

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, NOVEMBER 23, 1981, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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

Also present were Ron Secrist, Interim Town Manager; Sonna Loewenthal, Assistant Town Manager; and Grainger Barrett, Deputy Town Attorney.

Mayor Nassif requested that agenda items #1 and #2 (Letters of Appreciation) be removed from the agenda as the participants were out of town.

Mayor Nassif also requested that agenda item #6 (Position Classification Pay Plan for the Police and Fire Department) be removed, as Council had requested additional information.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO GRANT THE REQUESTS TO REMOVE AGENDA ITEMS #1, #2, AND #6 FROM THE AGENDA.

THE MOTION CARRIED UNANIMOUSLY.

Boards and Commissions (Introduction of New Member)

Mayor Nassif introduced Ms. Betty Williams, recent appointee for the Historic District Commission. (Ms. Williams' September 28, 1981 appointment was to fill a vacancy created by a resignation, such vacancy's term to expire December 31, 1981. Appointments will be made for the expiring terms later during this meeting, and Ms. Williams' is one of the candidates for appointment.

Petitions

Mr. Lightning Brown presented a petition on behalf of 2,000 petitioners, that Council grant them permission to be heard during the November 29, 1981 Council worksession regarding control of condominium conversion. Mr. Brown requested to read the petition into the record:

TO THE CHAPEL HILL TOWN COUNCIL:

Whereas Chapel Hill suffers from a serious, long term housing,

and whereas no apartments have been constructed in Chapel Hill since 1974,

and whereas condominium conversion restricts rental availability, lowers housing standards and raises rental prices by 50 to 75 per cent:

Therefore, the undersigned citizens petition the Chapel Hill Town Council to act promptly and decisively to control condomium conversions and to protect the interests of the 50 per cent of Chapel Hillians who rent housing.

(The petition is on file in the Clerk's Office.)

Mayor Nassif reminded Council that the pending worksession would be for the consideration of codes for condominium construction and would not include discussion to convert or not to convert. Therefore, he did not feel that this was the place for this discussion and felt that if Council wished to have a public hearing, this could be arranged, in order to allow for a more formal setting for such discussion.

COUNCILMEMBER HERZENBERG MOVED TO ACCEPT THE PETITION, SECONDED BY COUNCILMEMBER KAWALEC. He felt that Council had previously allowed similar discussion during a worksession. He felt that perhaps these same people might have thoughts regarding building codes.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Howes wished Council to consider establishing an Executive Session to review the selection of Town Manager and suggested meeting after the Executive Session scheduled for this evening, or to consider this issue following the Tuesday evening meeting. Council agreed to discuss this later.

Councilmember Herzenberg petitioned the Council on behalf of neighbors to request that the Town take some form of action regarding two semi-abandoned mobile homes at 618 Airport Road. Mayor Nassif requested the Interim Town Manager to report to Council on this matter.

Councilmember Thorpe requested to remove items #18e (Bids to Relocate Former Transit Garage) and #18h (Results of Municipal Election) from the Consent Agenda.

Councilmember Straley requested to remove item #18c (Amend Chapter 21 of the Code of Ordinances) from the Consent Agenda.

Minutes

September 28, 1981. Approval of these minutes would be delayed to allow the inclusion of verbatim discussion regarding "Granting a Planned Development-Housing Special Use Permit to the Chapel Hill Housing Authority for the Piney Mountain Housing Development."

October 12, 1981. As Mr. Emery Denny, Town Attorney, wished to submit a clarification of a portion of these minutes, and as this clarification had not yet been received, approval of these minutes would be delayed until that clarification had been received and incorporated.

October 26, 1981. COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO APPROVE THE MINUTES OF OCTOBER 26, 1981, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

November 4, 1981. COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO APPROVE THE MINUTES OF NOVEMBER 4, 1981, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif requested that Council begin, this evening, to specifically state if they wished to have their comments recorded into the record; otherwise, the Deputy Clerk would briefly summarize that a discussion took place, and then include the motion. This documentation would then be submitted to Council for approval.

An Ordinance Amending the Chapel Hill Zoning Ordinance

On November 16, 1981, Council considered amendments concerning Neighborhood Commercial Districts in Article 3.1.3 (Intent) and Article 4.3 (Schedule of Uses Permitted) of the Zoning Ordinance. These amendments would broaden the uses permitted in Neighborhood Commercial Districts, in response to concerns raised in the review of the Chapel Hill Muffler Shop request.

This request had been referred to the Manager and Attorney for review. There was no evidence presented at the public hearing which altered the Manager's recommendation to approve the request.

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

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ORDINANCE (81-O-89)

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

1. Amend Article 4.3, Schedule of Use Regulations, by inserting the letters "P,A" in the columns labeled NC and PD-SC-(N) on the row labeled "Clinic."
2. Amend Article 4.3, Schedule of Use Regulations, by adding a new row entitled "Automotive Repair, Less Collision Service and Painting" after "Automotive Repair." Additionally, on that row, insert the following letters in the columns under the districts as follows:

TC-1 and TC-2	insert	P,A
CC	insert	P,A
NC	insert	P,A
OI-3	insert	---
OI-2 and OI-1	insert	---
R-6, R-5, R-4, R-3, R-2, R-1, & RT .	insert	---
PD-H	insert	---
PD-SC(N)	insert	P,A
PD-SC(C)	insert	P,A
PD-OI	insert	---
PD-MU	insert	P,A
PD-I	insert	P,A

This the 23rd day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

An Ordinance Amending the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas"

This request was presented at the November 16, 1981 public hearing for a zoning map amendment to reclassify approximately 20 acres from Residential 1 (R-1) to Residential 3 (R-3). The property is the R-1 portion of the property designated "future development" on the preliminary sketch the Council approved for the North Street Development. This property is approximately 250 feet east of Hillsborough Street, 250 feet northwest of Lone Pine Road, and 1,200 feet north of North Street. This property was classified R-10 in the old Zoning Ordinance.

A question had been raised concerning what assurances existed that, in the future, a road would not be allowed that might connect North Street with Hillsborough Street. Staff advised Council that the construction of such a road would require Council approval of either a subdivision or a Special Use Permit.

No evidence presented at the public hearing altered the Manager's recommendation to approve the request.

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

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS" (81-O-90)

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 79, Block D, part of lot 3D and described more particularly as follows:

BEGINNING at the point where Mill Race Branch flows into Bolin Creek and running thence downstream with Bolin Creek the following courses and distances; S 82 degrees 08 minutes E 241.26 feet, N 77 degrees 09 minutes E 81.04 feet and N 50 degrees 45 minutes E 136.57 feet to the northwest corner of Lone Pine Subdivision; running thence with the western property line of Lone Pine Subdivision S 12 degrees 21 minutes E 224.00 feet and S 16 degrees 09 minutes W 198.82 feet to an old iron pin; running thence a new line westward across the

Old W. C. Coker Property the following courses and distances; S 82 degrees 15 minutes W 200.00 feet, S 51 degrees 15 minutes W 200.00 feet, S 19 degrees 00 minutes E 180.00 feet, S 18 degrees 30 minutes W 103.00 feet, S 46 degrees 15 minutes W 100.00 feet, N 58 degrees 15 minutes W 200.00 feet S 47 degrees 15 minutes W 180.00 feet and S 38 degrees 37 minutes W 241.21 feet to a new point which is located 150 feet east of the eastern right-of-way line of Hillsborough Street, running thence a line parallel to and 150 feet east of the eastern right-of-way line of Hillsborough Street the following courses and distances; N 0 degrees 15 minutes E 170.00 feet, N 10 degrees 19 minutes E 205.00 feet, N 17 degrees 13 minutes E 280.00 feet, due North 167.00 feet, and N 19 degrees 10 minutes W 98.83 feet, to the center of Mill Race Branch; running thence downstream with Mill Race Branch the following courses and distances; N 70 degrees 20 minutes E 44.60 feet, N 82 degrees 00 minutes E 101.87 feet, N 58 degrees 27 minutes E 134.87 feet, S 77 degrees 35 minutes E 52.40 feet and N 41 degrees 38 minutes E 60.22 feet to the point and place of BEGINNING and containing 10.90 acres be classified a Residential 3 Zoning District.

SECTION II

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

This the 23rd day of November, 1981.

Councilmember Kawalec opposed the motion, as she felt that Council should follow the predetermined density which they had agreed upon when the new Zoning Ordinance was passed. In addition, she felt that "in-fill" did not mean that apartments or condominiums would be constructed on all of the open spaces left in Chapel Hill. She felt the current zoning was appropriate.

Councilmember Smith concurred. He opposed the motion, as he did not feel that there had been an error in the current zoning of this property. He also felt that rezoning would be a contradiction from the way in which it was originally planned--at a predetermined orderly pace--as the property on the front was designated one zone, while the remainder of the property would be zoned differently.

Mr. Jennings explained that at the time the Zoning Map was prepared, the entire Town (and not specific parcels) was considered. In addition, staff did not have the detailed planning that went into the North Street Subdivision for their use. Once the subdivision was under consideration, staff felt that a lower density could be established by separating the access. Mr. Jennings explained that the "pre-determined, orderly pace" dealt with the rate of development and not the density of the development.

Councilmember Herzenberg concurred with the motion, as he felt there had been changed conditions in this area, and rezoning would help to achieve the purposes of the Comprehensive Plan and permit a denser development of housing close to the center of Town.

Councilmembers Kawalec and Smith expressed concern regarding the appropriateness of this zoning change request. They felt that this would not allow the "predetermined density" which Council had agreed upon in the new Zoning Ordinance.

Councilmember Wallace reminded Council that they were dealing with the new Zoning Ordinance according to its adopted terms, feeling this request met these terms.

Mayor Nassif opposed the motion, feeling that any such rezoning requests would cause problems. Previously, Council had consented (informally) to allow ample time for the new Zoning Ordinance to work. He expressed concern that Council not get into rezoning land unconditionally.

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

Resolution Denying a Planned Development-Housing Special Use Permit Request by Lloyd R. Yonce for Yonce Apartments

This request had been presented to Council at the November 16, 1981 public hearing and was referred to the Manager and the Attorney for review. No evidence had been

presented at the public hearing which altered the recommendation for denial of the request for an additional dwelling unit on the property.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, APPROVAL OF THE FOLLOWING RESOLUTION:

A RESOLUTION DENYING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT REQUEST BY LLOYD R. YONCE FOR YONCE APARTMENTS, 236-238 McCAULEY STREET (81-R-203a)

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

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.

BE IT FURTHER RESOLVED that the Council hereby denies the Special Use Permit requested for said development.

This the 23rd day of November, 1981.

COUNCILMEMBER THORPE MOVED A SUBSTITUTE MOTION TO APPROVE THE REQUEST. COUNCILMEMBER HERZENBERG SECONDED THE MOTION.

Councilmember Thorpe felt that this request would not create any problems regarding traffic in the area, and felt that Council should waive Zoning Ordinance requirements and permit the development.

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

THE MAIN MOTION (TO DENY THE REQUEST) CARRIED WITH A VOTE OF 6 TO 3 WITH COUNCILMEMBERS WALLACE, KAWALEC, HOWES, BOULTON, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS HERZENBERG, THORPE, AND SMITH OPPOSING.

A Resolution Denying a Planned Development-Shopping Center (Neighborhood) Special Use Permit Request by Jorgen Peterson for Chapel Hill Muffler Shop

Council received this request at the November 16, 1981 public hearing. Manager and Planning Board recommended denial of the request for a muffler shop and gasoline sales at the intersection of Airport Road and Hillsborough Road.

Mayor Nassif stated that with the passage of Ordinance 81-O-89 (agenda #7), it would now be permissible to operate a muffler shop in this area, but the applicant could not sell gasoline.

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

A RESOLUTION DENYING A PLANNED DEVELOPMENT-SHOPPING CENTER (NEIGHBORHOOD) SPECIAL USE PERMIT REQUEST BY JORGEN PETERSON FOR CHAPEL HILL MUFFLER SHOP (81-R-204a)

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

- a) The development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare; and
- 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.

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

This the 23rd day of November, 1981.

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

Resolution Denying a Planned Development-Shopping Center (Neighborhood) Special Use Permit for Proctor Convenience Store/Service Station

Council considered, but did not grant, the request of the applicant that this item be delayed until his representative returned to the meeting.

Council had referred this request to the Manager and Attorney for review at the November 16, 1981 public hearing. No evidence at the public hearing altered the Manager's recommendation to deny the request for gasoline sales at the Proctor Convenience Store located on U.S. 15-501 south.

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

A RESOLUTION DENYING A PLANNED DEVELOPMENT-SHOPPING CENTER (NEIGHBORHOOD) SPECIAL USE PERMIT FOR PROCTOR CONVENIENCE STORE/SERVICE STATION (81-R-205a)

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

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 Section 8.7 and 8.8, and with all other applicable regulations.

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

This the 23rd day of November, 1981.

COUNCILMEMBER STRALEY MOVED TO TABLE AGENDA ITEM #11, UNTIL A LATER MEETING, FEELING THAT SUFFICIENT LEGAL CLARIFICATION WAS NOT AVAILABLE FOR COUNCIL ACTION AT THIS TIME. He felt that Council information (regarding traffic patterns) differed from information being displayed and described during the hearing. He also felt there was some confusion regarding which county this property was located in.

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

THE MAIN MOTION (TO DENY THE REQUEST) PASSED 7 TO 2 WITH COUNCILMEMBERS HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS THORPE, AND BOULTON OPPOSING.

Resolution Granting a Modification of the Unified Business Special Use Permit for Hotel Europa/Village Office Park to a Planned Development-Community Shopping Center

The request during the November 16, 1981 public hearing was for Council to approve the modification of the Special Use Permit to relocate required parking across Europa Drive. There was no evidence presented at the public hearing that altered the recommendation of the Planning Board or Manager.

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

A RESOLUTION GRANTING A MODIFICATION OF THE UNIFIED BUSINESS SPECIAL USE PERMIT FOR HOTEL EUROPA/VILLAGE OFFICE PARK TO A PLANNED DEVELOPMENT-COMMUNITY SHOPPING CENTER (81-R-206)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds with respect to the requested modification of the Special Use Permit granted to Julius Verwoevdt and H. H. & M. Associates for Hotel Europa/Village Office Park

Unified Business Development to add recreation facilities and to relocate required parking, if developed in accordance with the plans submitted September 29, 1981 and the stipulations and conditions set forth below:

- 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 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 this chapter and in the Comprehensive Plan.

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

1. That additional right-of-way be dedicated along the property's frontage with the north side of Legion Road to achieve a right-of-way width measuring 35 feet from the centerline of the road. Such dedication shall be recorded prior to issuance of a Zoning Compliance Permit for the recreation facilities or the relocated parking lot.
2. That the north side of Legion Road be widened along its frontage with the development to meet the design requirements for one-half of a 33-foot wide street cross section. Such improvements shall include the provision of curb and gutter to Town standards. Such improvements shall be completed before a Certificate of Occupancy is issued for Phase 1 of the relocated parking area.
3. That, if the future building is constructed without a modification of the Special Use Permit, a plan showing service access and loading spaces for the building be submitted to and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit for that building.
4. That construction begin by February 28, 1982, and that Phase I of the parking be completed by November 30, 1982.

This the 23rd day of November, 1981.

Councilmember Smith felt that the proposed parking for the hotel should be closer to the hotel so that when the rest of the property was developed, the parking for the shopping area would be properly located, in connection with that development.

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

Resolution Directing the Manager to Barricade Taylor Street and Lake Ellen Street near Lake Ellen Dam

Ms. Loewenthal explained that the Town would not close the dam (as had been previously requested) as the Town did not own the dam, nor had it been accepted by the Town for maintenance, nor had the State accepted the dam for maintenance. An option of the Town would be to erect a type of permanent barricade at the end of the Town-maintained streets and at either end of the dam. As the dam was considered to be in unsafe condition, the Manager's previous recommendation to close the road remained.

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

A RESOLUTION DIRECTING THE MANAGER TO BARRICADE TAYLOR STREET AND LAKE ELLEN STREET NEAR LAKE ELLEN DAM (81-R-207)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to have barricades installed at the ends of the rights-of-way maintained by the Town at the western end of Lake Ellen Street and the east end of Taylor Street.

This the 23rd day of November, 1981.

Councilmember Smith felt that if the dam were unsafe, and the Town closed it, then there would be no way for the Town to make that dam safe--there would be no further commitment. He felt that it was the responsibility of the Town to make sure that such areas were safe, when areas were annexed into the Town.

Councilmember Wallace felt that the Division of Environmental Management should be requested to have this dam investigated and to submit a report of its condition to the necessary authorities. He did not feel that the safety of this dam was the responsibility of the Town. He felt that the responsibility belonged to the state.

Councilmember Wallace amended the motion to request that the Manager communicate with the Director of the Division of Environmental Management, North Carolina Department of Natural Resources, and Community Development for the purpose of inspecting the Lake Ellen Dam to determine its safety and to make the necessary recommendations and to take the necessary action. COUNCILMEMBER KAWALEC WAS WILLING TO INCORPORATE THIS WORDING INTO HER MOTION.

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

Resolution Closing a 200-Foot Long Portion of an Unnamed, Undeveloped Right-of-Way South of Mt. Bolus Road

This request to close a 200-foot long portion of an unnamed, undeveloped right-of-way and that ownership revert to adjacent property owners, had been presented at the November 16 public hearing. The Manager's recommendation was to approve the request.

Councilmember Howes felt that approval of this request would put the Town in the position of "having to choose sides among neighbors," as he felt that Mr. Luxon had never been approached regarding the matter. He felt that appropriate Council action would be to deny the request and have the parties involved present a mutual agreement to the Council at a later date. Then Council would be more favorably disposed to act upon it.

Therefore, COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO DENY THE REQUEST.

Councilmember Wallace suggested that an additional sentence be added: "that Council request that conversations ensue and that the matter be brought back before the Council within a reasonable period of time."

(Mayor Nassif restated the motion: TO DENY THE REQUEST AND REQUEST THAT COMMUNICATION TAKE PLACE BETWEEN THE PARTIES INVOLVED AND THAT THE PARTIES PRESENT INFORMATION TO THE COUNCIL FOR RECONSIDERATION.)

The following resolution WAS ADOPTED UNANIMOUSLY:

A RESOLUTION REGARDING A REQUEST TO CLOSE A 200-FOOT LONG PORTION OF AN UNNAMED, UNDEVELOPED RIGHT-OF-WAY SOUTH OF MT. BOLUS ROAD (81-R-208)

WHEREAS, the Council of the Town of Chapel Hill has received a petition for the closing of a 200-foot long portion of an unnamed, undeveloped right-of-way south of Mt. Bolus Road shown on the attached sketch; and

WHEREAS, an abutting property owner has opposed the request;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby denies the request that said 200-foot long section of right-of-way be permanently closed.

BE IT FURTHER RESOLVED that the Council requests that conversations between the petitioner and said property owner ensue and that the matter be brought back before the Council within a reasonable period of time.

This the 23rd day of November, 1981.

Councilmember Straley stated that he felt that the procedure on the part of the persons advocating this request was flawed by not communicating their intentions and that such a request not be granted unless there was an amicable relationship established.

Ordinance Amending the Chapel Hill Zoning Ordinance (Gatewood)

This request was considered by Council during the November 16, 1981 public hearing. This area was recently annexed (September 28, 1981) and the request was to zone the property R-3, as it was not a part of Chapel Hill's Planning Area and had no designation in the Town's Zoning Atlas. This rezoning would be compatible with the development in the area.

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

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ORDINANCE (GATEWOOD) (81-O-91)

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

That a 5.867 acre tract of land located on the north side of Weaver Dairy Road and identified as Chapel Hill Township Tax Map 25, Lot 2A, be zoned Residential 3.

This the 23rd day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY. *Bpe*
Resolution Approving the Preliminary Sketch for North Forest Hills, Phase 4, Sections 2 and 3

Mr. Jennings explained that Section 18-20 of the Subdivision Ordinance requires that final plats be submitted to the Planning Board for approval within one year of the date of the approval of the preliminary sketch. If the final plat is not submitted within one year, the preliminary sketch must be reapproved within the same time period or it becomes void.

The Town Council had approved a preliminary sketch for North Forest Hills Subdivision, Phase 4 on August 25, 1980. Final plats for Sections 2 and 3 were not submitted for approval by the Planning Board within the one-year time requirement. As a result, the preliminary sketch for Sections 2 and 3 was now void.

The applicant had submitted plans for North Forest Hills, Phase 4, Sections 2 and 3 and an application to reinstate the approval of the preliminary sketch for the subdivision. The plans submitted were identical to those submitted for the previous preliminary sketch. Staff felt that as no changes were proposed from the previously approved preliminary sketch that the same conditions could be attached.

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR NORTH FOREST HILLS, PHASE 4, SECTIONS 2 AND 3 (81-R-209)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated October 14, 1981 for North Forest Hills, Phase 4, Sections 2 and 3 located on property identified as Chapel Hill Township Tax Map 24, part of Lot 34, subject to the following:

1. That all streets be paved to a minimum paved cross-section of 27 feet back to back of curb with curb and gutter. Plans for such improvements shall be approved by the Town Manager prior to start of construction.
2. That Apple Street be paved to a 27-foot cross-section with curb and gutter from the eastern boundary of the subject subdivision to Piney Mountain Road. Such paving shall be to Town standards, and detailed construction plans shall be approved by the Town Manager prior to construction.

3. That five feet of additional right-of-way be dedicated along the frontage of the subject subdivision with Piney Mountain Road.
4. That the number, location and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permits.
5. That sewer, drainage, and utility easements be dedicated as required by the Town Manager and OWASA. Water and sewer lines shall be installed to OWASA standards.
6. That a detailed drainage plan and grading plan be submitted to and be approved by the Town Manager prior to issuance of a Grading Permit, Building Permit, start of construction of improvements, and prior to submission of an application for final plat approval.
7. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
8. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each lot. Sanitary sewer laterals shall be capped-off above ground. A letter from the owner or owner's representative shall be presented to the Town Manager prior to paving any street certifying that all utilities are in place.
9. That no proposed street names duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
10. That the open space be deeded to the Town of Chapel Hill as agreed to by the applicant.
11. That a minimum 40-foot easement for open space and public right-of-way purposes be dedicated from the main internal loop street to the proposed open space. The public right-of-way shall be further extended to the northern property line of the subdivision. The two narrow open space accessways shown on the applicant's original plan may be deleted.
12. That a revised site plan incorporating all the above stipulations be submitted to the Building Inspector prior to issuance of a Building Permit or Grading Permit.

This the 23rd day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Discussion of Alternate Locations for Council Meetings

Staff offered the following recommendations of alternate locations for Council meetings:

1. Phillips Jr. High School auditorium. Disadvantages would involve the moving of staff material and the unavailability of a built-in taping system for adequate recording of the meetings, which could cause problems in transcription, as some comments might not be clearly recorded on the tape.
2. Studio at Village Cable. Village Cable would be willing to air Council meetings live on the Cable TV system; possible arrangements had not been discussed in detail. Disadvantages would be limited parking and fewer seats than at Phillips Jr. High School.

No recommendation was made at this time.

Councilmember Kawalec felt that Council could make prior arrangements for meetings that anticipated large turnout. Staff could continue to proceed checking with the investigation of other options, or solutions to disadvantages to present options.

Consent Agenda

Three items on the Consent Agenda had been removed: 18c (Ordinance Amending Chapter 21 of the Code of Ordinances) by Councilmember Straley, and 18e (Resolution

Accepting Bids and Awarding a Contract for Relocation of Metal Building on Plant Road), and 18h (Resolution Certifying Results of Municipal Election) by Councilmember Thorpe.

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND ORDINANCES (81-R-210)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following resolutions and ordinances as submitted by the Manager in regard to:

- a. Taxicab Franchise Ordinance (Day Thorpe). (81-0-92)
 - b. Annexation of CCB Branch on Sage Road. (81-0-93)
 - d. Parking and Stop Regulations near Hotel Europa. (81-0-93.1)
 - f. Lease of Town-Owned Parking Spaces in Parcel Adjacent to Old Police Building. (81-R-175)
 - g. Supplement Grant Agreement with N.C. Department of Transportation. (81-R-212)
- Budget Amendments:
- i. 1980-81 - Due to Accounting Change. (81-0-96)
 - j. 1981-82 - Scott Hughes Memorial. (81-0-97)
 - k. 1981-82 - Police Library Funds. (81-0-98)

This the 23rd day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions and Ordinances on the Consent Agenda

AN ORDINANCE TO GRANT A FRANCHISE TO OPERATE A TAXICAB (DAY'S TAXI SERVICE) (81-0-92)

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

SECTION I

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

WHEREAS, Day Thorpe, Jr., proposes to operate one (1) taxicab; and

WHEREAS, the Council finds that the public convenience and necessity requires the operation of one taxicab, and that said Day Thorpe, Jr., is a proper person for said franchise;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that pursuant to the authority contained in General Statute 160A-304 and Article II, Chapter 20, Code of Ordinances, Town of Chapel Hill, Day Thorpe, Jr., is hereby granted a franchise to operate one (1) taxicab within the Town upon compliance with the provisions of Chapter 20, Code of Ordinances, Town of Chapel Hill.

SECTION II

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

This the 23rd day of November, 1981.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (81-O-93)

WHEREAS, on the 28th day of September, 1981, the Town Council of the Town of Chapel Hill adopted a Resolution of Intent to Consider the Annexation of the area hereinafter described simultaneously with other areas adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill; and

WHEREAS, said Resolution of Intent set the time and place of a public hearing, thereon at 7:30 p.m. on the 16th day of November, 1981, in the Meeting Room of the Municipal Building in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section 47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing; and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for at least four (4) successive weeks prior to the date of the hearing; and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on October 26, November 1, 8, and 15, 1981; and

WHEREAS, on October 26, 1981 which is twenty-one (21) days before the date of the public hearing the Town Council received and approved the report provided for in G.S. 160A-47, and made same available to the public at the office of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution; and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 16th day of November, 1981, in the Municipal Building of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, residing or owning property in the territory described in the notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then in individual ownership, if any, the population residing in the particular area, and the services to be provided in the area by the Town in the event of its annexation; and

WHEREAS, the Town Council has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill; and

WHEREAS, all of the prerequisites to the adoption of this ordinance described in Article 4A, Sections 45-46 of Chapter 160A of the General Statutes of North Carolina have been met.

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

SECTION I

That from and after the effective date of this annexation ordinance, which will be midnight on the 30th day of November, 1981, the following described territories shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill, shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:

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

SECTION II

The Town Council hereby specifically finds and declares that the above-described territory meets the requirements of G.S. 160A-48 as follows:

The area is located in the northeast section of the Town at the intersection of US 15-501 and Sage Road. A branch of the Central Carolina Bank occupies the 1.86 acre site.

Qualifications According to Requirements Listed in G.S. 160A-48

1. The area under consideration is contiguous to the Town's boundaries, as defined in G.S. 160A-53(1), at the time of the beginning of the annexation proceeding (G.S. 160A-48(b)(1));
2. The aggregate external boundary of the area is approximately 1,291 feet of which 584 feet are contiguous with the municipal boundary. Therefore, 45.2 percent of the area's external boundary is adjacent to or contiguous with the present Town boundary. This figure exceeds the required one-eighth (12.5%) (G.S. 160A-48(b)(3));
3. No part of the area is included within the boundary of another incorporated municipality.
4. The entire tract has been developed for commercial uses. (G.S. 160A-48(c)(3)).

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to the area are outlined below as required by G.S. 160A-47(3). However, because this area has been developed recently within an existing urban framework, little additional effort will be required to deliver municipal services.

1. Street Lighting. Adequate street lighting is already available in the area.
2. Garbage Collection. Garbage and trash collection is already being provided to surrounding areas. No additional personnel or equipment will be needed to provide garbage and trash to the area under consideration since it is presently located on a pick-up route.
3. Sewer Service. Public sewer service is available to the area and is provided by Orange Water and Sewer Authority as are all public sewage collection lines within the Town of Chapel Hill. The Town neither owns nor maintains sewage collection or treatment facilities.
4. Public Water. Public water is available in the entire area and is provided by the Orange Water and Sewer Authority as is all public water within the Town of Chapel Hill. The Town neither owns nor maintains a water distribution system.
5. Street Maintenance. US 15-501 and its service roads are a permanent part of the State Highway System. Sage Road is already being maintained by the Town.
6. Storm Drainage. This area requires no additional storm drainage.
7. Fire Protection. Fire protection is already being provided to surrounding areas and will constitute no additional personnel or equipment to extend coverage to the area under consideration.
8. Police Protection. Police protection is already being provided to surrounding areas. No additional personnel or equipment will be needed to provide coverage to this area.
9. Transportation. Bus service is already being provided to this area.
10. Recreation. No demand for recreation services is anticipated for this area since no residents are in the area.
11. Other Municipal Services. All other municipal services including Inspection, administration, etc. will be available immediately upon annexation.

SECTION IV

No appropriations are needed to finance the paving and maintaining of streets or for the installation of fire hydrants. All other services can be performed with existing personnel, equipment, and facilities. Any costs that may be incurred will be provided from the General Fund.

The area under consideration for annexation will require no additional operating or capital expenditures by the Town since surrounding areas are already being served by municipal functions.

SECTION V

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

SECTION VI

That the newly-annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1981 and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That the notice of date of adoption of this ordinance shall be published once in the Chapel Hill Newspaper.

This the 23rd day of November, 1981.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (81-O-93.1)

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

SECTION I

ADD: SECTION 21-27. NO PARKING ANY TIME

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Europa Drive	Both	U.S. 15-501	Legion Road
U.S. 15-501 Service Road	Both	Europa Drive	A Point 500 Feet South of Europa Drive

ADD: SECTION 21-13. RIGHT-OF-WAY AND STOP REGULATIONS

<u>Through Street</u>	<u>Stop Street</u>
Europa Drive	U.S. 15-501 Service Road
U.S. 15-501	Europa Drive
Legion Road	Europa Drive

SECTION II

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

This the 23rd day of November, 1981.

A RESOLUTION AUTHORIZING LEASE OF PARKING SPACES IN THE TOWN-OWNED PARCEL ADJACENT TO THE OLD POLICE BUILDING LOT (81-R-175)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to lease spaces in the Town-owned parcel identified as Lot 11 of Block H, Chapel Hill Township Tax Map 85, said lot being adjacent to the old police building parcel, for \$15 per month through June 30, 1982, or until disposition of the parcel is determined by Council.

This the 23rd day of November, 1981.

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT BETWEEN THE PUBLIC TRANSPORTATION DIVISION, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF CHAPEL HILL (81-R-212)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to execute a Supplemental Grant Agreement between the Town and the North Carolina Department of Transportation for an additional \$2,859 as 90% of the total additional cost of \$3,177 to support transit planning activities.

This the 23rd day of November, 1981.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1980" (81-O-96)

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>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
GENERAL FUND				
Revenue Collections	53,537	2,300	-	55,837
Town Clerk	42,609	-	2,300	40,309
Public Works- Streets	567,400	83,957	-	651,357
Police- Administration	223,459	-	8,022	215,437
Patrol	982,633	8,022	-	990,655
Fire- Suppression	933,142	63,552	-	996,694
GENERAL FUND TOTAL	8,378,469	157,831	10,322	8,525,978
OTHER FUNDS				
Capital Improve- ments	982,370	1,402,449	-	2,384,819

ARTICLE II

<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
GENERAL FUND				
Fund Balance	295,844	147,509	-	443,353
GENERAL FUND TOTAL	8,378,469	147,509	-	8,525,978
OTHER FUNDS				
Capital Improve- ments	982,370	1,402,449	-	2,384,819

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

This the 23rd day of November, 1981.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-97)

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>
Library Operations	471,479	500		471,979

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library Operations	471,479	500		471.979

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

This the 23rd day of November, 1981.

ORDINANCE 81-O-98 INADVERTENTLY OMITTED - SEE PAGE 224_b.

Ordinance Amending Chapter 21 of the Code of Ordinances

Mr. Secrist advised that this ordinance was not totally correct and would be presented to the Council at the next regular meeting.

Resolution Accepting Bids and Awarding a Contract for Relocation of Metal Building on Plant Road

Councilmember Thorpe spoke against the spending of funds to remove the garage from Plant Road.

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

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (81-O-98)

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-General Services	221,197	1,500	-	222,697

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Revenue from use of money and property	269,050	1,500	-	270,550

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

This the 23rd day of November, 1981.



A RESOLUTION ACCEPTING BIDS AND AWARDING A CONTRACT FOR RELOCATION OF METAL BUILDING ON PLANT ROAD (81-R-211)

WHEREAS, the Town of Chapel Hill has solicited formal bids on October 20, 1981 and the following bids have been received:

<u>Item</u>	<u>Bidders</u>			
Relocation of Metal Building	Delta Const. Co. Durham Lic. # 2063	Metal Building Systems of N.C. Sanford Lic. # 6720	Preston-Brady Co., Inc. Durham Lic. # 10845	Security Bldg Co., Inc. Chapel Hill Lic. # 4618
Base Bid	\$85,850.00	33,327.00	47,444.00	41,600.00
Alternate #1 (LESS)	N/B	2,100.00	6,000.00	3,500.00
Alternate #2 (PLUS)	N/B	350.00	499.00	375.00
Relocation of Metal Building	D.W. Ward Const. Co., Inc. Durham Lic. # 7244	Sanford Metal Bldg. Corp. Sanford Lic. # 11567		
Base Bid	67,880.00	33,558.00		
Alternate #1 (LESS)	8,800.00	5,192.00		
Alternate #2 (PLUS)	537.00	412.00		

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Sanford Metal Building Corporation in the amount of \$28,366.00.

This the 23rd day of November, 1981.

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

Resolution Certifying Results of Municipal Election

Councilmember Thorpe felt that adoption of this resolution would give the Manager the authority to prepare listing of Councilmember names.

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

A RESOLUTION CERTIFYING RESULTS OF MUNICIPAL ELECTION (81-R-213)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the results of the November 3 Municipal Election, as certified by the Orange County Board of Elections by its certificate dated November 5, 1981 and presented to this meeting, are hereby received and accepted.

This the 23rd day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Boards and Commissions

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO CLOSE NOMINATIONS. THE MOTION CARRIED UNANIMOUSLY.

Planning Board. Council voted as follows: Mae McLendon: Boulton, Herzenberg, Howes, Kawalec, Smith, Straley, Thorpe, Wallace, and Mayor Nassif.

Ms. Mae McLendon was appointed to fill the vacant seat of Mr. John Mason. Her term would expire on June 30, 1984.

Historic District Commission. The person receiving the least number of votes would receive the December 31, 1982 term, as there were four persons running for four vacancies. The following votes were taken:

Shelley Hausler: Boulton, Herzenberg, Howes, Kawalec, Smith, Straley, Thorpe, Wallace, and Mayor Nassif

Susan Gravely: Boulton, Herzenberg, Howes, Kawalec, Smith, Straley, Thorpe, Wallace, and Mayor Nassif

E. Williams: Boulton, Herzenberg, Howes, Kawalec, Smith, Straley, Thorpe, Wallace, and Mayor Nassif

Gary Freeze: Boulton, Herzenberg, Howes, Kawalec, Smith, Straley, Thorpe, Wallace, and Mayor Nassif

As there were no "least number of votes," Mayor Nassif decided to draw names for the December 31, 1982 term. Councilmember Boulton drew the name for this term: Susan Gravely.

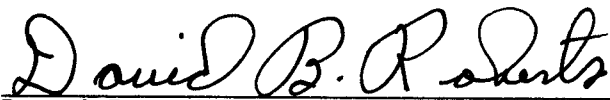
Board of Adjustment: The Council was notified of the pending appointment of Alternate Members to the Board of Adjustment.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADJOURN TO EXECUTIVE SESSION.

The meeting adjourned at approximately 9:00 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk