNTY THAT THE COUNCIL WAS OPEN TO NEGOTIATIONS, SHOULD THIS PROPOSAL NOT BE ACCEPTABLE TO THEM OR CAUSE THEM A PROBLEM:

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE COUNTY OF ORANGE REGARDING USE OF THE FORMER POLICE BUILDING (81-R-119)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to execute the attached agreement with Orange County regarding use of the Town's former police building and to provide written notice to Orange County terminating the agreement of July 22, 1978, concerning the "911" Center effective on June 30, 1982.

This the 14th day of September, 1981.

AN AGREEMENT BETWEEN THE COUNTY OF ORANGE, HEREINAFTER THE COUNTY; AND THE TOWN OF CHAPEL HILL, HEREINAFTER THE TOWN

The County and Town agree as follows:

- 1. The County shall have the right and privilege to use the Town's building and property at 100 W. Rosemary Street known as the old police building for the following purposes through June 30, 1982:
 - a. Operation and administration of the Orange County Emergency Services Offices on the main floor.
 - b. Operation and administration of the Sheriff's Office on the main floor.
 - c. Such other County purposes as may be mutually agreed upon by the County and Town under arrangements acceptable to both.
 - d. Off-street parking related to the above County uses.

The space reserved for the Emergency Services offices shall be that shown as areas A and B on the main floor on the attached floor plan. The space reserved for the Sheriff's Office shall be that shown as area C on the main floor on the attached floor plan. In addition, the hallways, bathroom and vending area on the main floor shall be available for use by these offices.

- 2. The County shall assume the full cost of janitorial service for the portion of the building used by the County.
- 3. The County assumes all responsibility for any and all liability for injury, loss and/or damage to property, employees and contractors of the Town and County, of members of the general public, or of any community agencies authorized by the Town to use the property which may arise or occur because of negligent acts of the County, and/or its employees or contractors. In the areas reserved for its use, the County shall take reasonable precautions to prevent damage from fire or other causes, to prevent personal injuries and to prevent loss from theft or other causes.

The County shall be responsible for securing the building under arrangements to be developed and agreed upon by the County Manager and Town Manager.

- 4. The Town shall reserve the right to use or to allow to be used portions of said property, including the building and parking areas, which are not reserved for County functions in paragraph one (1) above.

In particular, the Town shall reserve the right to use or to allow to be used space on the upper floor of the building for Town offices, public meetings, the Dispute Settlement Center and other agencies as may be approved by the Town; and for Town activities; space on the main floor for the Town's parking lot attendants (in area D on the second floor as shown on the attached floor plan); and space on the lower floor for storage of Town property.

- 5. The Town shall perform maintenance and repair of the property, including the building, parking area and grounds, except for janitorial work and any damage for which the County is responsible under paragraphs 2 and 3 above.

6. The County shall reimburse the Town for utility bills for this building on a pro-rata monthly basis in proportion to the percentage of total building floor space used by the County other than the original 433 square feet for the dispatching center. The Town will be responsible for utility costs as per the agreement between the Town and County dated July 22, 1978.

Attest: _____

County Manager
(for the County of Orange)

Date

Attest: _____
Town Clerk

Town Manager
(for the Town of Chapel Hill)

Date

Approved as to form: _____
Town Attorney

This agreement has been pre-audited in accord with the requirements of the Local Government Budget and Fiscal Control Act.

Town Director of Finance

THE MOTION CARRIED UNANIMOUSLY.

Report on Future Relocation of Orange County Emergency Services Office

Mr. Secrist stated that last spring the Town of Chapel Hill and Orange County had discussed possible alternative relocations of the "911" system. One option, moving into the new Police Building, was rejected due to insufficient space. The current agreement (see page 7 of these minutes) stated that the Town of Chapel Hill would house the "911" Emergency Communications Center in a central facility owned and operated by the Town. He stated that if the County was interested in maintaining a southern Orange location for the operations, the basement of the post office/court house building could be provided to them, rent free. This would allow the County to renovate that facility. The Council could authorize the Mayor to notify the County Board of Commissioners that this was an alternative and that the Council would be willing to discuss other alternatives.

Due to its central location, Councilmember Herzenberg felt that the post office building was ideal for its present uses. He did not feel, however, that there was any real need for the "911" system to be located in such a centralized location. Councilmember Herzenberg was not certain if he could recall correctly, but he felt that he could recall that, in the past, Southern Bell had offered space in their building for public use, specifically mentioning allowing use by the Historical Society and the Preservation Society. Since this had never been done, he wondered if reminding Southern Bell of this previous offer might prompt a re-offer of this space. Mr. Secrist did not believe that Southern Bell had been asked this particular question, but when they were asked if there was available space to house the "911" system, or if there was any alternative space available, their comment had been "No." Councilmember Herzenberg felt that if their memory were "jogged" (regarding this previous offer), they might be able to offer some assistance.

Regarding a question about securing the location of the "911" antennae, Mr. Secrist felt it was the County's responsibility. Councilmember Herzenberg felt that the cost of telephone cables could be considerably less if the system was located on the site of the telephone exchange. Mr. Secrist felt that any place in the center of Town would be ideal, due to its close proximity to already-available conduits, necessary for the operation of the "911" services.

Councilmember Straley felt that the space in the post office building should be leased to people with a specific time-limit and "renovate it ourselves," rather than have the rent-free occupants renovate it. He felt this idea to be more financially responsible. Mr. Secrist did not feel that, since the Town had no need for the space at the present time, it would not be recommended that the Town do extensive renovation now, strictly for their benefit.

In response to Councilmember Straley's question, Mr. Secrist stated that he felt the leasee would get assurance (if they wanted to lease and renovate it) that they would use the building for its life (approximately 30 years).

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, THAT THE MANAGER BE GIVEN AUTHORITY TO PURSUE DISCUSSION OF FUTURE RELOCATION OF ORANGE COUNTY EMERGENCY SERVICES OFFICE AND TO AUTHORIZE THE MAYOR TO SEND A LETTER OF EXPLANATION TO THE COUNTY.

THE MOTION CARRIED UNANIMOUSLY.

Ms. Evelyn Smith requested, on behalf of the Dispute Settlement Center, the continued use of the old Police Building. This request would be from the present until the Council reached a decision regarding the long-term disposition of the building. Ms. Smith assured Council that the Dispute Settlement Center would continue to keep up their portion of the building and maintain security of the building. They also offered to pay some modest rent.

Ms. Smith continued that, originally, their intentions had been to move back into their former offices; however, a recent rent increase coupled with the expense of moving, would prohibit their financially considering this move. Subsequently, they had to forego these plans.

Ms. Smith stated that the County Commissioners had offered the Center rent-free space and free utilities in the Northside Multi-Purpose Center, contingent on the County's plans to renovate that building.

Mayor Nassif asked if the Dispute Settlement Center was continuing to look for a new location when their present location in the old Police Building was no longer available at the end of September. Ms. Smith stated that they intended to follow up on the offer from the County regarding the space in the Northside Multi-Purpose. Councilmember Smith asked why they did not move into the Northside Multi-Purpose Center now. Ms. Smith explained that the renovations were not complete and they did not yet know of a date when they might be able to move.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THIS REQUEST (ALONG WITH THE OTHER REQUESTS REGARDING FUTURE USE OF THE OLD POLICE BUILDING) TO THE MANAGER FOR CONSIDERATION AT THE FIRST MEETING OF THE COUNCIL IN OCTOBER 1981.

Councilmember Howes stressed the fact that the Manager would bring a recommendation to the Council not only with regard to the Dispute Settlement Center, but also with regard to the other requests that had been presented.

THE MOTION CARRIED UNANIMOUSLY.

Orange Water and Sewer Authority (OWASA) Rates

Mr. Everette Billingsley of the Orange Water and Sewer Authority presented a brief history of OWASA and introduced Dr. David Moreau, Chairman of the OWASA Board. Dr. Moreau stated that even though there was a public hearing regarding these rates, few people attended. He presented the report of the financial condition of OWASA, stating that OWASA was in a strong financial position of approximately \$6 million presently; this would not prevail for long, as the past rates had been designed to "carry them through 1983."

Dr. Moreau presented:

1. A summary of cash balances totalling \$6,049,842.
2. Proposed expansion and improvements to be acquired over the next four (4) years, totalling approximately \$26 million. Of this figure, approximately \$5 million would be required from the general fund; approximately \$11 million from bonds; approximately \$10 million from grants; and about \$3 million from construction and funds on hand.

Dr. Moreau stated that the projections of the operating expenses were based on a simple projection of an 8% annual increase in the operating costs. The revenue was based on projections under the proposed rates.

Dr. Moreau stated that the Bond Ordinance under which OWASA operated, required that they maintain a fund balance of 1.2 times the annual debt service (or approximately \$876,000).

Dr. Moreau felt that the issue now was whether to institute these new rates now, put the money in reserve and let it accumulate interest, or to defer the new rates until the bonds were issued, and raise the rates to pay for the bonds at the time that they were issued.

3. A comparison of rates, stating that 50% of the customers used less than 4,000 gallons of water per month. They would experience an increase of 16% in their bill. Larger users would experience a larger percentage increase.

Dr. Moreau explained that during the past year personnel costs had increased 15% and operating costs had increased 135%.

4. A chart indicating the North Carolina Cost of Living Index, comparing the increase of water/sewer charges (from 1974 to present) to the increase in cost of public transportation and home ownership. Dr. Moreau also exhibited a chart showing the comparison of operating costs of water and sewer systems of OWASA. A third chart showed the number of employees by Department, and salary ranges of OWASA. He stated that the salary scale was competitive with other salary ranges in Chapel Hill and surrounding areas.

In response to a question from Councilmember Smith, Dr. Moreau stated that approximately \$4 million was on reserve, drawing interest.

Councilmember Smith wanted to know what the present cost was and what the proposed cost would be for a homeowner to connect with water and sewer. Dr. Moreau responded that the charge for water now was \$720, to be increased to \$770; the charge for sewer was \$480 now, to increase to \$550. These figures included the availability charges and did not include the line, meter, or tap charges.

Councilmember Smith stated that he felt that high prices such as these discouraged potential homeowners. This did not just involve new, young homemakers, but persons living on fixed incomes as well. He was sympathetic to these persons. Along this line of thought, Councilmember Smith asked if OWASA had any less expensive, alternate plans to provide adequate water supply to Chapel Hill. Dr. Moreau responded that the operating cost had remained virtually constant over the past four (4) years. Alternatives could include such things as continuing to operate with the present water supply, if the people of this community were willing to suffer the recurrent drought conditions that they had experienced over the past 13 years. (He wondered if the townspeople would be willing to operate with the present demand of 6½ million gallons of water per day with a 3 million gallons of water per day supply and hope for an above average rainfall.) He hoped that citizens would be tolerate if OWASA could not supply the water. There was also the problem of OWASA not being able to continue to operate the sewage treatment plant. The state would shut it off in 1983 if Orange County did not have the plant completed to meet State regulations. OWASA would be back under a sewer moratorium and would have to pay fines for violation of State law for the protection of the stream.

The proposed alternative was to build a new supply--looking at Cane Creek (the cost would be approximately the same as for the other alternatives of expanding water supply).

Mayor Nassif asked that Dr. Moreau update the Council on the current legal situation regarding Cane Creek. Dr. Moreau stated that after 3 years, OWASA had succeeded in obtaining the necessary permit to build a dam on Cane Creek. Background to this was that two years ago, OWASA was granted the Power of Eminent Domain by the Environmental Management Commission to take the land and to build a dam.

The same day, without prior knowledge to the two parties, the North Carolina State Court of Appeals remanded the decision of the Environmental Management Commission on the grounds that they did not have an Environmental Impact Statement in front of them when they granted the Power of Eminent Domain. After discussion with the State Attorney General, the Environmental Management Division agreed that the Court of Appeals' Decision would not be appealed to the Supreme Court, and that the simplest procedure would be to go back to the Environmental Management Division, have the State write an Environmental Impact Statement under the State Environment Policy Act, and go back for re-hearings. The Court issued the order that OWASA should initiate the action on that remand. Dr. Moreau stated that all involved parties were meeting "tomorrow" to see if they could agree to stipulate what items would be under review on the remand.

Mayor Nassif thanked Dr. Moreau for his presentation. He asked him to keep in mind that the Council of the Town of Chapel Hill did support him and the OWASA Board in their acquisition of Cane Creek property and were on record as doing that and stood ready to assist in any way they could.

Appointment of Deputy Town Attorney

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE COUNCIL APPOINT AS DEPUTY TOWN ATTORNEY MR. GRAINGER BARRETT WITH AN ANNUAL SALARY OF \$30,200 AND, FURTHERMORE, THAT THE EXCHANGE OF CORRESPONDENCE BETWEEN MAYOR NASSIF AS DIRECTED BY THE COUNCIL, OFFERING THE POSITION TO MR. BARRETT, AND HIS LETTER OF RESPONSE ACCEPTING THE POSITION BE ENTERED INTO THE RECORDS.

THE MOTION CARRIED UNANIMOUSLY.

The letters are as follows:

62
September 10, 1981

Mr. Grainger Barrett
724 Bradley Road
Chapel Hill, NC 27514

Dear Mr. Barrett:

I am pleased to inform you officially that the Chapel Hill Town Council has voted to offer you the position of Deputy Town Attorney for the Town of Chapel Hill.

I would like to list the conditions of your employment with the Town, should you choose to accept this position. You would be appointed by the Town Council and would serve at the pleasure of the Council, as do the Manager, the Town Clerk and the Town Attorney. Your appointment originates with the Council and could be terminated by the Council at any time. You would not be covered by our personnel code, but would be entitled to the benefits enjoyed by all town employees who are not department heads. Since the Deputy Attorney position is not a part of the town's pay plan, there is no fixed salary range for this position. Raises in salary would be granted at the discretion of the Council. We envision that the Deputy Attorney will work under the supervision of the Town Attorney, Mr. Emery Denny.

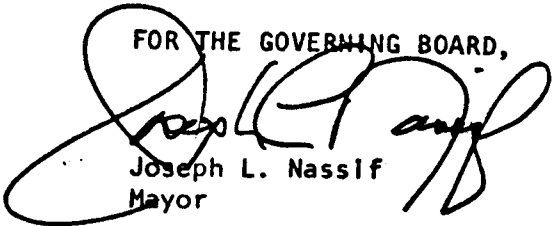
The Council has stated that it makes absolutely no assumption that the individual serving as Deputy Town Attorney will receive special consideration in the event that the Town Attorney position became vacant. We see them as two distinctly different jobs demanding somewhat different qualifications.

The Council is ready to offer you a starting salary of \$30,200. We would greatly appreciate receiving a response from you by September 14, along with some indication as to when you could begin work.

We are all extremely grateful that you came to meet with us on August 28. It was a pleasure to talk with you, and I think the occasion meant a great deal to us all. The Council and the entire staff happily await the return of any attorney to the Municipal Building. We feel especially pleased and fortunate that so dedicated and capable an individual may join us.

I look forward to receiving your response to our offer and to working with you in the future.

FOR THE GOVERNING BOARD,


Joseph L. Nassif
Mayor

Institute of Government

KNAPP BUILDING 059 A
CHAPEL HILL, N.C. 27514
TELEPHONE (919) 986-5381

The University of North Carolina at Chapel Hill

September 11, 1981.

Mayor Joseph L. Nassif
Town of Chapel Hill
306 North Columbia Street
Chapel Hill, North Carolina 27514

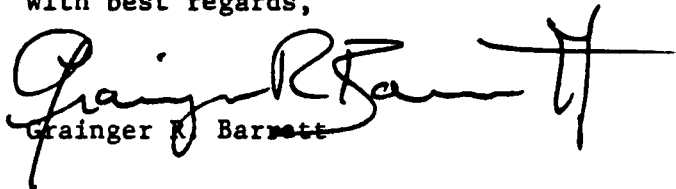
Dear Mayor Nassif:

I am delighted to accept the Town Council's offer to become Chapel Hill's Deputy Town Attorney as reflected in your September 10, 1981 letter. The Council's action is both an honor and a compliment to me and I hope I will fully justify its confidence in me. My goal will be to continue to provide the Town with the high quality of service and advice that it has had and expects of its legal counsel.

I look forward eagerly to working with the Council, Mr. Denny, and with the Town's staff. An initial employment date of Monday, October 19, 1981, would allow me to fulfill my commitments here at the Institute and take some annual leave before joining the Town. If that date is satisfactory to the Council and Mr. Denny, I will expect to begin work then.

Thank you and the Council for this exciting opportunity to serve the Town of Chapel Hill.

With best regards,


Grainger R. Barrett

GRB:jj

There was no discussion.

Mayor Nassif added that this had been a difficult decision for Council to make. He introduced Mr. Barrett and welcomed him, advising him of the availability of assistance from the staff and administration at any time.

Requirements for Construction and Repair Work within Street Rights-of-Way

Ordinance Amending Chapter 17 (revision of Article IV)

Mr. Secrist introduced Mr. Bill Morris, Town Engineer, to provide background information. He stated that approximately one year ago Council had directed that the Engineering Department develop a Construction Permit Ordinance that would tighten control over construction in the Town. The proposed ordinance resulted.

The proposed ordinance would deal with construction operations in and on Town streets. It would provide standards of quality and methods of procedure sufficient to ensure the health, safety, and welfare of the public.

Councilmember Straley asked what the term "reflectorized" meant. Mr. Morris stated that this term meant that when headlights were shown onto this type of barricade, it would be visible at night for a distance of 500 feet. Councilmember Straley and Mayor Nassif expressed concern for pedestrian protection. Mr. Morris stated that this was a requirement of Town standards for certain hazardous areas on the roadway, further stating that beacons were placed around excavations for pedestrian safety. Mayor Nassif did not feel that this was presently being done. Mr. Morris responded that additional beacons would be placed in the area if the area were considered to be a high-danger area.

COUNCILMEMBER STRALEY MOVED TO ADOPT ORDINANCE 81-O-53 with the following word changes (in paragraph 2):

Change the wording FROM: "AMEND: ARTICLE IV to read as follows:"

TO: "AMEND: ARTICLE IV to be changed to read as follows:"

THE MOTION WAS SECONDED BY COUNCILMEMBER KAWALEC TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING CHAPTER 17 (81-O-53)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 17 of the Code of Ordinances be amended as follows:

AMEND: ARTICLE IV to be changed to read as follows:

ARTICLE IV - CONSTRUCTION PERMITS

Section 17-40: Intent

The intent of this Article is to establish sufficient controls and procedures to insure that all construction operations that occur in the streets, whether proposed or existing, shall be of acceptable quality and performed promptly by acceptable procedures so that the safety, health, and welfare of the public shall be served, and so that future maintenance by the Town shall be facilitated.

Section 17-41: Definitions

- 1) Town Manager - For this Article, this shall mean the Town Manager or his Agent to which he has delegated the duty of enforcing this Article.
- 2) Street - For this Article, the term includes public alleys and sidewalks, as well as roads and streets.

Section 17-42: Contractors Requirements

1. Prior to the start of construction of any street, paving, curb and gutter, sidewalks, storm drainage structure, water or sewer facility, or other public improvements (within the planning and zoning jurisdiction of the Town of Chapel

Hill) that will ultimately be maintained by the Town of Chapel Hill, and also prior to the cutting of any pavement, curb, or sidewalk in an existing street, the person intending to do so shall obtain a construction permit from the Town Manager. A construction permit shall be issued only after plans for the construction, construction cost estimates, and other information required by the Town Manager, have been submitted to him; the Town Manager has approved said plans, has collected the appropriate fees set forth in the most recent schedule of fees adopted by the Council, and has received the appropriate bonds.

2. Review periods on permit requests may vary from a minimum of twenty-four (24) hours for simple street cuts to two (2) weeks for large subdivisions. The applicant should verify the review time with the Town Manager.
3. Utility companies that are franchised by the Town are not required to obtain construction permits. However, they do have the obligation under their franchise agreements to notify the Town Manager's office twenty-four (24) hours in advance of the start of any construction that will damage any existing street or significantly obstruct the flow of traffic. Utility companies shall be required to perform their work according to the construction standards and signing requirements stated in this ordinance. Utility companies shall also be required to pay street cut assessments for any street cuts they make. In an emergency that requires work in the street to be started without delay, the utility company shall contact the Police Department.
4. If the work is to be done in a State-maintained street, the contractor shall also obtain all necessary State encroachment agreements and approvals in addition to those contained in this article as a prerequisite to obtaining the Town's permit.
5. A contractor working on a street shall have a valid license and shall be required to have a Certificate of Public Liability Insurance of \$300,000 on file in the Town Clerk's office.
6. As a condition of obtaining a permit, the contractor shall be required to indemnify and save harmless the Town against any damages or liability arising out of or resulting from such construction.

Section 17-43: Authority and Duties of the Town Manager

1. The Town Manager shall have the right to suspend or revoke any construction permit if he determines that the conditions, requirements, or standards concerning said permit or the requirements contained in this Article are not being met, and all work shall stop until he reinstates the Permit. A penalty in the amount stated in the most recent Fee Schedule Resolution shall be assessed and payment received prior to reinstatement of the permit.
2. It is the duty of the Town Manager to review construction permit requests, engineering plans and specifications and to advise the contractor of all requirements concerning the work.
3. The Town Manager shall establish the proper fees and bonds according to requirements of this Article and the most recent Fee Schedule Resolution and must receive same prior to issuance of any construction permit.
4. The Town Manager may also perform necessary inspections of the construction to insure proper compliance with this Article and all conditions or requirements and all Town standards of construction.

Section 17-44: Fees

1. All construction, except that performed by franchised utilities, within the street or easement shall be charged a construction permit fee at the current fee schedule as stated in the Fee Schedule Resolution, based upon engineering cost estimates submitted to the Town Manager.
2. Street Cut Assessment--For the privilege of making an open cut in a street, a repair and future maintenance assessment shall be billed to the contractor, including franchised utilities, upon completion of the street cut. The assessment shall be according to the current Fee Schedule Resolution passed by Town Council.

Section 17-45: Bonds

1. All contractors, except for franchised utilities, shall post a letter of credit or cash bond in the amount of 125% of the estimated construction prior to issuance of a construction permit. Bonds are required in all cases, with the above exception, whether or not platting of property is required by zoning or subdivision ordinances. Contractors expecting to make pavement cuts throughout the year may post a \$1,000 letter of credit that may be held to cover recurring projects during the year, in lieu of advance payment of repair fees.
2. All construction performed by the contractor is subject to a one (1) year warranty period and a bond in the amount of 25% of the total project cost must be posted prior to release of the original bond.
3. In addition, all bond requirements in Chapter 18, Subdivisions, shall be complied with.

Section 17-46: Construction Standards and Procedures

All construction in a street shall conform to all requirements in "The Town of Chapel Hill Street Construction Standard Specifications", as amended.

1. Cutting Pavement

- a. Initial Cut--The contractor shall use a cutting blade on a jack hammer or saw cut the asphalt through the entire thickness of the existing pavement. If concrete pavement is encountered, the contractor shall contact the Town Manager prior to proceeding.
- b. Final Cut--After the excavation is completed and backfilled, the contractor shall saw cut the disturbed pavement so that all final cuts shall be straight lines with no broken lines less than 10 feet long.

2. Utility Locations

The contractor shall call utility companies to come to the site and locate their utility lines and advise of the approximate depth. If any lines are located at a higher location than the proposed work or within twelve (12) inches below the proposed work, the contractor shall notify the Town Manager.

3. Backfilling Open Ditch Cuts

The contractor shall backfill any ditch made with approved soil that is free of organic material and does not contain more than 5 percent (5%) clay content (number 200 sieve). Backfill material at a moisture content range of + 2 percent (2%) of optimum shall be placed in a surface-dry ditch in six (6) inch layers and compacted to 98 percent (98%) of laboratory compaction (Standard Proctor). If required by the Town Manager, the contractor shall verify soil compaction from an approved independent testing laboratory. Testing cost shall be borne by the contractor where the test results indicate the failure to comply with the conditions of this ordinance and by the Town where the test results comply with these requirements. For paved streets the ditch shall be filled with compacted soil to a point no higher than ten (10) inches below the top of the pavement. Stone shall be placed in two (2) layers and compacted as above. The stone shall be level with the top of the pavement. For dirt or gravel streets the ditch shall be filled with compacted soil to a point no higher than six (6) inches below the finished grade of the street. Stone shall be placed in one (1) layer and compacted as described above. The stone shall be level with the finished grade of the street.

4. Construction Schedule

A construction schedule must be submitted to the Town Manager along with the engineering construction plans. The intent is to minimize conflicts with public use of the street and to minimize the duration of any disruption. The Town Manager shall have the right to limit work operation periods as necessary to protect the public safety and welfare. Work involving major intersections and thoroughfares may be required to be done at night or during low traffic volume periods. No open trench cut of a street shall be allowed to remain open overnight without permission of the Town Manager. The contractor shall be required to maintain traffic flow at all times unless permission is granted by the Town Manager.

5. There may be different construction standards applicable in State maintained streets.

Section 17-47: Construction Signing and Traffic Control

1. Any developer, contractor or utility working in a street shall meet certain requirements related to proper construction warning signing, traffic lane transitions, construction flaggers, detours, barricades, etc. at and around the work site in order to provide maximum protection to pedestrian and vehicular traffic. The detailed plan for this construction signing requirements shall be submitted to the Town Manager for approval prior to authorization to proceed on any work in the street.
2. If, in the opinion of the Town Manager, the work requires special police control, the contractor shall arrange for use of off-duty officers, at the contractors expense.
3. When the Town Manager determines that there is a failure to comply with the provisions of this section, the Town shall have the right to provide proper signing, construction protection and traffic control as necessary and charge the contractor for cost of personnel, equipment, and materials necessary to correct the situation.
4. Traffic control devices and procedures used pursuant to this Section shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" published by the Federal Highway Administration, and the "North Carolina Construction Maintenance Operations Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways."
5. General requirements include the following:
 - a. Traffic control devices shall be set up by the person or agency doing work prior to start of work, and shall be removed subsequent to completion of work.
 - b. All traffic control devised for the work area shall be reflectorized for night use pursuant to Section 633 of the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects (FP-74).
 - c. Minimum width for temporary travel lanes shall be ten (10) feet; however, a twelve (12) foot lane is advisable where possible.
 - d. When traffic must be routed across a street centerline, the two opposite directions of traffic flow must be physically separated. Traffic cones should be used during daylight hours and reflectorized drums or barricades should be used at night for this purpose.
6. The following Table establishes the specific requirements associated with the use of traffic control devices for channelization of traffic around work sites. Such devices as cones, drums, barricades, and other advance warning signs shall be used in conformity with the "North Carolina Construction and Maintenance Operations Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways."

Section 17-49: Plans and Permits on Job Site

The contractor shall maintain a set of the Town approved plans and the construction permit on the job site at all times when work is in progress. Failure to do so shall result in the revocation of the construction permit and assessment of penalty sums.

Section 17-49: Violations

Willful violation of any provision of this Article shall be a misdemeanor.

Section 17-50 through 56: RESERVED

This the 14th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Ordinance to Amend Chapter 5 of the Code of Ordinances

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

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES (81-O-54)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 5 of the Code of Ordiances be amended as follows:

DELETE: ARTICLE VI. CONSTRUCTION OF IMPROVEMENTS in its entirety.

This the 14th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Resolution Establishing Fees for Street Cut Patching as Authorized in Section 17-44

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

A RESOLUTION ESTABLISHING FEES FOR STREET CUT PATCHING AS AUTHORIZED IN SECTION 17-44 (81-R-135)

BE IT RESOLVED by the Council of the Town of Chapel Hill that fees for street cut patching as authorized in Section 17-44 of the Code of Ordinances, be established as follows:

Street Cut Fees

- a. Asphalt Surfaced Streets--\$30/sq. yd. of pavement for the first ten square yards; and \$10/sq.yd. for each additional sq.yd.

If the asphalt contractor is approved by the Town Manager, the contractor may make the asphalt patch for the open cut with a reduction of fee to \$5/sq. yd.

- b. Dirt or Gravel Streets--\$6.00/sq. yd. of surface replaced.

- c. Curb and Gutter--\$10/linear foot.

This the 14th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Resolution Establishing a Fee for Revocation of Construction Permits

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

A RESOLUTION ESTABLISHING A FEE FOR REVOCATION OF CONSTRUCTION PERMITS (81-R-136)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the fee for revocation of a Construction Permit as authorized in Section 17-43 of the Code of Ordinances be established as follows:

Permit revocation penalty fee: \$50.00

This the 14th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Traffic and Parking

Resolution Authorizing a Temporary Outdoor Activity (Shrine Club Fish Fry at University Mall)

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

A RESOLUTION AUTHORIZING A TEMPORARY OUTDOOR ACTIVITY (SHRINE CLUB FISH FRY AT UNIVERSITY MALL) (81-R-137)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council permits the Orange County Shrine Club to hold a fish fry in the University Mall parking lot on October 2, 1981, from 11 a.m. to 8 p.m. Setting up for the event may begin on October 1, 1981, and all tents, barriers and other equipment shall be removed by October 2, 1981. The following conditions of approval shall apply:

1. That the activity be set up according to the attached sketch titled Shrine Club Fish Fry October 2, 1981.
2. That 2 rows of type I or II barricades or hazard striped boards be placed as shown to prevent vehicles from entering the activity area.
3. That the Orange County Shrine Club be responsible for securing, placing, and removing the barricades and for enforcing the restriction on vehicular traffic during the event.

This the 14th day of September, 1981.

Councilmember Smith expressed concern, in light of the recent accident at the University Mall involving a similar activity, whether any consideration had been given to a safer place to have the fish fry.

Ms. Loewenthal, Assistant Town Manager, assured Councilmember Smith that natural landscaping and double barricades around the proposed site were intended to block the activity area from the traffic. Councilmember Smith, however, felt that this might not be sufficient.

Therefore, COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO AMEND THE MAIN MOTION TO REQUIRE THAT THE SHRINE CLUB PROVIDE QUALIFIED TRAFFIC PERSONNEL TO BE PRESENT TO DIRECT THE FLOW OF BOTH PEDESTRIAN AND VEHICULAR TRAFFIC DURING THE HOURS FROM 11:00 A.M. TO 8:00 P.M. ON OCTOBER 2, 1981.

Councilmember Kawalec felt that this amendment was not necessary at this time; she felt it was already Council policy that such personnel be provided.

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

THE MAIN MOTION CARRIED WITH A VOTE OF 7 TO 1 WITH COUNCILMEMBER BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER SMITH OPPOSING.

Resolution Regarding Traffic Counts by the North Carolina Department of Transportation.

Mr. Secrist felt that staff recommendation was to point out the problem to North Carolina Department of Transportation in an official manner and asked if there were alternative means of adjusting the raw figures.

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

A RESOLUTION REQUESTING THAT THE SECRETARY OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ADJUST THE TRAFFIC COUNTING METHODOLOGY FOR CHAPEL HILL (81-R-138a)

BE IT RESOLVED by the Town Council, Town of Chapel Hill, that the Council hereby requests that the Secretary of the North Carolina Department of Transportation reschedule future Chapel Hill traffic counts for times when the University of North Carolina is in regular session and/or revise the traffic count adjustment methodology to more adequately reflect actual Chapel Hill traffic conditions.

This the 14th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Ordinance Amending Chapter 21 to Prohibit Parking on Part of N.C. 54 By-pass

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

AN ORDINANCE AMENDING CHAPTER 21 (81-O-55)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances be amended as follows:

SECTION I

ADD: Section 21-27. No Parking as to Particular Streets

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
NC 54 By-pass (including exit and entrance ramps)	Both	Western Town limits at Smith Level Road	Eastern Town limits at Pritchard Branch

SECTION II

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

This the 14th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Ordinance to Amend Section 21-11 (Speed Regulations on Old Durham Road)

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

AN ORDINANCE TO AMEND SECTION 21-11 (Speed Regulations) (81-O-57)

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

SECTION I

That the Council hereby amends Section 21-11 as follows:

ADD: Section 21-11 (A)(3)

(n) Old Durham Road from US 15-501 to the eastern corporate limits.

REVISE: Section 21-11 (A)(4) to read as follows:

(g) RESERVED.

SECTION II

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

This the 14th day of September, 1981.

Councilmember Smith felt there were speed limit inequities in this area that should be pointed out to the State Highway Department. Councilmember Kawalec concurred.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Ordinance Amending Chapter 21 (Speed Limit on Part of South Columbia Street)

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

AN ORDINANCE AMENDING CHAPTER 21 (81-0-58)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances be amended as follows:

SECTION I

- ADD: SECTION 21 - 11 (A)(2)
 - (f) South Columbia Street, twenty-five (25) miles per hour, from Manning Drive to Cameron Avenue.
- ADD: SECTION 21 - 11 (A)(2.5) THIRTY (30) MILES PER HOUR
 - (a) South Columbia Street, from Mason Farm Road (new substation), to Manning Drive.
- DELETE: SECTION 21 - 11 (A)(3) Thirty-five miles per hour
 - (g) Columbia Street (US 15-501, NC 54) from Cameron Street to the US 15-501 By-pass.
 - (i) Columbia Street (US 15-501) from South Road (NC 54) to the southern corporate limit, (approximately 0.4 miles south of McCauley Street).
- ADD: (g) South Columbia Street from Mason Farm Road to southern corporate limits.
 - (i) RESERVED

SECTION II

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

This the 14th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0)

Festifall 1981 (October 4, 1981)

Resolution Temporarily Closing Portions of Franklin Street and Henderson Street (Festifall '81)

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

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET (FESTIFALL '81) (81-R-138.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and Henderson Street between Rosemary and Franklin Streets on Sunday, October 4, 1981 from 11:00 A.M. to 8:00 P.M., to allow the holding of the Festifall Street Fair and cleanup of the streets following said fair.

This the 14th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Ordinance Temporarily Removing Parking on Portion of Franklin and Henderson Streets (Festifall '81)

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

72a

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (FESTIFALL '81) (81-0-60)

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

That on the 4th day of October 1981, between the hours of 12:45 P.M. and 8:00 P.M., there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, nor on either side of Henderson Street between Franklin and Rosemary Streets.

The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said streets during such hours on said date and to post signs

Councilmember Straley felt there had been more abuse to the Chapel Hill Taxi Ordinance than any other ordinance in the books. He had received reports from citizens regarding varying cab fares to and from identical locations. Councilmember Straley had taken a ride to check out the reports of inconsistent rates and found the reports to be true. Councilmember Straley also stated that he had not seen displayed, nor had he been offered a copy of the ordinance that told passengers what the ordinance said, as required by the ordinance. Neither were these rate structures nor a map of taxi zones, nor the name of the driver and company or the phone number of the company displayed as required by ordinance. Councilmember Straley felt that this was an ordinance that should be enforced.

72b

AN ORDINANCE AMENDING ARTICLE 3 OF CHAPTER 11 (81-0-61)

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

SECTION I

That the Council hereby amends Article III of Chapter 11 of the Code of Ordinances as follows:

AMEND Section 11-40(6) to read:

Unamplified and amplified sound at Street Fairs conducted by or for the Town of Chapel Hill.

SECTION II

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

This the 14th day of September, 1981.

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

Resolution Adopting a Transit Development Program Update

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

A RESOLUTION ADOPTING A TRANSIT DEVELOPMENT PROGRAM UPDATE (81-R-139)

BE IT RESOLVED by the Town Council of the Town of Chapel Hill that the Council hereby adopts the Transit Development Program Update for fiscal years 1981-82 through 1985-86, prepared by the Town as required by the Urban Mass Transportation Administration.

This the 14th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0)

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

This was the second reading of this ordinance as the first reading did not pass by a 2/3 vote on August 24, 1981.

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

return to page 72 a "x"

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR RESURFACING OF STREETS (81-R-140)

WHEREAS, the Town of Chapel Hill solicited formal bids on August 14, 1981 and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
C. C. Mangum, Inc. Raleigh, N. C.	\$244,514.86
Lee Paving Co. Sanford, N. C.	\$220,943.84
Nello L. Teer Co. Durham, N. C.	\$296,196.00
Wm. Muirhead Construction Co., Inc. Durham, N. C.	\$391,730.00
REA Construction Co. Charlotte, N. C.	\$238,553.72

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Lee Paving Company in the amount of \$220,943.84.

This the 14th day of September, 1981.

Mr. Secrist stated that acceptance of low bid provided a savings of \$37,000 from the original estimate. Staff recommended that \$18,386 be used for resurfacing additional streets; \$1,600 to be used to replace dangerous storm drains; and that the remaining \$16,583 be reserved for street reconstruction activities in the Capital Improvements Fund. Allocation of these would be considered in January, 1982 along with other items that might need consideration.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REQUEST THE STAFF TO REPLACE THE STORM DRAINS ALONG THE SOUTH SIDE OF FRANKLIN STREET FROM BOUNDARY STREET TO ESTES DRIVE.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Transportation Department Bus Bids

The Council accepted a report from Mr. Secrist regarding bids for 12 new buses. There had been concerns regarding the award of this bid to the apparent low bidder. The letter submitted to UMTA from Mr. Secrist stating these concerns and the staff recommendation is duplicated as follows:

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514

September 8, 1981

Telephone (919) 929-1111

Mr. Steve Dukes
Urban Mass Transportation Administration
Suite 400
1720 Peachtree Road, N.W.
Atlanta, Georgia 30309

Re: Bus Bid Award -
Town of Chapel Hill

Dear Mr. Dukes:

On August 19th, the Town of Chapel Hill opened bids on 12 Advance Design Buses. The bids received on 12 coaches were as follows:

	<u>Unit Price</u>	<u>Delivery Charges</u>	<u>Total</u>	<u>Tax</u>	<u>Total</u>
Neoplan USA Corporation	\$136,500	\$1,670	\$1,658,040	\$1,440	\$1,659,480
GMC Truck & Coach	140,636	1,149	1,701,420	1,440	1,702,860
Grumman Flexible	151,000	883	1,823,796	1,440	1,825,236

The apparent low bidder, Neoplan, bid on a 35' Transit Coach with a 6V92TA engine mounted in line with an Allison 740 transmission. Prior to the bid opening the Town had communicated our concerns regarding this engine and transmission configuration in a letter to Neoplan. Although they had communicated verbally their willingness to provide a transverse mounted engine with a V drive transmission, which is the industry standard, they wrote back just prior to the bid opening telling us of their intention to provide the inline engine and transmission configuration. To our knowledge there is only one modern, full size transit bus in the country which has a drive train configuration of this type, that is the Neoplan prototype bus.

On August 27, Transportation Director Bob Godding and two maintenance staff members visited the Neoplan Plant in Lamar, Colorado to review their manufacturing process and to inspect and test drive their prototype. They found the Neoplan personnel were very congenial and straightforward about their product. Their manufacturing process, although still being refined, appeared well organized and professional.

Mr. Steve Dukes
 Urban Mass Transportation Administration
 September 8, 1981
 Page 2

While driving the Neoplan Prototype, it appeared to be a very attractive and solidly built bus. There were, however, some noticeable transmission or rear end problems. There was a very loud noise and a shudder through the bus when ever it downshifted into first or second gear. It was quite obvious to both Bob Lee, the Neoplan Engineer and Bob Godding that this was not normal operations, and adjustments or repairs were needed. Unfortunately, this tended to aggravate rather than alleviate our concerns regarding this transmission configuration.

Other concerns which still remain are as follows:

Transmission Performance

This is difficult to determine because this transmission has never been used in transit application before.

Greyhound Bus Lines do use this model in their highway coaches but I do not think their service is similar to stop and go city transit. Mr. Angier of the Greyhound Transmission Rebuilding Facility in Chamblee, Georgia indicated that the transmission generally performed well for them and that the only consistent problem has been failure of the front pump support seal.

Although Neoplan claims that the 740 will give improved fuel economy, there is no data to support this. Greyhound gets better fuel economy but that would be expected with their highway operation.

Transmission and Engine Maintainability

The Town of Chapel Hill currently owns approximately 56 transit buses. Most of these buses are GMCs with transverse mounted engines and V drive transmissions. We do, however, have 13 buses with "in-line" engines and transmissions, these are Twin Coach TC-25s. Based on our experience with this mounting configuration and our observations of the Neoplan coach, we anticipate the following maintenance problems:

We will have a difficult time working on the following components:

- air compressor
- injectors (i.e. engine tune-ups)
- starter
- blower

It will be difficult to work on the transmission alone because there is nothing to hold the rear of the engine up when the transmission is removed.

Mr. Steve Dukas
Urban Mass Transportation Administration
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The exhaust manifold will have to be disassembled before the transmission can be removed.

It will be impossible to do an in-frame engine rebuild like we have done with our transverse mounted engines.

A workable transmission dipstick will have to be about 6' long and will be awkward and somewhat hazzardous to handle around the engine belts and other moving components.

The engine and transmission are mounted in the front with a single trunion mount and in the rear with two side mounts which bolt to the aluminum transmission bell housing. We have experienced failures on approximately 50% of our Twin Coach fleet with similar rear mounts on an Allison 540 transmission. The Torque created by the engine has caused the mounting ears to crack and break or the bolt holes to elongate.

Fleet Standardization

As you may be aware the Town of Chapel Hill currently operates a mixed fleet of buses, the best of which are 16 RTS04's which were delivered in November of 1980. Adding Neoplan buses to our fleet particularly with the in-line drive train will further complicate our maintenance operations. Costly operations and maintenance training will have to be performed and thousands of additional dollars will have to be tied up in an expanded inventory. This creates an excessive burden for a small transit operation such as ours.

Although the anticipated maintenance and operational problems indicated above are our primary concern with the Neoplan buses there is another problem with their bid. As you will see by the enclosed copy of their bid, they failed to properly complete pages 1 - 13 of the Solicitation Offer and Award Form by not submitting a Signature of Authorized Signee in Section 1.2 offer. Section 1.1.12, Bid Preparation, of the Solicitation Offer and Award form clearly states that "All blank spaces in the offer must be filled in and no changes shall be made in the wording." Section 1.1.15 Bid Rejection says that "the Procuring Agency reserves the right to waive any minor bid informalities or irregularities."

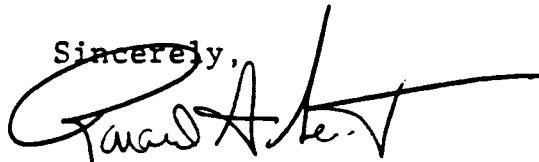
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Based on those reasons stated above, we recommend that the Neoplan USA Bid be rejected and that the bid be awarded to GMC Truck and Coach. We expect to present this recommendation to the Town Council for final approval at its September 14th meeting. You will be forwarded an official copy of their resolution for final review.

We would appreciate your written response on this recommendation as soon as possible.

If you have any questions or wish to discuss this in more detail please contact Transportation Director Bob Godding at (919)929-1111, ext. 239.

Sincerely,



Ronald A. Secrist
Interim Town Manager

Enclosure

RAS:eh

cc: Robert J. Godding

To date, no response had been received from UMTA. UMTA's acceptance of this justification was very important as UMTA would fund 80% of the purchase. If UMTA did not accept this justification, the matter would possibly come back before the Council for a re-bid on September 28.

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

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

AN ORDINANCE TO AMEND "AN ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-64)

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>
Grants Fund	\$49,920	\$2,105	-	\$52,025

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Grants Fund	\$49,920	\$2,105	-	\$52,025

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

This the 14th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

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

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

AN ORDINANCE AMENDING SECTION 14-68 (HOLIDAYS) (81-O-66)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 14-68 of the Code of Ordinances, Town of Chapel Hill, as follows:

SECTION I

REWRITE the initial sentence deleting the word "permanent" and adding a sentence concerning holidays for contract employees. Sentence to read: The following are designated as holidays with pay for all full-time and part-time employees of the Town. Paid holiday leave shall not be provided to contract employees.

SECTION II

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

This the 14th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Nominations and Appointments

Historic District Commission. Council received the recommendation from the Historic District Commission that Council appoint Ms. Elizabeth Williams. Council made no nominations at this time.

Councilmember Boulton requested that the Council be supplied a list showing the composition of current Town Board and Commission by race and sex.

Designation of Delegate and Alternate to Attend the Annual Congress of Cities

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT COUNCILMEMBER STRALEY BE DESIGNATED AN ALTERNATE AND THAT COUNCILMEMBER HOWES BE DESIGNATED A DELEGATE TO ATTEND THE ANNUAL CONGRESS OF CITIES.

THE MOTION CARRIED UNANIMOUSLY.

Future Agenda Items

Mr. Secrist reminded Council of the 4:00 worksession in the Meeting Room on September 15 regarding position classifications. He also pointed out that the memo (#26) regarding tree ordinance regulations (which had been reviewed with the Planning Board, staff, and Historic District Commission) requested that review be considered in the spring of 1982 rather than the fall of 1981 in order to allow the new Zoning Ordinance to regulate that concern.

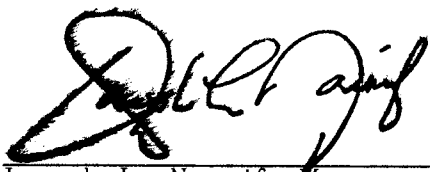
Councilmember Howes stated that Council had received an invitation from the UNC Student Government for a reception for all local elected officials and candidates for office. This reception had been postponed.

Mayor Nassif referred to the letter of resignation of Ms. Mary Parker, Finance Director, and asked the Manager to convey to her the appreciation of the administration and staff for her hard work and to wish her the best, should the chance not arise before she left.

Councilmember Thorpe stated that there had been a lot of concern raised when Mr. R. E. Shipman, former Town Manager, left regarding his having appointed the Assistant Town Manager. He wondered if the present Interim Manager would have the right to process the filling of this vacancy.

Mayor Nassif stated that Mr. Secrist was asked to speak to the Assistant Manager, Ms. Loewelthal, and bring a recommendation back before the Council.

There being no further business to come before the Council, the meeting was adjourned at 11:00 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk