

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, APRIL 5, 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 absent due to illness. Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny.

Resolution by the Chapel Hill Town Council Expressing Praise and Congratulations to the University of North Carolina Tar Heels, on the Occasion of Their National Championship in the NCAA Tournament

Councilmember Howes introduced Assistant Basketball Coach, William Guthridge, of the University of North Carolina, and presented him with the resolution. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:



TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27514

Telephone (919) 929-1111

A RESOLUTION BY THE CHAPEL HILL TOWN COUNCIL EXPRESSING PRAISE AND CONGRATULATIONS TO THE UNIVERSITY OF NORTH CAROLINA TAR HEELS, ON THE OCCASION OF THEIR NATIONAL CHAMPIONSHIP IN THE NCAA TOURNAMENT

WHEREAS, on Monday, March 29, 1982, the University of North Carolina Tar Heels defeated Georgetown University to win the National Collegiate Athletic Association Basketball Championship, and

WHEREAS, by this great victory the Tar Heels have established, proven and demonstrated to all that they are the Number One Basketball Team in the United States, and

WHEREAS, said victory was achieved by the basketball team, Head Coach Dean Smith and the staff of the UNC Basketball Program through their talent, skills, hard work, united effort and inspired play, and

WHEREAS, the Tar Heels were victorious in the Atlantic Coast Conference Tournament, and tied for first place in the ACC regular season, and

WHEREAS, the Tar Heels have brought honor upon themselves, the University of North Carolina, the Town of Chapel Hill and the State of North Carolina,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Town Council of Chapel Hill herewith express their praise, admiration and congratulations to the University of North Carolina Tar Heels for winning the National Championship in the 1982 NCAA Tournament.

Joseph L. Nassif, Mayor

Marilyn Myers Boulton
Mayor Pro-tem

Winston Broadfoot

Beverly Kawalec

Jonathan B. Howes

R.D. Smith

David Pasquini

James C. Wallace

Joe Straley

THE MOTION CARRIED UNANIMOUSLY.

Coach Guthridge expressed his appreciation on behalf of the team and Coach Dean Smith.

Petitions

There were no petitions from citizens or Council.

Minutes

March 15, 1982. COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO ADOPT THE MINUTES AS SUBMITTED. THE MOTION CARRIED UNANIMOUSLY.

March 22, 1982. COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE MINUTES AS CORRECTED AND AMENDED. THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Planned Development-Housing Special Use Permit to Anker and Sandra Bell for Stonehenge Apartments

Mr. Mike Jennings, Planning Director, presented the request to construct 39 dwelling units, 5 of which were proposed in the Chapel Hill Planning Area (please refer to minutes of the public hearing of March 15, 1982). At the March 15, 1982, public hearing Council referred the request to the Manager and Attorney for review and recommendation. Mr. Jennings reviewed concerns expressed during the public hearing for fire protection, sewage pump station, adequate drainage, and traffic safety. Staff felt that Town standards and stipulations outlined in the proposed resolution adequately addressed these concerns. Concerns had also been expressed regarding adequate police protection. As conflicting information had been presented at the public hearing regarding frequency of sheriff's patrol of the area, Mr. Jennings informed Council that staff would rely upon information that had been provided by Sheriff Knight in his letter of March 2, 1982.

Mayor Nassif referenced an earlier request for rezoning that had been denied. He asserted that approval of this request would seem inconsistent, as it deviated from a previous decision.

Mr. Jennings responded that the current request was for low density. Mr. Reeve felt that development, discussion, and subsequent adjustment in Chapel Hill's Land Use Plan with the County's Land Use Plan had resulted in a different conclusion from a previous denial of a similar request.

Councilmember Howes felt that Council would be justified in approving the Special Use Permit and at the same time express to the County Commissioners that rezoning was not felt to be appropriate at this time.

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

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO ANKER AND SANDRA BELL FOR STONEHENGE APARTMENTS (82-R-65a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Planned Development-Housing Special Use Permit proposed by Anker and Sandra Bell if developed in accordance with the plans submitted January 19, 1982, and the stipulations and conditions set forth below:

1. That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the development complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, with all other applicable regulations;
3. That the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and

4. That the development conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

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

1. That an application meeting OWASA standards be submitted to OWASA for maintenance of the on-site pump station and force main prior to issuance of a Zoning Compliance Permit.
2. That detailed plans for sewer and water utilities be approved by OWASA prior to issuance of a Zoning Compliance Permit.
3. That location of fire hydrants be approved by the Town Manager, and that means for continued maintenance of hydrants be approved by OWASA prior to issuance of a Zoning Compliance Permit.
4. That a detailed drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That a plat showing dedication of rights-of-way and easements be approved by the Town Manager and OWASA and recorded with the Orange County Register of Deeds prior to issuance of a Zoning Compliance Permit.
6. That sidewalks located adjacent to parking areas be designed to provide a 5-foot wide clear walkway. Plans for the sidewalks shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That a lighting plan for the parking lot be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
8. That the project be phased to correspond with the planned upgrading of the Heritage Hills pump station. A phasing plan shall be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit.
9. That the project be redesigned to conform with the requirements of sections 6.6.5g, 6.6.6b, 6.6.6d, 6.11, and 6.12.2. A plan showing the redesign shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. That all improvements required as part of the special use permit be installed prior to issuance of a Certificate of Occupancy.
11. That detailed architectural elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
12. That a detailed landscape plan showing buffers and alternative buffers, if any, be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
13. That the name of the complex not duplicate or be phonetically similar to other developments in Orange County and that the name be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
14. That construction not begin until contractual or other legally binding arrangements for fire protection services are entered into and actual fire protection services provided. These arrangements shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
15. That construction begin by June 30, 1984, and be completed by June 30, 1987. These dates may be extended by the Town Manager without a modification of the Special Use Permit to the extent that and for such period as actual fire protection services and sewer capacity are not initially made available to the development for reasons beyond the control of the developer.

BE IT FURTHER RESOLVED that the Council hereby grants a Planned Development--Housing Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 5th day of April, 1982.

Mr. Jennings responded to Councilmember Broadfoot that completion of the pump station and provision of adequate fire protection would necessitate a 5-year time frame for completion of the proposed development.

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

Resolution Concerning a Courtesy Review of Stonehenge Apartments

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

A RESOLUTION CONCERNING A COURTESY REVIEW OF STONEHENGE APARTMENTS (82-R-66b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby recommends that the Orange County Commissioners deny the Zoning Map Amendment requested in conjunction with the Stonehenge Apartment proposal.

This the 5th day of April, 1982.

The Town Manager would forward the resolution to the Orange County Board of Commissioners.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Fraternity Special Use Permit to North Carolina Delta of Sigma Phi Epsilon, Inc., for Sigma Phi Epsilon Fraternity

Mr. Jennings reviewed the request to construct a 10,760 sq.ft. fraternity house at the southwest corner of Pittsboro Street and Cameron Avenue (please refer to minutes of the March 15, 1982, public hearing). Mr. Jennings stated that concerns regarding adequate on-site water retention had been addressed in Stipulation #1.

A second concern had been expressed for adequate buffers between the parking lot for the fraternity and the parking lot for the church on the adjacent property. Mr. Jennings stated that the site plan currently used minimum parking lot specifications allowed in the Zoning Ordinance. The length of the proposed fraternity house, combined with requirements for the parking lot, did not allow sufficient room to provide adequate buffer between the parking lots.

As the parking lot plans could not be further minimized, and as the Special Use Permit did not allow modification of Zoning Ordinance requirements, staff proposed the deletion of parking lot specifications from the Zoning Ordinance and insertion of such specifications into the Design and Construction Manuals. Should Council elect to include these specifications into the Construction and Design Manuals, a buffered area could be required as proposed in Stipulation #7.

Even though Mr. Jennings had stated that the adoption of the Design Manual (to include parking lot specifications) was the only way that a buffer could be required, Mayor Nassif asserted that Council could place stipulations on the construction of the proposed house.

Councilmember Wallace felt that a barrier could be provided and could be required regardless of seemingly prohibitive restrictions.

Mayor Nassif recommended that Stipulation #7 be retained and insert words to the effect that if some accord could not be reached (rather than redesign the building), a 4-ft. brick wall could be erected to separate the parking areas.

Councilmember Kawalec felt Stipulation #7 should be deleted, so that Council would not be obligated to put parking lot design requirements in the Design Manual. The idea to work out a solution for either a fence or greenery should be added.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO DELETE STIPULATION #7 (of Resolution 82-R-67) AND INCLUDE IN STIPULATION #5 THAT APPROVAL ALSO BE BY THE MANAGER AND THE PLANNING DIRECTOR. THE MANAGER WOULD TAKE INTO ACCOUNT THE DESIRE OF THE COUNCIL TO HAVE A GREENERY BUFFER OR APPROPRIATE BARRIER.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION GRANTING A FRATERNITY SPECIAL USE PERMIT TO N.C. DELTA OF SIGMA PHI EPSILON, INC., FOR SIGMA PHI EPSILON FRATERNITY (82-R-67)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Fraternity Special Use Permit proposed by N.C. Delta of Sigma Phi Epsilon, Inc., if developed in accordance with the plans submitted March 5, 1982, and the stipulations and conditions set forth below:

1. That the use is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use 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;
3. That the use is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. That the use conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

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

1. That detailed hydrologic calculations and design of stormwater detention measures including adequate provisions for on-site stormwater detention be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
2. That a lighting plan including lighting of the parking lot be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
3. That a paved sidewalk to Town standards be constructed along the development's frontage with Cameron Avenue and Pittsboro Street. Plans for the sidewalks shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That detailed elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
5. That a detailed landscape plan showing alternative buffers, if any, be approved by the Town Manager, the Planning Director, and the Appearance Commission prior to issuance of a Zoning Compliance Permit. The Manager will take into account the desire of the Council to have a greenery buffer or appropriate barrier.
6. That any required planting which dies during the life of the Special Use Permit be replaced with plantings of a similar species and approximately the same size by the end of the next planting season.
7. That construction begin by April 30, 1984, and be completed by April 30, 1987.

BE IT FURTHER RESOLVED that the Council hereby grants a Fraternity Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 5th day of April, 1982.

Resolution Granting a Modification of the Special Use Permit for Central Carolina Bank and Trust

The request to permit a drive-in window had been presented to Council at the March 15, 1982, public hearing. There was no discussion from Council at this time. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO APPROVE THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR CENTRAL CAROLINA BANK AND TRUST (82-R-68)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Unified Business Special Use Permit granted to Central Carolina Bank and Trust on July 9, 1979, for the Unified Business Development on Chapel Hill Township Tax Map 27A, Block A, Lots 2, 3 and 4 is hereby modified to a Drive-In Window Special Use Permit for the Central Carolina Bank portion of the property shown on the site plan submitted January 20, 1982, and to allow subdivision of the property as shown on plans submitted January 20, 1982, subject to the following:

1. That the improvements required on the original Special Use Permit be completed prior to issuance of the modification of the Special Use Permit or that a bond be submitted to the Town covering the cost of such improvements.
2. That, since the proposed use will not increase the nonconformity of the existing development, the Central Carolina Bank portion of the development be exempted from Section 6.6.5 concerning the 10-foot setback for parking areas from public rights-of-way; Section 6.6.6a concerning a 5-foot landscape buffer separating the parking areas from the building; Section 6.6.6b concerning the 8-foot wide buffer at entryways to Section 6.12.1 and 6.12.2 concerning landscape buffers separating the bank from adjoining residential land uses. Further modification of previously approved plans affecting any of these exemptions will require compliance at that time.
3. That the Manager may issue a Zoning Compliance Permit for the second building approved as a part of the Unified Business Development Special Use Permit without site plan review provided no significant changes are proposed to the previously approved plans, as determined by the Town Manager.

BE IT FURTHER RESOLVED, that except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect for the Central Carolina Bank and Trust portion of the development, and that the Council finds that with all stipulations and conditions as modified, the use meets the four requisite findings as set forth below:

- a) That the use 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 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 is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- d) That the use conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

This the 5th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY

Resolution Approving the Preliminary Sketch for Central Carolina Bank and Trust

Council had considered the request to subdivide the property during the March 15, 1982, public hearing. There was no discussion from Council at this time. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR CENTRAL CAROLINA BANK AND TRUST (82-R-69)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated January 20, 1982, for Central Carolina Bank and Trust located on property identified as Chapel Hill Township Tax Map 27A, Block A, Lots 2, 3 and 4, subject to the following:

That the improvements required on the original Special Use Permit be completed prior to issuance of the Modification of the Special Use Permit and prior to recording of a final plat or that a bond be submitted to the Town covering the cost of such improvements.

This the 5th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for First Citizens Bank and Trust

The request to allow a drive-in window was reviewed by Council at the public hearing on March 15, 1982. There was no discussion by Council at this time. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO APPROVE THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR FIRST CITIZENS BANK AND TRUST (82-R-70)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Unified Business Special Use Permit granted to the First Citizen's Bank and Trust on October 26, 1976 for the Unified Business Development on Chapel Hill Township Tax Map 46, Block B, Lot 5 is hereby modified to a Drive-In Window Special Use Permit for the property designed as Lot 1 on the preliminary sketch submitted February 26, 1982, and to allow subdivision of the property as shown on this sketch subject to the following:

1. That an easement for ingress and egress be provided over the existing dual entrance to assure the continued availability of this driveway for property designated as Lot 2 on the preliminary sketch submitted February 26, 1982. This easement shall be shown on the final plat and recorded prior to issuance of the Special Use Permit.
2. That, since the proposed modification would not increase the nonconformity of the existing development, Lot 1 containing the First Citizen's Bank portion of the development be exempted from Section 6.6.6b concerning the requirement for an 8-foot wide buffer at entryways to parking facilities; Section 6.6.6c concerning parking lot screening; Section 6.6.6d concerning parking lot shading; Section 6.12.1 and 6.12.2 concerning landscape buffers separating the bank from adjoining residential land uses. Further modifications to the approved plans affecting any of these exemptions will require compliance at that time.

BE IT FURTHER RESOLVED that except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect for Lot 1 the First Citizen's Bank portion of the development, and that the Council finds that with all stipulations and conditions as modified, the use meets the four requisite findings as set forth below:

- a) That the use 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 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 is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- d) That the use conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

This the 5th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for First Citizens Bank and Trust

Information regarding the request to subdivide the property was presented to Council during the public hearing on March 15, 1982. There was no discussion from Council at this time. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR FIRST CITIZENS BANK AND TRUST (82-R-71)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch submitted February 26, 1982, for First Citizens Bank and Trust located on property identified as Chapel Hill Township Tax Map 46, Block B, Lot 5, subject to the following:

That an easement for ingress and egress be provided over the existing dual entrance to assure the continued availability of this driveway for the property designated as Lot 2 on preliminary sketch submitted February 26, 1982. Such easement shall be shown on the final plan and recorded prior to issuance of the Special Use Permit modification.

This the 5th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Drive-In Window Special Use Permit to Michael Olander for Burger King Restaurant

Council reviewed this request, to permit a drive-in window, during March 15, 1982, public hearing. There was no discussion from Council at this time. COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A DRIVE-IN WINDOW SPECIAL USE PERMIT TO MICHAEL OLANDER FOR BURGER KING RESTAURANT (82-R-72)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Drive-In Window Special Use Permit proposed by Michael Olander if developed in accordance with the plans submitted January 28, 1982, and the stipulations and conditions set forth below:

1. That the use is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use 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;
3. That the use is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. That the use conforms with the general plans for the physical development of the Town as embodied in the Zoning Ordinance and in the Comprehensive Plan.

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

1. That a three-foot high evergreen hedge or screening fence be installed along the north and west sides of the access drive from the customer parking lot to the proposed ordering station (approximately 130 feet) and that plans for screening be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
2. That the proposed connection between the access drive and employee parking lot be severed and the intervening area be planted with ground cover.
3. That curb and gutter be installed along the access drive and that plans for the construction of the access drive including any necessary grading and curb and gutter be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That a curbed island be installed at the western end of the second interior parking bay. Plans for the construction of this island shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That detailed architectural elevations be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
6. That all improvements, as shown on the approved plans or required as part of the granting of the Special Use Permit shall be completed prior to issuance of a Certificate of Occupancy.

7. That the turning radius on the entrance from Elliott Road be reconstructed to facilitate turning movements for traffic heading toward US 15-501, and that the entrance be striped to channelize entering and exiting traffic.
8. That, since the proposed use would not increase the nonconformity of the existing development, the development be exempted from Section 6.6.5a concerning provision of a 10-foot setback for parking from adjacent street rights-of-way; Section 6.6.6b concerning provision of an 8-foot landscaped buffer on entryways; Section 6.6.6c concerning screening parking from adjacent streets; and Section 6.6.6d concerning shading of the parking lot.
9. That all planting which dies during the life of the Special Use Permit be replaced with plantings of the same species and approximately the same size by the end of the next planting season.
10. That construction begin by April 30, 1984, and be completed by April 30, 1985.

BE IT FURTHER RESOLVED that the Council hereby grants a Drive-In Window Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 5th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for Greenwood Point Subdivision

Mr. Jennings outlined the request to approve a preliminary sketch for the subdivision of approximately 11 acres (part of a 16-acre tract) into 13 residential building lots. Mr. Jennings described the property as being approximately 200 ft. west of Greenwood Road. The applicant requested (1) a variance from the standard cul-de-sac length (an 825-foot cul-de-sac would be needed to provide access), and (2) a reduction in the cul-de-sac width, as the cul-de-sac would be an extension of Stagecoach Road. Staff recommended these variances.

In addition, staff recommended (1) a reduction in shoulder width, as the need for a sidewalk was not anticipated for this development, and (2) provision of access for the entire 16-acre tract by an extension of Stagecoach Road, creating a T-intersection with the cul-de-sac. The cul-de-sac would now be extended, making a variance request for a 900-ft. cul-de-sac, rather than the applicant's proposed 825 ft. cul-de-sac.

The applicant objected to the proposed change in access due to the additional expense.

The Planning Board recommended that the entire tract be included in the final plat, but did not recommend provision of access until further development was proposed.

Town standards would be met for utilities and storm drainage. Staff recommended drainage easement between lots 9 and 10; Planning Board recommended easements between either lots 9 and 10 or lots 10 and 11.

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR GREENWOOD POINT SUBDIVISION (82-R-73b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch submitted March 3, 1982, for Greenwood Point Subdivision located on property identified as Chapel Hill Township Tax Map 55, Block C, Lot 6, subject to the following:

1. That the 4.88 acre tract be included in the final plat and that a statement indicating that the 4.88 acre tract cannot be further developed without the provision of adequate access be placed on the 4.88 acre tract.
2. That a variance be granted from the standard 400-foot cul-de-sac maximum length to allow the dead-end portion of Stagecoach Road to be 825 feet long. This variance is necessary to allow the applicant to develop the property due to the linear configuration of the tract.
3. That the street width for the cul-de-sac be reduced to 27 feet back-to-back of curb.

4. That a variance be granted from the standard 8-foot shoulder width required in Section 18-68 for the streets because of the topographic conditions of the site and the fact that sidewalks would not be needed for a development of this size.
5. That prior to paving streets, utility service laterals be stubbed-out to the front property line of each lot. The applicant shall submit a statement to the Town Manager certifying that this has been completed. Sanitary sewer laterals shall be capped off above ground.
6. That utility easements be dedicated as required by the Town Manager and OWASA. Furthermore, the 50-foot drainage, sewer and pedestrian easement shown between lots 10 and 11 shall be located either between lots 9 and 10 or 10 and 11 as required by the Town Manager based on final storm drainage design. Stormwater run-off from this development shall be piped under the pedestrian trail in the Emily Braswell Perry Park.
7. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Engineer prior to issuance of any Grading Permit and start of construction of improvements.
8. That the water line be constructed of 8-inch ductile iron pipe from Greenwood Road to the fire hydrant. The line from the hydrant to the end of the cul-de-sac may be reduced to a 2-inch pipe with a 2-inch blow-off and valve, as approved by the Orange Water and Sewer Authority.
9. That all utility and drainage easements be recorded on the final plat.
10. That a plat showing the recombination of lot lines between the Perry lot on Sandy Creek Trail and this tract be recorded prior to the recording of the final plat for Greenwood Point.
11. That no proposed street names duplicate or be similar to existing street names except where streets are extensions of existing streets. Proposed street names shall be approved by the Town Manager and shall be shown on the final plat.

This the 5th day of April, 1982.

Councilmember Howes did not feel that Council should be concerned about the future development of this property at this time. Access to the property could be provided by the existing drive off of Glandon Drive at the time future development was considered, and would be least disturbing to the existing neighborhood. Councilmember Wallace concurred.

COUNCILMEMBER BROADFOOT MOVED TO AMEND THE MOTION BY DELETING STIPULATIONS #1 AND #8. He felt that these stipulations unduely burdened the property owner.

Councilmember Wallace, however, felt that inclusion of Stipulation #1 (regarding adequate access) would indicate that Council had addressed concern for appropriate access for the future development of the property.

Councilmember Kawalec felt Council should be concerned about future development at this time. Problems had been raised in the past because Council had not given consideration for future development. Mayor Nassif and Councilmember Wallace concurred with Planning Board's desire to incorporate this land into this subdivision, making it all one lot. Councilmember Wallace felt that to encourage an interior network of roads could be detrimental to the existing neighborhood values.

THE MOTION TO AMEND THE MAIN MOTION FAILED FOR LACK OF A SECOND.

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

Citizens expressed concerns for drainage problems that might be created by the proposed development. Mayor Nassif informed these citizens that drainage requirements would meet Town standards and would adequately address these concerns. Mayor Nassif asked the Town Manager to notify citizens when the working drawings for drainage were completed so that area residents could review these plans.

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As citizens were confused as to when they could present concerns to Council, Councilmember Boulton suggested that such information be placed on the agenda.

Report on Further Consideration of Proposed Design Manual, Subdivision Ordinance, Revisions, and Petition to Close Portion of Carolina Avenue Right-of-Way

Mr. Taylor reported that these three items had been presented to Council during the March 15, 1982, public hearing. The Planning Board, Community Appearance Commission, and staff were continuing to study the Subdivision Ordinance and the Design Manual. Staff felt that additional information was needed before a recommendation could be made regarding the Carolina Avenue right-of-way. A report and recommendation would be forthcoming.

Human Services

Resolution Regarding the Structure and Function of the Department of Human Services. Mr. Taylor presented follow-up information to Council's worksessions on March 9, and 10, 1982, in the form of a resolution which reflected discussions of the Council and Mayor's Task Force, and Manager's recommendations from March 9, 1982.

Mayor Nassif suggested that Council accept the Manager's 1982-83 recommended budget for Human Services at this time, and allow the Advisory Board to take over this function after its formation, thus deleting Concept #6 of the proposed resolution and Attachment #3.

(Concept #6 read: "As the Human Services Advisory Board will not actively function until 1982-83, and as this group will coordinate the Needs Assessment process in future years, the Human Services staff will conduct a modified Needs Assessment/Request for Proposal process (see Attachment #3) to advise Council which needs, if any, to meet via contracts in FY 1982-83.")

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF RESOLUTION 82-R-75, DELETING CONCEPT #6.

Councilmember Straley was concerned as to the clarity of the length of time that the Human Services Worker I position would exist. Mr. Taylor suggested that, for clarification, the words "whichever occurs first" be added. Councilmember Wallace, maker of the motion, and Councilmember Boulton, seconder of the motion, concurred with the addition of these words.

COUNCILMEMBER PASQUINI MOVED TO AMEND RESOLUTION 82-R-75 BY DELETING THE WORD "CRISIS" FROM CONCEPT #2. He felt that it carried a negative connotation.

Councilmember Boulton felt that the current wording indicated an emergency situation, not an ongoing situation, and did not concur with the proposed deletion.

COUNCILMEMBER KAWALEC SECONDED THE MOTION. She stated that she felt the wording in Concept #2 was extremely broad, indicating that the Town would attempt to fill all the needs of residents in personal or family crisis. This would create a duplication of area social service functions. She did not feel this was the intent of this Department.

Mayor Nassif stated that the Human Services Task Force had recommended the name "Crisis Intervention," as face-to-face consultation would occur with this group. Mr. Taylor stated that Orange Person County Mental Health (OPC) did not handle crises. OPC would make the determination by phone as to the necessity of face-to-face consultation and relay the message to the appropriate agency.

Councilmember Howes stated that he felt that deletion of the term "Crisis" would result in a meaningless divisional name, and opposed the amendment. Councilmember Broadfoot concurred.

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

THE (MAIN) MOTION TO ADOPT THE FOLLOWING RESOLUTION (moved by Councilmember Wallace, seconded by Councilmember Boulton) CARRIED UNANIMOUSLY.

A RESOLUTION REGARDING THE STRUCTURE AND FUNCTION OF THE DEPARTMENT OF HUMAN SERVICES (82-R-75)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the following concepts regarding the structure and function of the Department of Human Services:

1. The Town will continue to have a Human Services Department.
2. A Crisis Intervention Division will assist Town residents in personal or family crisis. The number of staff positions in this division will be determined by Council during consideration of the 1982-83 Town budget.
3. A Human Services Advisory Board will be appointed by the Mayor and Council to advise it on human services matters.
4. The Town may contract with community agencies or groups to provide certain services determined to be needed for Town residents. The process for making such contracts will include an analysis of service needs ("Needs Assessment"), Council's decisions on which needs are to be addressed and a Request for Proposal process followed by preparation of specific performance contracts, action by Council on whether to accept individual contracts and close monitoring of service delivery under approved agreements.
5. The position of Director of Human Services will continue. The Director will administer the Department, train staff, provide staff support to the Human Services Advisory Board and monitor performance contracts.
6. The Human Services Worker I position for the Community Development target area will continue to serve eligible CD-area residents on a half-time basis until December 31, 1982, or until grant funds for this position are exhausted, whichever occurs first.

This the 5th day of April, 1982.

Ordinance to Add an Article VI to Chapter Two of the Code of Ordinances to Establish a Human Services Advisory Board. Councilmember Howes questioned the following limitation in the proposed ordinance: "No more than three (3) members may be actively involved in a social service agency as a staff person, board member or volunteer, during their term of office." (paragraph 2, Section 2-212. Membership; terms). He argued against any qualification for membership. Council did not set such qualifications for other Boards or Commissions. This was inconsistent with current practice. The makeup should be left to Council's judgment.

Councilmember Broadfoot felt that there should be no staff persons on the Board.

Mr. Taylor stated that good expertise could be provided by staff persons, but the limitation had been set so that the Board would not become staff dominated. He stated that the intent regarding volunteers was that they not be involved in social services. Councilmember Straley felt that to exclude volunteers due to their concern and involvement was "carrying this too far."

Councilmember Howes did not foresee any danger in having the Board staff dominated. Councilmember Boulton supported volunteers, but felt that there should not be staff persons from other agencies on the Board, due to its involvement in recommending allocation of funds. This could present a conflict of interest.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE FOLLOWING ORDINANCE, DELETING PARAGRAPH 2 (Section 2-121. Membership; terms). Councilmember Wallace felt it was premature to set such qualifications at this time.

Councilmember Straley preferred nine members on this Board in order to more adequately deal with the complex issues, concerns, and clients. Mayor Nassif stated that seven members would keep the Board "lean enough to operate." Councilmember Boulton suggested starting with seven and changing it if necessary.

Councilmember Broadfoot asserted to Council that these issues should have been resolved earlier with the "absolute expert" members of the Task Force.

COUNCILMEMBER KAWALEC MOVED TO AMEND THE MOTION TO ADOPT ORDINANCE 82-O-24 BY INSERTING A PARAGRAPH READING "THE ADVISORY BOARD SHALL BE SELECTED TO BE REPRESENTATIVE OF THE ENTIRE CHAPEL HILL COMMUNITY, ITS NEEDS, ASPIRATIONS, AND VALUES. NO MEMBER OF THE ADVISORY BOARD SHALL SERVE ON THE BOARD OF ANY HUMAN SERVICE AGENCY DURING HIS/HER TENURE. NO ADVISORY BOARD MEMBER SHALL BE A PAID OR NON-PAID STAFF TO A HUMAN SERVICE AGENCY. THE ADVISORY BOARD SHALL NOT BE AN ADVOCACY GROUP TO LOBBY FOR OR REPRESENT SPECIAL INTERESTS." COUNCILMEMBER BOULTON SECONDED THE MOTION TO AMEND.

Councilmember Howes opposed the motion to amend as he felt competent of Council's ability to select qualified people to serve. Mayor Nassif felt that to leave the wording open would not prohibit certain appointments, but would prohibit dual affiliation. Councilmember Howes concurred, but felt that Council was imagining problems that did not exist in other areas, and should not exist here. Councilmember Wallace concurred with Councilmember Howes.

THE MOTION TO AMEND THE MAIN MOTION CARRIED 5 TO 3 WITH COUNCILMEMBERS KAWALEC, PASQUINI, BROADFOOT, BOULTON, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS WALLACE, HOWES, AND STRALEY OPPOSING.

THE MAIN MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

THE ORDINANCE IS AS FOLLOWS:

AN ORDINANCE TO ADD AN ARTICLE VII TO CHAPTER TWO OF THE CODE OF ORDINANCES TO ESTABLISH A HUMAN SERVICES ADVISORY BOARD (82-O-24)

SECTION I

BE IT ORDAINED by the Council of the Town of Chapel Hill that it hereby adds an Article VII of Chapter Two of the Code of Ordinances of the Town of Chapel Hill to read as follows:

ARTICLE VII. HUMAN SERVICES ADVISORY BOARD

Sec. 2-120. Created; named.

A Human Services Advisory Board is hereby established for the Town of Chapel Hill.

Section 2-121. Membership; terms.

The Human Services Advisory Board shall consist of seven (7) members appointed as hereinafter provided. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and three (3) members shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves. The terms of all members shall expire on the 30th day of June following the end of the final year of their terms.

The Advisory Board shall be selected to be representative of the entire Chapel Hill community, its needs, aspirations, and values. No member of the Advisory Board shall serve on the Board of any human service agency during his/her tenure. No Advisory Board member shall be a paid or non-paid staff to a human service agency. The Advisory Board shall not be an advocacy group to lobby for or represent special interests.

Sec. 2-122. Appointment; vacancies.

The members shall be appointed by the Mayor and Council. Vacancies shall be filled for the unexpired term only.

Section 2-123. Meetings; chairperson.

The Human Services Advisory Board shall regularly hold meetings at such time and places as it shall determine. It shall annually elect one member to serve as chairperson and preside over its meetings. It may create and fill such other offices and committees as it may deem necessary.

All meetings of the Board shall be open to the public, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the N. C. General Statutes.

The Board shall keep a record of its meetings, including attendance of its members; its resolutions, findings, recommendations and actions.

A quorum of the Board, necessary to take any official action, shall consist of four (4) members. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

Sec. 2-124. Duties; powers.

The Human Services Advisory Board shall have the following powers and duties:

- a) Assess and update the human service needs of Chapel Hill and alert the Council to changes in these needs.
- b) Identify needs and service gaps and seek ways to fill the gaps.
- c) Help to develop an effective relationship with Orange County social programs and the Human Services Advisory Commission.
- d) Work with private agencies to coordinate delivery of human services.
- e) Advise the Council on the need for and scope of advocacy services.
- f) Help assure that Chapel Hill citizens are provided with all County and State services to which they are entitled.
- g) Conduct periodic community forums to discuss human service issues with Town citizens.
- h) Advise the Council with respect to human service funding needs at the beginning of the budget cycle.
- i) Recommend to Council which, if any, needs should be met by Town funding of private agencies.
- j) Devise a recommended system of performance contracting with private human service agencies for service.

SECTION II

This ordinance shall be effective upon its final adoption according to law.

This the 5th day of April, 1982.

Resolution of Support for and Requesting Continuation of Funding by Orange County for Municipal Library and Parks and Recreation Services

The Parks and Recreation Commission recommended adoption. Mr. Taylor stated that he had not received a recommendation from the Library Board of Trustees. The request was for approximately 20% over the 1982-83 Library Budget (more had been requested last year than had been received), and approximately 10% over the 1982-83 total allocation of recreational funds for the "Cities of Southern Orange." Management was requesting that the County use the 1980 Census to determine allocations.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER PASQUINI, TO ADOPT RESOLUTION 82-R-76.

Councilmember Broadfoot presented information to support what he felt was inequitable compensation for use of Chapel Hill facilities. COUNCILMEMBER BROADFOOT MOVED TO AMEND THE MOTION AND TO STRIKE ALL OF THE WORDS IN THE RESOLUTION BELOW THE FIRST THREE "WHEREAS" CLAUSES AND SUBSTITUTE THE FOLLOWING PARAGRAPH: "NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL THAT THE ORANGE COUNTY COMMISSIONERS ARE HEREBY RESPECTFULLY REQUESTED TO PROVIDE \$200,000 OR APPROXIMATELY 40% OF THE NET PARKS AND RECREATION BUDGET." COUNCILMEMBER WALLACE SECONDED THE MOTION.

Councilmember Boulton felt that this request might be too high and might hurt getting any funds. Councilmember Straley asked Mr. Taylor if this figure was defensible. Mr. Taylor stated that, using Councilmember Broadfoot's theory, it was.

Mayor Nassif stated that there were other areas where a disproportionate share was received by Chapel Hill. According to current use by the County for Recreation and Library facilities, current monies measured up even though Chapel Hill was up by 60/40 in population. To ask for an increase of this magnitude could be viewed as harassment by the Commission and it could end up being eliminated altogether. Unless the Town could show that there was a disproportionate share of people outside of the corporate limits of Chapel Hill using the facilities, he could not support Councilmember Broadfoot's recommendation.

Councilmember Kawalec proposed that Councilmember Broadfoot work with the staff and prepare a letter or resolution to express these ideas to the County Commissioners. Mayor Nassif concurred. Councilmember Wallace concurred with the suggestion of a resolution, containing the basis for figures, prior to a formal request. He also wished to have the Council discuss, in general terms, "county-wide financing of any project as well as legitimate and fair representation of the voters and the payees of the necessary boards that do the allocating, specifically the Orange County Planning Board, from which we are virtually excluded."

Councilmember Howes suggested that the resolution be referred to the Manager to be brought back before Council at the next meeting.

Councilmember Broadfoot, therefore, withdrew his motion to amend the main motion and Councilmember Wallace withdrew his second to that motion.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REFER THE MATTER TO THE MANAGER FOR CLARIFICATION OF THE FIGURES AND REWRITING OF THE RESOLUTION.

THE MOTION CARRIED UNANIMOUSLY.

Consent Agenda

- Councilmember Kawalec requested to delete Consent Agenda item #13a (Shrine Club Chicken Fry at Eastgate Shopping Center on April 23).
- Mayor Nassif requested to delete Consent Agenda item #13h (public hearing May 24 on Transit services and fares in 1982-83).

Resolution Adopting Various Resolutions and Ordinances

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

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (82-R-77)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the attached ordinances and rnances and resolutions:

- b. Budget amendment (additional grant funds under Selective Traffic Enforcement Program, costs for improvements in Oaks Subdivision with funds from performance bond, additional funds from Durham Technical Institute for training) (82-O-25).
- c. Authorization for staff study of Town's overall space needs (to be completed by spring of 1983) (82-R-78).
- d. Bids for replacement of engine and transmission for 1968 fire truck (82-R-79).
- e. Editorial corrections in resolution authorizing application for Transit grant funds (82-R-80).
- f. Resolution authorizing sidewalk improvements on east side of South Columbia Street between Mason Farm Road and Chase Avenue (82-R-81).

- g. Authorization to apply for Transit Managerial and Training Grant (to enable Transportation Director to attend Management Seminar at North-eastern University) (82-R-82).

This the 5th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinances/Resolutions Adopted by the Consent Agenda

The following ordinances and resolutions were adopted by the Consent Agenda.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (82-O-25)

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>
<u>General Fund</u>				
Public Works				
- Streets	858,005	11,574	-	869,579
Police				
- Administration	233,531	4,100	-	237,631
- General Services	221,197	3,650	-	224,847

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>General Fund</u>				
Revenue from Other Agencies	2,413,670	3,650	-	2,417,320
STEP Grant	30,900	4,100	-	35,000
Revenue from Oaks Bond	0	11,574	-	11,574

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

This the 5th day of April, 1982.

A RESOLUTION REGARDING A STUDY OF TOWN SPACE NEEDS (82-R-78)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to conduct a staff study of the Town's space needs for office and facility space, and the alternatives and resources for meeting such needs. Said study shall be completed and a report made to Council by the spring of 1983 for consideration with the 1983-84 Budget.

This the 5th day of April, 1982.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR REPOWERING OF A 1968 FORD C-850 MODEL 1000 G.P.M. PUMPER (82-R-79)

WHEREAS, the Town of Chapel Hill has solicited formal bids on March 7, 1982, and the following bids have been received:

<u>Item</u>	<u>Bidder</u>	<u>Amount</u>
Complete Repowering of 1968 Ford Model C-850 1000 G.P.M. Pumper Fire Truck	American LaFrance Atlanta, Ga.	\$26,646.00
	Carolina Mack Sales, Inc. Raleigh, N. C.	\$32,786.00
	Grumman Emergency Products, Inc. Roanoke, Va.	\$25,086.62
	Covington Diesel, Inc. Greensboro, N. C.	\$19,279.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Covington Diesel, Inc., in the amount of \$19,279.00.

This the 5th day of April, 1982.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED (82-R-80)

WHEREAS, the Council of the Town of Chapel Hill has previously authorized the Town Manager, in Resolution 81-R-124, to execute and file an application with the U.S. Department of Transportation and with the North Carolina Department of Transportation to aid in financing bus shelters and other capital expenditures, and to aid in the financing of a public transportation system; and

WHEREAS, the Town submitted a grant application to the North Carolina Department of Transportation for such financing for fiscal year 1981-82; and

WHEREAS, the Town must re-file its application for such grant as a result of changes in applicable federal legislation; and

WHEREAS, the contract for financing assistance will impose certain obligations upon the Town, including the provision by it of the local share of project costs; and

WHEREAS, the U.S. Department of Transportation requires, under Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the Town give an assurance that it will comply with Title VI of the Civil Rights Act of 1964, and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Town that minority business enterprises be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services;

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

1. That the Town Manager is authorized to execute and file applications on behalf of the Town of Chapel Hill, North Carolina with the U.S. Department of Transportation and with the North Carolina Department of Transportation, to aid in the financing of capital and operating assistance projects pursuant to Section 5 of the Urban Mass Transportation Act of 1964, as amended.

2. That the Town Manager is authorized to execute and file with such applications an assurance or any other document required by the North Carolina Department of Transportation or the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or any other applicable legislation;
3. That the Town Manager is authorized to furnish such additional information as the North Carolina Department of Transportation or the U.S. Department of Transportation may require in connection with the applications or the project;
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs;
5. That the Town Manager is authorized to accept any grant made in response to these applications, and to enter into and execute any amendment to the applications for such grants.

This the 5th day of April, 1982.

A RESOLUTION REGARDING SIDEWALK IMPROVEMENTS ON THE EAST SIDE OF SOUTH COLUMBIA STREET (82-R-81)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to make sidewalk improvements on the east side of South Columbia Street between Mason Farm Road and Chase Avenue in lieu of a project on the west side of South Columbia as originally planned in the 1981-82 Budget, and that the Manager is authorized to expend up to \$4,000 in for said sidewalk project.

BE IT FURTHER RESOLVED that the Town Manager is authorized to execute on behalf of the Town any right-of-way encroachment or other agreements necessary or desirable to construct, improve and/or maintain sidewalks on South Columbia Street from Mason Farm Road to Chase Avenue, which sidewalk improvement project is approved in this resolution, and such agreements when so executed by the Manager are hereby ratified, adopted and approved.

This the 5th day of April, 1982.

A RESOLUTION AUTHORIZING A GRANT APPLICATION FOR ATTENDANCE AT A MANAGEMENT TRAINING SEMINAR (82-R-82).

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to apply to the Urban Mass Transportation Administration for a grant to cover up to 75% of the cost of attendance of a management training seminar by the Transportation Director.

This the 5th day of April, 1982.

Resolution Regarding an Event in Eastgate Shopping Center

Councilmember Kawalec expressed her concern for the dangerous and congested traffic conditions at the Eastgate Shopping Center. She felt that the location of such activities should be encouraged in other areas where such problems were not as compounded. Councilmember Boulton concurred.

Councilmember Wallace reminded Council that rules had been adopted by Council to control this type of activity.

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

A RESOLUTION REGARDING AN EVENT IN EASTGATE SHOPPING CENTER (82-R-77.1)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby grants a permit for a Chicken Fry sponsored by the Orange County Shrine Club from 10 A.M. to 8 P.M. on Friday, April 23, as described in an application by the Shrine Club, provided that the area designated for the event be relocated so that its perimeter will be at least 40 feet from the service road through the shopping center, and provided that the use of the shopping center property as planned for this event is acceptable to the property owner. Said applicant shall comply with reasonable directives of the Town Police and/or Fire Departments as necessary to assure protection of persons and property in the vicinity of the above event.

This the 5th day of April, 1982.

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

Councilmember Kawalec asked that the Manager suggest alternate locations to persons making such requests.

Resolution Calling a Public Hearing on Public Transit Services and Fare and Pass Prices for 1982-83

Mayor Nassif requested that the language of the Notice of Public Hearing be worded to show either the actual percentage of cost, or list the revenues. Mr. Taylor suggested that wording be added to include the implementation of this plan with these fares and service schedules to equal certain revenues and then list the revenues to show fares and passes for Chapel Hill, the University of North Carolina and Carrboro, and Federal operating assistance.

Mayor Nassif requested that this wording be added.

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

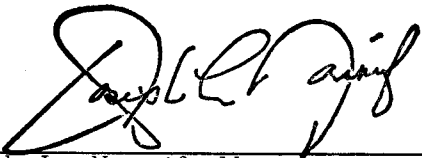
A RESOLUTION CALLING A PUBLIC HEARING ON PUBLIC TRANSIT SERVICES AND FARE AND PASS PRICES FOR 1982-83 (82-R-83)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing at 7:30 pm on Monday, May 24, 1982, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to receive comments from citizens on proposed public transit services and fare and pass prices in 1982-83.

This the 5th day of April, 1982.

THE MOTION CARRIED UNANIMOUSLY.

There being no further business to come before the Council, the meeting was adjourned at 10:04 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk