

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL
MUNICIPAL BUILDING, MONDAY, SEPTEMBER 28, 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.

Introduction of Board and Commission Members

Mayor Nassif presented a Certificate of Appointment to the following Board and Commission members, expressing appreciation for their service:

Community Appearance Commission: Jane M. Norton, and S. Brooks Morton.

Planning Board: Diane Brookhouse Day.

OWASA: Grey Culbreth.

Transportation Board: Jean Ann Hemmens, Dianne M. Byrne, Cameron P. Hargraves, and Sally Hadden.

Parks and Recreation Commission: Raymond Burby, Tony Lathrop, Caroline Lindsay, and Kani Hurow.

Document of Appreciation

Mayor Nassif presented a Document of Appreciation to Mr. Eunice Farrington on behalf of the Town of Chapel Hill. On September 4, 1981, Mr. Farrington, while driving a Town bus in the Colony Woods area, noticed a Durham County school bus with smoke coming from under the hood of the bus. After securing his own bus and calling for help, Mr. Farrington, with disregard for his own safety, extinguished the flames that were shooting from under the hood of the bus. The following letter of appreciation was presented to Mr. Farrington:



*Town of Chapel Hill
North Carolina 27514*

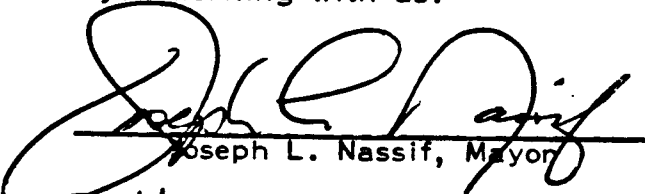
OFFICE OF THE MAYOR

September 28, 1981

LETTER OF APPRECIATION TO MR. EUNICE FARRINGTON

It gives us great pleasure to express to you formally our sincere appreciation for your efforts to extinguish a school bus fire on September 24, 1981. Your actions under danger and duress speak eloquently of your own courage and concern for others. It took a cool head and a brave heart to secure your own bus, then to ensure the safety of many school children and to prevent extensive damage to public property.

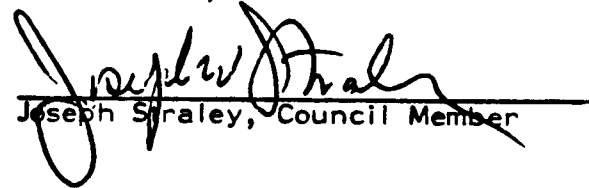
We join the many people - children, their parents, those persons riding your bus at 7:31 a.m. on September 24, the Town Manager, and the Transportation Director - who sincerely thank you for your kindness and your courage. Your actions were a credit to yourself and the Town. We are honored to have you working with us.

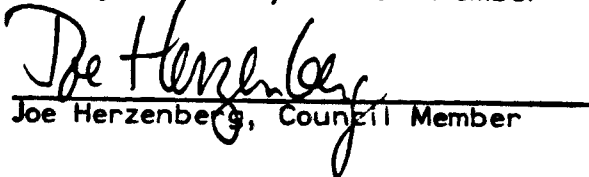

Joseph L. Nassif, Mayor


Jonathan B. Howes, Mayor Pro Tem


R. D. Smith, Council Member

Marilyn Boulton, Council Member


Joseph Spraley, Council Member


Joe Herzenberg, Council Member

Bill Thorpe, Council Member

Beverly Kawalec, Council Member

James Wallace, Council Member

Petitions

The Transportation Board petitioned the Council for driver uniforms.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE PETITION TO THE MANAGER FOR RECOMMENDATION AT THE EARLIEST POSSIBLE DATE.

THE MOTION CARRIED UNANIMOUSLY.

Council received a petition from Hotel Europa requesting modification of a Special Use Permit. In light of the fact that Hotel Europa would like to open on October 15, 1981, Mr. Denny stated that a Temporary Certificate of Occupancy could be issued which would permit Hotel Europa to open. The applicant requested that improvements to U.S. 15-501 be delayed until June of 1982; the second portion of his petition (regarding improvements to Legion Road) would be heard during the November public hearing.

Regarding improvements to U.S. 15-501, staff felt some improvements should be made by November 1981.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO RECEIVE THE PETITION BY HOTEL EUROPA AND PLACE IT ON THE AGENDA TO BE DISCUSSED AS ITEM #9a.

THE MOTION CARRIED UNANIMOUSLY.

Mr. James Haar, President of the Piney Mountain Neighborhood Association, petitioned the Council to delay the decision on the Planned Development-Housing Special Use Permit to the Housing Authority for the Piney Mountain Housing Development (on the agenda for this meeting). At the request of Council, Mr. Denny had responded to material presented by the Piney Mountain Neighborhood Association's Attorney at the September 21, 1981 public hearing. The Association felt that Mr. Denny's response was complex, inconsistent with previous guidance to Council, disputable, and limited the scope of what regulations should be applied in evaluating the proposed development. The Association petitioned Council to allow time for them to consult with their own attorney in order to submit a response to Mr. Denny's comments, requesting a minimum of two weeks to prepare a response.

Mr. Haar stated that the Association would like to petition the Board of Adjustment for an interpretation of various portions of the Zoning Ordinance and the Comprehensive Plan.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO RECEIVE THE PETITION AND PLACE IT ON THE AGENDA AT ITEM #3.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Secrist submitted a petition from the American Public Transit Association. The Reagan Association was planning additional budget cuts for FY 1982. If these cuts were implemented as proposed, this would have grave consequences for transit services, as adopted in the Town's current year budget. Staff requested Council input for the best approach to this problem, feeling immediate action would be appropriate.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ACCEPT THE REQUEST, AND TO AUTHORIZE THE MAYOR'S OFFICE TO PREPARE A LETTER OF RESPONSE TO THE REAGAN ADMINISTRATION.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Herzenberg petitioned the Council to consider amending the Procedures Manual. COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT THE MANAGER RECOMMEND A POLICY REGARDING THE ADEQUATE ACCOMMODATION OF CITIZENS ATTENDING PUBLIC MEETINGS (THAT WERE ANTICIPATED TO PROMPT LARGE CITIZEN ATTENDANCE) AND TO RETURN THE RECOMMENDATION TO THE COUNCIL.

THE MOTION CARRIED UNANIMOUSLY.

Regarding the conversion of apartments to condominiums, Councilmember Herzenberg expressed concern about what he felt could be a very serious inconsistency on the part of the Council. Wishing to clarify what Council was or wasnot doing in this regard, COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT COUNCIL HOLD A VERY BRIEF EXECUTIVE SESSION ON THE POSSIBILITY OF THE TOWN INSTITUTING ACTION REGARDING LITIGATION.

Councilmember Smith did not feel that this was reason for an Executive Session. Councilmember Wallace concurred. Mr. Denny responded that another option of the Council would be to hold a general discussion in open meeting and, if the discussion developed along legal lines, Council could adjourn to Executive Session.

COUNCILMEMBER WALLACE OPPOSED TO THE MOTION, CAUSING THE MOTION TO FAIL.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT COUNCIL HOLD A VERY BRIEF DISCUSSION AT THE END OF THE AGENDA ON THE POSSIBILITY OF THE TOWN INSTITUTING ACTION REGARDING LITIGATION.

COUNCILMEMBER WALLACE OPPOSED THE MOTION, CAUSING THE MOTION TO FAIL.

Councilmember Herzenberg suggested that this be discussed at the earliest possible moment. This did not necessitate a motion.

Minutes of September 14, 1981

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO ADOPT THE MINUTES OF SEPTEMBER 14, 1981 AS AMENDED.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Planned Development-Housing Special Use Permit to the Chapel Hill Housing Authority for the Piney Mountain Housing Development

Regarding the earlier petition from Mr. James Haar, Mr. Denny responded that Council could postpone final decision on this issue for any reasonable period of time. Council was not required to (but was free to) act at the next meeting.

He further stated that this was only the seventh day since the public hearing and even though there was no completed summary of that meeting available at this time, it was up to Council to make their decision based on evidence presented at the hearing ("... as the minutes may not necessarily contain all of the evidence that was heard."); Council would go on their individual recollection of what evidence was presented and not on what minutes contained or failed to contain when presented.

Mr. Denny had responded (at the request of Council during the September 21 public hearing) to a written argument from the Association's Attorney. In this response, Mr. Denny stated that he had tried to make it quite clear that it was a legal response, with no attempt to address the merits of the evidence, but merely to respond to the legal points which had either (1) been brought out by the Attorney during the public hearing as he represented the objectors to the request, or (2) contained in the Attorney's letter.

Mr. Denny stated (in response to the statement from Mr. Haar that the Association felt his advice was inconsistent with past advice given to Council) that the four required facts were different now in the new Zoning Ordinance from what they had been in the old Zoning Ordinance. He felt his interpretation of the four required findings could not possibly be the same now as they had been previously. Mr. Denny stated in his memorandum that he had tried to point out why the former version should be kept (if it could be kept), as courts had repeatedly approved them. On the other hand, there were very valid reasons for the changes that were made.

Mr. Denny had advised that the wording in the Zoning Ordinance and in the Comprehensive Plan (that development conform to the general plan for the physical development of the Town) should apply only to the physical development.

In response to the question of percentages of subsidized housing in an area, Mr. Denny stated that (from a legal standpoint) this was only a guideline to be used (if one classified a guideline as a "standard") and should not be interpreted to say that every area in Town had to have exactly 3% of subsidized housing.

Mr. Denny stated that it was entirely within the prerogative of the Council as to whether they (1) voted on this matter tonight, or (2) voted at a subsequent special meeting, or (3) voted at the next regular meeting, or (4) delayed the matter, with sufficient reason, until it could be appealed before the Board of Adjustment. He did not wish the question to come up that there had been a "unreasonable" delay in action.

(The following is verbatim discussion, as directed by Council:)

WALLACE: "I think it's idle to go through the operation of conducting an adjudicatory hearing, which we did last Monday evening here with all the paraphernalia of the swearing in and with the material that is ready to be produced in transcript form, which under normal circumstances would be permitted to have both sides of the argument read and comment thereon. I think it is exceptionally strange that only seven days later, before the transcript could possibly have even begun to be prepared, that we come to the proposition of voting in finality, because I think it undoes and invalidates wholly everything that we have done here before. Now, according to Mr. Haar, he received on Friday afternoon, the 25th, the memoranda to which he refers and that was long after Monday evening, the . . . whenever it was . . . and here it is only Monday, three days later. It would appear to me that we owe the Piney Mountain Association an opportunity first to digest the memoranda, however much they might know about them beforehand.

"And secondarily, I think it's essential that if there are questions of interpretation under the new Ordinance, which is as we all know is new, and which Mr. Denny has eluded to, and which he has said he had hoped to keep as much of it as possible, under the . . . within the confines of the original interpretation of the old Ordinance, but understands that it can spill out into something new because we might want to experiment with it (I'm talking about the ordinance). It seems to me that I would come out with the last proposition that Mr. Denny proposed which was and is that a date certain be set, that time be allowed up to and including the time that would be necessary to appeal any issues raised to the Board of Adjustment and get a Board of Adjustment's decision prior to coming back to our Council. So, I WOULD MOVE THAT THE PETITION BE GRANTED AND THAT TONIGHT'S ACTION BE FORESTALLED UNTIL SUCH TIME AS THE SMALLEST POSSIBLE TIME WITHIN THE CONFINES OF THE BOARD OF ADJUSTMENT THAT WITH NO TIME LOST THAT THIS MATTER BE SENT TO THE BOARD OF ADJUSTMENT, IF IT IS TO BE SENT, OR RETURNED TO US IF THERE IS NO NEED FOR IT TO BE SENT FOR FURTHER ACTION."

NASSIF: "Do you want to clarify as to who is sending, in the motion?"

WALLACE: "I am saying that upon the request of the Piney Mountain Neighborhood Association, that the Mayor and Council would submit to . . . would grant them adequate time (a) to review--they have asked for two weeks (that is perfectly satisfactory to me) the meaning of what Mr. Denny has set forth, and then after that, further time, including appeal to the Board of Adjustment within the minimum time possible, and action there from, should they so choose to do. Otherwise, return to us immediately after the two weeks maximum granted, and report to us for further action."

NASSIF: "Motion by Mr. Wallace."

THORPE: "I have a question for Mr. Wallace. Mr. Wallace, who would determine whether it would go to the Board of Adjustment or not?"

DENNY: "I believe I might respond to that and would have to make a suggestion along the lines of your motion, and that is that matters get before the Board of Adjustment in a number of different ways; that is, appeals for interpretations by the Building Inspector, etc. They do not go to the Board of Adjustment from this Board. They do not go to the Board of Adjustment from the attorney. However, it is my opinion that any interested party has the right to petition the Board of Adjustment for interpretation of any phase of the Zoning Ordinance that affects them, and I would consider that either the Piney Mountain Organization as a group or a certain number of individuals thereof, if they're not a legal entity, would have such a right to petition the Board. And, Mr. Wallace, with that comment, I think your motion, if it incorporated that it come back for the next regular meeting in two weeks unless a petition for interpretation has been filed with the Board of Adjustment by that time, that would give them . . . but otherwise, there would be no time limit on which they could be required to file such a request."

WALLACE: "That is most suitable to me, Mr. Attorney. I do not wish to give anybody a blank check as to the time. There must be an absolutely fixed, outside time limit. I think that three days, five days, seven days is entirely too small. On the other hand, six months is too long.

So it would appear to me that your language would be very appropriate, that it would come back within two weeks unless an appeal had been filed with the Board of Adjustment, at which time an automatic sequence of events then takes place."

NASSIF: "Mr. Wallace, your motion is to delay consideration for this subject for two weeks and at that time, if no motion has been filed with the Board of Adjustment, the Board will take action."

WALLACE: "It will be put on our agenda."

NASSIF: "O.K. Then let's see if we get a second to that, please. Do I have a second? There is no second--THE MOTION FAILS. There is no motion."

SMITH: "Mr. Denny, in your opinion, does this constitute new evidence . . . the interpretation . . . or is it just a matter of interpretation of the Zoning Ordinance, or a difference in interpretation between the Piney Mountain Neighborhood Association's attorney and you?"

DENNY: "As I stated, Mr. Smith, my memorandum to you, prepared at your request, is not intended as an evidentiary document, and should not be considered by you as such. If there are any things that might be evidence or mixed questions of evidence, they should be totally disregarded. The same would be true of this petition."

SMITH: "In that respect, Mr. Mayor, I WOULD LIKE TO MAKE A MOTION THAT THE PETITION . . . THE PINEY MOUNTAIN NEIGHBORHOOD ASSOCIATION PETITION BE DENIED AND WE WOULD VOTE ON THE AGENDA AS PREPARED."

NASSIF: "Mr. Smith, we received the petition to discuss it here. I don't really think there's any need for . . . one way or the other. We have received it, we have discussed it and Council in its deliberation and any action that they wish to take will announce its outcome. So it isn't necessary to do anything."

WALLACE: "Mr. Mayor."

NASSIF: "Mr. Wallace."

WALLACE: "Like everyone else, I have had very little time to read the petition, but there is a sentence at the bottom of the first page, which I think bears serious attention regarding the Town Attorney's interpretations. I am not cognizant really of them at this sitting. It is stated that his recommendation that one of the most significant . . . it constitutes one of the most significant elements in our presentation be discarded as irrelevant, and we feel our right of appeal to be allowed by granting the needed extension, which is nothing in the world but an interlocutory judgment in the nature of simply, for the moment, we will go another way.

"And then the last sentence on that page: 'We would like to point out that a denial of our right to appeal would force us to undertake an expensive lawsuit, assuming Council approval of the special use permit, whereas granting the right to appeal to the Board of Adjustment would entail a relatively inexpensive proposition.' It seems to me elementary that a matter of some . . . let's say three or four weeks . . . is infinitely to be preferred to having this thing dragged out after we have taken action, but in a lawsuit which would prevent the Housing Authority from taking its own action. If we are out to getting the Housing Authority to take its action, it seems to me that we should remove such impedimenta as is suggested exists here and the best and easiest and quickest way to do that is to grant the Board of Adjustment, if it should go to them, the opportunity to perform its function in this form of government, rather than have us try to do it all in one evening, exactly one week after a so-called adjudicatory hearing for which no one has a single word of transcript at all. No one has had an opportunity to file proposed findings of facts and conclusions of law; in short, we have simply put it on tape and put it in a closet. Now, if that is what you call following the judicial process, then I am sorry to say that that happens to be wholly incorrect and will be tossed out summarily and we will have the honor

of doing the entirety again, with all due respect to the sagacity of those present. That's the way it will probably go. This is a relatively harmless procedure. I cannot see that any evil can come out of it. We will have full and complete control over it from now until it comes back to us."

THORPE: "Mr. Wallace, then in that case, why don't you make your motion to delay it for two weeks. And, as Mr. Denny said, this Board don't refer things to the Board of Adjustment. My problem with it was that this Board was trying to refer it to the Board of Adjustment, and I have no problem"

WALLACE: "I do not propose . . . Mr. Denny is quite correct about our reference to the Board of Adjustment. We cannot refer it to the Board of Adjustment. All I am saying is if we had two weeks for the petitioners to get their case together, it would be their opportunity to refer it and at the end of two weeks, if it had not been referred, it would be right back on our agenda and we then take care of it. If it had been referred, the Board of Adjustment would take care of it according to its own rules, which would be perfectly fine. It may take them a week or two or three, but then it would be done. Otherwise, it seems to me we are inviting ourselves into a lawsuit filled with procedural abysses. To call our hearing of last Monday night an adjudicatory hearing is a joke and for us to act tonight without having both parties read the transcript is absolutely inadmissible and to make final statements. If we are going to do it the way it ought to be done, we must do it the way it ought to be done. Now if we are going to go halfway then, in my judgment, that is exactly what we are going to do and we are going to invite nothing but trouble and therefore it seems to me we should greet this offer as an earnest of good faith and then at the end of that time I do not believe that three or four weeks is going to break up the plan of salvation, nor Piney Mountain even, and perhaps not even Sinai, and I think that we in our great compassion in itself should first proceed to do this. But if I can't get a second for the motion, then we will proceed and blunder our way into oblivion and so let's go."

NASSIF: "Let's pass the blundering around."

SMITH: "Can I ask a question?"

NASSIF: "Mr. Smith and Mr. Wallace have been doing the discussion here. Let's see if other members wish to say anything at this time. Mr. Howes."

HOWES: "One point that Mr. Wallace has made that I find a little hard to accept . . . I propose it as a question. You suggest that one of the things that needs to be done is the need to file by both parties findings of fact and conclusions of law. Now, I have sat here for close to six years. There are Special Use procedures that admittedly have changed, but I am not aware that they have changed enough to require that kind of action. Is that . . . have we changed the ordinance, Mr. Denny, enough that we have taken that one further legal step to the point that we are going to act like the Environmental Management Commission and not like the Town Council?"

WALLACE: "Or the Supreme Court. Don't (???) about a thing of praise."

NASSIF: "We forgot our robes tonight, you will have to forgive us."

WALLACE: "It's coming closer, isn't it, Mr. Mayor?"

DENNY: "It is quite correct that Council has never, in the past, taken that position, and I find nothing in the present local Zoning Ordinance that would even require . . . even suggest . . . that as a procedure. On the other hand, it is quite correct that both the courts and the legislature, when dealing with 'administrative agencies,' particularly administrative fact-finding agencies and to this extent the Environmental Management Commission, it requiring them to follow--when they are sitting as fact-finding bodies--to follow the procedures that you would when you have a hearing in the Superior Court where the judge--not a jury--but

the judge is sitting as the finder of the fact and in that type of instance opportunity is given to both sides to prepare the requested findings of fact and accept thereto. There is no, in my opinion, requirement per se, locally, and I know of no case that to-date has carried the rule that far. That is not to say that a year from now or a month from now some courts may so suggest. If it does, of course, the entire Special Use Procedure, like every one of these items tonight, would just have to be postponed for some indefinite period of time."

HOWES: "Mr. Mayor, the thing that I do find troubling in Mr. Wallace's argument--this is the first action we have taken following the new procedure which is outlined in our new Zoning Ordinance, and I am concerned--on procedural grounds and procedural grounds only--about taking action without a record of that hearing, quite apart from the findings of fact and conclusions of law, without a record of that hearing in front of us. This is the first time that we have ever had to do that, and I do wonder whether that would present us some bucket of procedural hot water. I was aware, as I think all members of the Council were, that it was going to be impossible for that hearing record to be available to us prior to this meeting. I was made aware of that this afternoon--or this morning--and like I suspect most members of the Council, noting that this item was on the agenda tonight, I prepared myself to make a decision by reviewing not the record of the hearing, but the evidence which was presented at that hearing to the extent that it was presented in written form, and most of it was. For that I commend the Piney Mountain Association for doing that. I am prepared to make a decision tonight, and I suspect other members of the Council are, too. But I am concerned, and I will register that concern, and agree with Mr. Wallace about the absence of a record and whether that does present some kind of serious procedural shortcoming."

NASSIF: "Mr. Denny."

DENNY: "Mr. Mayor, my opinion is from the technical, legal standpoint as I again attempted to state a moment ago in my remarks, it does not present an insurmountable obstacle. On the other hand, as I further suggested, I believe, that it is certainly within the prerogative of this Council and if you feel that in dealing with Special Use items, and particularly strongly contested Special Use items, that you do not want action until you have a transcript of the hearing and an opportunity to study it, then this is entirely up to you. It is certainly within your prerogative to postpone it for such time as may be necessary to obtain it. It was never possible from the length of that meeting to have it the next week. If it had been two weeks in between, perhaps so, but not within . . . from Tuesday to Friday."

NASSIF: "Mr. Straley, then Ms. Kawalec."

STRALEY: "I am concerned with the same points that Ms. Kawalec has mentioned: the absence of the record. As it happens, I feel I have an adequate record, but I guess that not everybody took eight pages of notes on the last occasion. I think that the medium was the message and not the report, and hence I am prepared to vote this evening. But, I feel that if there is a problem with the neighborhood, that perhaps Mr. Wallace's motion failed for a second because there seemed to be a second thing tacked on--something about the Board of Adjustment. Certainly, this group . . . or I think it is very likely that this group would appeal. I think it is likely that they would appeal in time . . . within two weeks. I think it quite likely that they would not appeal until almost two weeks is up and, thereby, we would get ourselves into a kind of delay--I won't call it a delaying action, but I don't know what the incentive would be for the timing here. I have no idea, from anything that has been said, why we have to go to the Board of Adjustment. They are talking about appealing something? I can't imagine what they are appealing, because nobody really has taken any action to appeal. Is that correct? Or what is the meaning?"

DENNY: "Their request is that they be permitted to ask of the Board of Adjustment, which is the body of the Town with the power to interpret

provisions of the Zoning Ordinance. You adopt, and you apply. The Building Inspector interprets and applies, that any interpretation that he makes is appealable to the Board of Adjustment under your ordinance, or, as I stated a moment ago, any interested party has the right to request an interpretation, not only of this provision. Now, again, I . . . I am not quite sure what legal effect or . . . on some of these questions the Board of Adjustment's decision might have on yours, since I suppose that they are asking . . . would have to be asking them to interpret the Comprehensive Plan and the Goals and Objectives, provisions of it, and the group neighborhood studies, and a number of questions about which really are not within their prerogative, but they do have the authority to interpret what is meant by these four findings. That is to say they do have that prerogative in a proper case. I am not sure that their interpretation would eliminate litigation, however."

- STRALEY: "Were we to take action this evening, and it were to be regarded as not the right answer from the point of view of the residents of that area, and were they to believe that we took that action on the basis of incorrect interpretation of our own ordinance, would an appeal to the Board of Adjustment have any meaning after we had voted?"
- DENNY: "Their appropriate remedy, under those circumstances, would be in the Superior Court."
- STRALEY: "I suspect that we always are taking that chance every time we vote, somebody is going to question our judgment and go to a Superior Court, so I don't think that that really constitutes a legitimate reason to go to the Board of Adjustment at this point."
- HOWES: "I agree with that, I think . . . your conclusion on that, Mr. Straley. And it seems to me that if . . . the Council would be ill-advised to wait until the Board of Adjustment acts and that we could, if their interpretation reverses that of Mr. Denny, well, of course, we can reopen the hearing and start the procedure all over again. I think that we would be better advised to rely on the judgment of our own counsel. I am concerned, however, as I said before, and I think you are, about the absence of the record. I would be willing to delay our action until that record is in hand, if that's the judgment of the Council."
- NASSIF: "Ms. Boulton."
- BOULTON: "I agree with Mr. Howes' point. I think as long as we . . . that there is a problem with various Councilmembers, it would be to our benefit to have that record. I think that this certainly is an important process . . . that we need that record."
- NASSIF: "Ms. Kawalec."
- KAWALEC: "It seems to me that we would be ill-advised to delay the decision. I, too, take copious notes as we hold public hearings, and I was quite able to review my notes as well as the information that was given to us in a written form at the public hearing. In fact, it seems to me what will happen in a delay is that we are inundated with so much information that keeps coming at us even after the public hearing that it gets harder and harder to sort out what was presented as evidence during the public hearing and what somebody has said to us in the interim. I see no reason to delay. I think it would be harmful to hold off the discussion--the decision. I was worried about the procedural matter, as a number of other people have mentioned that they were too, and wondered where we would be getting into legal trouble by not having a record of the action. Therefore, I called the Manager today, who conferred with the attorney, who assured me over the phone, that it was not, in fact, a procedural problem to go ahead with the decision tonight, and he, in fact, has confirmed that tonight. I would urge us to take our action now--tonight."
- WALLACE: "Mr. Mayor."
- NASSIF: "Mr. Wallace."
- WALLACE: "Perhaps I made an error in going with the last paragraphs instead of the front paragraphs, thus with the conclusory part of the argument rather than what the main argument was. The main argument is succinctly stated in one paragraph and I rest the case on that. That

on Friday afternoon, September the 25th, Mr. Haar says he received memoranda from Mr. Secrist and Mr. Denny. Now the important thing is the next phrase, '... memorandums containing information...' (I've not seen these) '... which was not presented at the public hearing of 21 September, we have not had sufficient time to study these memoranda with the assistance of our attorney. We therefore request that the vote on the Special Use Permit be delayed to permit us to consult with our attorney and to submit to you a well-considered response. We estimate that such a response would take a minimum of two weeks to prepare.' That leaves out altogether what then occurs. But it does include the fact that on the face of it we held a hearing seven days ago, that on the face of it they received memoranda which they say contains some information or interpretation (I have not read) which is three days old, that they have not have an opportunity to digest and they are asking us for a simple two weeks to send us back an answer. Now, I do not think that that is an excessive request."

SMITH: "Mr. Mayor."

NASSIF: "Mr. Smith."

SMITH: "This was not a part of the public hearing. Neither will that response to this be a part of the public hearing for us to consider, regardless of what they say. It was not presented at the public hearing and we have no authority to consider anything--even this--since it was not presented at the public hearing."

WALLACE: "Excuse me, a point of order, Mr. Mayor, but the other parties have an undeniable opportunity to see such material as has been presented to us, exparte, since the so-called ending of the public hearing. If we are going to have, in effect, another public hearing among ourselves and cut them out of it after the fact, we are doing them an injustice. They should at least have the opportunity to answer anything that they feel that is new that has come up since the public hearing ended. Now, I do not know that there is anything new, inasmuch as I have not seen it, but all I know is it is asserted here that this is the case, and it is asserted here that it will take them two weeks to respond. Now, without knowing what has already been produced, I can't answer the question. I am willing to give the petitioners the benefit of the doubt that their response will be a reasonable and rational response to something that they consider significant. Now, if it turns out that they make fools of themselves in their response, I will be the first to join you in taking the vote."

SMITH: "But their response cannot be considered, Mr. Wallace, in making the decision."

WALLACE: "Neither can, by the definition, these memoranda."

SMITH: "That's right. Neither can this."

WALLACE: "Therefore, we tear them up."

SMITH: "Neither can this. That's exactly right."

WALLACE: "I submit that that is an improper way to proceed."

SMITH: "That is the way we have been proceeding."

WALLACE: "We talk to our own people, and then listen to those who oppose."

NASSIF: "Let's make a statement and then give the floor up, rather than having... I am listening to it and I won't take it in indefinitely here. Mr. Denny, if you would like to respond."

DENNY: "I think it is essential that we clarify this to precisely what I and the attorney are doing. Now, you adopted this new Zoning Ordinance. What your action is is to refer the matter following the public hearing to the attorney, I assume for a legal response, and to the Manager for his recommendation--neither one of which are evidence in support of any one of the four findings, or any other findings that you are supposed to make. That's all that was done, and that's all that these two memoranda contain."

NASSIF: "And that's according to the Ordinance."

DENNY: "And this is strictly under the Ordinance procedure that you adopted. I would point out, Mr. Mayor, that while I realize that this is a controversial item, and I don't know how its going to come out; however, you really... whatever decision you make on this, I strongly would recommend... you've got about four items that you are going to treat the same way... or I will have trouble."

NASSIF: "I strongly urge that... and I'd like to let everyone have their say on the issue, it's important when we make statements that, to the best of our ability, that statements reflect exactly what was done and not be, in themselves, misleading. Misleading to the point that, Mr. Wallace it can be interpreted selves, misleading. Misleading to the point that, Mr. Wallace it can be interpreted... I do get the feeling that what you're saying is we're about to take 'illegal' action and now if that's your interpretation of it I would like for you to say that. If it's some higher-up interpretation of the illegalities, then I'd like to hear you say that, too, sir, who it was that said that."

WALLACE: "May I answer your question?"

NASSIF: "When I finish, you may."

WALLACE: "O.K., I didn't know..."

NASSIF: "Well, hold on and you'll get it."

WALLACE: "That was the question, I thought."

NASSIF: "So that when the statements are made that there is somehow a position that the Council would find itself in, that it's not able to ask its counsel or the Manager the question, or to receive a report that it's going to be illegal, nothing could be further from the truth. Has it been said here tonight, except in your summary of it. So, if there is greater authority on that than currently in this room, please answer it and let us know where it comes from."

WALLACE: "I merely am making one point. Memoranda have come down in response to what was heard Monday. The petitioners have received, as of Friday afternoon, copies of the memoranda. They wish to respond, but they cannot respond instantaneously. I think it less than considerate of us if we do not permit them to respond. Granted, it is not sworn testimony, nor is it in the public record."

NASSIF: "Can it be considered?"

WALLACE: "In my..."

NASSIF: "Their response..."

WALLACE: "In my judgment..."

NASSIF: "By law, not in your judgment."

WALLACE: "In my judgment, it can."

NASSIF: "The law permits us to accept that and use it as evidence?...their response... outside the public hearing?"

WALLACE: "Well, that of course, led me to what I started out to say. I would like very much to have it tied up on both sides."

NASSIF: "O.K. Well, it is in your opinion that you think time ought to be granted of which there is not necessarily any legal position that could come out of it. As a matter of fact, Council must totally disregard it all, whatever comes out of it. Is that correct?"

WALLACE: "I don't quite agree with the exact way you have phrased it, Mr. Mayor."

SMITH: "I MAKE A MOTION THAT WE CEASE DEBATE ON THIS ISSUE."

KAWALEC: "SECOND."

NASSIF: "Cease debate on the issue?"

BOULTON: "The issue of whether we delay."

SMITH: "On the discussion, whether to delay or not--that the debate be ceased."

WALLACE
and DENNY: "There is no motion on the floor."

SMITH: "I made a motion that we cease to debate whether we are going to delay this issue or not, and that is what we have been debating for the last hour."

DENNY: "The Mayor, I believe, ruled that motion out of order."

KAWALEC: "Well, Mr. Mayor, I have . . ."

NASSIF: "Mainly because I don't even understand it."

WALLACE: "I have a motion."

SMITH: "That's a legitimate motion, Mr. Mayor."

NASSIF: "Evidently not."

SMITH: "That debate ceases."

NASSIF: "Are you getting that same legal position from the same place Mr. Wallace is?"

SMITH: "No, I'm not."

NASSIF: "Could the two of you get it together and point it out?"

WALLACE: "Mr. Mayor, I think I have . . ."

NASSIF: "Mr. Wallace, Ms. Kawalec, then Mr. Wallace."

WALLACE: "Well, she's going to make a motion that I will have to remake."

KAWALEC: "Yes, precisely. Since I have the floor, I would like to make a motion. It is the same motion that Mr. Smith, in fact, tried to make earlier in this discussion: to deny the petition. I am making the motion in an attempt to move us on with the discussion that we need to have tonight of the substantive issues before us. I think we have wasted enough time on this. I think that by denying this petition, we can get on with the business at hand, and I MOVE TO DENY THE PETITION."

NASSIF: "Motion by Ms. Kawalec to deny the petition."

SMITH: "SECOND."

NASSIF: "Seconded by Mr. Smith. Discussion?"

THORPE: "Mr. Mayor, I think that's a negative way of doing it. As you have said, early only, we don't have to deny the petition. Let's table it, accept the petition, and go on with the business. I just hate being negative like that, and I don't think that we need to do that. I would like to make a motion that doesn't carry quite as far as Mr. Wallace has stated. I come to the meeting tonight prepared to vote and in two weeks, I'll still be . . . yes, I'm ready to vote right now John . . . but, the point is that the people have asked for two weeks and I see no reason why not. SO I MAKE IT A MOTION THAT WE GIVE THEM TWO WEEKS' EXTENSION TO DO ANYTHING THEY WANT TO."

WALLACE: "I SECOND THAT."

NASSIF: "This is a substitute motion."

DENNY: "This would be to delay the matter until the next regular meeting of the Council."

NASSIF: "To delay the consideration of this matter for two weeks."

DENNY: "Until the next regular meeting of the Council. I don't want to hear any problem of when two weeks are up."

NASSIF: "O.K. At the next regular meeting of the Council. Is that your motion Mr. Thorpe?"

THORPE: "That's right."

NASSIF: "Seconded by Mr. Wallace. That's a substitute motion. Is that a substitute motion?"

COUNCIL-
MEMBERS: "Yes."

NASSIF: "The floor is loaded. Is there discussion on the substitute motion? Ms. Boulton."

BOULTON: "Does that motion have any reason with it, for delaying--is there a purpose in delaying?"

THORPE: "Yes, there's a purpose. They wanted to look at the letter that Mr. Denny sent, they want to talk, they want to call some more (I've got two phones, so they can call me some more)."

WALLACE: "I'd like to see some of that record"

THORPE: "If they want to send some more letters, and so that will give them the opportunity to do that. That's what the purpose is."

WALLACE: "I'd like to see some of that record, as down yonder in the information processing department. I didn't take 40 pages of notes."

NASSIF: "Well, I'll state one more time, to the good people who are here, that although they are saying that everybody can call in--and surely they will; that you may write cards, and surely you will; it has no legal bearing whatsoever--understand it, no legal bearing. Therefore, all we are doing is saying we are going to give you two more weeks to raise all the hell you want to raise, pull all the shenanigans you want to pull, see what you can go on--and I think that's just not a good way to do business and I won't vote for the motion."

HOWES: "Mr. Mayor."

NASSIF: "Mr. Howes."

HOWES: "I won't vote for it either. Had it been made . . . had you offered the motion as a substitute motion to delay it until a record of the hearing was available, I might have had a hard time and I might have had to decide. But to do anything they want to, they've done everything they want to for the last couple of weeks."

THORPE: "That's a play on words. And I would hope by in two weeks that the minutes would be ready."

NASSIF: "We will vote on the motion. I think we've discussed it enough. Substitute motion. All those in favor, for the substitute motion, signify by saying 'Aye.'"

COUNCIL-
MEMBERS: "Aye."

NASSIF: "All opposed, signify by saying 'Aye.'"

COUNCIL-
MEMBERS: "Aye."

NASSIF: "Let's have the 'ayes'--the ones who are for it, please. Mr. Wallace, and Mr. Thorpe, Ms. Kawalec, Mr. Herzenberg, myself, Mr. Howes, Ms. Boulton, Mr. Straley, and Mr. Smith voting 'no.' THAT MOTION FAILS: 7 TO 2."

KAWALEC: "I'd like to call the question on my motion."

- NASSIF: "We have the other motion which is to deny the petition on the floor. Is there further discussion of that?"
- WALLACE: "I'd like to make Mr. Howes' motion which is in truth what I believed in the beginning, THAT THE MATTER BE DELAYED UNTIL WE HAVE THE RECORD BEFORE US."
- THORPE: "Second."
- NASSIF: "Substitute motion by MR. WALLACE: TO DELAY UNTIL WE HAVE THE RECORD BEFORE US, SECONDED BY MR. THORPE. In the same way, I would add that there is absolutely nothing legal whatsoever to it, as outlined by the Attorney. We can wait. There will not be anything that will not be known in that document. That document is not necessary and I don't want to give the audience the feeling or any kind of misunderstanding that it is--it is not. It has been said not. It would be nice if we wish to do that, but the odds are that what will be contained in it are simply not going to be the full testimony given--not verbatim. Therefore, you will not know everything, Mr. Wallace. And I will not vote for that motion either. Further discussion?"
- WALLACE: "You surprise me."
- NASSIF: "Oh, don't let that"
- WALLACE: "Call the question, Mr. Mayor."
- NASSIF: "We sure will. All those in favor, signify by saying 'aye.'"
- COUNCIL-MEMBERS: "Aye."
- NASSIF: "Mr. Wallace, Mr. Thorpe, Mr. Howes. All those who are not in favor of it, signify by saying 'no.'"
- COUNCIL-MEMBERS: "No."
- NASSIF: "Hands, please. Ms. Kawalec, Mr. Herzenberg, myself, Ms. Bolton, Mr. Straley, Mr. Smith. THE MOTION IS DEFEATED 6 TO 3."
- KAWALEC: "I would still like to vote on my motion."
- NASSIF: "Mr. Wallace, is there a further substitute motion?"
- WALLACE: "No, I can't think of any right now."
- NASSIF: "O.K. We will go on with this one, then. The original motion on the floor was to deny . . . she has a motion on the floor."
- WALLACE: "Yes, the original motion on the floor to . . . "
- NASSIF: "Deny a petition, SECONDED BY MR. SMITH, MADE BY MS. KAWALEC. All those in favor . . . Mr. Straley."
- STRALEY: "I'd like to discuss this further. I can't imagine what is served by denying it. It has no bearing whatsoever on any decision we are going to make. It is after the public hearing. I see no reason to slap this in the face. I am going to vote against denying the petition. Let it lay. But I don't find any response to it either."
- HOWES: "I WOULD LIKE TO OFFER A SUBSTITUTE MOTION WHICH WOULD APPROVE A RESOLUTION GRANTING THE PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT OF THE CHAPEL HILL HOUSING AUTHORITY, RESOLUTION 81-R-142."
- WALLACE: "I WILL SECOND THAT, and I will vote against it, but that is the motion that we came to debate."
- KAWALEC: "WITH THAT MOTION ON THE FLOOR, I WOULD LIKE TO WITHDRAW MY MOTION. THIS OBVIOUSLY ACHIEVES THE PURPOSE THAT MY MOTION WAS INTENDED TO DO."

WALLACE: "Question."

NASSIF: "THE MOTION BY MR. HOWES, AND SECONDED BY MR. WALLACE FOR 142a? Is it 'a' or 'b'? Which one is yours? I didn't hear any . . . 142a. Ms. Kawalec? You have the floor. You would . . ."

KAWALEC: "I will withdraw my motion."

NASSIF: "If the seconder withdraws that motion. Mr. Smith?"

SMITH: "Yes."

NASSIF: "Mr. Smith."

SMITH: "We were both trying to do the same thing."

NASSIF: "O.K. Let's proceed in discussion of the motion on the floor. Now, from the right side, is there any other statement? Ms. Boulton?"

BOULTON: "I'd like to object to this proposal. It is consistent with the opinions that I expressed at the worksessions and the regular meeting concerning the Zoning Ordinance. I feel this project of multi-family units to be developed in the middle of a single-family neighborhood creates a mixture of land use that I personally find incompatible with the surrounding area. And I will vote against it on the basis of not being able to make Finding #4."

THORPE: "Go ahead, you skipped over me, Mr. Mayor."

NASSIF: "I'm sorry, Mr. Thorpe."

THORPE: "I'll have something to say after he's finished."

NASSIF: "O.K. Mr. Herzenberg and Mr. Thorpe."

NASSIF: "Mr. Herzenberg?"

HERZENBERG: "I just wanted to say that this is a difficult matter to decide, especially when there is such strong neighborhood opposition to it. But I think that the members of the Council have been spending a great deal of thought on this matter, and I intend to vote for the motion because I think that it is possible to make all four of the Findings and that the greater good of the Town would be served by it. It has been, as I said, a troubling matter, and I hope that the members of the Piney Mountain Association and the other neighbors of this proposal, should it be adopted and built, will try as Dr. Downing in his letter to me said, to be good neighbors to the people."

NASSIF: "Mr. Thorpe."

THORPE: "Through this process, we have certainly--through the public hearing process the other night--I saw a lot of support for even our service program, that in a sense there were people who were concerned about people not having cars and getting to the grocery store and I was real pleased to see that kind of support that people, being concerned about the people who are less fortunate than others. And I am pleased tonight to have an opportunity to vote for this resolution to allow people to live as comfortably as some of the other people in the community are living. And I certainly appreciate the cards and the calls that I got from the people in the neighborhood. I don't feel that this project will be as bad as some people have painted it to be and I am happy, I am really happy to have an opportunity to see this move along. As you look across the Town and we see that we have public housing spotted across the Town and this is an opportunity to do that and I certainly appreciate the public hearing the other night to see the people come out concerned about those people that are less fortunate than they are and I will vote for the motion."

WALLACE: "I will vote against the motion. I pleaded with Council throughout the last few weeks of the Zoning Ordinance to reduce the density possible in this particular area, but Council did not see fit to reduce any density, and I think that it is overly dense. I think it is in the wrong place for a variety of reasons that have been spelled out over

and over again, and I feel that I cannot make Finding 4. In fact, I am not sure that I can make many of the findings at all, but that's not my duty to state, tonight. So I will vote against the motion. I think this is an unfortunate last minute rush for the wire. I think that elements that transcend the consideration of the four Findings, which are supposed to be the sole consideration of the Special Use have intruded into the considerations and have overwhelmed the considerations, in fact, and that they are coming out contrary to what we would have done, had we stayed with those considerations. So I shall oppose the motion."

NASSIF:

"I will vote for the motion. Before we call for the motion, if I may, since everyone has had the opportunity, I'd like to say about some of the things that have been said briefly this evening, and some that were said at the public hearing.

"As you know, there is a law that we try to operate from. In this instance, we talk about our Ordinance. At deliberation, and at the time some two years ago or better than that, maybe three years ago by now, the Town staff was directed by the then Council to begin preparation for a new Ordinance which was outdated, which had not been or had been changed over a period of twenty-three years, that had many parts to it that were incomprehensible, outmoded, outdated, and needed to be revised. Apparently everyone on that Board, and Mr. Wallace was the Mayor at that time, agreed and it began. This Board--this Council--and myself continue that process in review.

"There are many things in it that I disagree with, that I don't like, that I'd like to have another way. There was much discussion at the worksessions, of which everybody worked very hard on to try to arrive at some conclusion. There were public hearings held, statements received, final version arrived at and passed.

"That then becomes the law of the Town. It's what we follow. It is no longer up to me as an individual, sitting as an elected official to decide that I don't like a certain section of it, and therefore won't vote for anything that comes under it. It is the law. I must, by the oath that I take, uphold that very law. So to say that the density is wrong--it is by the Ordinance. Therefore, that density cannot be wrong. If we don't wish to have it in the Ordinance, then we should set about to change that Ordinance--not to decide that a particular project can't have it because we don't like it at this time. We could equally decide to let another project have it because we like that project, and therefore the density is O.K.

"The matter before us is not whether there is transportation out there... there is a sole reason for it. It must be the transportation is available to this as it is to all others under consideration by this Board. And indeed it is. It is not sufficient to say that the property values will go down--just to say it--and therefore it becomes a fact. It does not become a fact. Actually, the evidence and the track record of all the public housing units in the Town of Chapel Hill states it to the contrary. They do not go down. Everything has not only maintained its value, but has escalated in value. And everyone is complaining about the taxes they have to pay because of re-evaluation. So to the contrary of the statements made, the facts have it that this is not true. It does not happen that way.

"The fact that there is a proper place for multi-unit housing to go: it is to be under Special Use Permit that Mr. Wallace speaks of that I like very much too, just as he does today. And I prefer that other method to this method. But that's not to be the case. Before, it permitted you to submit the Special Use Permit and Council could say they don't wish to have it. In the new Ordinance, Council--new members, not all members--wished to tie it down more carefully, wished to tell everybody everywhere what it was going to expect: what could be applied for, what could go in under the Special Use Permit. We did it. 4.3, the Table, will show that in every residential zoning by Special Use Permit that you can get a Planned Unit Development-Housing: PD-H. That was not stated before. It is now emphatic that it can be, which means that we are allowing and saying that they can go in if we get the chance to review the plans. The only instance

that it's the wrong place . . . it sits as many others have sat, in terms of the location of multi-family units on thoroughfare, on major streets, or major access. It sits, by our Comprehensive Plan layout in what is termed--and I don't like them personally--the regional concept of which we consider everything within that region. And when we say it's in the middle of something, it is not. It is on the edge of that region. I'm not sure I have the right word for that . . . subcommunities. I dislike it so much, I forget the name. But we adhere to that. We study those. And it is in that very large subcommunity.

"When you say that there is a large concentration of minorities, that is not in the purview of this Board. Now it is in the purview of HUD, because this is HUD program. It's HUD money. Our money of course, from the Federal level--but HUD regulates it. And so that you can know that they must approve it, not only has Greensboro approved it, and that's why it was presented, and that's why it was taken on by the Housing Authority, but we have a letter of address to Mr. Culpepper from the Piney Mountain Association that the Regional Office of HUD verifies that--from Atlanta. Not at our request, but Mr. Culpepper's request. So the site meets the qualification. It explains it within the letter. It explains the fact of the 15% or 22% as a figure of minority groups. But this Council does not have that. It has as its policy, it has as it states in the new Ordinance for the first time stated in language in the Ordinance a scattering of housing across the whole spectrum of this Town. It has been a policy and now in Ordinance form since 1969. I served on that Board. And we talked about fine graining. And it truly says now in our Ordinance we are looking for fine graining. And this project does that. There are not huge concentrations of multi-family housing within that subcommunity, nor within the general vicinity, nor with anywhere you can find. The distances to commercial area is no greater than any other places. From my house, which is in the Glen Lennox area, to that shopping center at Glen Lennox is .6 of a mile. That is just a large convenience store. From this area to the shopping area on Airport Road is about .6-.7 of a mile. From my area to a large shopping center is probably about a mile or a little over, and from there I believe it is also about 1.6-1.7-1.8 miles to one that will be--it's up on Weaver Dairy Road.

"So, now, since it does meet, as I look at it in the Ordinance, everything the Ordinance asks for. If it were another project, and I happened not to like that project, I would have no alternative but to vote for it, in my opinion. It meets it. It meets the requirement up there. We are talking about densities. In this case, Mike, is that 5. . . .?"

JENNINGS: "5.8."

NASSIF: "... 5.8--which is not very large density whatsoever. Many areas have much more than that. I live in one that is more concentrated than that. So it is not flying in the face of high-rise or high-density development. That is not what it is. It is normal to what takes place in Chapel Hill at any other time. Therefore, I see nothing wrong with it. I think that sometimes the comments are made, and as I stated to you at the public hearing, that simply because you make them will not make it a fact. And I don't think that that has been shown to be the case. And so for those reasons, I will support the resolution and the motion of R-142a. Ms. Boulton."

BOULTON: "I'd like to make a further comment: I feel compelled to expand on my reasons for proposing this project on the basis of Finding 4. The Comprehensive Plan's Goals and Objectives talks about a mixture of land use in house units. But that if one deems that incompatible, then they should be separated. And I feel that three duplexes per one acre, in a single-family area, is incompatible."

WALLACE: "Call the question."

NASSIF: "We have the motion on the floor: 142a. All those in favor signify by saying 'aye.'"

COUNCIL-
MEMBERS: "Aye."

NASSIF: "Opposed, 'No.'"

COUNCIL-
MEMBERS: "No."

NASSIF: "The 'ayes,' please. Mr. Smith, Mr. Straley, Mr. Howes, myself, Mr. Thorpe, Mr. Herzenberg, Ms. Kawalec.

"The 'noes': Ms. Boulton, and Mr. Wallace. THE MOTION CARRIES 7 TO 2.

"We move to item 4"

Resolution 81-R-142a, adopted by Council, is as follows:

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO THE CHAPEL HILL HOUSING AUTHORITY FOR THE PINEY MOUNTAIN HOUSING DEVELOPMENT (81-R-142a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing Special Use Permit proposed by the Chapel Hill Housing Authority if developed in accordance with the plans submitted August 25, 1981 and the stipulations and conditions set forth below:

- a) That the development is located, designed, and proposed to be operated so as to maintain or promote the public health safety, and general welfare;
- b) That the development complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
- c) That the development is a public necessity and (optional in this case) that the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- d) That the development conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

The stipulations upon which the above findings are based are as follows:

1. That an additional 15 feet of public right-of-way be dedicated along the property's frontage with Piney Mountain Road.
2. That the eastern half of Piney Mountain Road and the northern half of Eastwood Road be widened along the entire frontage of the subject property with the road to meet the design requirements for a 33 foot wide street cross section with curb and gutter. That a paved sidewalk also be constructed along the property's frontage with both roads. The detailed design of such improvements as well as the road improvements shall be approved by the Town Manager prior to start of construction.
3. That a system of paved sidewalks be constructed to achieve the objective of providing adequate pedestrian access among the cul-de-sacs, the recreation areas and the street sidewalks. Plans for this system shall be approved by the Town Manager prior to construction.
4. That a drainage plan with hydrologic calculations be submitted to and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Improvement included in the drainage plan shall be completed prior to issuance of a Certificate of Occupancy.
5. That the location of the dumpsters be approved by the Town Manager prior to installation.
6. That plans for water and sewer lines be approved by OWASA prior to issuance of a Zoning Compliance Permit.
7. That a plan dedicating all easements and public rights-of-way shown on the site plan be recorded at the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit.
8. That construction begin by September 28, 1983 and be completed by September 28, 1986.

This the 28th day of September, 1981.

Resolution Granting a Planned Development-Housing Special Use Permit to the Chapel Hill Housing Authority for the Church Street Public Housing Development

Mr. Secrist reviewed the background presented at the September 21 public hearing. There were no questions.

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

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO THE CHAPEL HILL HOUSING AUTHORITY FOR THE CHURCH STREET PUBLIC HOUSING DEVELOPMENT (81-R-143)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing Special Use Permit proposed by the Chapel Hill Housing Authority if developed in accordance with the plans submitted August 25, 1981 and the stipulations and conditions set forth below:

- a) That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare;
- b) That the development complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5, and 6 and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
- c) That the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
- d) That the development conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

The stipulations upon which the above findings are based are as follows:

1. That additional public right-of-way be dedicated along the project's frontage with Church Street to achieve a right-of-way width measuring 18 feet from the centerline of the existing right-of-way of Church Street.
2. That paved sidewalks be constructed along the east side of Church Street and the north side of Caldwell Street. The width shall be approved by the Town Manager.
3. That a system of paved sidewalks be constructed to connect the individual apartment units to the parking areas. Such on-site sidewalk system shall be extended to connect with the sidewalks on Church and Caldwell Streets.
4. That all parking areas be paved.
5. That should the parking requirements for elderly and handicapped housing be modified the applicant is authorized to modify his plans accordingly. These changes would not constitute a modification of the Special Use Permit but would be subject to approval by the Town Manager.
6. That a drainage plan including hydrologic calculations be submitted to and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Improvements included in the drainage plan shall be completed prior to issuance of a Certificate of Occupancy.
7. That all dumpster locations be approved by the Town Manager.
8. That a plat dedicating all easements and public rights-of-way shown on the site plan be recorded at the Orange County Register of Deeds' Office prior to issuance of a Zoning Compliance Permit.
9. That construction begin by September 28, 1983 and be completed by September 28, 1986.

This the 21st day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for NCNB 15-501 Branch Office to North Carolina National Bank (for demolition of a building)

Mr. Secrist stated that the Manager's recommendation had not changed from that presented at the September 21, 1981 public hearing: to recommend adoption.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR NCNB 15-501 BRANCH OFFICE TO NORTH CAROLINA NATIONAL BANK
(81-R-144)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Unified Business Special Use Permit granted to the North Carolina National Bank on September 8, 1980 for the NCNB 15-501 Unified Business Development on Lot 2, Block C, Tax Map 27 is hereby modified to a Planned Development-Shopping Center (Community) to the demolition of the building which was on the site at the time the permit was granted as shown on the plans submitted with the application subject to the following:

1. That existing vegetation be retained where possible. Existing plants and trees shall be protected during demolition of the structure. Provision for protection shall be shown on the site plan.
2. That the applicant apply for a modification of the Special Use Permit for any additional or future parking areas. The shading requirement, as it applies to existing and proposed parking lots, shall be complied with as part of any future request for additional parking.
3. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, this meets the four requisite findings as set forth below:
 - a. That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
 - b. That the development complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Article 4, 5, and 6 and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
 - c. That the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the development is a public necessity; and
 - d. That the development conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance.

This the 28th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Unified Housing Development Special Use Permit for Howell Terrace Apartments (division into two parcels)

Mr. Secrist stated that the Manager's recommendation remained the same as that presented at the September 21 public hearing: to recommend adoption.

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

A RESOLUTION GRANTING A MODIFICATION OF THE UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT FOR HOWELL TERRACE APARTMENTS (81-R-145)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit for Howell Terrace Apartments is hereby modified to a Planned Development Housing Special Use Permit to allow development to be divided into two parts as shown on plans submitted with the application subject to the following:

1. That a document be recorded that guarantees: (1) the continued operation and maintenance of areas jointly used by each half of the development as determined by the original Special Use Permit and the approved plans, and; (2) continued compliance of each half with such special use permit.
2. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect for each half of the development, and that the Council finds that with all stipulations and conditions as modified, the use meets the four requisite findings as set forth below:
 - a. That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
 - b. That the development complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5, and 6 and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
 - c. That the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the development is a public necessity; and
 - d. That the development conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

This the 28th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Annexations

Ordinance to Annex by Petition (Orange Water and Sewer Authority Wastewater Treatment Plant) (Mason Farm)

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

AN ORDINANCE TO ANNEX BY PETITION (ORANGE WATER AND SEWER AUTHORITY WASTEWATER TREATMENT PLANT) (81-O-68)

WHEREAS, a petition for annexation has been received by the Council of the Town of Chapel Hill, signed by 100% of the property owners covered by the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition; and

WHEREAS, a public hearing on the matter of this annexation was duly advertised and held by the Council on the 21st day of September, 1981; and

WHEREAS, the Council finds that said petition for annexation meets the requirements of the North Carolina General Statutes and has concluded and hereby declares that the annexation of the area described herein is described for the orderly growth and development of the Town of Chapel Hill;

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

SECTION I

That from and after midnight, September 28, 1981, the effective date of this annexation, the following territory shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to include said territory more particularly described as follows:

Orange Water and Sewer Authority Waste Treatment Plant

A certain tract or parcel of land in Chapel Hill Township, Orange County, North Carolina, and being more particularly described as BEGINNING at the intersection of the center line of Morgan Creek with the center line of the 18 inch cast iron pipe conveying raw sewage to the Orange Water and Sewer Authority Wastewater Treatment Facilities having N.C. Grid Coordinate Y=781,485.035 and X=1,991,870.970; thence with the center line of Morgan Creek N 10° 23' 01" E, 290.00 feet to a point in Morgan Creek; thence away from Morgan Creek S 74° 20' 44" E, 282.38 feet to a gravel topped access road; thence S 54° 25' 27" E, 919.72 feet to the center line of Morgan Creek; thence with the center line of Morgan Creek the following calls: S 16° 50' 30" W, 78.11 feet to a point; thence S 01° 06' 01" W, 154.98 feet to a point; thence S 43° 17' 23" E, 198.24 feet to a point; thence S 04° 24' 07" E, 185.93 feet to an iron stake, a common corner with William Lanier Hunt; thence with William L. Hunt's line N 87° 31' 53" W, 1,268.26 feet to a point in the center line of Morgan Creek; thence with the center line of Morgan Creek the following calls: N 46° 48' 28" W, 55.14 feet to a point; thence N 03° 21' 33" E, 184.15 feet to a point; thence N 10° 22' 53" W, 196.70 feet to a point; thence N 24° 33' 52" E, 121.40 feet to a point; thence N 15° 29' 48" E, 316.84 feet to the point of BEGINNING, containing 23.950 acres, more or less, as surveyed by Moore, Gardner & Associates, Inc, June 1979, LESS AND EXCEPT a parcel of 0.518 acre, more or less, in the northwest corner of the described tract on which is located the U.N.C. Center for Wastewater Research and further described as BEGINNING at the intersection of the center line of Morgan Creek with the center line of the 18 inch cast iron pipe conveying raw sewage to the Orange Water and Sewer Authority Wastewater Treatment Facilities having N.C. Grid Coordinate Y=781,485.035 and X=1,991,870.970; thence with the center line of Morgan Creek N 10° 23' 01" E, 89.21 feet to a point in the center line of said Creek; thence away from Morgan Creek S 61° 11' 38" E, 61.00 feet to the southwest corner of the Research Facilities, and thence N 10° 23' 01" E, 157.00 feet to a point; thence N 87° 58' 37" E, 25.91 feet to a point; thence S 57° 25' 22" E, 166.47 feet to a point; thence S 28° 48' 21" W, 103.65 feet to an iron stake; thence N 61° 11' 39" W, 54.00 feet to an iron stake; thence S 58° 48' 21" W, 55.00 feet to an iron stake; thence N 61° 11' 39" W, 57.24 feet to the said southwest corner of the Research Facilities containing 0.528 acre, more or less.

The total area conveyed herein is approximately 23.432 acres which is the parcel of approximately 23.950 acres first described less the 0.518 acre parcel second described and excepted from the first described parcel.

Reference is made to the survey and map prepared by Moore, Gardner & Associates, Inc., June 1979, and revised thereafter, which is of record in Plat Book 33, page 78, Registry of Orange County, for a more detailed and accurate description.

SECTION II

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to the debts, laws, ordinances, and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town.

This the 28th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Annex by Petition (UNC Wastewater Research Facilities)

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

AN ORDINANCE TO ANNEX BY PETITION (UNC WASTEWATER RESEARCH FACILITIES (81-O-69)

WHEREAS, a petition for annexation has been received by the Concil of the Town of Chapel Hill, signed by 100% of the property owners covered by the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition; and

WHEREAS, a public hearing on the matter of this annexation was duly advertised and held by the Council on the 21st day of September, 1981; and

WHEREAS, the Council finds that said petition for annexation meets the requirements of the North Carolina General Statutes and has concluded and hereby declares that the annexation of the area described herein is desirable for the orderly growth and development of the Town of Chapel Hill;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill;

SECTION I

That from and after midnight, September 28, 1981, the effective date of this annexation, the following territory shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to include said territory more particularly described as follows:

UNC Wastewater Researcn Center

A certain tract or parcel of land in Chapel Hill Township, Orange County, North Carolina, on which is located the UNC Center for Wastewater Research, and further described as BEGINNING at the intersection of the center line of Morgan Creek with the center line of the 18 inch cast iron pipe conveying raw sewage to the Orange Water and Sewer Authority Wastewater Treatment Facilities having N.C. Grid coordinate Y=781,485.035 and X=1,991,870.970; thence with the center line of Morgan Creek N 10° 23' 01" E, 89.21 feet to a point in the center line of said Creek; thence away from Morgan Creek S 61° 11' 39" E, 61.00 feet to the southwest corner of the Research Facilities, and thence N 10° 23' 01" E, 157.00 feet to a point; thence N 87° 58' 37" E, 25.91 feet to a point; thence S 57° 25' 22" E, 166.47 feet to a point; thence S 28° 48' 21" W, 103.65 feet to an iron stake; thence N 61° 11' 39" W, 54.00 feet to an iron stake; thence S 58° 48' 21" W, 55.00 feet to an iron stake; thence N 61° 11' 39" W, 57.24 feet to the said southwest corner of the Research Facilities, containing 0.518 acre, more or less.

Reference is made to the survey and map prepared by Moore, Gardner & Associates, Inc., June 1979, and revised thereafter, which is of record in Plat Book 33, page 78, Registry of Orange County, for a more detailed and accurate description.

SECTION II

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to the debts, laws, ordinances, and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town.

This the 28th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Annex by Petition (Gatewood Townhouses)

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

AN ORDINANCE TO ANNEX BY PETITION (GATEWOOD TOWNHOUSES) (81-O-70)

WHEREAS, a petition for annexation has been received by the Council of the Town of Chapel Hill, signed by 100% of the property owners covered by the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition; and

WHEREAS, a public hearing on the matter of this annexation was duly advertised and held by the Council on the 21st day of September, 1981; and

WHEREAS, the Council finds that said petition for annexation meets the requirements of the North Carolina General Statutes and has concluded and hereby declares that the annexation of the area described herein is desirable for the orderly growth and development of the Town of Chapel Hill;

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

SECTION I

That from and after midnight, September 28, 1981, the effective date of this annexation, the following territory shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to include said territory more particularly described as follows:

Gatewood Townhouses

BEGINNING at a stake in the southeast corner of the property herein referenced, a corner with Carol Woods property, said stake being in the northern right-of-way of Weaver Dairy Road, a control corner shown on plat entitled "Don Higgs & Associates, Inc." by Ballentine, Ayers, & Neville, dated July 2, 1981, to which plat reference is hereby made and running thence along and with the northern right-of-way of Weaver Dairy Road, North 86° 35' 12" W, 464.61 feet to a point; the southwest corner of the property herein referenced; thence North 01° 09' 00" W, 666.01 feet; thence South 89° 04' 19" E, 341.29 feet to a stake in the branch; thence down the branch the following courses and distances: South 01° 47' 41" E, 77.64 feet; South 31° 05' 14" E, 32.54 feet; South 15° 21' 50" E, 96.51 feet; South 05° 23' 51" E, 44.08 feet; South 31° 50' 50" W, 77.03 feet; South 03° 09' 02" E, 120.39 feet; South 16° 15' 48" E, 70.74 feet; South 47° 16' 46" E, 69.75 feet; South 22° 42' 24" E, 31.66 feet; South 73° 01' 14" E, 33.03 feet; thence leaving said branch 03° 18' 38" E, 160.05 feet to the point and place of BEGINNING, and containing 5.867 acres, more or less, according to the aforesaid plat and survey.

SECTION II

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to the debts, laws, ordinances, and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town.

This the 28th day of September, 1981.

There was no discussion.

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

Resolution of Intent to Consider Annexation of an Area Bordering the Town of Chapel Hill, North Carolina

Ms. Loewenthal stated that this resolution was requesting the consideration of annexation of 1.99 acres of property located near Durham Boulevard.

Ms. Loewenthal responded (to questions from Councilmember Kawalec) that adjacent land to this area was not being considered. The residents had not requested the proposed annexation, but had been notified.

Councilmember Boulton concurred with Councilmembers Kawalec and Smith regarding the consideration of the other adjoining area.

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

A RESOLUTION OF INTENT TO CONSIDER ANNEXATION OF AN AREA BORDER- ING THE TOWN OF CHAPEL HILL, NORTH CAROLINA (81-R-146)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town of Chapel Hill, pursuant to the provisions of Part 3, Article 4A of Chapter 160A of the North Carolina General Statues, intends to consider annexation of the following area:

Includes Central Carolina Bank on the north side of US 15-501 (Durham Boulevard).

BEGINNING at the southeast corner of Chapel Hill Township Tax Map 27A, Block A, Lot 3; proceeding thence west with the southern property lines of lot 27A-A-3 and 4 approximately 275.5 feet to the southwest corner of lot 27A-A-4; proceeding thence north with the western property lines of lots 27A-A-4, 3, and 2 approximately 325 feet to the northwest corner of lot 27A-A-2; proceeding thence east with the northern property line of lot 27A-A-2 approximately 259.25 feet to the northeast corner of said lot; proceeding thence south with the eastern property lines of lots 27A-A-2 and 3 approximately 325 feet to the point of BEGINNING.

BE IT FURTHER RESOLVED that a public hearing on the question of annexing the above described areas will be held in the Meeting Room of the Municipal Building, 306 North Columbia Street, at 7:30 p.m. on November 16, 1981 at which time plans for extending services to said area will be explained and all persons desiring to speak on the matter will be given an opportunity to be heard; and

BE IT FURTHER RESOLVED that a report of plans for extending services to the above-described area will be on file in the office of the Town Clerk for public inspection at least fourteen (14) days prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that notice of said public hearing shall be given by publication as required by statute.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT (ALONG WITH THE STUDY OF THIS PARTICULAR PARCEL OF LAND) COUNCIL ALSO STUDY THE PROPERTY ADJACENT (between the power plant and Central Carolina Bank) TO IT.

Councilmember Howes felt, if both properties were to be considered, Council should not anticipate adhering to the same schedule.

Mr. Secrist suggested that staff come back with another resolution of intent to study the annexation of the additional property.

Mayor Nassif stated that he would not vote in favor of the motion. He was not convinced that Council should add more tax burden for that area with no justification, as he did not believe they needed the services of the Town.

Councilmember Howes argued against the motion on the grounds of cost to the Town. Mr. Secrist did not feel the cost would be too expensive.

Councilmember Smith recalled that Council had considered annexing this area in the past. At that time, Council discontinued this consideration. He felt that Council should wait until there was a definite change in the development of the area before doing another study.

Councilmember Straley concurred.

Councilmember Boulton stated that since this was the concensus of staff, she would withdraw her motion; Councilmember Kawalec withdrew her second to the motion.

Resolution Calling a Public Hearing for Zoning of the Gatewood Townhouse Property

Ms. Loewenthal stated that there was no zoning in this area because it was not in the planning jurisdiction of the Town of Chapel Hill. Council had 60 days (by State Law) to zone this. An appropriate zoning designation would be R-3.

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

A RESOLUTION CALLING A PUBLIC HEARING FOR ZONING OF THE GATEWOOD TOWNHOUSE PROPERTY (81-R-147)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby calls a Public Hearing to be held at 7:30 p.m., November 16, 1981 in the Municipal Building, 306 N. Columbia Street, to consider zoning the Gatewood Townhouse property (Chapel Hill Township Tax Map 25, lot 2A) to a residential 3 zoning district.

This the 28th day of September, 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 Approving the Private Sale of CD Land to Mrs. Stella Gattis

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

A RESOLUTION APPROVING PRIVATE SALE OF CD LAND TO MS. STELLA GATTIS (81-R-148)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, following a public hearing duly advertised as required by Chapter 346, Session Laws 1973, hereby finds that the sale of parcel number 85-B-2 to Ms. Stella Gattis for the sum of \$3,500 is "necessary in order to facilitate the relocation of persons displaced by a redevelopment project or other governmental action"; and that Ms. Gattis is the only available, qualified, and willing redeveloper for the contemplated use; and that the Council hereby approves the consideration of \$3,500 for the parcel as fair, actual value of the property as based on competent appraisal.

This the 28th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Certifying Valuation as Required by HUD Handbook 1376.1 (24 CFR 42.111)

Councilmember Smith did not feel that this property had been fairly evaluated in terms of its true value (in particular, the house belong to Mrs. Caldwell). He requested to delay this item in order to come up with a fair market value for this property.

Ms. Loewenthal stated that three independent appraisals had been given. Mr. Stevenson stated that the value shown was higher than the tax valuation.

Mr. David Roberts, Town Clerk and Revenue Collector, consented to research the tax values of all the properties shown.

Upon the return of Mr. Roberts to the meeting, Council resumed discussion of this item. The following information was supplied:

<u>Parcel Number</u>	<u>Tax Valuation</u>	<u>Just Compensation</u>
84-I-37A	\$ 7,412	\$ 5,650.00
84-I-37C	\$19,542	23,500.00
84-I-37	\$ 5,954	5,000.00
84-I-38	\$33,066	\$38,000.00
84-I-39	\$27,453	\$29,500.00
84-I-40	\$53,963	\$ 8,500.00

(This would include the total value of land with the building. The Housing Authority was not seeking to obtain the total lot.)

Councilmember Howes felt that there were two or three significant differences: two figures in favor of the property owner, and one in favor of the Housing Authority. Ms. Loewenthal stated that in each case the appraisals had been within \$200 to \$500 of each other.

Councilmember Smith expressed concern that one could not build a house at that price on the market, regardless of what the tax value said and felt that Council should be sensitive to this and the fact that this was a person's residence.

Councilmember Wallace concurred.

Mayor Nassif felt that Council could not stand as expert appraisers and, therefore, could not automatically assume its worth.

Mr. Denny commented that it was true that additional information could be supplied to Council. However, it was not for Council to say what the figure ought to be: Council could either accept these figures or reject them--either individually or in total. If Council was not satisfied, they could require that the process for that parcel be begun again.

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

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 1376.1 (24 CFR 42.111) (81-R-149)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined, on the basis of two appraisals and a review appraisal, that the fair market value of certain property, intended for purchase by the Chapel Hill Housing Authority, is as follows:

<u>Parcel Number</u>	<u>Area (sq.ft.)</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Just Compensation</u>
84-I-37A (NE Church)	7,373	Julia C. Marshall	Land	\$ 5,650.00
84-I-37C (204 Caldwell)	7,585	Wilson Caldwell Heirs (James W. Pendergraph)	Land and Structure	\$23,500.00
84-I-37 (NE Church)	7,423	Julia C. Marshall	Land	\$ 5,800.00
84-I-38 (706 Church)	14,116	Lucille Caldwell	Land and Structure	\$38,000.00
84-I-39 (708 Church)	30,661	Bruce Caldwell Heirs	Land and Structure	\$29,500.00
84-I-40 (NE Church)	11,917	Catherine Stanback	Land	\$ 8,500.00

BE IT FURTHER RESOLVED that the Council, on the basis of information supplied by Alvin E. Stevenson, Executive Director of the Chapel Hill Housing Authority, hereby certifies that the work of the appraisers and the review appraiser, with respect to the above property, has been performed in a competent manner in accordance with applicable state and federal law and the policies and requirements of the U.S. Department of Housing and Urban Development.

This the 28th day of September, 1981.

COUNCILMEMBER SMITH MOVED AN AMENDMENT TO THE MOTION, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT R.149 WITH THE DELETION OF PARCEL #84-1-38.

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

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

Resolution Regarding Classification and Review of Town Positions

Mr. Secrist stated that staff would review all positions this year and then once every four years.

Positions would be studied on the basis that:

1. The position be properly assigned to the Town's salary plan in relation to the duties and responsibilities of other positions in other Town departments; and
2. The salary be comparable to salaries paid for similar positions in nearby cities, counties and organizations that the Town of Chapel Hill competes with.

The salary comparability would assist the Town in recruiting quality applicants and maintaining existing work force. This would be helpful in reducing the turnover rate that was shown to be 21% during the last year.

Only individual positions that undergo major changes in responsibilities or salary requirements in order to recruit would be reviewed within the four year period.

Mr. Secrist suggested that Personnel's work plan be altered to enable their staff to devote substantial time and efforts to reviewing all Town positions. Reviews would be done in close cooperation with Department heads and the Manager's recommendations would be available to Council in the context of the 1982-83 Budget.

Regarding Public Safety salary recommendations (which were delayed in June), the Manager would provide a recommendation to Council in late October, for November implementation. In order to be fair to employees whose positions were reviewed in the past year, those positions would be compared to the proposed new labor market. Necessary adjustments would be included in the spring recommendations to Council.

Ms. Crofts felt that the results of the classification study of Public Safety positions last spring, using the Factor-Ranking System, could vary with the results produced by the labor market survey. Staff could, however, use the job information gathered last spring to compare with the labor market and come back with a recommendation to Council which would still reflect the internal equity and labor market comparability, but would not have a numerical rating.

Councilmember Boulton asked for clarification: would the Public Safety positions still be tallied against the new market?--or were they fixed?

Ms. Crofts stated that staff planned to apply the new labor market information to Public Safety classifications. Recommendations brought back at the end of October may or may not be the same as the labor market analysis used.

Mr. Secrist stated that hourly rates would be compared, not gross annual salaries.

Councilmember Straley wondered if the analysis would involve a comparison of cost-of-living rates. Ms. Crofts responded that staff was only planning to survey the salaries. Councilmember Straley felt that a proper study should include cost-of-living. Ms. Crofts stated that there was no residency requirement (for employees to live in Chapel Hill); Councilmember Straley stated that he felt it was the Town's goal to make it possible for personnel to live here.

In response to another question from Councilmember Straley, Ms. Crofts responded that it would be up to Council to establish wages above the minimum poverty level. Staff would follow that policy.

Mr. Secrist suggested that this issue could be discussed during budget deliberations.

Councilmember Smith wondered if this study would have any affect on the turnover rate, wondering if staff would also be comparing salaries of towns that our employees were leaving to go to. He felt that a lot of money and time was spent by the Town of Chapel, only to train employees and lose them to nearby areas.

Ms. Crotts felt that a more relevant labor market would be effective in reducing this turnover rate.

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

A RESOLUTION REGARDING CLASSIFICATION AND REVIEW OF TOWN POSITIONS (81-R-150)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it is the policy of the Town that equal pay for equal levels of work be the basis of the classification and pay plan. To that end, a systematic review of all Town positions should be made every four years to ensure adherence to this principle, and staff recommendations for revisions to the pay plan should be made to Council within the confines of this review cycle. Apart from the review cycle, recommendations for change should be brought to Council only when major inequities in positions have been created because of substantial reorganization of duties or the addition or deletion of programs, or when changes in labor markets make recruitment and retention of personnel especially difficult.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding Salary Surveys

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

A RESOLUTION REGARDING SALARY SURVEYS (81-R-151)

BE IT RESOLVED by the Council of the Town of Chapel Hill the following governmental organizations shall be surveyed and considered in determining pay comparability of positions of the Town.

The State of North Carolina (NCMH and UNC-CH)
 Durham
 Durham County
 Orange County
 Carrboro
 OWASA
 Raleigh
 Cary
 Wake County

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Local governments of similar size will be surveyed and considered in determining comparability of department head positions.

Data from private industry and from other organizations will be obtained and considered to the extent such data is made available to the Town.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding Classification Studies in 1981-82

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

A RESOLUTION REGARDING CLASSIFICATION STUDIES IN 1981-82 (81-R-152)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the systematic review of the classification pay of all Town positions will follow this schedule:

1. A new labor market survey of Public Safety positions shall be conducted in the fall of 1981 and the Council shall be informed of the results by November 1.
2. The remainder of Town positions shall be studied in the fall and winter of 1981-82 with recommendations for change to be included in the Manager's Recommended Budget for 1982-83; this study shall include applying the new labor market to Inspections, and Public Works, Parks and Transportation supervision positions.

This the 28th day of September, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the "Ordinance Establishing a Position Classification and Pay Plan for 1981-82"

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

AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING A POSITION CLASSIFICATION AND PAY PLAN FOR 1981-82 (81-O-71)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council amends the Position Classification and Pay Ordinance for July 1, 1981 through June 30, 1982, to reflect addition of expanded route service added in the Transportation Department budget.

<u>Section IV</u>	<u>Full-Time Position</u>	<u>Part-Time Position</u>
Delete the line Bus Driver I	37	23
Add the line Bus Driver I	38	26

Amend the Position Classification and Pay Ordinance July 1, 1981 through June 30, 1982, to correct funding allocation for the Secretary II position shared by the Office of the Town Manager and the Transportation Department:

<u>Section IV</u>	<u>Full-Time Position</u>
<u>Town Manager's Office</u>	
Delete the line Secretary II	.5
Add the line Secretary II	.25

Transportation Department

Delete the line Secretary II .5

Add the line Secretary II .75

Amend the Position Classification and Pay Ordinance July 1, 1981 through June 30, 1982 to delete a title inadvertently included.

Section III, grade 19: Delete the line "Assistant Fire Chief"

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Hotel Europa

Ms. Loewenthal stated that there were two requests before the Council: (1) right turn lane improvements on U.S. 15-501, and (2) improvements to Legion Road.

Regarding the second request, the applicants would like to postpone the improvements to Legion Road (i.e., widening the road to a 33-foot cross-section, with curb and gutter). This change would delete the previously approved office building and parking area and would add an extension to the hotel, a swimming pool and tennis court.

The request to postpone the improvements to Legion Road until such time as the final design was approved appeared reasonable to staff. In addition, the increased traffic that would come from the hotel would not be a significant burden onto Legion Road. Postponement would not provide a problem.

Ms. Loewenthal provided the background for the first request: a deceleration lane on the eastbound side had been built by the applicant. This would provide room to decelerate without causing danger of a rear-end collision. However, there was also the need for a left-hand turn lane on the westbound side of U.S. 15-501. Presently, there were two westbound lanes. If a car were to slow down sufficiently to make the left-hand turn, staff felt that there would be a significant danger of a rear-end collision.

In addition, both lanes as a whole, considering the close proximity to Town, caused traffic to speed up in the left-hand lane (as cars round the corner to the Eastgate light) and the right-hand lane would be slowing down to enter the Town area (U.S. 15-501 business) of Chapel Hill. This would further increase the chances of accidents in this area.

Improvements to the left-turn lane (improvements only, not the signalization) were part of the original Special Use Permit prior to occupying the building.

The applicant was asking that Council allow until June 1, 1982 for completion of this improvement.

Staff felt that because of the immediate potential danger to the public that such a postponement not be considered for the following reasons: (1) an additional 2,500 cars/day had been projected to be generated by this development. Even though the traffic increase would not be significant at first, staff felt it would become significant in the not-too-distant future.

In addition, November 15 was considered to be the end of the "safe" road-building season as unpredictable weather would cause a slow-down in road improvements. The opening of Hotel Europa was planned for mid-to-late October.

As a compromise, staff recommended that the applicant be given a Temporary Certificate of Occupancy to run until November 15, 1981, at which time the left-hand turn lane would have been completed, or the permit would be revoked.

In response to Councilmember Boulton's inquiry, Ms. Loewenthal stated that the North Carolina Department of Transportation had informed staff verbally (but not in writing) that traffic signals would be installed along with the other improvements to the intersection. No date had been given.

The applicant had been assured that these improvements would be made but State funds were not available. He felt that, with winter coming on, the June 1982 deadline would allow for more than sufficient time for completion.

Councilmember Smith wondered what would happen if the State did not have available funds. The applicant stated that he would provide the construction of the left-hand turn lane, to be completed by June 1982, if efforts to have the State do the improvements became exhausted.

Councilmember Smith expressed concern for the safety aspect before June 1982. Mr. Julius Verwoerd, President of Hotel Europa, stated that he would guarantee that the improvements would be completed before June 1, 1982 and he wished to have his hotel open with a Temporary Certificate of Occupancy.

Councilmember Wallace felt Mr. Verwoerd could not afford to delay opening. A Certificate of Occupancy would enable him to open up if the improvements could not be completed. Also, the State might have an opportunity to act, given this additional time.

Mayor Nassif stated that, in either event (November or June completion), the Temporary Certificate of Occupancy would be revoked if the improvements were not completed.

Mayor Nassif felt that a bond should be posted to guarantee the improvements by June 1982.

Councilmember Howes felt that the possibility of revoking the Temporary Certificate of Occupancy would be more of an incentive to complete the improvements than a bond would.

Councilmember Smith felt that, for the safety of the hotel guests, the improvements should be done immediately.

Councilmember Boulton concurred, and asked if caution signs could be erected for westbound traffic. Mayor Nassif stated that such signs would have to be done through the State.

Mr. Denny advised Council that, under the existing terms of the Special Use Permit, the Building Inspector was unwilling to issue a Temporary Certificate of Occupancy with the issue of improvements to the right-turn lane for westbound traffic unresolved. Council could adopt a resolution to modify the Special Use Permit with a stipulation that said that this would be done before the hotel opened.

If Council did not desire to do this, the Building Inspector was willing to grant a Temporary Certificate of Occupancy from mid-October to mid-November but no longer. (Council would have to modify the Special Use Permit, then--as modified--the Building Inspector would take the responsibility of issuing a Temporary Certificate of Occupancy pending completion of improvements.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER THORPE, THAT COUNCIL ACCEPT THE PETITION AS REQUESTED; AND THAT IMPROVEMENTS TO THE WESTBOUND LANE BE COMPLETED BY THE APPLICANT BY JUNE 1, 1982, IF THE STATE HAD NOT COMPLETED THESE IMPROVEMENTS.

The resolution to be presented to Council at the next meeting would include provisions for posting bond.

Mr. Secrist stated that staff was concerned about safety factors and that was why staff supported giving the applicant an additional 30 days to complete those improvements. Mr. Denny added that there was concern expressed that, in the even of an accident, the Town would be party.

Mayor Nassif felt that if anyone got seriously injured, the Town would be remiss if they did not have some way of saying that this had to be done at a reasonable time.

Councilmembers Smith and Boulton concurred.

Councilmember Smith felt that Council should get together with the District Engineer and see if the State could, between now and November 15, get some type of road put in, even if it were temporary. A permanent lane would be in by June 1982. The applicant did not feel that such a job should be done twice. Councilmember Smith stated that he would rather see a permanent lane in by October 15.

Mr. Denny stated that Town would be a party to litigation involving an accident--that was not to say that the Town would be responsible for it or

negligent--it would just be brought back that the Town had an opportunity or had a stipulation that required safety measures to be taken prior to the creation of the traffic hazard.

THE MOTION CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, STRALEY, WALLACE, THORPE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS SMITH AND HERZENBERG OPPOSING.

Resolution Amending the Town Council Procedures Manual

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION WITH THE FOLLOWING CHANGES:

The changes would be:

1. ADD: Membership information for Village Foundation.
2. Page 45, under B.3 (after "The Clerk's Office . . . ") ADD: "or the Mayor's Assistant,"

The resolution is as follows:

A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL (81-R-153)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts Supplement #3 (September 28, 1981) to the Town Council Procedures Manual.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Straley suggested that Council might, at a later date, consider amending the length of term for the Joint Orange Chatham Community Action Agency.

Bids

Resolution Accepting Bids and Awarding of Contract for Twelve Advanced Design Transit Coaches

Mr. Secrist stated that the staff recommended adoption of the resolution, pending UMTA approval. He had not yet received approval; however, they had received a grant for an extension from all three manufacturers. Staff had contacted the low bidders to ask if, in fact, they did intend to meet all the specifications and were awaiting official response from them and hoped to have information at the October 12 meeting.

Resolution Accepting Bids and Awarding of Contract for I-2 Asphaltic Concrete, H-B Asphalt and Tack Coat

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR I-2 ASPHALTIC CONCRETE, H-B ASPHALT AND TACK COAT (81-R-155)

WHEREAS, the Town of Chapel Hill has solicited formal bids on I-2 Asphalt Concrete, H-B Asphalt and Tack Coat and the following bids have been received:

<u>Item</u>	<u>Nello Teer Company</u>	<u>William Muirhead Company</u>
2015 tons I-2 Asphalt	23.05/ton; 46,445.75	24.00/ton; 48,360.00
288 tons H-B Asphalt	20.18/ton; 5,814.84	22.00/ton; 6,336.00
6400 gals Tack Coat	1.00/gal. 6,400.00	1.00/gal 6,400.00
Total	58,657.59	61,096.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the unit prices of Nello Teer Company of \$23.05/ton for I-2 Asphalt, \$20.18/ton for H-B Asphalt and \$1.00/gallon for Tack Coat at an estimated total cost of \$58,657.59.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for One Side-Loading Garbage Truck Cone Cab and Chassis and One Packer Body and Installation

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE SIDE-LOADING GARBAGE TRUCK CONE CAB AND CHASSIS AND ONE PACKER BODY AND INSTALLATION (81-R-156)

WHEREAS, the Town of Chapel Hill has solicited formal bids on August 21, 1981 and the following bids have been received:

<u>Item</u>	<u>Miller Truck Sales (Durham, N.C.)</u>	<u>Worth Keeter, Inc. (Charlotte, N.C.)</u>
Cab and Chassis	\$34,310.14	\$30,686.38
Packer Body	No Bid	18,406.00
Installation of Packer Body	No Bid	814.00
Total	\$34,310.14	\$49,906.38

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bids of Miller Truck Sales for a cab and chassis in the amount of \$34,310.14 and of Worth Keeter, Inc. for a packer body and installation in the amount of \$19,220.00.

This the 28th day of September, 1981.

In response to Councilmember Herzenberg's question, Mr. Secrist responded that it was not necessarily the policy of the Town to award the contract to the lowest bidder.

Ms. Mary Parker, Finance Director, stated that staff recommended that the bid for the cab and chassis from the Miller Truck Sales be awarded and that the bid for the packer body and installation of packer body be awarded to Worth Keeter, Inc.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for Athletic Uniforms, Equipment, and Supplies

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ATHLETIC UNIFORMS, EQUIPMENT, AND SUPPLIES (81-R-157)

WHEREAS, the Town of Chapel Hill has solicited formal bids on September 16, 1981 and the following bids have been received:

BIDS AND BIDDERS

Item	Carolina Athletic Supply Co.	Locker Room	Johnson-Lambe Company	Holly Hill Sporting Goods
I. Basketball Uniforms, Equipment & Supplies				
A. Basketball Uniforms				
1. 6 sets (10) shirts	No Bid	267.00	270.00	<u>202.80</u>
2. 44 sets (12) shirts	No Bid	2,822.40	No Bid	<u>2,629.44</u>
3. 14 sets (12) shirts	No Bid	831.60	756.00	<u>730.80</u>
B. Basketball Equipment				
1. 7 Basketballs	269.50	272.65	217.00	241.50
2. 5 Basketballs	59.00	129.75	<u>82.50</u>	170.00
3. 12 Basketballs	No Bid	191.40	180.00	<u>144.00</u>
C. Basketball Supplies				
1. 16 Scorebooks	44.00	<u>44.00</u>	49.60	38.40
2. 2 dozen whistles	15.50	<u>18.00</u>	20.00	32.40
3. 2 pair Basketball rims	No Bid	<u>42.00</u>	50.00	176.00
4. 8 pair Basketball Goal Nets	No Bid	<u>21.20</u>	29.20	43.20
II. Volleyball Equipment				
1. 4 Volleyballs	114.00	150.80	115.00	<u>86.00</u>
2. 1 Volleyball Net	28.50	35.00	<u>27.50</u>	<u>33.00</u>
III. Softball Equipment				
1. 48 dozen softballs (12 dozen only)	438.00	2,102.40	<u>2,160.00</u>	2,270.40
IV. Staff Shirts				
1. 3 dozen collar shirts	No Bid	No Bid	360.00	<u>275.40</u>
2. 3 dozen T-shirts	No Bid	178.20	<u>117.00</u>	172.80
TOTAL	\$968.50	\$7,108.40	\$4,443.80	\$7,256.14

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Holly Hill Sporting Goods for 64 sets of shirts, 12 basketballs, 4 volleyballs, and 3 dozen collar shirts in the amount of \$4,078.44, the bid of Johnson-Lambe Co. for 7 basketballs, 5 basketballs, 1 volleyball net, 48 dozen softballs, and 3 dozen T-shirts in the amount of \$2,614 and the bid of Locker Room for 16 scorebooks, 2 dozen whistles, 2 pair basketball rims, and 8 pair basketball goal nets in the amount of \$127.20.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for Fire, Police, and Public Safety Officer Uniforms

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FIRE, POLICE, AND PUBLIC SAFETY OFFICER UNIFORMS (81-R-158)

WHEREAS, the Town of Chapel Hill has solicited bids on August 26, 1981 and the following bids have been received:

BIDDERS AND BIDS

<u>Items</u>	<u>American Uniform Sales, Inc.</u>	<u>Frank's Uniforms, Inc.</u>	<u>The Hub Uniform Co.</u>	<u>Lion Uniform</u>	<u>Robert's Uniforms</u>	<u>Showfety's Inc.</u>	<u>Stinnette Uniform Sales, Inc.</u>
<u>Fire Uniforms</u>							
140 short-sleeve shirts	1,443.00	1,897.40	1,350.00	No Bid	1,847.00	1,443.00	1,862.00
3 extra size short-sleeve (spec. order)	39.90	No Bid	39.90	No Bid	39.75	45.35	51.87
140 long-sleeve shirts	1,619.00	1,824.20	1,905.00	No Bid	1,764.00	1,689.00	2,084.00
3 extra size long-sleeve (spec. order)	43.90	No Bid	39.00	No Bid	41.85	53.25	39.08
80 pair dress trousers	490.00	599.00	540.00	No Bid	575.00	598.50	599.70
8 pair dress trousers	145.90	186.75	160.00	No Bid	165.25	157.50	182.90
10 dress jackets	489.00	496.00	450.00	No Bid	484.00	465.00	514.90
Cost of additional services	39.00	45.00	No Bid	No Bid	45.00	50.00	35.00
300 pair work trousers	2,390.00	2,879.00	2,450.00	2,990.00	2,940.00	2,600.00	3,220.00
10 work jackets	290.00	297.50	250.00	291.00	235.50	295.00	296.00
10 pair short-sleeve coveralls	140.00	139.00	140.00	No Bid	135.50	130.00	135.00
10 pair long-sleeve coveralls	180.00	151.00	180.00	No Bid	145.00	143.50	171.00
300 patches	490.00	590.00	425.00	No Bid	625.00	390.00	500.00
Sub-Total	7,839.90	8,626.45	7,441.90	3,991.00	8,748.85	7,849.10	9,791.65
<u>Police and Public Safety Officer Uniforms</u>							
104 short-sleeve shirts	1,419.60	1,648.40	1,654.00	No Bid	1,497.60	1,389.40	1,820.00
98 long-sleeve shirts	1,445.90	1,723.62	1,764.00	No Bid	1,523.90	1,416.10	1,911.00
128 pair trousers							
Alternate I (plain)	2,896.40	2,279.40	2,359.00	No Bid	2,494.72	2,199.60	2,521.60
Alternate II (with stripes)	2,425.60	2,669.60	2,680.00	No Bid	2,850.60	2,691.60	2,942.72
77 jackets	1,196.00	1,266.67	1,190.00	No Bid	1,283.50	1,147.90	1,342.83
21 jackets	579.60	618.45	630.00	No Bid	677.25	577.50	718.20
Winter caps:							
13 patrolmen	143.35	152.75	143.00	No Bid	135.37	143.00	129.35
3 officers	35.85	41.25	39.00	No Bid	35.70	37.50	34.30
Summer Caps:							
19 patrolmen	206.05	216.50	209.00	No Bid	190.31	209.00	189.05
6 officers	71.70	81.00	79.00	No Bid	67.50	81.00	69.40
Sub-Total including Alternate I	7,148.06	8,039.04	8,085.00	No Bid	7,896.85	7,169.60	8,724.63
Sub-Total including Alternate II	7,484.44	8,429.44	8,397.00	No Bid	8,263.93	7,691.60	9,156.75
Total Bid							
Including Alternate I	\$14,994.86	\$16,674.48	\$15,526.50	\$3,991.00	\$16,645.70	\$14,998.70	\$18,526.28
Including Alternate II	\$15,224.15	\$17,054.09	\$16,039.50	\$3,991.00	\$17,011.78	\$15,480.70	\$19,947.40

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of The Hub Uniform Co. for Fire uniforms in the amount of \$7,441.50 and of American Uniform Sales, Inc. for Police and Public Safety Officer uniforms including Alternate II in the amount of \$7,484.25.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Adopting an Official List and Map of All Streets Maintained by the Town of Chapel Hill

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

A RESOLUTION ADOPTING AN OFFICIAL LIST AND MAP OF ALL STREETS MAINTAINED BY THE TOWN OF CHAPEL HILL (81-R-159)

WHEREAS, the Town of Chapel Hill maintains certain streets within its boundaries; and

WHEREAS, a listing of such streets as maintained by the Town has been compiled, along with an accompanying map;

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the accompanying list and a map which shall be kept on file by the Director of Public Works and shall identify all streets officially maintained by the Town of Chapel Hill.

BE IT FURTHER RESOLVED that the Town Manager may accept streets in new developments for Town maintenance if such streets have been included in a subdivision plat, Special Use Permit or Site Plan Approval and are constructed to Town standards and specifications.

This the 28th day of September, 1981.

The list is as follows:

OFFICIAL LIST OF ALL STREETS MAINTAINED

BY

THE TOWN OF CHAPEL HILL

1981

POWELL BILL LENGTH

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Airport Drive	.308			Airport Road	Estes Drive
Allard Road	.278			Curtis Road	Dead End
Allard Road	.114			Elliott	Michaux
Angier Drive	.053			Valley Park Dr.	A point 305'N
Apple Street		.079		Piney Mtn. Road	Dead End
Arlington Street	.314			Lake Shore	Dead End
Arrowhead Road	.275			Greenwood Road	Christopher Road
Ashe Place	.065			Sourwood Circle	Dead End
Audubon Road	.298			Full Length	
Avalon Court	.042			Ridgecrest	Dead End
Balsam Court	.170			Full Length 897'	
Barclay Road	.693			Airport Road	A point 205' W of centerline
Bartram Drive		.190		Sourwood	Dead End
Basswood Court	.112			Blackcherry Lane	Dead End
Battle Lane	.187			Boundary Street	Franklin St.
Beech Tree Court	.045			Kensington Dr.	Dead End
Belmont Street	.063			LeClair Street	Wildwood Drive
Berkley Road	.081	.061		Rogerson	Full Length
Birch Circle	.040			Hemlock	Dead End
Blackcherry Lane	.142			Butter Nut Drive	Dead End

POWELL BILL LENGTH

STREET	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Bolin Heights		.149		Airport Road	Dead End
Bolinwood Drive	.274			Hillsborough St.	Dead End
Booker Creek Road	.548			Old Oxford Road	Honeysuckle Road
Boulder Lane	.100			Shadylawn	Dead End
Boundary Street	.429			Country Club	North Street
Bowling Creek Road			.083	Tenney Circle	Tenney Driveway
Bradley Road	.328			Umstead Drive	Williams Circle
Branch Street	.205			Airport Drive	Barclay Road
Brandon Road	.173			Hamilton	15-501
Briarbridge Lane			.062	Columbia St.	Briarbridge Valley
Briarbridge Valley	.065			Briarbridge Lane	Dead End
Bridle Run	.059			Kenmore Road	Dead End
Brigham	.154			Full Length 813'	
Brooks Street	.127			Church Street	Cotton Street
Brookside Drive	.287			Hilltop Street	McCauley St.
Brookside Drive Ext.	.036			Brookside Drive	A point 188' S
Brookview Drive	.563			Honeysuckle Rd.	Dead End
Buena Vista Way	.220			Collins Road	Statewide Drive
Burlage Circle	.693			Estes Drive	Full Length
Burning Tree Drive	.856			Highway 54	Pine Hurst Drive
Burrís Place	.146			Wesley Drive	Full Length
Butter Nut Drive	.286			Kensington Drive	Full Length
Buttons Lane		.155		Laurel Hill Rd.	A point 828' S
Buxton Court	.074			Foxwood Drive	Dead End
Bynum Street	.068			Craig	Gomains

POWELL BILL LENGTH

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Caldwell Street	.132			N. Columbia	Church Street
Caldwell St. Ext.	.066			Full Length	
Cameron Avenue- West and East	1.025			Merritt Mill Road	Country Club
Cameron Court		.091		Cameron Avenue	A point 515' N
Canterbury Lane	.119			Full Length 627'	
Carolina Avenue	.049			E. Franklin St.	A point 283' N
Carr Street	.129			Church Street	N. Columbia St.
Carver Street	.090			McMasters St.	A point 495' N
Caswell Road	.592			Estes Drive	Clayton Road
Cedar Falls	.083			Brookview Drive	Dead End
Cedar Fork Trail	.370			Weaver Dairy Rd.	Dead End @ Kenmore
Cedar Hills Circle	.810			Full Length	
Cedar Hills Drive	.212			Weaver Dairy Rd.	Cedar Hills Circle
Cedar Street	.198	.055		Mt. Bolus Road	A point 1375' N
Chapel Street	.063			Brooks Street	McDade
Chase Avenue	.139			South Columbia	Full Length
Chase Park Road			.058	Dogwood Drive	Dead End
Chatham Lane	.064			Caswell Road	Dead End
Cherokee Circle	.044			Granville Road	Dead End
Churchill	.713			Brigham Road	Ephesus Church Rd.
Church Street	.472			Franklin Street	McMasters Street
Clayton Road	.391			Caswell Road	Dead End
Clark Road	.223			E. Longview, S.	N. Columbia St.
Cleland Drive	.771			Burningtree Dr.	15-501

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Clover Drive	.150			Legion Road	Lark Circle
Cobb Terrace	.256			Cobb Terrace Cobb Terrace	Cobb Terrace North Street
Coker Drive	.609			Manning Drive	Morgan Creek Road
Cole Street	.122			Grant Street	Crest Drive
Coker Lane		.093		Coker Drive	Dead End
Collums Road	.255	.215		Dixie Drive	Dixie Drive
Colony Court	.044			Mallette	A point 245' E
Colony Woods Drive	.511			Fireside Drive	Ephesus Church Rd.
Columbia St.-North	.345			Airport Road	Longview
Concordia Court	.074			Kensington Drive	Dead End
Conner Drive	.086			Willow Drive	A point 470' NW
Coolidge Street	.084	.158		S. Columbia St.	A point 452' W of centerline Dawes Street
Cottage Lane	.062			Rosemary	Dead End
Cotton Wood Court	.068			Pine Oak Court	Dead End
Cotton Street	.179			Lindsay Street	A point 190' N of centerline Brooks
Couch Road		.261		E. Franklin St.	Full Length
Country Club Road	.507			Raleigh Street	Full Length
Craig Street	.198			Gomains	Bynum
Creel Street	.089			Centerline of Crest Drive	A point 490' W
Crest Drive	.243			Merritt Mill Road	Johnson Street
Critz Drive	.073			Airport Road	Backside of Windsor Circle
Croom Court	.069			Rock Creek Road	Dead End
Culbreth Place			.118	Westwood Drive	Dead End

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Cumberland Road	.213			Caswell Road	Estes Drive
Curtis Road	.347			Lakeshore Drive	Clayton Road
Cynthia Drive	.237			Dixie Drive	Collums Road
Cypress Road	.215			Eden Lane	Spruce Street
Daley Road	.074			Old Oxford Rd.	Dead End
Davie Circle	.457			Full Length	
Dawes Street	.141	.100		Smith Avenue	1044'S -230'W
Dawson Place	.024			Rosemary	South 129'
Deerwood Court	.177			Full Length	
Dickerson Court	.091			Centerline of Plant Road	A point 246' N & from that point 124' west to point 143' E
Dixie Drive	.316	.311		Stateside Drive	Indian Trail Rd.
Dixie Lane	.118			Dixie Drive	Airport Road
Dogwood Drive	.508			Westwood Drive	Westwood Drive
Douglas Road	.118			Hamilton Rd. Oakwood Dr.	Dead End and Rogerson
Deepwood Road	.128			Full Length	
Eastowne Drive	.220			Durham Blvd. right-of-way	To end of pavement
Eastwood Road	.186			Piney Mtn. Rd.	Shadylawn
Eastwood Lake Road			.137	Full Length	
Eden Lane	.061			Ephesus Church Road	Full Length
Edwards Alley	.076			Centerline of Mitchell Lane	A point 417' N
Edwards Street	.106			Centerline of Merritt Mill	A point 616' S
Elizabeth Street	.253			Franklin Street	Full Length
Ellen Place	.114			Centerline of Taylor St.	A point 619' S
Elliott Road	1.142			Curtis Road	15-501
Emily Road		.178		Piney Mountain	Farrington Drive

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Emory Drive	.739			Full Length	
Estes Drive Ext.	.162			15-501	End
Evergreen Lane			.241	Glandon Drive	Glandon Drive
Falls Road		.066		Lake Ellen Dr.	Indian Trail Rd.
Farrington Drive		.119		Emily Drive	Dead End
Fern Lane		.242		US 15-501 Service Road	A point 717' W of centerline Iris Lane
Ferrell Drive	.214			Landerwood Drive	Dead End
Fetzer Lane			.042	Cameron Avenue	Dead End
Fountain Ridge	.631			Full Length	
Forest Hill Road	.142			Lake Ellen Road	Seminole Drive
Foxwood Drive	.398			Sedgefield Dr.	Booker Creek Road
Francis Street	.162			Full Length	
Fire Side Drive	.115			Highview Drive	Dead End
Flemington Road	.490			Maxwell	Hayes Road
Friendly Lane			.058	Rosemary St.	Dead End
Gimghoul Road	.301			Country Club Rd.	East End Glandon Drive
Glandon Drive	.362	.133		West end of Gimghoul Road	East End of Gimghoul Road
Glenburnie Street	.081			Rosemary St.	North Street
Glendale Drive	.589			East Franklin St.	Weaver Road
Glenhill Lane	.145			West Intersec. of Glendale Dr.	East Intersecting point-Glendale
Glenwood Drive	.139			Glendale Drive	Weaver Road
Gomains Avenue	.154			Bynum Street	Edwards Alley
Gooseneck Road		.085		Centerline of Whitehead Rd.	A point 470' E
Graham St., North	.265			Whitaker St.	Franklin Street
Graham St., South	.172			Franklin St.	Cameron Avenue

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Grant Street	.074			Crest Drive	Merritt Mill R
Granville Road	.467			Caswell Road	Estes Drive
Green Street	.297			centerline of Airport Road	A point 1614' W
Greenwood Road	.983			Full Length	
Grove Street	.279			Wildwood Drive	Emory Drive
Halifax Road	.105			Granville Road	Estes Drive
Hamilton Road	.804			Preswick Road	Flemington Rd.
Hamilton Road		.147		Cleland Road	Flemington Road
Hartig Street	.067			Barclay	A point 375' N
Hawthorne Lane (North of Morgan Creek Rd.)		.045		Morgan Creek Rd.	Full length
Heather Court	.061			Clover Drive	Full length
Hemlock Lane	.165			Long Leaf	Cypress Street
Henderson Street	.174			Franklin St.	Cobb Terrace
Hickory Drive	.292			Ridgefield Rd.	Willow Drive
Highview Drive	.335			Overland Drive	Dead End
Highland Woods Rd.	.540			End of State right-of-way	Full length
Highland Drive	.228			Stateside	Collums Road
Hill Street	.049			centerline of Jones Street	A point 269' E
Hillcrest Circle		.371		Hillcrest Road	Hillcrest Road
Hillcrest Road	.089			Roosevelt Drive	Hillcrest Circle
Hillsborough St.	.745			Airport Road	Franklin Street
Hilltop Street		.043		McCauley St.	Brookside Drive
Hillview Road	.220			Roosevelt Drive	Plant Road

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Holloway Lane		.055		Elizabeth St.	Dead end
Holly Lane	.151			Le Clair St.	Dead end
Hoot Owl Lane		.058		Meadow Brook	Full length
Hooper Lane	.128			Battle Lane	S. Boundary St.
Honeysuckle Court	.041			Honeysuckle Rd.	Dead end
Honeysuckle Road	.686			Brookview	Foxwood
Holland Drive	.065			centerline of Purefoy Rd.	To point 354' N
Huntington Drive	.448			Dead End	Dead End
Houston Road	.077			Greenwood Road	Sugarberry Road
Howell Lane	.115			Roosevelt Dr.	E. Franklin St.
Howell Street	.238			Purefoy Road	Purefoy Road
Idlewood Lane		.047		centerline of Mason Farm Rd.	A point 285' N
Indian Springs Road	.109			Sugarberry Road	Dead End
Indian Trail Road	.269			Forest Hill Rd.	Dixie Drive
Iris Lane		.156		centerline of Fern Lane	A point 877' N
Isley Street	.086	.037		E. Stinson St.	North Columbia
Jay Street		.130		centerline of Village Dr.	A point 595'
Jean Court	.048			Shadylawn Rd.	Dead End
Johnson Street	.215			Crest Drive	A point 1156' W
Jones Street	.062			Davie Circle	Hill Street
Justice Street		.258		Barclay	A point 218' W of centerline- Wyrick Street

STREET	POWELL BILL LENGTH			TOWN MAINTENANCE	
	Paved	Unpaved	Less than 16' wide	FROM	TO
Kenan Street	.174			W. Franklin St.	W. Cameron Avenue
Kendall Drive	.267			Cleland Drive	Dead End
Kenmore Road	1.00			Lakeshore Dr.	Cedar Fork Trail
Kensington Drive	.530			S. Lakeshore	Dead End
Kings Mill Road	.513			15-501 Bypass	Full length
Kingston Court	.063	.010		Kingston Drive	Cedar Hills Circle
Kingston Drive	.400	.024		Partin Road	end of pavement 1 lot depth from Timberlyne
Knob Court	.067			Fountain Ridge	Dead End
Knolls Street	.172			Crest Drive	A point 940' W
Knollwood Drive	.067			Rolling Road	Dead End
Kornegay Place	.030			Honeysuckle Rd.	Dead End
Lake Ellen Drive	.195	.042		Piney Mtn. Rd.	A point 282' of G _L Falls Road
Lake Shore Court	.046			N. Lake Shore	Dead End
Lake Shore Dr., N.	.873			Brookview	Kensington
Lake Shore Dr., S.	.626			Kensington Dr.	Dead End
Lake Shore Lane	.729			Booker Creek	Dead End
Lamont Court	.066			Long Leaf	Dead End
Lamarck Road	.090			Maxwell Road	Hayes
Landerwood Lane	.273			Ephesus Church Road	Full Length
Lark Circle	.083			G _L Clover Drive	Full Length
Laurel Hill Circle	.146			G _L Laurel Hill Road	A point 791' N
Laurel Hill Road	.841			Country Club Rd.	Bypass
Laurel Hill Road	.165			Kings Mill Road	Stream at City Limit

NOTE: G_L means centerline

STREET	POWELL BILL LENGTH			TOWN MAINTENANCE	
	Paved	Unpaved	Less than 16' wide	FROM	TO
Lea Court	.042			Centerline of Williams Circle	A point 243' E
Leclair Street	.418			Long Leaf	Tinkerbelle Road
Ledge Lane		.138		Country Club Road	A point 730' E
Lindsay Street	.192			Mitchell Lane	Church Street
Little Street	.046			Emory Drive	Dead End
Lone Pine Road	.218	.112		Tenney Circle	Full Length
Long Leaf Drive	.679			Ephesus Church Rd.	Dead End
Longview Street	.280			Airport Road	Pritchard Ave. Ext.
Lyons Road	.262			Curtis Road	Allard Road
Mallette Street	.175			West Franklin	West Cameron
Manly Street	.126			Long Leaf	Dead End
Manning Drive	.145			Woodbine	Laurel Hill
Maple Drive		.146		Centerline of Mt. Bolus	A point 788' N
Marcus Road		.083		Farrington Drive	Dead End
Markham Court	.065			Markham Drive	Dead End
Markham Drive	.445	.092		Old Oxford	Tadley Drive
Martha Lane		.119		Riggsbee Road	Emily Drive
Mason Street	.046			Full Length	
Mason Farm Road	1.06			South Columbia	15-501 Bypass
Mason Farm Place		.040		Q _L Mason Farm Rd.	A point 215' S
Maxwell Road	.328			Hamilton Road	Hamilton Road
May Court	.044			Woodhaven Road	Dead End
Mayberry Court	.041			Sedgefield Drive	Dead End

NOTE: Q_L means centerline

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
McCauley Street	.448	.110		S. Columbia	Hilltop Stree
McDade Street	.174			Church Street	Mitchell Lane
McMasters	.268			A point 320' E G _L Church St.	A point 1430' W to end of pavement
Meadow Brook Drive	.385			Franklin Street	Burlage Circle
Mears Road	.073			Shadylawn 285'	Dead End
Michaux Road	.457			Audubon Road	Dead End
Millwood Court	.054			Booker Creek	Dead End
Milton Avenue	.135			Franklin Street	Dead End
Mitchell Lane	.357			Rosemary Street	Edwards Alley
Morgan Creek Road	1.03			Coker Drive	Full Length
Morgan Creek Lane	.069			Morgan Creek Rd.	Full Length
Mt. Bolus Road	.551			Airport Road	Dead End
Municipal Drive	.152			Airport Road	Shelter Drive
Murray Lane	.075			Churchill St.	Dead End
Noble Street	.058			Pritchard Avenue	N. Columbia
North Street	.287			Hillsborough St.	Glen Burnie St.
North Street	.170			Airport Road	to end of pavement
Nunn Street	.067			Whitaker Street	Sunset Drive
NCNB Alley	.09			Rosemary Street	Post Office Wall
Oakwood Drive	.877			Highway 54	Cleland Road
Old Mill Road	.605			Christopher Road & Arrowhead Rd.	Greenwood Road Greenwood Road
Old Oxford Road	.271	.151		Elliott Rd.	Markham Drive
Otey's Road	.175			Mason Farm Road	Morgan Creek Road
Overland Drive	.436			Fountain Ridge	Colony Woods

NOTE: G_L means centerline

STREET	POWELL BILL LENGTH			TOWN MAINTENANCE	
	Paved	Unpaved	Less than 16' wide	FROM	TO
Owens Court	.068			Booker Creek	Dead End
Old Pittsboro Rd.	.203			S. Columbia St.	Coolidge Street
Park Place	.143			S. Boundary	E. Franklin St.
Partin Street		.131		Kingston Drive	Emily Road
Patterson Place (East)		.052		CL Ransom Street	A point 186' E
Patterson Place (West)	.068			CL Ransom Street	A point 377' W
Penick Lane		.057		W. University	A point 334' W
Pickard Lane	.061			Rosemary St.	Franklin Street
Pitch Pine Lane	.095			Butter Nut Drive	Dead End
Pinehurst Drive	0.19			Cul-de-sac	Town Limits
Pin Oak Court	.098			Butter Nut Drive	Dead End
Pine Lane	.156			CL Laurel Hill	A point 840'S
Piney Mtn. Road	1.364			Airport Road	Emily Road
Pittsboro Street	.423			W. Cameron Ave.	South Columbia
Plant Road	.112			E. Franklin 592'	A point 294' E of centerline-Dickerson
Plum Lane	.131			Longleaf Drive	Cypress Road
Porter Place	.132			Wellington Drive	Dead End
Port Hole Alley	.047			Franklin St.	15° south and 100' W
Powell Street	.109			Centerline of median-Barclay	A point 601' N
Preswick Road	.113	.331		Finley Golf Course	Crosswalk, West of Ayr Street
Pharmacy Lane	.027			McCauley St.	South of McCauley
Pritchard Avenue	.255			W. Rosemary St.	Noble Street
Pritchard Ave. Ext.	.255			Longview	Umstead Drive
Purefoy Road	.548			S. Columbia St.	Mason Farm Road

NOTE: CL means centerline

POWELL BILL LENGTH

<u>STREET</u>	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>TOWN MAINTENANCE</u>	
				<u>FROM</u>	<u>TO</u>
Raleigh Street	.401			South Road	Franklin St.
Ransom Street	.340			W. Cameron	Briar Bridge Lane
Reade Road	.232			Bradley St.	Wesley Drive
Red Bud Road	.186			Lake Shore Dr.	Honeysuckle
Ridge Lane	.086			Centerline of Gimghoul Road	To point 480' N
Ridge Road	.257			Centerline of Country Club	A point 1367' S
Ridgecrest Drive	.474			South Lake Shore	Old Oxford Road
Ridgefield Road	.289			15-501	Walnut Street
Ridgewood Lane			.098	Centerline of Howell Lane	A point 526' N
Riggsbee Road	.085			Brook View Drive	Martha Lane
Roberson Street	.406	.05		Ballfield Dr.- 260' S. of Whitaker	W. Cameron Avenue
Robertson Lane			.062	Rosemary Street	Franklin Street
Rock Creek Road	.333			N. Lakeshore	Dead End
Rogerson Drive	.900			Cleland Road	Highway 54
Rolling Road	.361			Ridge Crest Drive	South Lake Shore
Roosevelt Drive	.337	.128		E. Franklin St.	Plant Road
Rosemary Street	1.255	.048		Glen Burnie	City limits
Rosewood Court	.033			Sedgefield Dr.	Dead End
Roundhill Road		.052		Centerline of Laurel Hill	A point 302' S
Saddle Ridge	.129			Kenmore Road	Cedar Hill Circle
Sage Road	.148			15-501	Full Length
Sedgefield Drive	.345			Weaver Dairy	Honeysuckle Road

<u>STREET</u>	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Seminole Drive	.198			Forest Hill Rd.	Indian Trail
Senlac Road	.120			Boundary St.	Battle Lane
Severin Street	.567			Bradley	A point 517' W of centerline- Ward Street
Shadylawn Court	.070			Shadylawn Road	Dead End
Shadylawn Road	1.047	.096		Lake Shore Dr.	Dead End
Sharon Road	.288			Ephesus Church	Fountain Ridge
Shelter Drive	.111			Municipal Drive	Dead End
Short Street	.060			Church Street	Pritchard Avenue
Silo Drive	.195			Weaver Dairy Road	Cedar Hills Drive
Smith Avenue	.136			Old Pittsboro Rd.	Dawes Street
Silver Cedar Lane	.053			Kingston Drive	Dead End
Sourwood Circle	.317			Full Length	
Sourwood Drive	.186			Kings Mill	Sourwood Circle
Somerset Drive	.228			Estes Drive	A point 394' N
Springdell Lane		.080		Sourwood Circle	Dead End
Springview Trail	.261			Foxwood Drive	Wayfarer Court
Spruce Street	.099			Willow Drive	Dead End
Stagecoach Road	.183			Greenwood Road	Old Mill Road
Stateside Drive		.363		Airport Road	A point 210' E of Highland Drive
Stayman Circle	.040			Daley Drive	Dead End
Stephens Street	.102			Airport Road	N. Columbia St.
Stinson Street		.114		N. Columbia St.	Isley St.
Stinson St.-Ext.		.072		N. Columbia St.	A point 360' W

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Sugarberry Road	.123	.101		A point 663' N of centerline- Houston Road	Indian Springs Road
Summit Road	.022			Shadylawn Road	Dead End
Sunset Drive	.145			130' N. of Rosemary Street	A point 50' N of centerline-Nunn St.
Surry Road	.181			Caswell Road	Cumberland Road
Sutton Place	.043			Cedar Hill Circle	Dead End
Sycamore Drive		.041		Centerline of Mt. Bolus Road	A point 226' N
Sykes Street	.203			Whitaker Street	A point 484' N of centerline-Gomains
Dead End Road inside of Dogwood Drive	.041			Dogwood Drive	Dead End
Starlight Drive	.070			Sunset	1st House on Right
Tadley Drive	.200			Ridgecrest	Dead End
Taylor Street	.257			Airport Road	A point 365' E Ellen Place
Tenney Circle	.381			North Street	Full Length
Thornwood Road	.196			Fountain Ridge	Ferrell
Tilghman Circle	.059			Honeysuckle Road	Dead End
Timberlyne Road	.236			Weavery Dairy	Kensington Drive
Timberlyne Court	.120			Timberlyne Road	East End
Tinkerbelle Road	.848			Fountain Ridge	Full Length
Totten Place	.109			Rock Creek Road	Dead End
Torrey Pines Road	.064			Burning Tree	Dead End
Tryon Court	.055			Overland Drive	Dead End
Tupelo Lane	.037			Balsam Court	Full Length

POWELL BILL LENGTH

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Umstead Drive	1.013			Airport Road	Estes Drive
University Drive	.085			Ransom Street	Pittsboro St.
University Drive	.239			Ransom Street	Westwood Drive
Valentine Lane	.097			S. Columbia St.	Woodland Avenue
Valley Park Drive	.300			Centerline of Hillview Road	A point 148' E
Vance Street	.134			Ransom Street	Pittsboro Street
Velma Road	.271			Elliott Road	Michaux Road
Village Drive	.467			Umstead Drive	Estes Drive
Virginia Drive	.250			Dixie Drive	Collums Road
Walnut Street	.153			15-501	Dead End
Ward Street	.074	.145		Severin Street	A point 800' N
Wayfarer Court	.081			Honeysuckle Dr.	Dead End
Weaver Road	.089			Glenwood Drive	Glendale Drive
Weiner Street	.095	.116		Barclay Road	A point 642' S of centerline- Severin Street
Wellington Drive	.206			Full Length	
Wells Court	.076			Rock Creek Road	Dead End
Wentworth Street	.041			Centerline of Johnson St.	A point 248' S
Wesley Court	.129			Centerline of Reade Road	A point 700' E
Wesley Drive	.593			Reade Road	Reade Road
Westwood Drive	.445			S. Columbia	Full Length
Whisper Lane	.041			Cedar Hills	Dead End
Whitaker Street	.070			Sykes Street	Roberson Street

<u>STREET</u>	POWELL BILL LENGTH			TOWN MAINTENANCE	
	<u>Paved</u>	<u>Unpaved</u>	<u>Less than 16' wide</u>	<u>FROM</u>	<u>TO</u>
Whitehead Circle	.269			Whitehead Road	Full Length
Whitehead Road	.156			Mason Farm Road	S. End of Whitehead Circle
White Plains Road	.235			Colony Woods	Sharron Road
Whitley Drive	.168			Full Length	
Wildwood Drive	.215			Belmont	Emory
Williams Circle	.379			Barclay	Intersecting point W end of Williams Circle & Bradley
Willow Drive	1.031			Estes Drive	Emory Drive
Wilson Street	.076			Centerline of Cameron Ave.	A point 427' S
Windsor Circle	.540	.106		Backside of Critz Drive	Intersecting point @ Windsor Circle
Windsor Trail	.115			Windsor Circle	Windsor Circle
Wood Circle	.056			Elliott Road	Dead End
Woodbine Drive	.174			Manning Drive	Coker Drive
Woodhaven Road	.288			South Lake Shore	Dead End
Woodland Avenue	.128			Dogwood Drive	Smith Avenue
Wyrick Street		.100		Justice Street	Barclay Street
Wysteria Way	.112			Cedar Hills Circle	Dead End
Yates Motor Company- Alley	.047	.052		Franklin Street	250' South and 272' West

Mr. Harold Harris, Director of Public Works Department, informed Council that this official maintenance map was a first for Chapel Hill. This listing would provide a base map that he could not alter without following proper procedures. The map represented every street maintained by Chapel Hill.

Councilmember Kawalec suggested that Ms. Jean Stewart would be helpful in reviewing the accuracy of this list.

THE MOTION CARRIED UNANIMOUSLY.

Quarterly Report Format

Mr. Secrist informed Council that the last Quarterly Report format was 51 pages in length. He proposed (for the new fiscal year) that a more concise reporting format be developed. That would involve a listing of department goals and objectives as stated in the adopted budget and a brief comment on progress to date. I also propose that the current Monthly Financial Report, CIP reports, and Quarterly Gifts and Donation Reports be reported quarterly within the Progress Report. The new report format would include a transmittal letter summarizing the contents and highlighting significant accomplishments or changes in departmental workplans. The report would be received by Council within 3 weeks following the end of the quarter and an overview could be presented to Council during a regular meeting or work sessions.

If a more concise report that would include a Manager's summary would be of benefit to Council, he would recommend that it be implemented, the first quarterly edition to be published by October 21 with an overview of the report response to Council questions to be presented at the October 26 meeting.

Resolution Appointing an Acting Finance Officer

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

A RESOLUTION APPOINTING AN ACTING FINANCE OFFICER (81-R-160)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby appoints Kathleen McBride, Interim Finance Director, as Interim Finance Officer of the Town of Chapel Hill under the provisions of NCGS Sec. 159-24; and

BE IT FURTHER RESOLVED that this resolution shall be in effect from and after October 11, 1981, revoking all previous appointments.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution to Close Portions of Country Club Road and Boundary Streets

A letter to Council from Dean Boulton of the University of North Carolina requested that action be taken this evening.

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

A RESOLUTION TO CLOSE PORTIONS OF COUNTRY CLUB ROAD AND BOUNDARY STREETS (81-R-161)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the closing of the portion of Country Club Road between Battle Lane and a road known as Cobb Drive and the portion of Boundary Street between Battle Lane and Senlac Road from 2 to 5 p.m. on Sunday, October 11, 1981, subject to the following condition:

Barricades shall be placed and persons shall be stationed at the end of each closed street to assure that emergency vehicles can have access if necessary.

This the 28th day of September, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Boards and Commissions

Transportation Board. Council was notified of a vacancy on the Transportation Board.

Planning Board. Council was notified of a vacancy on the Planning Board.

Historic District Commission. The following vote was taken to fill a vacancy on the Historic District Commission:

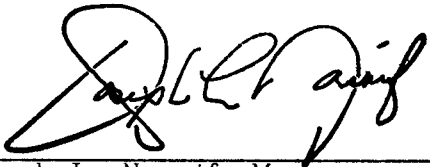
The following applicants received no votes: Lois R. Simon, Henry E. Mattox, Phillip Gallagher, and Debbie Herbert.

The following votes were counted for Elizabeth Williams: Councilmembers Boulton, Herzenberg, Howes, Kawalec, Smith, Straley, Thorpe, Wallace, and Mayor Nassif. By a unanimous vote of 9, Council appointed Ms. Elizabeth Williams to serve on the Historic District Commission.

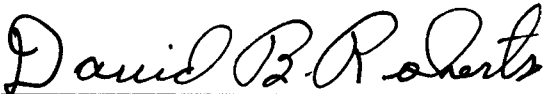
Consent Agenda

Councilmember Boulton stated that a "consent agenda" would be tried by the Council in the future as an experiment to expedite agenda items.

There being no further business to come before the Council, the meeting adjourned at 11:30 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk