

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, JULY 12, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
R. D. Smith
Joseph Straley
Jim Wallace

Councilmember Boulton was an excused absence. Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; Town Attorney, Emery Denny; and Deputy Town Attorney, Grainger Barrett.

Petitions

Mayor Nassif advised those present that no action could be taken on any petition at this meeting due to the absence of one Councilmember.

Mr. E. L. Pierce, 1933 Fountain Ridge, requested permission to speak on Agenda Item #8 (re amendment to the Animal Control Ordinance).

Ms. Virginia Weisz, 320 Glendale Drive, requested to submit a petition to Council which expressed concern for possible flooding problems resulting from the proposed Greenwood Point Subdivision. The petition proposed the formulation of a contingency plan to be used in the event of future flooding. (Please refer to the petition on file in the Clerk's Office.)

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO RECEIVE THE PETITION. THE MOTION CARRIED UNANIMOUSLY.

Mr. Taylor requested that Agenda Item #1 (re Executive Session) be deleted, due to the absence of sufficient information on this issue.

Mayor Nassif stated Councilmember Boulton's request to delete Agenda Item #3 (rezoning request for University Heights area), due to her absence from this meeting. Mayor Nassif stated that Council could defer action on this request until its presentation on this agenda.

Minutes (June 28, 1982)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE MINUTES OF JUNE 28, 1982, AS SUBMITTED. Appreciation was expressed for the difficult composition of the minutes. THE MOTION CARRIED UNANIMOUSLY.

Rezoning Request for Lots near Old Durham Road, Scarlette Drive, Legion Road and Cooper Street

COUNCILMEMBER BROADFOOT MOVED TO DEFER THIS AGENDA ITEM UNTIL NOVEMBER 8, 1982, TO CONSIDER QUESTIONS OF ZONING, ANNEXATION, AND POSSIBLE SEWER PROBLEMS; AND TO REQUEST THE MANAGER TO PREPARE A RECOMMENDATION TO COUNCIL REGARDING POSSIBLE ANNEXATION OF THE AREA, AND SOLUTIONS TO SEWER PROBLEMS.

COUNCILMEMBER WALLACE SECONDED THE MOTION.

Councilmember Kawalec did not concur with the motion to delay this issue, as Council had received sufficient information, in her opinion, to make a decision. Future issues involving annexation and sewer problems could be handled if they occurred. If the plan was not acceptable, it should be denied. Therefore, COUNCILMEMBER KAWALEC MOVED A SUBSTITUTE MOTION TO ADOPT RESOLUTION 82-R-122, SECTION 1, DENYING THE REZONING REQUEST.

THE MOTION FAILED FOR LACK OF A SECOND.

Councilmember Howes expressed support for the main motion, feeling that concerns for sewer and annexation required thorough consideration by both citizens and by Council.

Mr. Taylor responded to Councilmember Smith that November would allow sufficient time to respond to all of these concerns. If time were not adequate, an interim report could be made, and a final reporting date would be submitted at that time. The study would be comprehensive.

Mayor Nassif stated that he had abstained from the discussion of this issue during past Council meetings due to conflict of interest. He would, however, vote on this question due to its procedural nature. He stated that staff recommendations had not included issues of annexation or sewer problems, as that had not been a question in the issue to rezone. He questioned the reason behind the motion.

Councilmember Broadfoot explained that the reason behind his motion hinged on Council's concern for appropriate zoning where sewage problems existed. He felt it more appropriate to consider issues of annexation and sewer problems before taking action to rezone.

Councilmember Kawalec asked that the motion also include consideration of annexation of property across the Durham-Chapel Hill Boulevard (between Brendles and the Duke Power Substation). (She did not feel, however, that an annexation study was pertinent to a zoning decision.)

Councilmember Broadfoot, maker of the motion, and Councilmember Wallace, seconder of the motion, did not concur with the addition of this request into the main motion.

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

Resolution Concerning the Drainage Plan for the Greenwood Point Subdivision

Mr. Taylor reviewed Council's April 5, 1982, approval of the preliminary plan for the Greenwood Point Subdivision. Council had directed (April 5 and June 28, 1982) that Mr. Bill Morris, Town Engineer, inform all concerned property owners of drainage plan details as they became available.

Mr. Morris explained that property owners had been informed, as directed by Council. A major concern of area residents had centered around potential run-off from the proposed development into Battle Branch, possibly resulting in flooding of low-lying properties. Mr. Morris stated that the developer's engineer projected a 2% increase in the flow into Battle Branch at a point just below the discharge point of the proposed 42" reinforced concrete pipe (RCP) as a result of the proposed development.

Mr. Morris explained to area residents that

1. The proposed swale behind lots 11, 12, and 13 would channel water into the existing low-lying areas (lots 14 and 15).
2. The developer planned to fill in portions of lots 14 and 15, and to construct drainage swales to "hopefully improve drainage and remove mosquito nests across these lots."
3. Proposed erosion control measures had been approved by the Orange County Erosion Control office.

Councilmember Smith questioned use of the word "hopefully" by Mr. Morris and asserted that residents "had a right to expect more than 'hopefully.'" Mr. Morris stated that the "drainage of existing lands was not required by the Town."

Councilmember Wallace did not concur, asserting that any alteration of existing land area was a disturbance of the land and would, therefore, fall within the purview of the Town.

In reviewing the topographic aspects of the area, Councilmember Wallace questioned the pre-calculated run-off projection of 1%, asserting that a more accurate projection for this area would be "considerably more than 1%--more nearly 20%." He also questioned if the size of the proposed swale would be adequate to accommodate increased run-off. In addition, he did not believe that the curb and gutter of the area would adequately accommodate run-off.

A third question posed by Councilmember Wallace was who would be responsible for maintaining the swale, as the "long-term maintenance of the swale could not be guaranteed" (as stated in the memorandum to Council). He felt that a legal requirement could be placed on new property owners to maintain the swale and, therefore, be guaranteed.

Councilmember Broadfoot asked Mr. Denny if maintenance of the swale could be legally required and guaranteed where multiple property owners were involved.

Mr. Denny stated that past procedure had been to require a drainage easement that defined necessary maintenance by the Town at Town expense. If the Town wished to assume maintenance of the swale, it would have to require the dedication of the swale as a public storm drainage easement.

Councilmember Broadfoot felt that an easement would provide Town access for maintenance needs and would prevent legal problems among property owners regarding maintenance.

Councilmember Wallace felt that the developer should be required to maintain the ditch as the Town, in the interest of the taxpayers, should not assume this responsibility. He continued to assert that the proposed swale would not be adequate to contain run-off. He felt there was need for a more adequate collector. He expressed his desire for a guarantee that the swale would be maintained and who would be assigned the expense.

Mr. Morris responded to Councilmember Straley that, in his professional opinion, the proposed swale would be adequate for 10-year-flood projections.

Councilmember Wallace did not feel that Town maintenance of this swale would be a financially responsible act. He felt that stronger measures to control run-off should be taken, in light of the topography of the area.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF RESOLUTION 82-R-123. Councilmember Howes supported his motion by stating that he felt that the Town Engineer had used his best professional judgment in submitting his recommendation, and that the Engineer's recommendation was in accord with Town procedures.

Councilmember Smith questioned the wording of the proposed resolution: "... the drainage plan ... 18" reinforced concrete pipe ... and ... swale modifications ... does not specifically alter the storm drainage across the property adjoining this subdivision;".

Mr. Morris explained that, as calculated by the developer's engineer, proposed channeling efforts would effect a 6% run-off reduction at the discharge point of the existing 24" RCP at Mr. Eaton's house. When run-off reached Battle Branch, the existing water flow would dilute the run-off from the development resulting in only a 1% increase in total flow.

Councilmember Smith felt that potential flooding problems should be dealt with before it was too late. Greater certainty should be shown; some lands in Chapel Hill should not be developed when considering the area's terrain involved.

Mr. Morris stated that there could be no way to tell whether a flood was caused by a new development or by rains that were heavier than normal.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO AMEND THE MAIN MOTION TO ALLOW THE TOWN TO REQUIRE A DRAINAGE EASEMENT ON THE SWALE.

Mr. Taylor felt that for the Town to require easements for all swales and take the responsibility of maintaining swales throughout the Town would involve far-reaching policy decisions and issues "that would cost untold dollars in years to come to carry out." He felt Town maintenance of swales should be debated at a later date, as Town ordinance stated that the Town would not maintain swales.

Councilmember Broadfoot asked if the developer could be required to give adjacent property owners the right of access to maintain the swale. Mr. Taylor felt that today's laws adequately protected property owners from water drainage concerns and did not feel that the Town should obligate themselves with the responsibility of guaranteeing storm drainage adequacy of a development.

Councilmember Wallace concurred and felt that the subdivision should either not be approved or that the subdivision should be approved under Special Use, with drainage being a stipulation that went with the land.

VOTE ON AMENDING THE MAIN MOTION FAILED TO PASS 3 TO 5 WITH COUNCILMEMBERS WALLACE, BROADFOOT, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC, PASQUINI, HOWES, STRALEY, AND SMITH OPPOSING.

COUNCILMEMBER WALLACE MOVED A SUBSTITUTE MOTION THAT THIS PROPOSAL BE MADE INTO A SPECIAL USE REQUEST AND THAT THE DRAINAGE SYSTEM BE CLEARLY DEFINED.

Mr. Denny advised Council that this matter was being presented under the subdivision which had been tentatively approved subject to a stipulation that was contingent upon the development of and submission to and approval by the Council for a satisfactory drainage plan; therefore, he felt appropriate action would be to reject the proposed drainage plan as unacceptable and to request that the plan be revised.

COUNCILMEMBER WALLACE REVISED THE SUBSTITUTE MOTION: TO REJECT THE DRAINAGE PLAN AND TO REQUIRE THE DEVELOPER TO PRESENT AN ADEQUATE PLAN FOR DRAINAGE. COUNCILMEMBER BROADFOOT SECONDED THE SUBSTITUTE MOTION.

Councilmember Howes stated that he would oppose the substitute motion due to lack of sufficient guidelines for developers regarding what would constitute "adequate drainage plans" to Council.

Councilmember Smith asked about any contingency plans for flooding. Mr. Morris explained that a lack of analysis of any past history of flooding prohibited the formulation of adequate contingency plans. In addition, future development would have an additional affect on flooding.

VOTE ON THE SUBSTITUTE MOTION FAILED TO CARRY WITH A VOTE OF 3 TO 5 WITH COUNCILMEMBERS WALLACE, BROADFOOT, AND SMITH SUPPORTING, AND COUNCILMEMBERS KAWALEC, PASQUINI, HOWES, STRALEY, AND MAYOR NASSIF OPPOSING.

VOTE ON THE MAIN MOTION (to adopt the following resolution) CARRIED 5 TO 3 WITH COUNCILMEMBERS KAWALEC, PASQUINI, HOWES, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS WALLACE, BROADFOOT, AND SMITH OPPOSING.

A RESOLUTION CONCERNING THE DRAINAGE PLAN FOR THE GREENWOOD POINT SUBDIVISION (82-R-123)

WHEREAS, on April 5, 1982, the Council requested that the drainage plan for Greenwood Point Subdivision be submitted to the Council for review; and

WHEREAS, the Town Engineer has reviewed the drainage plan for the Greenwood Point Subdivision submitted by the developer's engineer and has determined that said drainage plan, with addition of an 18" reinforced concrete pipe under Stagecoach Road and certain swale modifications as specified by the Town Engineer, does not significantly alter the storm drainage across the property adjoining this subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that on the basis of the Town Engineer's determination, the Council finds said drainage plan acceptable.

This the 12th day of July, 1982.

Ms. Weaver, a resident of Chapel Hill, expressed concern for past flooding in her area and asked for assistance. Mayor Nassif advised Ms. Weaver to contact Mr. Taylor for assistance.

Annual Report by the Community Appearance Commission for 1981-82

Mr. Jon Condoret, Chairman of the Community Appearance Commission (CAC), outlined duties of the Community Appearance Commission as defined in the Zoning Ordinance. In accordance with these powers, Mr. Condoret outlined proposed plans for

1. Landscaping;
2. Government agencies/commission interaction;
3. Leadership and guidance for community design and appearance;
4. Studies on visual characteristics and policies of design for community aesthetic enhancement;
5. Improved appearance of entire community;
6. Ordinance changes that would enhance community appearance;
7. Seeking voluntary adherence to appearance policies;
8. Hearing and advising Council on applications for Certificates of Appropriateness;
9. Promoting public interest and understanding of the responsibilities and objectives of the Community Appearance Commission;
10. Conducting public meetings and hearings; and
11. Conducting annual open meetings.

Councilmember Straley questioned to what extent the CAC was able to judge the final appearance of proposed constructions. Mr. Condoret responded that the CAC had had problems with obtaining "total" information regarding a structure (i.e., front and back, right and left surroundings). Mr. Condoret added that he felt that most of the work of the CAC, as currently defined, involved sign review. He did not believe that the CAC had authority to consider other issues.

Mr. Condoret proposed a joint work session between the CAC and the Council.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO RECEIVE THE REPORT OF THE CAC WITH APPRECIATION AND GRATITUDE AND THAT THE PROPOSED WORK SESSION BE SCHEDULED.

Councilmember Smith concurred with the CAC's intent to begin to concentrate on total community appearance and recognition of citizens' efforts toward community appearance instead of concentrating on sign reviews.

Mayor Nassif spoke to Mr. Condoret and the CAC members present: it had evolved that the CAC had become bogged down with issues of sign compliance to Town ordinance; it was, however, also the duty and obligation of the CAC to consider the scale of buildings.

VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Council agreed to the request of Planning Board Chairman, Roscoe Reeve, that the Planning Board be included in the proposed work session between the Council and the CAC.

Resolution Submitting Legislative Proposals to the North Carolina League of Municipalities

Mr. Taylor stated that the League of Municipalities had requested proposals for inclusion in the League's 1982 Legislative Program. Mr. Taylor presented proposals as outlined in the resolution.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION SUBMITTING LEGISLATIVE PROPOSALS TO THE N.C. LEAGUE OF MUNICIPALITIES (82-R-146)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council submits the following proposals to the North Carolina League of Municipalities for inclusion in the League's 1983 Legislative Goals and Policy:

1. That the League support and emphasize the importance of making changes necessary to make available to members of the Law Enforcement Officers (LEO) Retirement System a tax shelter of retirement contributions comparable to the tax shelter of retirement contributions available to members of the Local Government Employees' Retirement System (LGERS).

2. That the League seek and support legislation to allow municipal government employees to participate in the State Employees' Credit Union.
3. That the League seek and support legislation to give municipalities the option of levying a 4% tax on hotel and motel room charges.
4. That the League support legislation authorizing an additional local option sales tax of 1%.
5. That the League seek and support sharing of State revenues, such as income taxes, with municipalities.
6. That the League seek and support legislation authorizing municipalities to levy an annual motor vehicle tax up to \$5.
7. That the League seek and support legislation authorizing municipalities to have the North Carolina Division of Motor Vehicles collect annual motor vehicle taxes on behalf of municipalities along with annual State registration fees; with provision for the Division of Motor Vehicles to retain reasonable amounts for its costs of such collections on behalf of localities.

This the 12th day of July, 1982.

Councilmember Broadfoot stated that he would like to see the formula for the 1¢ sales tax changed. He felt Chapel Hill produced 2/3 of the sales tax income of Orange County and received only 1/3.

Mr. Taylor did not encourage Council to "tamper with the formula" as he felt that a change in the formula "might result in loss of support and probable loss of the whole package."

Councilmember Howes suggested that the Mayor consider arrangements to give personally voiced support before the Legislative Committee on August 19, 1982.

Mayor Nassif expressed a desire to delete proposal #4 ("additional local option sales tax of 1%") as he felt there were other and better ways to raise revenue; he would, however, support the resolution as a whole.

Councilmember Howes felt re-evaluation of the formula was not entirely inappropriate. Councilmember Kawalec felt that an increase in sales tax would also mean an increase in food tax. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER SMITH, TO AMEND THE MAIN MOTION BY DELETING PROPOSAL #4 OF RESOLUTION 82-R-146, UNTIL CONCERNS EXPRESSED BY COUNCIL COULD BE CLARIFIED AND DEFINED.

Councilmember Broadfoot did not concur. He felt that an increase in sales tax would reduce pressure on property tax. Councilmember Howes concurred with Councilmember Broadfoot. He also felt it was not correct to confuse the application of sales tax with food tax.

VOTE ON THE AMENDMENT WAS DEFEATED 3 TO 5 WITH COUNCILMEMBERS KAWALEC, SMITH, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS WALLACE, PASQUINI, BROADFOOT, HOWES, AND STRALEY OPPOSING.

VOTE ON THE MAIN MOTION CARRIED 6 TO 2 WITH COUNCILMEMBERS KAWALEC, WALLACE, PASQUINI, BROADFOOT, HOWES, AND STRALEY SUPPORTING, AND COUNCILMEMBERS SMITH AND MAYOR NASSIF OPPOSING.

Mr. Taylor informed Councilmember Straley that the Council did not include a resolution requesting the Legislature to permit a local income tax, as proposal #5 dealt with this issue as completely as possible. He expressed hope that the League could present more definitive proposals at the fall meeting regarding this issue.

Discussion of Pedestrian Crosswalks on West Franklin Street (near Kenan Street intersection and at mid-block between Kenan and Roberson Streets)

Mr. Taylor referenced earlier requests for crosswalks in this area. Unsuccessful attempts had been made through the State to signalize these intersections. The proposed crosswalks had been approved by the Transportation Board; staff recommended approval.

Councilmember Howes suggested a crosswalk in the University Square block, but Mr. Denny responded that there was no safe place to put a pedestrian crosswalk in this area.

Mr. Taylor informed Mayor Nassif that pedestrian crossing signs would be erected; vehicular traffic would not be required to stop. This, he felt, was far from ideal.

Mayor Nassif referenced past problems with pedestrian crossings and encouraged Council not to establish pedestrian crossings unless proper signalization could be installed.

Councilmember Smith proposed that Council take no action. Councilmember Howes, however, felt that no action would, in effect, be ignoring the problem. He felt there was a need for an organized way for pedestrians to cross West Franklin Street. He felt that Council could send a resolution to the State that called attention to this need.

Mr. Taylor supported Councilmember Howes' suggestion, feeling that Chapel Hill had more pedestrians than other towns that the State had to deal with.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT THE MAYOR FORMULATE A LETTER TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, INDICATING A DESIRE TO HAVE SIGNAL LIGHTS PLACED AT INTERSECTIONS TO CONTROL TRAFFIC AND TO GIVE PEDESTRIANS A CHANCE TO HAVE ACCESS TO BOTH SIDES OF THE STREET.

COUNCILMEMBER SMITH REQUESTED TO HAVE A PERSON OF AUTHORITY WHO WAS AFFILIATED WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION MEET WITH COUNCIL TO DISCUSS VARIOUS TRANSPORTATION PROBLEMS.

MAYOR NASSIF STATED THAT THIS REQUEST WOULD BE INCORPORATED INTO THE LETTER.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Amending the Animal Control Ordinance

Mr. Ebert L. Pierce, 1933 Fountain Ridge, referenced six (6) instances where a neighborhood dog had made attacks on other persons and animals.

Mayor Nassif felt that vicious animals should not be given more than one chance to attack, as had been indicated in the proposed ordinance.

Mr. Barrett explained that a "vicious" dog was allowed in Chapel Hill as long as it was "under restraint." The Animal Control Officer felt that not all animals that attacked were necessarily vicious by nature. Mr. Barrett stated that current ordinance allowed unlimited "redeeming" of a dog, regardless of the number of attacks.

Mayor Nassif felt that any attack without provocation should be penalized, even if it were the first.

Councilmember Smith concurred.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE (82-O-55)

BE IT ORDAINED by the Town of Chapel Hill that Chapter 4 of the Code of Ordinances is amended as follows:

SECTION I

Amend Section 4-32(a) of Town Code by deleting the word "unless" and inserting in lieu thereof, "except for bona fide medical, scientific or educational purposes, or when within Town temporarily as part of a bona fide circus, provided for purposes of such exception any such animal shall be."

SECTION II

Amend Section 4-33 of the Town Code by inserting in the introductory sentence after the phrase "rabies tag," the phrase "or which has been determined by the Animal Control Officer to be a vicious animal."

SECTION III

Further amend Section 4-33 of Town Code by adding a new subsection (e), as set forth below, and relettering subsections (e) and (f) as (f) and (g), respectively,

"(e) Destruction of vicious animals. A vicious animal, as defined in this article, may be impounded and destroyed in a humane manner, but only after the owner has previously been convicted or paid the penalty for a citation, with respect to the same vicious animal impounded, for harboring a vicious animal under Section 4-32(a), provided, however, that prior to impounding such vicious animal, the Animal Control Officer shall first notify the owner that the owner may within a period of two weeks from the date of such notification make arrangements to permanently remove said vicious animal from within the municipal limits or, if the owner fails to do so within said period, the Animal Control Officer shall proceed to impound and destroy said vicious animal."

SECTION IV

Amend Section 4-27(d) of the Town Code by inserting the word "unprovoked" before the word "attack" in the initial clause.

SECTION V

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

This the 12th day of July, 1982.

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

Consent Agenda

Councilmember Straley requested to delete Consent Agenda "a" regarding bikelanes on West Cameron Avenue.

Mayor Nassif requested to delete Consent Agenda "e" regarding amendment to the franchise granted to Village Cable.

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

A RESOLUTION APPROVING VARIOUS ORDINANCES AND RESOLUTIONS (82-R-147)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the Resolutions and Ordinances submitted by the Manager in regard to the following:

- b. An ordinance concerning hobby rockets (adoption of National Fire Protection Association standards) (82-O-57)
- c. Calling of Public Hearing August 23 on private sale of Community Development parcel on Bynum Street to adjacent property owner (remnant approximately 13 feet by 109 feet in size) (82-R-148)
- d. Closing part of Raleigh Street on Friday night, August 20 (requested by UNC Orientation Commission) (82-R-149)

This the 12th day of July, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions and an Ordinance Adopted on the Consent Agenda

The following resolutions and an ordinance were adopted on the Consent Agenda:

AN ORDINANCE CONCERNING MODEL ROCKETS (82-O-57)

BE IT ORDAINED by the Town Council that a new Section 7-32 is added to the Town Code, as follows:

Section 7-32. Section 13.3F amended.

- (a) Section 13.3F is amended by deleting the reference therein to the "NFPA #41L, Code for Model Rocketry, 1968 Edition," and inserted in lieu thereof the phrase "NFPA 1122-L Code for Unmanned Rockets, 1976 Edition."
- (b) The exemption in Section 1-1.4(c) of the NFPA 1122-L, Code for Unmanned Rockets, 1976 Edition, as incorporated by reference in Sections 7-15, 7-27 and 7-32(a) of the Town Code, is incorporated herein as to sales only to exempt a business entity's sale of rockets, rocket motors, rocket propellant chemicals, or rocket components or parts to industrial, commercial or governmental customers but not to exempt the sale of such products to the general public.

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

This the 12th day of July, 1982.

A RESOLUTION CALLING A PUBLIC HEARING ON PRIVATE SALE OF A PARCEL OF LAND (82-R-148)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing at 7:30 P.M. on August 23, 1982, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider private sale by the Chapel Hill Housing Authority of a parcel of land located on Bynum Street to the Oscar Davis heirs.

This the 12th day of July, 1982.

A RESOLUTION CLOSING A PORTION OF RALEIGH STREET ON AUGUST 20, 1982 (82-R-149)

BE IT RESOLVED by the Council of the Town of Chapel Hill that, upon the petition of the Orientation Commission of the University of North Carolina at Chapel Hill, the Council hereby closes the portion of Raleigh Street from Cameron Avenue to a point approximately 400 feet to the south (near the entrance to the new library) from 9:00 P.M. on August 20, 1982, to 12:30 A.M., August 21, 1982; upon the following conditions:

1. That the Commission erect barricades at each end of the portion of Raleigh Street to be closed, and have these barricades attended to prevent traffic from entering the closed area but allow immediate access by emergency vehicles, if necessary; and
2. That the Commission will be responsible for the clearing of all debris from the street and sidewalk promptly upon the end of the event for which the street is to be closed, and will be responsible for any damages to the street.

This the 12th day of July, 1982.

Ordinance to Amend Section 21-42 of the Town Code of Ordinances

COUNCILMEMBER STRALEY MOVED ADOPTION OF THE FOLLOWING ORDINANCE, WITH THE EXPRESSED DESIRE TO SEE MORE ADEQUATE ALIGNMENT OF CHAPEL HILL/CARRBORO BIKELANES. COUNCILMEMBER STRALEY REQUESTED THAT THE MANAGER PRESENT A STUDY IN LATE FALL THAT WOULD OUTLINE PROPOSALS FOR IMPROVED ALIGNMENTS.

COUNCILMEMBER WALLACE SECONDED THE MOTION.

AN ORDINANCE TO AMEND SECTION 21-42 OF THE TOWN CODE OF ORDINANCES (82-O-56)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 21-42 of the Town Code of Ordinances is amended as follows:

- (a) delete the words "Graham Street" in Section 21-42(c) and insert in lieu thereof "Merritt Mill Road"; and
- (b) delete the words "Graham Street" in Section 21-42(d) and insert in lieu thereof "a point 160 feet west of the center line of Graham Street."

This the 12th day of July, 1982.

THE MOTION CARRIED UNANIMOUSLY.

157 reading

Ordinance Amending the Franchise Granted to Village Cable on November 19, 1979

Mayor Nassif asked Ms. Lu Stevens, General Manager of Village Cable, if the current rates were in effect until August 10, 1982, as he had received numerous inquiries. Ms. Stevens responded affirmatively.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE FRANCHISE GRANTED TO VILLAGE CABLE ON NOVEMBER 19, 1979 (82-O-58)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Ordinance dated November 19, 1979, granting a cable television franchise to Village Cable, Inc., is hereby amended by adding the following sentence at the end of Paragraph 13 of said Ordinance:

"Village Cable is authorized to substitute the "Weather Channel" service, including national and local forecasts and information, for the National Oceanic and Atmospheric Administration (NOAA) service offered originally by Village Cable in said proposal."

This the 12th day of July, 1982.

THE MOTION CARRIED UNANIMOUSLY.

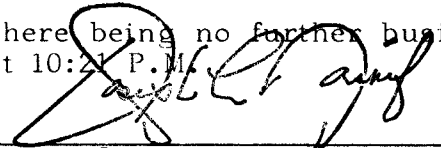
Notification of Vacancy on Historic District Commission

Council was notified of the vacancy on the Historic District Commission as a result of the 6/30/82 resignation of Ms. Susan Gravely.


Survey of Citizens by COG

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, APPROVAL OF PREVIOUS LETTERS ADDRESSED TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. THE MOTION CARRIED UNANIMOUSLY.

There being no further business to come before Council, the meeting was adjourned at 10:21 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk