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MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL
MUNICIPAL BUILDING, MONDAY, JANUARY 11, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
Joe Straley
Jim Wallace (late)

Councilmember Smith was an excused absence. Also present were Ms. Sonna Loewenthal, Assistant Town Manager; Mr. Ron Secrist, Interim Town Manager; and Mr. Emery Denny, Town Attorney.

Mayor Nassif asked that Agenda Item #1 be struck from the agenda as Mr. Armstrong and Mr. Kernodle, to whom letters of appreciation were to be presented, were out of town.

A new format for the Agenda was now being used, setting an approximate duration of time for each agenda item, rather than a clock time for each item.

Petitions

No petitions were presented.

Minutes

December 14, 1981 (Regular Meeting and Executive Session). COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO APPROVE THE MINUTES OF DECEMBER 14, 1981 AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

December 18, 1981 (Executive Session). COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE MINUTES OF DECEMBER 18, 1981, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

Reports on Library Facility Needs

Mr. Secrist presented background: In 1979, the Town had consulted with area consultants to conduct a feasibility study regarding the space needs for the Chapel Hill Public Library. The report was released in late 1980. During the past year, the Library Board of Trustees and the Library Staff had analyzed the feasibility study's recommendations and national standards regarding library space needs.

In November, the Library Board of Trustees had presented their recommendations to the Council that (1) a new central library be constructed and (2) the present library be used as a branch library.

Ms. Loewenthal presented an analysis of the 1980 space feasibility study by Giles, Gurlitz, and Roberts and Associates. Advantages and disadvantages were outlined. Recommendations were:

1. Appoint a Council representative or Committee to explore means of cooperation with Carrboro and Orange County, to report back by June 30, 1982.
2. If above report is negative, proceed with plans for referendum and construction of a 16,000 square foot central library facility. Retain the existing library as a branch.
3. If Carrboro and/or Orange County agree to participate in an interjurisdictional library system; appoint a task force to plan requirements of a large system and a multi-jurisdictional bond referendum.

Mayor Nassif questioned the cost of splitting library services between two library buildings. Ms. Loewenthal explained that the study had considered split services with two library buildings in close proximity to each other. However, experience had

shown that the average user would prefer to have library needs met within the space of one building. The use of two buildings would make centralization of administrative services difficult.

Mayor Nassif asked about where centralization of the library location for townspersons might be located. Ms. Loewenthal felt that the issue of centralization of a facility would first require determining the size of the service area, as centralization for an expanded service area would be considerably different from a centralized area for Chapel Hill only. Mayor Nassif felt that centralization should be maintained in the Central Business District (CBD) to promote and enhance the CBD area as well as improve the accessibility of the facility.

Councilmember Wallace felt that the issue of centralization could become excessive. He felt that Chapel Hill should not attempt to duplicate the extensiveness of the libraries at the University of North Carolina; some division in the central area of Town would not be excessive. In addition, he felt that any consideration of use of the old Police Building was premature and should be delayed until Council had more time to consider other options on the disposition or future use of the old Police Building.

Councilmember Howes concurred, feeling that Council should have dialogue with the Library Board of Trustees regarding this matter before any decisions would be appropriate.

Councilmember Broadfoot asserted his opposition to any capital outlay on any basis. He proposed discussions with Carrboro for a pro-rata share for their library users. He proposed other aids in present facility utilization: increase shelf space by 10% by elimination of old multiple copies, reinstate the weeding system and install a contemporary turn-style collection of publications. He felt that these suggestions would allow the continued use of the present facility for a considerable length of time and could possibly increase the readership and circulation.

Councilmember Kawalec concurred with earlier statements of Councilmember Wallace regarding the prematurity of any decision at this time. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT THE MAYOR APPOINT A COMMITTEE OF COUNCILMEMBERS TO EXPLORE WITH CARRBORO AND ORANGE COUNTY GOVERNMENT THE POSSIBILITY OF COOPERATION IN A LIBRARY SYSTEM, AND TO REPORT BACK TO COUNCIL ON OR BEFORE JUNE 30, 1982.

Councilmember Boulton felt that the process should be reversed: that Council should have a worksession with the Library Board and then possibly have the Mayor appoint a committee.

COUNCILMEMBER BOULTON MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER HOWES, TO DELAY DISCUSSION OF THIS MATTER AND TO SET UP A WORKSESSION WITH THE LIBRARY BOARD.

THE SUBSTITUTE MOTION CARRIED 6 TO 2 WITH COUNCILMEMBERS HOWES, BOULTON, BROADFOOT, PASQUINI, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC AND STRALEY OPPOSING.

THE VOTE TO MAKE THE SUBSTITUTE MOTION THE MAIN MOTION CARRIED UNANIMOUSLY. (A date for the worksession was scheduled at the end of this meeting for February 1, 1982 at 7:30 P.M. at the Library.)

Resolution Authorizing the Manager to Advertise for Bids for Lease of the Old Police Building

Mayor Nassif stated that Mr. Richard Whitted, Chairman of the Orange County Board of Commissioners, had requested that the action regarding this building be delayed in order to have time to discuss the future location of the "911" system with both the new County Manager and Mayor Nassif. Granting this delay would not preclude any recommendation from the Interim Town Manager.

Councilmember Wallace felt a delay was acceptable and would allow Council additional time to consider this building for possible library facilities.

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COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO DELAY CONSIDERATION OF RESOLUTION 82-R-1 UNTIL SUCH TIME THAT THE MAYOR WOULD BE ABLE TO DISCUSS WITH MR. WHITTED, THE COUNTY MANAGER, OTHER OFFICIALS OF ORANGE COUNTY AND CHAPEL HILL THE DISPOSITION OF "911" AS IT RELATED TO THE OLD POLICE BUILDING.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif would have a report from the County for Council by the January 25, 1982 Council meeting.

Resolution Regarding Reports from Council Liaisons

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT RESOLUTION 82-R-2.

Councilmember Howes felt that Council would be better informed if Council liaisons circulated agendas and/or minutes of these meetings to the Council.

Councilmember Kawalec felt that the liaisons could inform Council by a method of their own choosing. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO DELETE THE FOLLOWING WORDS FROM RESOLUTION 82-R-2:

"BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council instructs the Manager to place on the agenda once each quarter, along with the Manager's quarterly report, an item for reports from Council liaisons to the Triangle J Council of Governments, Joint Orange Chatham Community Action Agency and Orange County Human Services Advisory Commission."

and adopt Resolution 82-R-2 (as revised) as follows:

A RESOLUTION REGARDING REPORTS FROM COUNCIL LIAISONS (82-R-2)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council instructs the Manager to place on the agenda at least once each quarter reports in the form desired by the liaisons, from the Council liaisons to the Triangle J Council of Governments, Joint Orange Chatham Community Action Agency and Orange County Human Services Advisory Commission.

This the 11th day of January, 1982.

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

Councilmember Wallace, in opposing the motion, stated that he felt that distribution of minutes and/or agendas were appropriate and sufficient and did not justify quarterly reports in addition to previous distribution of such materials.

Discussion of Membership in the Chamber of Commerce

Mayor Nassif referenced the following letter from Mr. Denny, dated April 3, 1980:

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HAYWOOD, DENNY & MILLER
ATTORNEYS AND COUNSELLORS AT LAW
P. O. BOX 1020 AREA CODE 919 942-4482
CHAPEL HILL, NORTH CAROLINA 27514

April 3, 1980

EBBERT L. HAYWOOD
EMERY B. DENNY, JR.
GEORGE W. MILLER, JR.
JAMES H. JOHNSON, III
B. M. SESSOMS
JOHN D. HAYWOOD
DAVID M. LOMAS
CHARLES H. HOBGOOD
MICHAEL W. PATRICK

Chamber
DURHAM OFFICE
200 WACHOVIA BANK BUILDING
201 WEST MAIN STREET
DURHAM, NORTH CAROLINA

4-9-80
Pine 

Honorable Joseph L. Nassif
Mayor, Town of Chapel Hill
Municipal Building
Chapel Hill, NC 27514

Re: Multiple Memberships by
Town of Chapel Hill and Chamber
of Commerce

Dear Joe:

Inquiry has recently been made again concerning the authority of the Town to purchase multiple memberships in the local Chamber of Commerce.

In the past I have repeatedly expressed the opinion that while I have no basic objection to the Town being a member of the Chamber of Commerce and paying for services rendered, the same as any other business or professional or civic operation in the Town, I do express both practical and legal concerns about the repeated requests that the Town of Chapel Hill, a municipal corporation, purchase multiple memberships, under the theory that these can be assigned to the Manager, the Mayor, the Mayor Pro-tem, and if any more are desired, start with the various Council Members. I find no authority for such a procedure under the general or special laws of the State, and would therefore advise that the Town is without authority to approach its participation with the Chamber in this manner.

I have, however, earlier advised that there are numerous ways either through contract services or direct payments for special projects which the Town would have clear authority to make on its own that it can assist the Chamber in making. If the problem is one of financial support of the Chamber, this should be easily accomplished in this manner.

With best wishes, I am

Sincerely yours,


Emery B. Denny, Jr.

EBDJr:np
cc:
Mr. Gene Shipman

Mayor Nassif requested Council's authorization to either continue or delete such memberships.

Councilmember Boulton stated that other towns did not have memberships in their local chambers.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO DISCONTINUE MEMBERSHIPS IN THE CHAMBER OF COMMERCE.

THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif would submit a letter of explanation to the Chamber of Commerce.

Laurel Hill Development

Resolution Approving a Preliminary Sketch for Laurel Hill Subdivision--Section V.
Mr. Mike Jennings, Director of the Planning Department, outlined the request: approval of a preliminary sketch for the subdivision of approximately 30.45 acres of land into 37 residential building lots. The property is located on the north side of Parker Road and is zoned R-1.

(As stated in a memorandum to Council (1/11/82) from Grainger Barrett, Deputy Town Attorney, this request had been denied by Council previously. Mr. Messer, the applicant, challenged this denial through the courts and the court held that the Town had acted inappropriately by denying the request on the grounds that a Special Use Permit for the same property had been granted.)

Staff and Planning Board recommended approval of the request.

Councilmember Straley asked if there was assurance that there would be a loop-type road that would connect from Laurel Hill V to Bayberry, regardless of the rate of development of either Subdivision IV or Subdivision V.

Mr. Jennings stated that the applicant maintained that compliance would create a financial hardship. However, past Town policy was not to approve any subdivision or unified housing developments at the end of dirt roads. Therefore, stipulation #16 required this paved access prior to issuance of a Certificate of Occupancy.

Mayor Nassif, however, was concerned that in subdivision regulations the road would have to be constructed, before lots could be sold. He did not feel that the wording of stipulation #16 accurately stated the process and requested that Mr. Denny reword this stipulation to more closely follow subdivision regulations.

(The original wording of stipulation #16 of Resolution 82-R-3 read as follows:

"16. That prior to issuance of a Certificate of Occupancy for any dwelling units, that access be provided by a continuous paved access paved to Town or the NC DOT standards, as applicable to a paved public road.")

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION (AS REVISED):

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR LAUREL HILL SUBDIVISION - SECTION V (82-R-3)

1. That the right-of-way of Rhododendron Drive be realigned so that it is adjacent to the eastern property line for a minimum distance of 1,300 feet from its intersection with Parker Road and that it be paved to Town standards with a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. The plans for such paving shall be approved by the Town Manager and NCDOT prior to construction. Street grades on Rhododendron Drive shall not exceed 12%.
2. That the final plat include the dedication of a public right-of-way to provide access from Rhododendron Drive to the Cochrane property. The precise location of such right-of-way shall be approved by the Town Manager.
3. 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.

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4. That sewer drainage and utility easements be dedicated as required by the Town Manager.
5. That additional right-of-way be dedicated along the applicant's frontage with Parker Road. Such dedication shall measure 45 feet from the centerline of the road as determined by the plans of the NCDOT and shall be shown on the final plat.
6. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance of any Grading Permit, start of construction of improvements, and submission of an application for final plat approval.
7. That a drainage plan be submitted to and be approved by the Town Manager prior to issuance of any grading permit, start of construction of improvements, and submission of an application for final plat approval.
8. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
9. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each cluster of units. A letter from the owner or owner's representative shall be presented to the Town Engineer prior to paving any street certifying that all utilities are in place.
10. That no proposed street names (public or private) duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
11. That prior to the sale of any lots within the development, that signs as approved by the Town Manager indicating that the rights-of-way providing access to the Pardue property and the Cochrane property are subject to future extension shall be placed in locations approved by the Town Manager.
12. That Rhodes Court be paved to Town standards and to a minimum cross section of 27 feet back-to-back of curb with curb and gutter. The 27 foot wide street width is in accordance with the provisions of Section 18-68 of the Subdivision Ordinance.
13. That all streets be paved to Town standards. Detailed plans for such paving shall be approved by the Town Manager and NC DOT prior to construction. No street grades shall exceed 12%.
14. That the width of the open space connection to Rhododendron Drive be increased from the proposed width of 20 feet to a minimum width of 75 feet. Such connection shall not be in the form of an easement.
15. That Rhododendron Drive be exempted from the 8% grade standard for collector streets and that Rhodes Court be exempted from the 400 foot standard for the length of cul-de-sac streets as provided for in Section 18-55 of the Subdivision Ordinance.
16. That prior to approval of final plat, access be provided by a continuous paved access paved to Town or the NC DOT standards, as applicable to a paved public road.

This the 11th day of January, 1982.

Councilmember Broadfoot expressed concern about what he felt to be the dissimilarity of the proposed construction with the surrounding neighborhood.

Councilmember Wallace was concerned that road construction would cross University property and Council had not heard any statements or received any documents from the University regarding their feelings on this matter.

Mr. Messer, applicant, and Mr. Roscoe Reeve, Chairman of the Planning Board, assured Councilmember Wallace that the University Property Officer was aware of the proposed development. Councilmember Wallace, however, did not wish to accept "oral observations of third parties" as evidentiary.

Mr. Denny stated that the Town had not and would not sit as an arbitrator among neighboring property owners in contested matters. Approval of any request did not give the developer legal rights to a piece of property, if in fact the applicant did not own that property.

The properties involved were currently owned by Hunt, not by the proposed developer. Mr. Messer did, however, have the legal right to purchase that property.

Councilmember Wallace continued to assert the necessity, in his opinion, of a written statement from the University Property Office representative that the University did, in fact, not object to the proposal.

Mr. Denny reiterated that past Town policy had not required consent from adjacent property owners before taking action.

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

Resolution Denying a Planned Development-Housing Special Use Permit to Roger D. Messer for Laurel Hill--Section V. Mr. Jennings outlined the request for a Planned Development-Housing Special Use Permit to construct 42 dwelling units on approximately 30.5 acres of land zoned R-1.

(A memorandum from Mr. Grainger Barrett, Deputy Town Attorney, stated that a court decision had ruled that two conditions of the Special Use Permit (establishment of a fire district, and acquisition of additional right-of-way on Parker Road) were invalid, as Mr. Messer had no ability to comply with these stipulations.)

Mr. Jennings stated that (1) a fire district in this area had subsequently been created and (2) development of Laurel Hill IV would provide another means of access.

Staff recommended approval of the request, subject to the outlined stipulations.

Previously, the Planning Board had approved the request for a Special Use Permit of Laurel Hill V. At that time, access was proposed through Parker Road. At this time, however, the Planning Board recommended denial as principal access was now proposed by means of roads through residential neighborhoods. Therefore, the recommendation from the Planning Board for denial of the request was based on the inability to make Finding #1 (regarding public health, safety, and general welfare).

Staff recommended approval, as they felt that there was a reasonable means of paved continuous access to a state-maintained paved road.

COUNCILMEMBER KAWALEC MOVED ADOPTION OF RESOLUTION 82-R-4a (to grant the request for the Special Use Permit). THE MOTION DID NOT PASS FOR LACK OF A SECOND.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 82-R-4b, TO DENY THE REQUEST. Councilmember Howes asked Mr. Denny to add language that would more specifically state reasons for denial.

Mr. Denny suggested adding the following words at the end of the first paragraph (after the words "... general welfare."): "... inasmuch as access to the proposed development is through a congested residential neighborhood by means of Bayberry and other residential streets to Farrington Road."

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION, AS REVISED, PASSED WITH A VOTE OF 6 TO 2 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, PASQUINI, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC AND WALLACE OPPOSING.

A RESOLUTION DENYING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO ROGER D. MESSER FOR LAUREL HILL SECTION V (82-R-4b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby fails to find that the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare inasmuch as access to the proposed development is through a congested residential neighborhood by means of Bayberry and other main streets to Farrington Road.

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BE IT FURTHER RESOLVED that the Council hereby denies a Planned Development-Housing Special Use Permit.

This the 11th day of January, 1982.

Councilmember Wallace stated that he would have voted for the subdivision if he could have received the key piece of information (that he had requested, but did not receive) relating to the crossing at the arboretum. He felt that Council had required Mr. Messer to produce a "remarkable amount of detailed information," but had not required equal specific details from others involved. He felt this issue would ultimately come to "a quarrel of major proportions."

Resolution Approving the Preliminary Sketch for Forsyth Subdivision

Final plats had not been submitted to the Planning Board within one year of the date of approval of the preliminary sketch, as specified in Section 18-20 of the Subdivision Ordinance; therefore, the Preliminary Sketch was being resubmitted for approval.

No changes were proposed from the previously approved Preliminary Sketch; therefore, staff, the Planning Board and the Recreation Commission recommended approval.

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR FORSYTH SUBDIVISION (82-R-5)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated July 28, 1980 for Forsyth Subdivision--located on property identified as Chapel Hill Township Tax Map 27, Block D, Lots 22 and 23, subject to the following:

1. That an additional 25-foot wide pedestrian and non-motorized vehicle easement be added to the open space parcel on the southern portion of the property, bringing the combined width of said open space and easement to 100 feet, and that a minimum 25-foot wide pedestrian and non-motorized vehicle easement be dedicated between Forsyth Drive and said open space.
2. That an additional five feet of right-of-way be dedicated along the applicant's frontage with Legion Road. Such dedication shall be shown on the final plat.
3. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance of any Grading Permit, start of construction of improvements or submission of an application for final plat approval.
4. That a detailed drainage plan and the detailed street construction plans be submitted to and be approved by the Town Manager prior to issuance of any Grading Permit, Building Permit or submission of an application for final plat approval.
5. 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.
6. That any detention basin be privately maintained by the owner, a homeowners' association, or other appropriate entity.
7. That sewer, drainage, and utility easements be dedicated as required by the Town Manager. Such easements shall include a sewer easement along the length of the southern property boundary.
8. That the open space be labelled "dedicated permanent open space, and pedestrian and non-motorized vehicle easement," and that signs be posted at all entrances to open space or easements indicating that these areas are public footpaths.

9. That a revised site plan incorporating all the above conditions be submitted to and approved by the Planning Board prior to, or as part of, the consideration of the request for final plat approval.
10. That all lots connecting to the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
11. That prior to paving streets, utility service laterals shall be stubbed-out to the front property line of 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 Engineer prior to paving any street certifying that all utilities are in place.
12. That no proposed street names duplicate or be similar to existing street names. Such proposed street names shall be approved by the Town Manager and shall be shown on the final plat.
13. That all streets be paved to Town standards or comparable State standards (whichever are greater) with curb and gutter, and that the plans and profiles of such streets be approved by the Town Manager prior to construction. That Elderberry Drive and any proposed cul-de-sac street be paved to a minimum paved cross-section of 27 feet back-to-back of curb as provided in Section 18-68 of the Subdivision Ordinance.
14. That Legion Road be paved, curbed and guttered along the property's frontage to a width of 16½ feet as measured from the centerline of the road (to provide for an eventual 35-foot wide street).
15. That the proposed cul-de-sac be exempted from the 400-foot maximum length standard of the Subdivision Ordinance as provided for in Section 18-55 of the Subdivision Ordinance.
16. That lot #42 be redrawn to create a buildable lot.

This the 11th day of January, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Concerning the Proposed Midway Airport/Airpark

Mayor Nassif stated that this was a courtesy review at the request of Orange County as part of the joint planning process on this item.

Councilmember Straley felt that the wording of the proposed resolution seemed negative and proposed that more positive wording be added. Councilmember Howes felt that the resolution did convey concerns that the Town felt should be considered by the County.

Councilmember Kawalec concurred with the feelings expressed by Councilmember Straley; COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, THE ADDITION OF WORDING IN RESOLUTION 82-R-6.

COUNCILMEMBER BOULTON MOVED A SUBSTITUTE MOTION, SECONDED BY COUNCILMEMBER HOWES, THAT THE MAYOR SEND A LETTER TO THE COUNTY COMMISSIONERS, THANKING THEM FOR THE REVIEW AND CALLING THEIR ATTENTION TO COUNCIL'S PREVIOUS RESOLUTION AND THAT THE TOWN OF CHAPEL HILL REMAINED VERY INTERESTED IN A COUNTY AIRPORT.

Councilmember Howes also wished to express concern over any possible development in University Lake and/or Cane Creek watersheds.

Councilmember Kawalec did not concur, as the proposed plan was not actually in either watershed.

Councilmember Wallace requested that the Mayor, in his letter, also convey concerns that the County Commissioners pay particular attention to the question of water quality in the watersheds in whatever area they might consider.

Councilmember Boulton concurred.

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

THE MOTION TO MAKE THE SUBSTITUTE MOTION THE PRIMARY MOTION CARRIED UNANIMOUSLY.

Resolution Recommending Approval of a Planned Development-OI for Duke Power Company

Mr. Jennings described the request: a courtesy review for a PD-OI to construct a new Duke Power operations center on approximately 20.6 acres at the northwest corner of Homestead and Airport Roads. Plans were to construct a building to house office and warehousing space with parking and outdoor storage areas. Staff and Planning Board recommended approval.

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

A RESOLUTION RECOMMENDING APPROVAL OF A PD-OI FOR DUKE POWER COMPANY (82-R-7)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby recommends that the Orange County Board of Commissioners approve the request for a Planned Development-Office and Institutional for property located at the northwest corner of NC 86 and Homestead Roads subject to the following stipulations:

1. That both driveway access points on Homestead Road be located to achieve a sight distance of 462 feet each way for each driveway. That plans for these relocated driveways, including topographic contours across the roadway or a profile of the roadway be submitted to the Town Manager for his approval prior to construction.
2. That left turn lanes and right turn deceleration lanes meeting the requirements of the Chapel Hill Design Manual be provided prior to issuance of a Certificate of Occupancy.
3. That all parking and storage areas with the exception of those to be used for heavy equipment parking and equipment storage be paved to the standards contained in the Chapel Hill Design and Construction Manuals.
4. That the proposed pedestrian access to NC 86 be relocated to the intersection of Homestead Road and NC 86.
5. That the proposed dumpster be placed on a 10' x 20' concrete pad, 6" thick, with wire mesh.
6. That the applicant dedicate additional right-of-way, as necessary, along the frontage of the subject property with Homestead Road and NC 86 to achieve the following standards:
 - For NC 86, 45 feet of right-of-way measured from the centerline.
 - For Homestead Road, 40 feet of right-of-way measured from the centerline.
7. That at such time as public sewer service is available within 200 feet of the site, that the applicant will connect to that system.

This the 11th day of January, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Report on Letter from Mrs. Catherine Caldwell Stanback Regarding Offer for Acquisition of Property

Mr. Denny recalled for Council that in December (1981) the owner of some of the property on Church Street (which was proposed for acquisition) had written a letter to the Housing Authority and sent copies to Council, "raising concerns and questions objecting to the alleged absurdity of the offer." The property owner had suggested that many other variables should have been considered in the land valuation. At that time, Councilmember Smith had raised questions about the appraisal procedures. Mr. Denny outlined procedures as mandated by state and federal regulations, and assured Council that that specified set of procedures had been followed in this instance. Council could not arbitrarily reconsider the appraisal unless they received another appraisal that would provide substantial evidence to warrant such reconsideration.

Consent Agenda

Councilmember Straley requested the removal of Consent Agenda Item #e (regarding update of the Town Council Procedures Manual).

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

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (82-R-8)

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

- a. Parking restriction on south side of part of North St. (82-0-1)
- b. Amendment to parking permit ordinance. (82-0-2)
- c. Vehicular use of Sandy Creek Trail. (82-12-9)
- d. RSVP agreement with Town of Carrboro. (82-12-10)
- f. Request for Section 8 Federal Assistance for Housing Rehabilitation. (82-12-12)

This the 11th day of January, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions/Ordinances Approved on the Consent Agenda are as follows:

AN ORDINANCE AMENDING SECTION 21-27.1 (c) (82-0-1)

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

ADD: to Section 21.27.1 (c): 9:00 A.M. to 4:00 P.M. Monday - Friday

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
North Street	South	Henderson Street	Dead End

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

This the 11th day of January, 1982.

18
JANUARY 11, 1982

AN ORDINANCE REGARDING SPECIAL PARKING PERMITS (Corner Lots)(82-0-2)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-27.2 of the Code of Ordinances, Town of Chapel Hill, as follows:

Section I: REWRITE Subsections (a)(1); (b)(1); (c)(1); and (d)(1) to read:

- (1) The applicant is domiciled on a street on both sides of which adjacent to applicant's domicile parking is simultaneously prohibited or, the applicant lives on a corner lot at the intersection of two streets, on one of which parking in the vicinity of the intersection is simultaneously prohibited on both sides of that street and on the other of which parking in the vicinity of the intersection is prohibited on one side or both sides of that other street; and

This the 11th day of January, 1982.

A RESOLUTION REGARDING VEHICULAR USE OF SANDY CREEK TRAIL (82-R-9)

WHEREAS, on November 11, 1971, the Board of Aldermen directed that the Weaver Road right-of-way between Greenwood Road and Roosevelt Drive be reserved for pedestrians and bicycles only; and

WHEREAS, homes are being built adjacent to a portion of said right-of-way, now named Sandy Creek Trail, from Greenwood Road to a point near Battle Branch approximately 600 feet west of Greenwood Road;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends its action of November 11, 1971, to provide that vehicles may use the above-described 600 feet of right-of-way known as Sandy Creek Trail for ingress and egress to residences thereon.

BE IT FURTHER RESOLVED that the restriction on vehicular traffic described in the Council's November 11, 1971 action continues in full force and effect from the western terminus of Sandy Creek Trail to the presently paved and developed portion of Weaver Road near Glendale Drive; the Council's intention is that a cross-connector not be created between Sandy Creek Trail and the above-mentioned developed part of Weaver Road.

This the 11th day of January, 1982.

A RESOLUTION CONCERNING A PERFORMANCE AGREEMENT (82-R-10)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to sign the attached agreement with the Town of Carrboro for services by the Town's Retired Senior Volunteer Program from July 1, 1981 through June 30, 1982.

This the 11th day of January, 1982.

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

A G R E E M E N T

Whereas, the non-profit corporation, association, or organization described below has requested an appropriation from the Town of Carrboro; and

Whereas, the Town has determined that said corporation, association, or organization can and will perform for and on behalf of the town certain services that the Town itself is authorized to perform and has therefore indicated its approval of this request by an appropriation in the budget ordinance for fiscal 1981-82, as amended; and

Whereas, the Town of Carrboro desires to ensure that funds will be used for the purposes intended by the Town in making this appropriation and for no other purposes;

NOW, THEREFORE, in consideration of an appropriation in the amount of \$800.00, the following non-profit corporation, association, or organization, hereafter described as Grantee, agrees and promises to abide by the following conditions:

1. Grantee will perform the services or achieve the undertaking described in Attachment "A" in the manner and according to any time schedule therein provided.
2. Funds may be released monthly, quarterly, or according to any other schedule deemed appropriate by the Town Finance Officer. If required by the Finance Officer, Grantee shall submit a written request for each fund distribution, and any such request shall contain a certification that the Grantee shall use the funds received only to provide the services described in Attachment "A".
3. Not later than March 31st of the current fiscal year, or such other time as specified by the Town Finance Officer, the Grantee shall account to the Town of Carrboro for the use of the funds appropriated by the Town by (i) furnishing a detailed description, quantified to the extent practicable, of the extent to which the Grantee has performed services for or on behalf of the Town of Carrboro or its citizens during the portion of this fiscal year from July 1, 1981 through June 30, 1982, and (ii) providing the Town with a copy of Grantee's most recent audit, financial statement, or other financial information requested by the Town Finance Director.
4. Grantee will not discriminate against any individual on the basis of race, color, religion, sex, or national origin in any of its activities or operations, whether or not financed in whole or in part by funds received by the Town. This nondiscrimination provision prohibits Grantee from discriminating on any of the above listed bases with respect to employment, rendering of services, or provision of benefits.

5. Grantee acknowledges that any appropriations in the budget ordinance to Grantee have been made on the condition that Grantee execute and comply with all the terms of this agreement. Grantee further agrees that, if it fails to comply with each and every condition specified in paragraphs 1 through 4 above, it will repay in full to the Town of Carrboro all sums paid by the Town to Grantee pursuant to this agreement.

For the Town of Chapel Hill

By: _____
(Title)

Attest: _____
(Title)

Approved as to form: _____

"ATTACHMENT A"

The Retired Senior Volunteer Program, sponsored by the Town of Chapel Hill through June 30, 1982, shall apply the entire grant toward general operating expenses for the period July 1, 1981 through June 30, 1982 for recruiting and placing elderly volunteers in community service activities in Carrboro. The Retired Senior Volunteer Program will attempt to recruit one volunteer with experience in research and/or engineering to serve the Town of Carrboro directly.

JANUARY 11, 1982

A RESOLUTION AUTHORIZING THE INTERIM TOWN MANAGER TO SUBMIT A LETTER TO HUD REQUESTING 28 SECTION 8 MODERATE REHABILITATION UNITS (82-R-12)

BE IT RESOLVED that the Council of the Town of Chapel Hill hereby authorizes the Interim Town Manager, Ronald A. Secrist, to submit a letter to the Department of Housing and Urban Development requesting 28 Section 8 Moderate Rehabilitation units necessary to complete Chapel Hill's approved 1979-82 CD Small Cities Program.

This the 11th day of January, 1982.

Resolution Amending the Town Council Procedures Manual

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

A RESOLUTION AMENDING THE TOWN COUNCIL PROCEDURES MANUAL (82-R-11)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts Supplement #4 (January 11, 1982) to the Town Council Procedures Manual.

This the 11th day of January, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Nominations

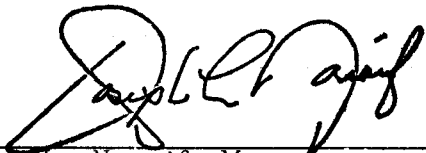
Board of Adjustment. There were no nominations for two alternate membership positions on the Board of Adjustment.

Other Business

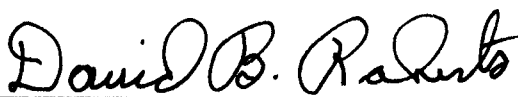
Council consented to meet with the Library Board of Trustees on Monday, February 1, 1982 at the Library at 7:30 P.M.

Mr. Secrist would notify the Library Board of the proposed meeting date.

As there was no further business to come before the Council, the meeting was adjourned at 10:15 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk