

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, OCTOBER 12, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Joe Herzenberg
Jonathan Howes
Beverly Kawalec
Joe Straley
Bill Thorpe (late)
Jim Wallace (late)

Councilmember Smith was absent, excused.

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

Petitions

Mr. Lewis Roland of the Dispute Settlement Center requested to speak regarding the use of the Old Police Building (Agenda #13). Council granted the request.

Mr. Mike Stegman, Chairman of the Mayor's Human Services Task Force, petitioned the Council to delay the destruction or removal of the Transportation Garage (which presently is located on the site of the Community Center.) The Task Force requested that the Interim Town Manager analyze the adaptability of this building for this use to include economically realistic conversion possibilities which would make the space serviceable for the least possible cost in the shortest possible time.

Councilmember Boulton asked Mr. Stegman if he was aware that Council had already delayed the destruction or removal of the building for six months to allow the Recreation Department time to assess their own need for the building. Mr. Stegman stated that various citizens had reported to him that the present Teen Room in the Recreation Center was not adequate.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO RECEIVE THE PETITION AND REFER THIS MATTER TO THE MANAGER FOR RECOMMENDATION.

THE MOTION CARRIED UNANIMOUSLY.

Mr. James Webb, of the Historic District Commission, requested to speak on Agenda item 13 (old Police building). Council granted the request.

Tenants of Brookside Apartments requested to address Council at Agenda item #5 (the discussion of condominium conversions). Council granted the request.

Mr. Tony Lathrop requested to speak to Council on behalf of the University of North Carolina Student Government regarding Brookside Apartment conversion. Council approved the request.

Ms. Betty Caldwell, President of the Chapel Hill Preservation Society, read a letter from the Society which expressed their concern over the "potential impact of the proposed Coker property development upon the Historic District of the city."

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO RECEIVE THE PETITION.

Ms. Maye Hardin, Coordinator of the Orange County Women's Center, requested to speak on Agenda item #13, regarding use of the old Police building. Council had no objections.

Ms. Brooks Morton, of the Community Appearance Commission, requested to speak on Agenda item #9 regarding modification of the Special Use Permit for Kroger Plaza. There were no objections from Council.

A petition had been submitted to Council from citizens about their desire to have the Planning Department employ a qualified black planner so that black residents would "have more access to planning and future development of the Town."

Minutes

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO APPROVE THE MINUTES OF AUGUST 31, 1981, AS SUBMITTED.

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO APPROVE THE MINUTES OF SEPTEMBER 9, 1981, AS SUBMITTED.

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO APPROVE THE MINUTES OF SEPTEMBER 21, 1981, AS SUBMITTED.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the "Chapel Hill Zoning Ordinance" (regarding lot width, street frontage width, street setbacks, off-street parking and loading, minimum number of parking spaces, special use permits under the old Zoning Ordinance.

Mr. Secrist stated that staff recommendation was for adoption of ordinance 81-0-73 to amend the Zoning Ordinance and that a work session be scheduled to discuss the proposed amendments to the sign and bufferyard requirements.

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

AN ORDINANCE AMENDING THE "CHAPEL HILL ZONING ORDINANCE" (81-R-73)

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

SECTION I

Amend Article 5.7.2 "Minimum Lot Width" to add: "Where a zoning lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety (90) feet, the minimum lot width shall be reached at a distance derived by the following formula:

$$D = 50 (W)/(35) - 50$$

where W = minimum required lot width

D = maximum distance from street right-of-way to where the lot width equals the minimum required width for that district."

SECTION II

Amend Article 5.7.4 "Minimum Street Frontage Width" to substitute "be 35 feet" for "not apply."

SECTION III

Amend Article 5.9.3 "Street Setback Defined" to add: "This provision shall not apply to streets where lots comprising twenty-five (25) percent or more of the street frontage within the block (or within six hundred (600) feet on both sides of the proposed structure, whichever is less) are developed with buildings having front yards with a variation in depth of not more than eight (8) feet, in which case the average building line of the existing buildings shall be established as the street setback."

SECTION IV

Amend Article 6.6.1 "Off-Street Parking and Loading Required" to substitute "increase in the intensity of use (e.g. from use group A to B or C or from use group B to C) in accord with the requirements of this section." for "or change in use in accord with the requirements of this section."

SECTION V

Amend Article 6.6.7 "Minimum Number of Parking Spaces" to add: "The minimum number of parking spaces required for elderly or handicapped dwellings may be reduced to 1 per 2 dwelling units upon findings made by the Town Council that (1) reasonable assurances exist that the dwelling units served by the parking spaces will be maintained for occupancy by the elderly or handicapped and/or (2) that sufficient livability space exists on the property to ensure that should the units be converted to another form of occupancy or use, that sufficient parking can be provided on the site to satisfy the parking requirements of the new use, without violating the land use intensities of the Zoning Ordinance."

SECTION VI

Renumber Article 8.7.1 "Cemetery" to 8.7.2 "Cemetery" and add Article 8.7.1 "Where a Special Use Permit has been issued under previous zoning regulations and the development, as approved, does not comply with applicable regulations under this article, the Council may, in considering modifications to the special use permit, exempt the development from said regulations provided that the requested modification does not increase the nonconformity, and any exemptions from said regulations shall be explicitly indicated in the special use permit."

SECTION VII

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

This the 12th day of October, 1981.

There was no discussion.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for North Street Subdivision

Mr. Mike Jennings, Planning Director, reviewed the request: approval of a preliminary sketch for the subdivision of approximately 33.624 acres zoned R-1, R-2, and R-4 into 29 residential lots. The location of the property was shown to be on the north side of North Street at Boundary Street and extending north to Hillsborough Street.

Issues addressed were (1) length of North Boundary Street cul-de-sac, (2) sidewalks and pedestrian easements, (3) street standards, and (4) open space. Staff recommended stipulations in the resolution that addressed these issues.

Mr. Scott Herman-Giddens of the Parks and Recreation Commission informed Council that he had met with the developer to determine open space dedication. Mr. Herman-Giddens stated that not all of the Commission members had had time to review this proposal for open space dedication and, therefore, requested Council to delay recommendation until the Commission members could do so, in order to make recommendation to Council.

Mr. Jennings explained that the open space being considered for dedication was included in the entire property under consideration.

A citizen stated that she felt it would be better to consider the placement of the open space area to be on North Street rather than on the back portion of the lot.

Councilmember Straley felt that the proposed area for open space dedication seemed isolated from the present development of the area and asked Mr. Herman-Giddens if the Commission had considered having the open space dedication on North Street. Mr. Herman-Giddens stated that the Commission had discussed this extensively, initially desiring to have this space at the North Street entrance, but the needs of the whole area required the consideration of the proposed area.

Mayor Nassif clarified this issue, stating that this land was privately owned, and not intended for Town-persons' use. The requirement that the developer dedicate open space was a means of preserving land areas.

Councilmember Wallace felt that there was a traffic safety factor: if this was nothing more than a passive open space piece of land, it should be placed in such a way that people enjoying the area would be safe. He felt they would be safer at the lower end of the property than in the middle of an intersection of four streets.

Councilmember Kawalec was concerned that reports for several citizens had indicated a problem in this area regarding overflow of the sanitary sewer from rainwater. She questioned if there were any plans to correct this situation. Ms. Loewenthal informed Council that OWASA had indicated that they would take measures to improve this situation.

Regarding this question, Councilmember Kawalec felt that Council should ask the Interim Town Manager to contact OWASA for a response for an appropriate solution to the problem.

Councilmember Herzenberg asked Mr. Jennings about the pedestrian access from the proposed project to Hillsborough Street that was planned for the future development of the project. If this section of development never materialized, the easement would go nowhere. He wanted to insure that the access would go to Hillsborough Street until future development took place, having the easement modified when development did occur. Mr. Jennings agreed to draft an addition to the resolution to require a 30-foot pedestrian easement.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION WITH THE ADDITION TO STIPULATION #11 "THAT THE OPEN SPACE BE PROVIDED IN ACCORDANCE WITH THE PROVISION OF SECTION 18-51 BY DEDICATING OPEN SPACE SUBJECT TO THE APPROVAL OF THE COUNCIL UPON RECOMMENDATION FROM THE PARKS AND RECREATION COMMISSION FOR THE LOCATION," AND DELETING THE WORDS "MAKING A PAYMENT IN LIEU OF DEDICATION OF OPEN SPACE."

As per the request of Councilmember Herzenberg, Mr. Jennings would reword Stipulation #1 regarding pedestrian/non-motorized vehicle easement as follows: "That a pedestrian/non-motorized vehicle easement be dedicated along the proposed sewer line from North Boundary Street to the existing sewer outfall and from there along the existing sewer outfall to Hillsborough Street."

The resolution is as follows:

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR NORTH STREET SUBDIVISION (81-R-164)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated August 24, 1981 for North Street Subdivision located on property identified as Chapel Hill Township Tax Map 79-B-3D, subject to the following:

1. That a pedestrian/non-motorized vehicle easement be dedicated along the proposed sewer line from North Boundary Street to the existing sewer outfall and from there along the existing sewer outfall to Hillsborough Street. That this easement be modified in conjunction with the future development of the northern part of the property.
2. That all streets be paved to Town standards and that all cul-de-sacs have a minimum radius of 40 feet.
3. That the number, location and installation of fire hydrants be approved by the Town Manager prior to the issuance of a building permit.
4. That prior to paving streets, utility service laterals be stubbed-out to the front property line of each lot. Sanitary sewer laterals shall be capped off above ground.
5. That utility easements be dedicated as required by the Town Manager.
6. That no proposed street names duplicate or be similar to existing street names. Such proposed street names shall be approved by the Town Manager and shall be shown on the final plat.
7. That storm drainage easements be recorded on the final plat.
8. That the final working drawings for storm drainage with hydrologic calculations be submitted to and approved by the Town Engineer prior to issuance of any grading permit and start of construction of improvements.

9. That a variance be granted from the 400 foot cul-de-sac length for North Boundary Street and the two small cul-de-sacs. Said variance is necessary in order to allow the applicant to develop his property since connection to Hillsborough Street would result in a cross-connector in violation of the Comprehensive Plan.
10. That the street width for two short cul-de-sacs be reduced to 27 feet back to back to curb.
11. That open space be provided in accordance with the provisions of Section 18-51 by dedicating open space subject to approval of the Council upon recommendation from the Parks and Recreation Commission for the location.
12. That a variance be granted from the standards in Section 18-68 such that the street width for the proposed extension of Boundary Street be reduced to 27 feet back to back of curb. Said variance is necessary because topographic conditions of the site, traffic control, and for protection of significant trees. That instead of two 8-foot graded shoulders, one 8-foot shoulder with a 5 foot paved sidewalk be provided.
13. That a 30-foot wide pedestrian/non-motorized vehicle easement be dedicated between lots 20 and 21 from the end of the cul-de-sac to the property designated as "future development."

This the 28th day of September, 1981.

A citizen requested that Council consider the 400-foot cul-de-sac as he did not feel that this plan was the most feasible alternative development. An earlier plan submitted by engineers showed a traffic flow toward Hillsborough Street. He felt that the staff had lead the Planning Board to believe that this plan was not possible.

Councilmember Kawalec stated that she would vote against the motion, feeling that plans were in violation of the 400-foot cul-de-sac. She felt that Council should at least consider alternatives, thus encouraging developers to bring in alternatives for an area under consideration.

Councilmember Howes felt that alternate plans could be heard at the November 16 public hearing and asked that Council pay particular attention to the Bolin Creek uplands and to consider how that development could occur in a way that would be compatible with the development that was already there, taking the physical surroundings and vegetation into consideration.

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

Discussion of Condominium Conversions

Councilmember Herzenberg made the following points regarding the procedural matters of condominium conversion:

1. The owner of Castillian Villa was abiding by both Town policies and the Zoning Ordinance and was asking Council for a modification of the Special Use Permit.
2. Elsewhere in Chapel Hill, the owner of two apartment complexes was proceeding with condominium conversions without having approached Council for modification of the Special Use Permit for either of the apartment complexes.

Councilmember Herzenberg felt that this put the Town and the Council in a bad position.

He stated that he knew, after having talked with the Manager and the Town Attorney, that what was happening at University Gardens and Brookside Apartment was not something that was taking place in a vacuum of ignorance. During the summer (when Town staff became aware of the development of University Gardens), staff brought up the matter with the property owner and the Town Attorney (and possibly the Manager). However, the owner of those apartment complexes had not complied with Town procedures as interpreted by the Attorney and the Manager.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT COUNCIL INSTRUCT THE ATTORNEY TO INSTITUTE CIVIL ACTION IN THE MATTER OF UNIVERSITY GARDENS AND BROOKSIDE APARTMENTS TO SEEK TO RESTRAIN THE SALE OF CONDOMINIUM UNITS IN THOSE TWO APARTMENT COMPLEXES UNTIL THE HOLDERS OF THE EXISTING SPECIAL USE PERMIT HAVE OBTAINED A MODIFICATION THEREOF FOR SUCH PURPOSES, OR UNTIL IT HAS BEEN DETERMINED THAT A MODIFICATION OF THE EXISTING SPECIAL USE PERMIT FOR APARTMENT UNITS IS NOT REQUIRED.

Councilmember Wallace did not feel that Council was justified in taking this action. He felt that the most recent opinion of the judge had, in his opinion, made it imminently clear that the issue was the use to which the building was put and had nothing whatsoever to do with the form of ownership. He felt that Mr. Denny's filing of this motion would result in annulity and in an expense, but he would not oppose the will of the majority of the Council.

Councilmember Wallace stated that he was referring to the Graham Court situation. Mr. Denny affirmed that the latest decision was by a 3-judge panel of the North Carolina Court of Appeals, and that, procedurally, the Court of Appeals affirmed a ruling made earlier by the Superior Court. In accordance with this ruling, he did not recommend that this decision be further appealed. The next step (to petition for further review) was not warranted on the merits. He had expressed to Council in the past that the Zoning Ordinance route would be a difficult if not an inappropriate route as a means of controlling the question of condominium conversion. He still maintained that position.

The Court held that the Town of Chapel Hill and other municipalities did not have the authority to control ownership under current legislation. Therefore, it was unnecessary for the owners of Graham Court complex to ask the Town for a Special Use Permit, if all that that Special Use Permit was granting them was the authority to sell units.

He explained that the difference was that the complex was an undivided ownership; i.e., unless there was a tract of land on which the owner proposed to build a multi-family unit, and if it was in undivided ownership, the owner did not qualify for a Special Use Permit under the New Zoning Ordinance.

Mr. Denny stated that he felt that there were two levels of this situation that complicated the issue:

1. If you have a multi-family complex, and the owner proposes to sell the building and the land on which that building sits, would this be in violation of this Special Use Permit.
2. Instead of selling the whole building, the owner wished to sell off apartment units (A1, 2, 3, or 4 in building A) with the land on which that apartment unit sits, would this not also violate the Special Use Permit.

Council had said that a violation existed. It had been determined that the Town did not have the authority to control ownership. This was not true; this had been done tonight by approving a subdivision. A subdivision was nothing more than an approval by the Town to divide property so separate ownership lots could exist. He could not disagree with Council. But he would recall his former statement--the Zoning Ordinance or the Subdivision Ordinance was just not the way to go. But it was the only thing that Council had at the moment.

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

A resident of Brookside Apartments spoke for the residents of these apartments, feeling that it was important for the Town to stop all conversions temporarily until the issues of conversion could be addressed. He felt that the problems would increase until the Town had some way of dealing with tenants' rights.

Mr. William Shell, of the Glen Lennox Tenants' Organization, proposed that the Town Council request that the North Carolina State Legislature pass an Enabling Law to allow Council to have a local housing authority to help deal with these problems and that they propose a tenants' law for the state of North Carolina to grant certain basic tenant's rights that would allow tenants to have one year to plan a budget without having to have a rent increase.

Mr. Tony Lathrop, representing the UNC Student Government, spoke on behalf of Brookside Apartments, feeling that any conversion would have adverse effects on available housing for students.

COUNCILMEMBER HERZENBERG MOVED TO DELAY CONSIDERATION OF ITEM 6 AND OF OTHER CASES OF CONDOMINIUM CONVERSION FOR A REASONABLE LENGTH OF TIME UNTIL THE COUNCIL COULD HAVE AN OPPORTUNITY TO DISCUSS THIS MATTER IN A MORE GENERAL WAY.

THE MOTION FAILED FOR LACK OF A SECOND.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT THE COUNCIL NOT CONSIDER FUTURE REQUESTS FOR CONVERSION OF CONDOMINIUMS (WITH THE EXCEPTION OF THE ITEM THAT IS ON THE AGENDA FOR THIS EVENING) UNTIL THE COUNCIL COULD HAVE A GENERAL DISCUSSION OF THE MATTER OF CONDOMINIUM CONVERSION.

Councilmember Wallace felt this motion was arbitrary, to treat these apartments in three different ways (suing two for not coming in; exempting one who has come; and telling the others to wait until Council is ready).

Mayor Nassif felt that Councilmember Herzenberg was not seeking to prohibit a request for modification, but that until Council could deliberate on the matter of his seeking to modify the Building Code, Councilmember Herzenberg was asking that a delay be made until Council made a decision (not turning down or approving--just delaying).

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

Resolution Granting a Modification of the Special Use Permit for the Castillian Villa Apartments (conversion to condominium ownership)

Planning Board and Manager recommended adoption of resolution 165a (to grant the request).

Mr. Secrist reviewed the background of the request that was presented at the September 29, 1981 public hearing. No evidence presented at this public hearing changed the Manager's recommendation to approve the request.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE CASTILLIAN VILLA APARTMENTS TO THE JOHN CROSLAND COMPANY (81-R-165a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to Jonas Kessing, for Castillian Villa Unified Housing Development Apartments is hereby modified to a Planned Development-Housing Special Use Permit to allow conversion of the development from apartments to condominiums subject to the following:

1. That all tenants shall be given the exclusive right to purchase their respective unit upon at least as favorable terms and conditions as said units are offered to the general public. Such offer shall be held open for 60 days following receipt by registered mail of that offer by the tenant. Following passage of the above 60-day period, existing tenants shall have an additional 30 days during which they shall have the exclusive right to purchase any other unit on a first come, first served basis, within the subject development that is available for sale by the owner to the general public.
2. That no tenant shall be required to vacate sooner than 120 days from the date following receipt by the tenant of the offer to sell as described in item #1 above. During the above 120-day period, all tenants shall have the right to continued tenancy on the same terms and conditions as applied to them at the time the offer was submitted. Tenants taking occupancy after sales offers are initiated shall be notified in writing of the proposed conversion and occupy the unit subject to conversion.
3. That an occupied unit offered for sale can be shown to a prospective purchaser only during the last thirty (30) days of the above 120-day period.
4. That owners shall not undertake interior remodeling for conversion of a unit while it is occupied by a nonpurchasing tenant unless the tenant's lease states

otherwise. No construction shall begin earlier than 7:30 a.m. nor extend later than 5:30 p.m. there shall be no construction on Sunday at any time.

5. That after receiving a written offer from owners to sell a unit, any tenant under lease shall have the right to terminate said lease without penalty or other termination charge to tenant by providing thirty (30) days' written notice to lessor.
6. 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, the use meets the four requisite finds, as listed 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, so 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 12th day of October, 1981.

Mayor Nassif felt that a denial for conversion was inappropriate as Council had approved such a conversion in the past.

In the not-too-distant past, Mayor Nassif had requested permission from Council to allow him to work with the Manager to put together a building code whereby Council could control condominium conversion. Council had granted this request.

Mayor Nassif stated that he would vote against the motion as he wished the issue to rest until Council could handle such issues properly, in the form of a building code supplement.

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

Resolution Finding Continued Compliance with the Hotel Europa Special Use Permit (June 1, 1982 deadline for installation of left-turn lanes on Durham Boulevard, performance bond)

Mr. Secrist reviewed the request presented during the September 28, 1981 public hearing. Staff recommended approval of the extension of the deadline for completion of the left-turn lane on Durham Boulevard until June 1, 1982.

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

A RESOLUTION FINDING CONTINUED COMPLIANCE WITH THE HOTEL EUROPA SPECIAL USE PERMIT (81-R-166)

WHEREAS, the Council of the Town of Chapel Hill hereby finds that the request of Julius Verwoerd to extend the deadline for completing a turning lane serving traffic making left turns from 15-501 to Hotel Europa, as required in Stipulation #2 of the modification granted September 22, 1980 continues to be in compliance with the approving action of the Council;

THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the request constitutes a minor change to the Special Use Permit, which the Manager is authorized by the Zoning Ordinance to approve.

BE IT FURTHER RESOLVED that the Manager is authorized to require a bond, letter of credit, or other assurances as are necessary in the Manager's judgment to ensure that the required improvements are completed by June 1, 1982.

This the 12th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Denying a Drive-Up Window Special Use Permit for Wendy's Restaurant

Planning Board and Manager recommended adoption.

Mr. Jennings reviewed the goals and objectives of the Comprehensive Plan as outlined in "Section G. COMMERCIAL" of the Comprehensive Plan (see files in the Planning Department) for drive-up windows.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER THORPE, TO ADOPT RESOLUTION 167b, TO DENY THE REQUEST.

Councilmember Herzenberg felt that even though Council policy for drive-up windows was not strong, it was Council policy nonetheless. He did not feel that this request conformed to that policy.

Councilmember Wallace did not concur, as he felt the applicants had complied with all requirements and staff had recommended approval.

COUNCILMEMBER WALLACE MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT RESOLUTION 167a (TO APPROVE THE REQUEST)

Councilmember Boulton concurred with Councilmember Wallace, feeling that other similar requests had been granted and to not grant this request "would be unjust."

Councilmember Herzenberg felt "to be fair" to each request would cause further compromises in the future.

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

THE PRIMARY MOTION (TO DENY THE REQUEST) CARRIED 5 TO 3 WITH COUNCILMEMBERS KAWALEC, HERZENBERG, THORPE, HOWES, AND STRALEY SUPPORTING, AND COUNCILMEMBERS WALLACE, BOULTON, AND MAYOR NASSIF OPPOSING.

The resolution is as follows:

A RESOLUTION DENYING A DRIVE-UP WINDOW SPECIAL USE PERMIT FOR WENDY'S RESTAURANT (81-R-167b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council fails to find that:

The use or development conforms with the general plans for the physical development of the Town as embodied in the Chapel Hill Zoning Ordinance and in the Comprehensive Plan (Section 8.3.d).

BE IT FURTHER RESOLVED that the Council hereby denies the drive-up window Special Use Permit requested by Duane Hoover and Charles Hill for Wendy's Restaurant.

This the 12th day of October, 1981.

Resolution Granting a Modification of the Special Use Permit for Kroger Plaza (drive-in teller for Village Bank)

Planning Board and Manager recommend adoption.

Ms. Brooks Morton spoke for the Community Appearance Commission. She stated that the proposed structure would encourage traffic/pedestrian conflicts. In addition, the Community Appearance Commission felt that the slope of the road caused the view to

be directed towards the roof line of the structure; therefore, the Community Appearance Commission felt that this proposal would not add to the quality of appearance in Chapel Hill.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR KROGER PLAZA UNIFIED BUSINESS DEVELOPMENT TO A PLANNED DEVELOPMENT-COMMUNITY SHOPPING CENTER WITH A DRIVE-IN TELLER (81-R-168a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that modification of the Special Use Permit granted to R. Charles Ginn for Kroger Plaza Unified Business Development to a Planned Development-Community Shopping Center with deletion of the photo facility and construction of a drive-in teller, if developed in accordance with the plans submitted July 24, 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 use or 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 use or 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 the islands containing the teller unit be constructed with concrete curb and be landscaped to Town standards including shading of 35% of the portion of the parking lot bounded by the islands. That a shading plan, landscape plan, and design of curbing be submitted to the Town Manager for approval prior to issuance of a Zoning Compliance Permit.
2. That a stop sign be provided at the outlet point from the remote teller.
3. That a vehicle clearance sign be provided on the canopy to the remote teller.
4. That except as modified herein all other special terms, conditions and stipulations heretofore made applicable to the Special Use Permit be continued in effect.
5. That the regulations set forth in Article 6 of the Zoning Ordinance apply only to that portion of the development subject to modification for the drive-in teller. That remaining portions of the development be brought into compliance with the requirements of Article 6 as future modifications are made to the shopping center or as set forth in Article 14.
6. That detailed elevations for the teller unit be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
7. That construction begin by October 12, 1983 and be completed by October 12, 1986.

This the 12th day of October, 1981.

Councilmember Kawalec felt that this request was also in violation of Town policy (as she also felt regarding the previous request). She felt that the word "attached" was misunderstood. She felt that Council had intended that a drive-up window should give the appearance of being part of the building. She felt that the applicant was mis-using the word "attached" by suggesting that this proposed structure would be "attached" by pneumatic tubes.

Councilmember Herzenberg stated that he would vote for the motion with the exception that "drive-in businesses shall have or be attached to a building." He felt that this structure was not attached to the building.

AS THE MOTION DID NOT PASS WITH A VOTE OF 4 TO 4 (WITH COUNCILMEMBERS WALLACE, THORPE, HOWES, AND BOULTON SUPPORTING, AND COUNCILMEMBERS KAWALEC, HERZENBERG, STRALEY, AND MAYOR NASSIF OPPOSING), THE RESOLUTION WOULD BE BROUGHT BACK TO COUNCIL AT THEIR NEXT REGULAR MEETING.

Resolution Granting a Planned Development-Shopping Center (Community) Special Use Permit to Stallings Oil Company for a Convenience Center/Service Station (at the present site of the Exxon Station)

Planning Board and Manager recommended approval of the request.

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

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-SHOPPING CENTER (COMMUNITY) SPECIAL USE PERMIT TO STALLINGS OIL COMPANY FOR A CONVENIENCE CENTER/SERVICE STATION (81-R-169a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Shopping Center (Community) Special Use Permit proposed by Stallings Oil Company if developed in accordance with the plans submitted August 1981, and the stipulations and conditions set forth herein:

- 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 except as modified herein.
- 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.
- 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 as follows:

1. That all service station pump islands be set back a minimum of twenty-five (25) feet from any street right-of-way line.
2. That the driveway closest to the intersection on E. Franklin Street and the driveway closest to the intersection on Estes Drive be eliminated. That the plan for closing these curb cuts be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
3. That a sight triangle, as defined in Section 6.5.4b of the Chapel Hill Zoning Ordinance, be provided at all entrance/exits.
4. That a plan showing screening of proposed parking spaces to Town standards be submitted to the Town Manager for approval prior to issuance of a Zoning Compliance Permit.
5. That parking areas be separated from the exterior walls of a structure, exclusive of paved pedestrian entranceways or loading areas, by buffer strip at least five (5) feet in width landscaped to Town standards.
6. That a plan showing shading of the parking areas to Town standards be submitted to the Town Manager for approval prior to issuance of a Zoning Compliance Permit.
7. That a plan showing buffers and screening as required in Section 6.12.2 be submitted to the Town Manager for approval prior to the issuance of a Zoning Compliance Permit.
8. That a lighting plan be submitted to the Town Manager for approval prior to the issuance of a Zoning Compliance Permit.

9. That the dumpster location be approved by the Town Manager prior to the installation and that the dumpster be screened according to Town standards.
10. That a sign be placed on the proposed canopy to show its vertical clearance.
11. That sufficient livability space be provided to meet the total 12,466 square feet required for this site. A plan showing the livability space shall be submitted to the Town Manager for approval prior to the issuance of a Zoning Compliance Permit.
12. That a continuous sidewalk be provided to Town standards along the frontage of the property with E. Franklin Street and Estes Drive.
13. That detailed elevations for the building be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
14. That construction begin by October 12, 1983 and be completed by October 12, 1986.

BE IT FURTHER RESOLVED that the Council finds the public purposes to be achieved by requiring that service stations be located at least 300 feet from an intersection and at least 750 feet from another service station are served to an equivalent degree by granting a Special Use Permit to this existing service station which cannot meet these standards, but which, with the removal of two curb cuts, will improve traffic safety on and adjacent to the site.

This the 12th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Denying a Planned Development-Shopping Center (Community) Special Use Permit to Clyde Burnett for Burnett Service Station at 304 W. Franklin Street

Planning Board and Manager recommended adoption of the resolution to deny the request.

Mr. Secrist described the location and the request which had been presented at the September 29, 1981 public hearing. Staff had found that only 190 sq.ft. of livability space would be required for the applicant to meet Zoning Ordinance requirements.

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

A RESOLUTION DENYING A PLANNED DEVELOPMENT-SHOPPING CENTER (COMMUNITY) SPECIAL USE PERMIT TO CLYDE BURNETT FOR BURNETT SERVICE STATION AT 304 W. FRANKLIN STREET (81-R-170a)

Be it resolved by the Council of the Town of Chapel Hill that the Council hereby fails to find that:

- a) That the use or 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 use or development complies with all required regulations and standards of this chapter, 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 use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby denies the Planned Development-Shopping Center (Community) Special Use Permit requested for said development.

This the 12th day of October, 1981.

Mayor Nassif felt that if the former service station was still in operation, there would be no reason to have this request before Council. Mr. Jennings stated that the status of the station was now changed which necessitated this request.

Mayor Nassif felt that requirements of the Special Use Permit seemed to mean that no type of business would be appropriate for this location.

Councilmember Wallace concurred.

THE MOTION FAILED TO PASS WITH A VOTE OF 4 TO 4 WITH COUNCILMEMBERS KAWALEC, HERZENBERG, HOWES, AND STRALEY SUPPORTING, AND COUNCILMEMBERS WALLACE, THORPE, BOULTON, AND MAYOR NASSIF OPPOSING.

Action would be delayed until the next regular meeting of the Town Council.

Councilmember Wallace was excused from the remainder of the meeting.

Ordinance to Amend the "Chapel Hill Zoning Ordinance" (6 parcels including Sigma Phi Epsilon, St. Anthony's Hall, Zeta Tau Alpha, Wesley Foundation, and Newman Center properties from OI-1 to OI-2)

The Planning Board and Manager recommended adoption.

Mr. Secrist stated that there had been no information presented at the September 29, 1981 public hearing that would change the Manager's recommendation to approve the request for amendment.

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

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS" (81-0-74)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be amended as follows:

SECTION I

That the property identified as part of Chapel Hill Township Tax Map 86, Block E, Lots 7, 8, 9, 10, 10A, and 11A located on the west side of Pittsboro Street and containing approximately 147,225 square feet of gross land area be rezoned from OI-1 to OI-2.

SECTION II

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

This the 12th day of October, 1981.

Mayor Nassif felt that this area had already be assigned a zone. Council and staff had agreed to give the new Zoning Ordinance time to work before making amendments. He did not feel that this was being done as enough time had not lapsed to see what was working and what was not working.

THE MOTION CARRIED 6 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, AND THORPE SUPPORTING, AND MAYOR NASSIF OPPOSING.

Old Police Building

Mr. James Webb, of the Historic District Commission, requested a public hearing to allow more citizens to be heard regarding uses of the old Police building. He was concerned that this historic structure be given proper consideration.

Mr. Lewis Roland, representing the Dispute Settlement Center, expressed appreciation to the Council for their allowing their use of the old Police building. He requested that Council consider allowing the Dispute Settlement Center to continue their use of the old Police building until their own plans for a permanent location could be determined.

Ms. Maye Hardin, Coordinator of the Orange County Women's Center, informed Council that the Center had solicited the advice of Mr. Rick Butler of the Chapel Hill Police Department regarding making the old Police building safer for occupancy.

Resolution Calling a Public Hearing on the Future Long-Term Disposition or Use of the Old Police Building

Mr. Secrist suggested that Council establish a public hearing date of November 16, 1981 to hear citizens' comments and concerns regarding the future disposition of the old Police building.

Mr. Secrist stated that, in response to questions raised during the August 24, 1981 meeting:

1. Staff had received an estimate of \$3,662.00 to sand and scrape all scaled paint, re-glaze and caulk windows, prime sealed areas and paint all exposed wood and metal surfaces.
2. Mr. Mike Carson, District Manager for Southern Bell, had confirmed that there was no space available at either the W. Franklin Street or Rosemary Street buildings for the operation of the Orange County Emergency Services Office.

Mr. Carson had recalled previous discussion of possible use of space in the Southern Bell Building by the Historic District Commission but recalled saying, at the time, that he did not anticipate being able to make space available for public meetings.

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

A RESOLUTION CALLING A PUBLIC HEARING ON FUTURE LONG-TERM DISPOSITION OR USE OF THE OLD POLICE BUILDING (81-R-172)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 p.m. on November 16, 1981, in the Meeting Room of the Municipal Building, 306 N. Columbia Street to receive comments from citizens on the future long-term use or disposition of the old Police building at 100 West Rosemary Street.

This the 12th day of October, 1981.

Mayor Nassif felt that to have a public hearing regarding the disposition of the old Police building did not mean that Council would "count the noses" of citizens who favored one route, and then follow that route. Council would hear and consider what citizens had to say, but it would not mean that they would necessarily do what was brought up that evening.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding Interim Use of the Old Police Building

Mr. Secrist stated that requests for interim use of the old Police building had been received from the Orange County Women's Center, the Dispute Settlement Center, the District Center, and local realtors who represented prospective buyers.

Present use of the building by the County would continue until June 1982.

Staff felt that short-term use (until June 30, 1982) would be a benefit to the requesting agencies. Staff was concerned, however, about the Town's being placed in the position of landlord for these agencies. There were no budgeted funds for general maintenance or security. Staff felt that leaving the responsibilities of security and maintenance to each user was not adequate and such responsibilities should lie with the Town. Therefore, staff proposed to charge a moderate rental fee of \$2 per sq.ft. per year to the requesting agencies should Council desire to grant their individual short-term use of the building. The requesting agencies had not been formally notified of this proposed charge. The Women's Center was willing to negotiate maintenance services in lieu of rent.

Councilmember Kawalec suggested that the words "with the understanding that they vacate with 30 days' notice:" be added, following the words "... on the attached drawing" (of paragraph "1").

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

A RESOLUTION REGARDING INTERIM USE OF THE OLD POLICE BUILDING AT 100 WEST ROSEMARY STREET (81-R-174)

BE IT RESOLVED by the Council of the Town of Chapel Hill in regard to interim use of the old Police building pending a determination of the long-term disposition or use:

1. That the following agencies are authorized to use space in the building as shown on the attached drawing with the understanding that they vacate with 30 days' notice:
 - a. The Orange County Women's Center (space in former Detective's suite)
 - b. The Dispute Settlement Center (space in former Crime Prevention office)
2. The above agencies shall pay rent at the rate of \$2/square foot per year and shall reimburse the Town for a share of utility costs of the building pro-rated on the basis of square footage used, and shall be responsible for cleaning of areas which they use.
3. Any refurbishment of these areas by the above agencies shall be subject to the approval of the Town.
4. Parking spaces for staff and clients of the above agencies shall be available in the Town-owned parcel identified as Lot 11, Block H of Chapel Hill Township Tax Map 85.

This the 12th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Discussion of Consent Agenda

Councilmember Boulton explained that the purpose of the Consent Agenda was:

1. To facilitate the passage of routine matters where discussion was not necessary; and
2. To allow Council more time to discuss policy issues.

The procedure would be:

- Mayor and Manager would draw up the Council Agenda, dividing items between the Consent Agenda (no discussion necessary) and the regular Agenda (discussion necessary).
- If items on the Consent Agenda were felt to be controversial or otherwise needed discussion, the Mayor or any Councilmember could have the item removed from the Consent Agenda and placed on the regular Agenda during petition time, without objection.
- The Consent Agenda would be passed with one motion. The vote would need to be unanimous, and the motion would not be debatable.

Councilmember Howes objected to a policy that would imply that any Councilmember would do something before they did it. Councilmember Thorpe concurred. Councilmember Straley felt that most meetings contained items that would be considered quickly with a unanimous vote. In general, he felt that the time saved would be small.

Councilmember Herzenberg stated that despite his skepticism, he would be willing to try the Consent Agenda.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO TRY THE CONSENT AGENDA FOR THE TIME BEING WITH THE POLICY STIPULATION THAT A MEMBER MAY REMOVE ANY ONE OR ALL OF THE ITEMS ON THE CONSENT AGENDA PRIOR TO THE MOTION BEING MADE FOR THE CONSENT AGENDA RESOLUTION(S).

THE MOTION CARRIED 6 TO 1 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER THORPE OPPOSING.

Consent Agenda

Councilmember Herzenberg asked to remove items "a" (Ordinance to Restrict Parking on North Side of Carr Street) and "k" (A Resolution Regarding Destruction of Old Records) from the Consent Agenda.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO APPROVE THE FOLLOWING RESOLUTION (TO INCLUDE ITEMS b-j OF THE CONSENT AGENDA):

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (81-R-177)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts resolutions and ordinances on the following items:

- b. A Resolution Rejecting a Bid for Conversion of Three Vans (81-R-178).
- c. A Resolution Accepting Bids and Awarding of Contract for One Four-Wheel Drive Articulated One-Yard Loader (81-R-179).
- d. A Resolution Authorizing the Town Manager to Execute a Community Development Block Grant Small Cities Program Agreement (B-81-DS-37-0006) (81-R-180).
- e. An Ordinance to Amend the "Community Development Small Cities Program Project Ordinance" (81-O-76).
- f. An Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980" (81-O-77).
- g. An Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981" (81-O-78).
- h. A Resolution of Intent to Close an Unopened Portion of an Unnamed Street Right-of-Way South of Mt. Bolus Road (81R-181).
- i. A Resolution to Rename Part of Weaver Road as Sandy Creek Trail (81-R-182).
- j. *A Resolution Regarding Sponsorship of the RETIRED SENIOR VOLUNTEER PROGRAM AND ACTION GRANT (81-R-183).*
This the 12th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY

Individual Resolutions and Ordinances of the Consent Agenda

A RESOLUTION REJECTING A BID FOR CONVERSION OF THREE VANS (81-R-178)

WHEREAS the Town of Chapel Hill has solicited formal bids on September 17, 1981 and the following bid was received:

<u>Bidder</u>	<u>Unit Cost</u>	<u>Total</u>
Ilderton Dodge High Point, N.C.	\$9,265	\$27,795

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects the bid due to the insufficiency of funds budgeted for this project.

This the 12th day of October, 1981.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE FOUR-WHEEL DRIVE ARTICULATED ONE-YARD LOADER (81-R-179)

WHEREAS, the Town of Chapel Hill has solicited formal bids on September 29, 1981 and the following bids have been received:

Item	Alternate I (with trade-in)	Alternate II (without trade-in)
Front End Loader		
Brockman Ford Tractor Sales, Inc. (Greensboro, N.C.)	\$27,850.00	\$32,250.00
Case Power and Equipment, Ltd. (Raleigh, N.C.)	27,258.00	31,258.00
Mitchell Distributers Co. (Raleigh, N.C.)	40,000.00	44,000.00
North Carolina Equipment Co. (Raleigh, N.C.)	36,693.00	39,693.00
L. B. Smith, Inc. (Raleigh, N.C.)	38,735.00	40,735.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Case Power and Equipment, Ltd. in the amount of \$27,258.00.

This the 12th day of October, 1981.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM AGREEMENT (B-81-DS-37-0006) (81-R-180)

BE IT RESOLVED by the Council of the Town of Chapel Hill that Ronald A. Secrist, Interim Town Manager, is hereby authorized to sign on behalf of the Town of Chapel Hill the Grant Agreement for \$700,000 in Community Development Block Grant Small Cities funds for the program year beginning October 1, 1981 (B-81-DS-37-0006).

This the 12th day of October, 1981.

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (81-O-76)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11, 1980 and on October 13, 1980, be and the same is hereby amended as follows:

Section 1: Delete the words "Grants numbers B-79-DS-37-0006 and B-80-DS-37-0006" and insert the words "B-79-DS-37-0006, B-80-DS-37-0006, and B-81-DS-37-0006."

Section 3: Delete the words "years 1 and 2" and insert the words "years 1, 2 and 3"; and reflect the following increase in revenues:

<u>Source</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Project</u>
CD Small Cities Program	\$1,400,000	\$700,000	-	\$2,100,000

Section 4: Reflect the following increase in appropriations to activities:

<u>Activity</u>	<u>Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Project</u>
Acquisition of Real Property	227,070	182,480	-	409,550
Disposition of Real Property	2,100	3,900	-	6,000
Public Facilities & Improvements	417,600	45,000	-	462,600
Clearance Activities	13,100	14,500	-	27,600
Relocation Payments and Assistance	173,555	22,185	-	195,740
Rehabilitation & Preservation	431,675	298,440	-	730,115
General Administration	108,495	63,495	-	171,990
Non-Departmental	26,405	70,000	-	96,405
TOTAL	\$1,400,000	\$700,000		\$2,100,000

This the 12th day of October, 1981.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1980" (81-O-77)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1980" as duly adopted on June 16, 1980, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Community Development Entitlement Grant	144,656	16,600	-	161,256

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Community Development Entitlement Grant	144,656	16,600	-	161,256

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

This the 12th day of October, 1981.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-78)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981" as duly adopted on June 29, 1981, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Community Development Entitlement Grant	0	4,650	-	4,650
Transit Capital Grant	121,898	1,510		123,408
General Fund - Police/Patrol	1,101,534	1,100		1,102,634

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Community Development Entitlement Grant	0	4,650	-	4,650
Transit Capital Grant	121,898	1,510		123,408
General Fund - Other Revenue	20,000	1,100	-	21,100

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

This the 12th day of October, 1981.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-78)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981" as duly adopted on June 29, 1981, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Community Development Entitlement Grant	0	4,650	-	4,650
Transit Capital Grant	121,898	1,510		123,408
General Fund - Police/Patrol	1,101,534	1,100		1,102,634

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Community Develop- ment Entitlement Grant	0	4,650	-	4,650
Transit Capital Grant	121,898	1,510		123,408
General Fund - Other Revenue	20,000	1,100	-	21,100

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

This the 12th day of October, 1981.

A RESOLUTION OF INTENT TO CLOSE AN UNOPENED PORTION OF AN UNNAMED STREET RIGHT-OF-WAY SOUTH OF MT. BOLUS ROAD (81-R-181)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider permanently closing an unopened portion of an unnamed street on the south side of Mt. Bolus Road; and

BE IT FURTHER RESOLVED that the Council hereby calls a public hearing on the question of closing said right-of-way at 7:30 p.m. on November 16, 1981, in the meeting room of the Chapel Hill Municipal Building, 306 N. Columbia Street.

This the 12th day of October, 1981.

A RESOLUTION TO RENAME PART OF WEAVER ROAD AS SANDY CREEK TRAIL (81-R-182)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the part of Weaver Road from Greenwood Road to a point about 600 feet to the west shall be named Sandy Creek Trail as requested by citizens.

This the 12th day of October, 1981.

A RESOLUTION REGARDING SPONSORSHIP OF THE RETIRED SENIOR VOLUNTEER PROGRAM AND ACTION GRANT (81-R-183)

WHEREAS, the Retired Senior Volunteer Program enhances the opportunities of all elderly residents of Orange County to serve the community as volunteers at various agencies and facilities, and

WHEREAS, on September 29, 1981, the Board of Commissioners of Orange County voted to assume sponsorship of the Retired Senior Volunteer Program and a related ACTION grant, under the administration of the County Department on Aging effective on January 1, 1982, and

WHEREAS, the Town of Chapel Hill has received notice of award of the ACTION grant for 1981-82 pursuant to an application which the Town sponsored in June, 1981,

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

1. That the Town Manager is authorized to execute the notice of the ACTION grant award so that grant funds may be received for program costs in the interim until January 1, 1982;
2. That the Town Manager and staff are authorized to coordinate arrangements with representatives of Orange County and execute the necessary documents so that the sponsorship of the Retired Senior Volunteer Program and the related ACTION grant shall be transferred to Orange County under the County Department on Aging by January 1, 1982, with the least possible adverse effect on the program.

This the 12th day of October, 1981.

Ordinance to Restrict Parking on North Side of Carr Street (item "a" of the Consent Agenda)

Transportation Board recommended adoption.

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

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (81-0-75)

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

SECTION I

That Chapter 21 of the Code of Ordinances be amended as follows:

ADD: SECTION 21-21.1(a)

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Carr Street	North	North Columbia	Church Street

SECTION II

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

This the 12th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Regarding Destruction of Old Records (item "k" of the Consent Agenda)

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT RESOLUTION 81-R-184 WITH THE RESOLUTION TITLE TO READ: "A RESOLUTION AUTHORIZING THE DESTRUCTION OF ONLY THOSE RECORDS OF THE TOWN OF CHAPEL HILL MENTIONED IN THE ATTACHED MEMORANDUM FROM THE MANAGER.

The resolution is as follows:

A RESOLUTION AUTHORIZING THE DESTRUCTION OF ONLY THOSE RECORDS OF THE TOWN OF CHAPEL HILL MENTIONED IN THE ATTACHED MEMORANDUM FROM THE MANAGER AND PURSUANT TO THE PROVISIONS OF G.S. SECTION 121-5 (81-R-184)

BE IT RESOLVED by the Town Council that appropriate officials of the Town of Chapel Hill be, and they are hereby permitted and authorized pursuant to the provisions of G.S. Section 121-5 to destroy records of the Town of Chapel Hill when the age of said records has reached that period specified for their retention in the Municipal Records Manual.

This the 12th day of October, 1981.

MEMORANDUM

TO: Mayor and Council
FROM: Ronald A. Secrist, Interim Town Manager
SUBJECT: Destruction of Old Records
DATE: October 12, 1981

With the increasing problem of lack of space in the Municipal Building and in other departments I feel the need to discard any records which are no longer of administrative value and are older than the legal time limits for retention. However, State Law (GS 121-5) requires that records be disposed of in accord with specified procedure.

The attached resolution authorizes departments to dispose of records, using as a guide the Municipal Records Manual published by the State Department of Archives and History; the Manual sets up schedules for retention and disposition of administrative and legal records maintained by all departments and functional areas. Items proposed for disposal immediately by the Personnel and Finance Departments, for example, include:

Personnel and Payroll Records

1. Applications for employment older than 2 years after the Application Closing Date (EEOC also requires that applications be kept for 2 years).
2. Wage adjustment forms (authorizing payment for overtime hours or holiday pay) older than 2 years or until audited, whichever is later.
3. Assignments, attachments, and garnishments of salary 3 years after satisfaction of debts or upon termination of employment.

Finance Accounting Records

1. Vouchers prior to July 1, 1976, unless a grant agreement specified a longer period of retention.
2. Journal vouchers prior to July 1, 1976.
3. Cash receipts and daily reports of collections prior to July 1, 1976.
4. Bank statements, cancelled checks and deposit slips prior to July 1, 1976.
5. Parking tickets stubs following audit.

Purchasing Records

1. Informal contracts and bids - both accepted and not accepted prior to July 1, 1979.
2. Purchase orders and requisitions, vendor files, and construction material specifications prior to July 1, 1976.

In accord with the law, the disposition of these and other covered records will be recorded in a book maintained in the Clerk's Office. The book will include a description and quantity of each record series disposed of, inclusive dates covered, and the date on which destruction was accomplished.

I recommend adoption of this resolution.

THE MOTION CARRIED UNANIMOUSLY.

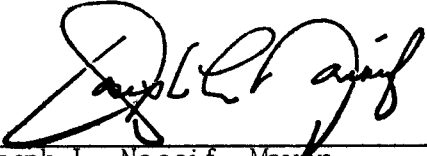
Notification of Expiration of Terms

Historic District Commission. Council received notification of the expiration of terms of three members of the Historic District Commission on December 31, 1981.

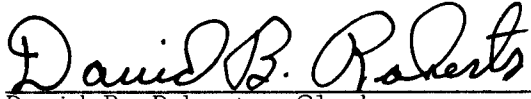
Other Business

Mr. Secrist informed Council that the Mayor's Executive Assistant's Office would be divided into halves, the western half would be occupied by the Deputy Town Attorney. A glass partition would be installed, door and frame, and 1" blinds would be installed for a cost of approximately \$2,700. Budgeted funds for the Deputy Town Attorney position was for one full year. As only $8\frac{1}{2}$ months were now required for salary, a portion of the funds from lapsed salary would be used for this conversion.

There being no further business to come before the Council, the meeting was adjourned at 11:10 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk