

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, OCTOBER 26, 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 (late)
Jim Wallace

Mayor Nassif welcomed Mr. Grainger Barrett, newly appointed Deputy Town Attorney.

Petitions

Ms. Maye Hardin, Coordinator, Orange County Women's Center, presented a letter from the Center requesting that Council consider the matter of allowing the Center to substitute work in repairing and refurbishing the Detective's Suite in lieu of cash payment for their portion of use of the old Police Building.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO REFER THE LETTER OF REQUEST TO THE MANAGER FOR RECOMMENDATION.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

Ms. Doris T. Bowles, Secretary of the Guy B. Phillips PTA Board, requested by letter that, as a result of a recent accident, the Town of Chapel Hill give serious thought and study to providing citizens with a safe crossing of Highway U.S. 15-501 at Estes Drive.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ACCEPT THE PETITION AND REFER THE MATTER TO THE TOWN MANAGER.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

The Brookside Tenants' Association petitioned the Council to hear reports from Tenants regarding evictions and retaliatory rent increases which have occurred since Council action on October 12, 1981. The Association further petitioned the Council to instruct the Town Attorney to take prompt action in the matter by petitioning for legislation to protect tenants' rights in Chapel Hill.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT COUNCIL RECEIVE THE PETITION, AND THAT THE PETITION BE PUT IN A READABLE AND PRESENTABLE FORM INTO THE HANDS OF THE TOWN ATTORNEY FOR HIS PERUSAL AND THAT THE TOWN ATTORNEY REPORT BACK TO COUNCIL.

THE MOTION CARRIED UNANIMOUSLY (8 TO 0).

(Councilmember Thorpe arrived.)

Dr. James Haar, President of the Piney Mountain Neighborhood Association, requested that a series of statements made by the Mayor during the September 28, 1981 meeting of the Town Council be entered into the minutes of that meeting (to be inserted on page 7, paragraph 10).

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER THORPE, THAT THE COUNCIL RECEIVE THE PETITION AND CONSIDER THE POSSIBLE INSERTION OF THE STATEMENTS REFERENCED BY DR. HAAR INTO THE MINUTES AT THE APPROPRIATE TIME.

THE MOTION CARRIED UNANIMOUSLY (9 TO 0).

A citizen requested that the Inter-Faith Council make a presentation at Agenda Item #10 (re: a loan of Community Development Grant Funds).

Councilmember Boulton requested that Item #8 be removed from the Agenda (re: possible restrictions on left-hand turns by southbound vehicles on U.S. 15-501 at its intersection with Erwin Road/Europa Drive). (Council had received a letter from the North Carolina Department of Transportation that funds were now available for construction of left-turn lanes and appropriate signalization on U.S. 15-501 (at SR 1734) and such construction would begin as soon as possible.)

Councilmember Straley requested that Item #4d be deleted from the Consent Agenda (re: reduction of hours for reduced speed limits in school zones at various schools).

Councilmember Thorpe requested to remove Agenda Item #14a from the Consent Agenda (re: budget amendment to reflect approval of Selective Traffic Enforcement Grant).

Councilmember Wallace congratulated Mr. Verwoerd of Hotel Europa in his successful attempt to get the left-turn lane on U.S. 15-501 begun.

Minutes of September 28, September 29, and October 5, 1981

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT THE DEPUTY TOWN CLERK INSERT THE ENTIRE DISCUSSION ON COUNCILMEMBER WALLACE'S MOTION, TO BE INCLUSIVE. (MINUTES OF SEPT. 28, 1981) (MINUTES OF SEPT. 28, 1981, recorded in this book, incorporate this request) *W*

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

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE MINUTES OF SEPTEMBER 29, 1981, AS SUBMITTED.

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE MINUTES OF OCTOBER 5, 1981, AS CORRECTED.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Amending Part of the Comprehensive Plan

Councilmember Kawalec explained that the purpose of initiating this resolution was to more accurately reflect what she felt Council's original intent to be.

Councilmember Straley felt that the wording "operated from" could possibly pose problems of interpretation in future concepts, as opposed to its present-day interpretation.

Mayor Nassif felt that the original policy meant that a drive-in business was to be part of the complex, and not necessarily operated from.

Councilmember Wallace concurred with the concerns regarding the wording "operated from," but felt that presently the modifications proposed by Councilmember Kawalec would be sufficient.

Councilmember Thorpe felt that this policy would allow businesses to begin operation.

Councilmember Wallace concurred. Councilmember Herzenberg felt that the semicolons in the wording "G.2.c.4. Drive-in businesses shall be located in; attached to; or operated from" should be deleted.

Councilmember Wallace requested that commas be put in the place of these semicolons.

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

A RESOLUTION AMENDING PART OF THE COMPREHENSIVE PLAN (81-R-186)

BE IT RESOLVED that the Council hereby amends and combines subsections G.2.c.4. and G.2.c.5 as follows:

G.2.c.4. Drive-in businesses shall be located in, attached to, or operated from a building having a minimum gross floor area of 2,000 square feet, which provides the same service within the building to pedestrians.

This the 26th day of October, 1981.

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

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

The last presentation of this resolution (October 12, 1981) resulted in a 4/4 vote. The resolution was now being presented to the Council for a second time.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO APPROVE 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 26th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Smith expressed concern over an increase in pedestrian/traffic conflict created by the continued growth of this shopping area and felt that Council should begin to look at alternatives to curb this conflict.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO DIRECT THE PLANNING BOARD TO STUDY AND MAKE A REPORT AND RECOMMENDATION TO COUNCIL ON THE ADVISABILITY OF MAKING A ONE-WAY ENTRANCE OFF OF EITHER FRANKLIN STREET OR ELLIOTT ROAD INTO THE KROGER PLAZA TO REDUCE THE AMOUNT OF PEDESTRIAN/TRAFFIC CONFLICT AT THE POINT OF THE DRIVE-IN BOOTH.

Councilmember Kawalec felt this problem could be better solved by the enforcement of parking restrictions by the Kroger Shopping Center.

Councilmember Howes felt this issue had been considered previously by the developers in determining all aspects of this development.

Mayor Nassif stated that he would vote against the motion as there were other traffic situations that the Town should be concerned with.

THE MOTION FAILED WITH A VOTE OF 4 TO 5 WITH COUNCILMEMBERS SMITH, STRALEY, BOULTON, AND WALLACE SUPPORTING, AND COUNCILMEMBERS KAWALEC, HERZENBERG, THORPE, HOWES, AND MAYOR NASSIF OPPOSING.

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

This item was returned to the Council for consideration as the motion made during the October 12, 1981 meeting of the Town Council received a 4/4 vote.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE RESOLUTION TO DENY THE REQUEST.

Mayor Nassif felt that to deny the request would be to penalize the applicant.

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

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

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

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 Clyde Burnett if developed in accordance with the plans submitted with the application and the stipulations and conditions set forth herein:

- 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 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 this chapter and in the Comprehensive Plan.

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

1. That a site plan be submitted to and approved by the Town Manager showing the additional livability space to Town standards. Such plan shall be submitted prior to issuance of a Zoning Compliance Permit.
2. That the proposal be exempted from the buffer requirements of the Zoning Ordinance since the proposal would meet the standards already proposed for the Zoning Ordinance.
3. That any planting in the livability space or buffers that dies during the life of the Special Use Permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
4. That all utilities be placed underground.
5. That provisions for garbage collection be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards and screened as required in Section 6.11 of the Zoning Ordinance.
6. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a Building Permit. Improvements included in the drainage plan shall be completed prior to issuance of a Certificate of Occupancy.
7. That the design of the driveways be approved by the Town Engineer prior to issuance of a Zoning Compliance Permit.
8. That detailed elevations for the building, if it is to be substantially altered, be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit.
9. That construction begin by October 12, 1983 and be completed by October 12, 1986.

BE IT FURTHER RESOLVED that the Council finds that 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 and have a minimum gross land area of 20,000 square feet are served to an equivalent degree by granting a Special Use Permit to this former service station which cannot meet these standards, but which, with the addition of the required livability space, will enhance the general public health, safety and welfare of the surrounding area.

This the 26th day of October, 1981.

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

Resolution Approving the Preliminary Sketch for the Hanft Subdivision

Mr. Jennings stated that the proposal was to subdivide approximately 15 acres of land zoned R-1 into two residential building lots.

Planning Board and staff recommended approval of the request with differing recommendations for stipulation #1:

1. Staff recommended adoption of Resolution 81-R-187a: stipulation #1 reads "That the applicant revise the preliminary sketch to indicate a dedicated 60-foot right-of-way connecting Lone Pine Road to Deepwood Road."
2. Planning Board recommended adoption of Resolution 81-R-187b: stipulation #1 reads "That the applicant revise the preliminary sketch to comply with the minimum street frontage width for an R-1 Zoning District (64 feet)."

Mr. Jennings stated that there had been some concern about the future access to the property, being concerned about the steepness of the road and its inaccessibility during snow.

Staff felt that to require 60-ft. right-of-way through the property would provide an additional access, but to require this improvement across the entire property would add an unnecessary burden on the property owner at this time.

Councilmember Herzenberg referenced property in Coker Hills where only a portion of the property had been proposed for dedication of open space, but where Council had

required that all of the open space for the entire piece of property be arranged at that time. He felt this should be the case here as well. He felt that the Parks and Recreation Commission had not given great consideration to this matter and he expressed concern about the recommendation that money be taken in lieu of dedication of open space.

Mr. Charles Beemer, Attorney representing the Hanft family, felt that problems centered around interpretation of the Subdivision Ordinance. Mr. Beemer explained that the applicants did not wish to "buy their way out" of the open space. He was willing to dedicate open space at any place that the Council or others wished it to be.

Mr. Beemer stated that he felt that the time to handle the question of the 60-foot right-of-way would be at a later date when the applicant came before the Council for further subdivision.

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR THE HANFT SUBDIVISION (81-R-187b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch for the Hanft Subdivision located on property identified as Chapel Hill Township Tax Map 78 Block A, Lot 3, subject to the following:

1. That the applicant revise the preliminary sketch to comply with the minimum street frontage width for an R-1 Zoning District, (64 feet).
2. That the applicant be permitted to phase development with Phase I including only the proposed lot off Lone Pine Road. Future phases would require further preliminary sketch and final plat approval by the Town.
3. That the Lone Pine Road be extended its frontage with the proposed lot in Phase I of the development and be paved to a 27-foot cross section back-to-back of curb to Town standards ending with a temporary cul-de-sac. Detailed plans for the street shall be approved by the Town Manager prior to construction.
4. That the applicant comply with the open space requirement of the Subdivision Ordinance by dedicating land. This dedication shall be approved by the Council after review and recommendation by the Parks and Recreation Commission.
5. That a detailed drainage plan and grading plan for Phase I be submitted and approved by the Town Engineer prior to issuance of a Grading Permit or Building Permit and start of construction.
6. That the final working drawings for storm drainage for Phase I with hydrologic calculations be submitted to and be approved by the Town Engineer prior to issuance of any Grading Permit and start of construction of improvements.
7. That the number, location and installation of fire hydrants for Phase I be approved by the Town Manager prior to issuance of any building permits.
8. That sewer, drainage, and utility easements be dedicated as required by the Town Manager.
9. That all sewer service be by gravity flow and that all utilities be placed underground.

This the 26th day of October, 1981.

Councilmember Straley asked for clarification of stipulation #4 ("That the applicant comply with the open space requirement of the Subdivision Ordinance by dedicating land."), wondering if there was any difference based upon lot size.

Mr. Jennings stated that the amount of open space dedication would be determined by the size of the lot.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending Chapter 5 of the Code of Ordinances (supplement to Building Code for condominiums)

Mayor Nassif stated that he had met with the Town Attorney and the Town Manager and it was the concensus that this item would be best discussed in a worksession.

Resolution Approving an Annexation Report for the Central Carolina Bank at the Intersection of Sage Road and U.S. 15-501

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

A RESOLUTION APPROVING AN ANNEXATION REPORT FOR THE CENTRAL CAROLINA BANK AT THE INTERSECTION OF SAGE ROAD AND U.S. 15-501 (81-R-188)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the annexation report for the Central Carolina Bank property located at the intersection of Sage Road and U.S. 15-501, and directs that the report be made available to the public in the Clerk's Office.

This the 26th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving a Loan of Community Development Grant Funds to the Inter-Faith Council

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

A RESOLUTION APPROVING A LOAN OF COMMUNITY DEVELOPMENT GRANT FUNDS TO THE INTER-FAITH COUNCIL (81-R-189)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to make a loan of \$12,700 to the Inter-Faith Council from the Community Development Small Cities Grant account for acquisition of sites for subsidized housing, said loan to be used for an option payment for a site on Airport Road near Stephens Street and said loan to be repaid to the Town if Federal funds reimburse the option payment cost in the future.

This the 26th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY

A Report on Suggested Conversion of the Former Transit Garage to a Teen Center

Mr. Secrist stated that this report was according to Council request of October 12, 1981.

Councilmember Smith felt this issue had been discussed previously by Council and saw no reason to re-enter into this discussion.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO TABLE THE MATTER.

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

Mr. Secrist recounted Council deliberation and actions regarding the former Transit Garage since 1980 which included the Recreation Department's consideration of use of the building. Mr. Secrist further recounted factors which affected provision of recreational opportunities and facilities (specifically, differences in interests, skill levels, mobility, and income), stating that one location could not be expected to serve all youths, or all adults. He further stated that the Parks and Recreation

Commission and staff had attempted to provide opportunities for all age groups at all recreational facilities to meet these varying needs. He felt that the question was not so much the provision of worthwhile teen opportunities, or space for such activities, but the question was how to attract teens and how to divert some teens from socially unacceptable activities.

Staff and the Parks and Recreation Commission had rejected the idea of renovating the old garage, as they felt that any such activities could be accommodated in the adjacent community center.

On October 21, 1981, Mr. Secrist had met with Drive-A-Teen, counseling officials at Chapel Hill High School, the Acting Director of the Recreation Department, and the Director of Human Services in an attempt to discuss current opportunities available for teens.

The Parks and Recreation Commission was presently conducting a survey of teenagers, both Jr. and Sr. high age, and the results would be available by late 1981 or early 1982.

The Parks and Recreation Commission stood by their original recommendation to have the garage moved and the old slab refurbished into an outdoor recreational site.

Councilmember Smith asked what had become of his suggestion at a previous meeting that a Teen Board be formed that would encourage teen input. Mr. Secrist responded that such a group had not materialized: The Mayor and Recreation Department had written letters to the principals of the Jr. and Sr. high schools, suggesting that 2 or 3 members from each school (representing each grade) serve on this Board. Several meetings were held, but the Recreation Department was not able to hold the Board together.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ACCEPT THE MANAGER'S REPORT.

THE MOTION CARRIED UNANIMOUSLY.

Quarterly Reports

Mr. Secrist highlighted some of the significant progress that had occurred to date:

- The Engineering Division had assumed departmental status, now being the Engineering Department.
- The Courtroom and related facilities had opened within the Franklin Street Post Office Building.
- To date, departmental expenditures and revenues showed in-line trends.
- The 10/14 working shift was initiated in mid-July in the Fire Department and was proceeding well.

Significant improvements:

- New parking lot at the Library.
- Continued improvement of Whitaker Street, Mitchell Lane, and Caldwell Street.
- Construction of the Fire Station North (expected to be completed by Christmas).
- Reconstruction of five streets in Town.
- Erosion control improvements at the Land Fill.

Future plans:

- Resurfacing of over 10 miles of Town streets.
- Landscaping of the Community Center Park.

Councilmember Straley was concerned that comprehensive energy reporting had been suspended and wondered if the new computer system could be used to report energy use.

In response to Councilmember Straley's question, Mr. Secrist stated that he would have staff look into the possibilities of using the new computer system to report energy use.

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

Mr. Secrist reviewed the background of bids for the 12 advanced design buses for the Town's Transit system: bids were received on August 19, 1981; the buses would replace current 1959 fleet models; purchase would be financed by 90% grant funding (80% from UMTA, 10% from the NCDOT), with the Town providing the remaining 10%.

The current low-bidder was Neoplan USA. This company was a European manufacturer that had produced buses in Europe for many years, but was new to the U.S. market, had never built a U.S.-designed bus, and had only recently opened a facility in Colorado.

Staff had been granted an extension on the bids received from all vendors in order to have time to more carefully scrutinize the proposals. Mr. Bob Godding, Director of Transportation, had visited the Neoplan plant, inspected the prototype vehicle similar to their bid, and submitted a report to Council on September 25, 1981.

Even though Mr. Godding's inspections showed that the prototype did not meet bid specifications, Neoplan had assured the Town that specifications would be met when full production began. The engine and transmission configuration was not to industry standard and the Town's experience had shown that this could cause the Town added maintenance cost and less efficiency.

As there were no buses presently in operation with the Town that this bid could be compared with, repair parts and trained service personnel would be additional concerns as the vendor had not established, to-date, a repair/part processing center, nor had they established an availability of maintenance dealer personnel. (Standardization of the Town's relatively small fleet was important in terms of inventory and maintenance personnel's familiarity with a particular model.)

The Town did not doubt the integrity of Neoplan as they had been very cooperative and helpful in providing information about their vehicle. However, in staff's opinion there were too many unknowns with this product; therefore, staff recommended adoption of 81-R-190, granting the award of 12 advanced design buses to GMC. (This would be subject to the concurrence of the granting agencies.) GMC was the manufacturer of the 16 recently acquired advanced design buses which composed about 1/2 of the Town's operating fleet.

If this resolution were adopted, the staff would request a further extension of notice of award of contract, therefore, allowing UMTA and state officials sufficient time to review the request and allow staff to avoid possible rebidding procedures, should the granting agencies deny the request for approval of this vendor.

Mr. Secrist also stated that UMTA was now considering withdrawing the specifications in the future because of past problems. This would give localities the right to come up with their own set of specifications for buses that were compatible with their fleet.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR TWELVE ADVANCED DESIGN TRANSIT COACHES (81-R-190)

WHEREAS, the Town of Chapel Hill has solicited bids on August 19, 1981, and the following bids have been received:

	<u>Unit Price</u>	<u>Delivery Charges</u>	<u>Total 12 Buses</u>	<u>Tax</u>	<u>Total</u>
Neoplan USA Corp.	\$126,500	\$1,670	\$1,658,040	\$1,440	\$1,659,480
GMC Truck and Coach	140,636	1,149	1,701,420	1,440	1,702,860
Grumman Flexible	151,000	883	1,823,796	1,440	1,825,236

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town reject the low bid by Neoplan USA Corporation on the basis that this firm is not a response and responsible bidder and that the Town accept the lowest responsive and responsible bid by the GMC Truck and Coach Division for Twelve Advanced Design Buses for a total price of \$1,702,860. This award is subject to concurrence by granting agencies.

This the 26th day of October, 1981.

There was no further discussion.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif directed the Acting Town Manager to forward a copy of the resolution to Congressman Fountain, as had been previously done.

Consent Agenda

Resolution Adopting Various Resolutions and Ordinances

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

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (81-R-191)

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. Amendment to CD Project Ordinance (81-O-82)
- c. Award of Contract for Transit Radios (81-R-192)
- e. Ordinance to Restrict Parking on Morning of Christmas Parade (81-O-84)
- f. Resolution Designating Acting Manager (81-R-193)
- g. Calling of Public Hearings November 16 on Zoning Text Amendments (81-R-194)

This the 26th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions adopted by the Consent Agenda are as follows:

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (81-O-82)

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, October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

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

<u>Activity</u>	<u>Year 1 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1 Revised Project</u>	<u>Year 1,2,3 Revised Project</u>
Relocation Payments and Assistance	83,110	2,750	-	85,860	198,490
Nondepartmental	16,290	-	(2,750)	13,540	93,655

This the 26th day of October, 1981.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FOUR (4) PORTABLE RADIOS, ONE (1) MULTIPLE CHARGER, AND ONE (1) MOBILE RADIO (81-R-192)

WHEREAS, the Town of Chapel Hill has solicited formal bids on October 8, 1981 and the following bids have been received:

<u>Item</u>	<u>Motorola Communications & Electronics, Inc.</u>	<u>General Electric Company</u>
One (1) Mobile Radio	\$1,396.00	\$1,468.00
Four (4) Portable Radios	3,964.00	4,280.00
One (1) Multiple Charger	466.00	406.00
TOTALS	\$5,826.00	\$6,154.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Motorola Communications and Electronics, Inc., in the amount of \$5,826.00 contingent upon necessary concurrence and approval of the North Carolina Department of Transportation and the Federal Highway Administration.

This the 26th day of October, 1981.

AN ORDINANCE TO PROHIBIT PARKING ON FRANKLIN STREET ON THE MORNING OF A CHRISTMAS PARADE (81-O-84)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby prohibits parking on Franklin Street from Raleigh Street to the western Town limits on December 5, 1981 from 6:00 A.M. until 12:30 P.M.

This the 26th day of October, 1981.

A RESOLUTION REGARDING APPOINTMENT OF AN ACTING TOWN MANAGER (81-R-193)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the appointment of Ms. Sonna Loewenthal as Acting Town Manager in the absence or disability of the Town Manager.

This the 26th day of October, 1981.

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE ZONING ORDINANCE (81-R-194)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for Monday, November 16, 1981 at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street to consider the following amendments:

1. Amend Article 3.1.3 Neighborhood Commercial District as necessary to reflect an expansion of uses permitted.
2. Amend Article 4.3, Schedule of Use Regulations, to expand the uses permitted in Neighborhood Commercial Districts.
3. Amend Article 2.3 to allow the appointment of four alternate members to the Board of Adjustment to serve in the absence of regular members.

This the 26th day of October, 1981.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981" (Consent Agenda #14a)

Councilmember Thorpe explained that State funds of \$30,900 had been received to help curb accidents in Chapel Hill.

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

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

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled an "Ordinance Concerning Appropriations and the Raising of Revenue for the

Fiscal Year Beginning July 1, 1981" as duly adopted on June 29, 1981, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund - Police Administration	202,631	30,900		233,531

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund - STEP Grant	-0-	30,900	-	30,900

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

This the 26th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Amend Chapter 21 of the Code of Ordinances (Consent Agenda Item #d)

Ms. Loewenthal explained that the State Department of Transportation preferred one hour in the morning and one hour in the afternoon for restricted speed limits in school zones; however, the State did concur with the Town of Chapel Hill's increased restrictions on the Seawell School Road because of the close proximity of the high school.

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

AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF ORDINANCES (81-0-83)

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

SECTION I

- DELETE: 21-11 (A)(5)(a) Thirty-five (35) miles per hour on West Rosemary Street between Church Street and Sunset Drive, except such portions of said streets as are herein designated to be school zones wherein the speed limits shall be twenty-five (25) miles per hour between the hours of 8:00 a.m. and 4:00 p.m. on any school day, said school zone being located on West Rosemary Street between North Roberson Street and Sunset Drive.
- DELETE: 21-11 (B)(1)(a) Thirty-five (35) miles per hour on West Rosemary Street between Church Street and Sunset Drive, except such portions of said streets as are herein designated to be school zones wherein the speed limits shall be twenty-five (25) miles per hour between the hours of 8:00 a.m. and 4:00 p.m. on any school day, said school zone being located on West Rosemary Street between North Roberson Street and Sunset Drive.
- DELETE: 21-11 (C) School Zone. For a period of thirty (30) minutes before and after the opening of school each day, the maximum legal speed on Merritt Mill Road from a point five hundred (500) feet north of the northern boundary line of Lincoln School to a point five hundred (500) feet south of the southern boundary line of Lincoln School; on Estes Drive from a point five

hundred (500) feet east of the eastern boundary line of the Estes Drive Elementary School to a point five hundred (500) feet west of the western property line of the Guy B. Phillips Junior High School; and on Ephesus Church Road from a point five hundred (500) feet east of the eastern boundary line of the Ephesus Church Elementary School to a point five hundred (500) feet west of the western boundary line of the Ephesus Church Elementary School shall be twenty-five (25) miles per hour.

ADD: 21-11 (A)(5)(a) RESERVED
 21-11 (B)(1)(a) RESERVED
 21-11 (C) SCHOOL ZONES

During the hours listed below on school days the speed limit on the streets below shall be reduced to 25 mph.

- (1) From 7:45 a.m. to 8:45 a.m. and 2:30 p.m. to 3:30 p.m.
 - (a) Estes Drive from a point five hundred (500) feet east of the eastern boundary line of the Estes Hills Elementary School to a point five hundred (500) feet west of the western property line of the Guy B. Phillips Junior High School.
 - (b) Ephesus Church Road from a point five hundred (500) feet east of the eastern boundary line of the Ephesus Road Elementary School to a point five hundred (500) feet west of the boundary line of the Ephesus Road Elementary School.
 - (c) Smith Level Road from the northern Town limits at Merritt Mill Road to the southern Town limits at Morgan Creek.
- (2) 7:30 am to 9:00 am and 2:30 pm to 3:30 pm
 - (a) Seawell School Road from the Town limits south of Seawell Elementary School to a point five hundred (500) feet north of High School Road.
 - (b) High School Road from Seawell School Road to Homestead Road

SECTION II

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

This the 26th day of October, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Boards and Commissions

Historic District Commission: The Council was notified of a vacancy on the Historic District Commission created by the resignation of Ms. Georgia Kyser.

Transportation Board. Councilmember Boulton nominated Mr. Paul Kelly for appointment on the Transportation Board.

Councilmember Kawalec supported the recommendation of the Transportation Board for appointment of Mr. John Thomas, stating that Mr. Thomas had expressed previous interest on serving on this Board. As Mr. Thomas was blind, Councilmember Kawalec felt that Council should consider the application as Mr. Thomas had expressed that he felt that he could reflect the interests of handicapped persons by serving on the Transportation Board.

There being no further business to come before the Council, Council adjourned at 9:30 P.M. to Executive Session at this time (rather than the previously scheduled time of October 27 at 4:00 P.M.).



 Joseph L. Nassif, Mayor



 David B. Roberts, Clerk