

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, AUGUST 23, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

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

Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny.

Certificates of Appointment

Mayor Nassif expressed appreciation to the following Board and Commission members for their willingness to serve the Town; Certificates of Appointment were presented to each member: Mr. T. Boyd Spiller (Transportation Board); Ms. Alice Ingram (Planning Board); Ms. Linda Brown (Board of Adjustment); and Mr. Phil Reese and Dr. Randall Sather (Historic District Commission).

Proposed Sale of Community Development Lot to the Oscar Davis Heirs--Public Hearing

The Housing Authority proposed to sell a strip of land to the Oscar Davis heirs. The heirs are owners of the adjacent property. Ms. Sonna Loewenthal explained that the sale of this parcel of land would give the lot belonging to the heirs a regular shape and would assure conformance of the lot to interior setback requirements.

Ms. Loewenthal explained to Councilmember Straley that the price had been determined under special legislative guidelines.

There were no comments or questions from citizens or Council.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif declared the public hearing closed.

Petitions

Mr. Nowell Creadick petitioned Council to consider the rezoning of lots 6 and 7, Tax Map 27A, Block C to Neighborhood Commercial. (Please refer to files in the Clerk's Office for a copy of the petition.)

Mr. Creadick responded to Councilmember Smith that the request was to rezone the lots that lay between his property and a lot currently zoned Community Commercial.

The Manager's recommendation was to receive the petition and schedule the item for the September 8, 1982, Council meeting.

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

(The petition was received; no action was taken to put the item on a future agenda.)

Mr. Joe Haakan requested permission to speak on Agenda Item #6 (annexation request of 38.2 acres on west side of Barbee Chapel Road). Council had no objection.

Mr. Charles Rupkalvis, President of the Parker Road--Laurel Hills Neighborhood Association, petitioned Council on behalf of the Association. (Please refer to the Clerk's files for a copy of the petition.) The petition stated the desire of the

Association "to bring certain information to the attention (of) the Chapel Hill Town Council...regarding Laurel Hills V." The petition stated that "Mr. Messer provided the court with misinformation concerning the status of Parker Road" and outlined specific points contained in the Mr. Messer's petition for a writ. The Association expressed concern that the Town's acceptance of the Court's ruling would encourage other developers to threaten law suits in an effort to have local ordinances waived.

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

Minutes (July 6, 1982 and July 12, 1982)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE MINUTES OF JULY 6, 1982, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE MINUTES OF JULY 12, 1982, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

Chapel Hill Housing Authority--Report

Mr. Thomas Heffner, Chairman of the Chapel Hill Housing Authority, spoke to Council regarding recent questions which had been raised regarding the management of the Housing Authority. Mr. Heffner also referenced recent comments made to the press by Councilmember Broadfoot stating that Councilmember Broadfoot's remarks "questioned the integrity, dedication and interest of the Board." Mr. Heffner encouraged more direct communication between the Council and the Housing Authority. He assured those present that Board members had nothing to lose or gain from service on the board and that members had served sufficient term lengths to make informed judgments.

Mr. Heffner favored incorporation of the authority's management functions into Town government, but submitted that great caution should be used in considering this undertaking.

Mr. Heffner stated that the Housing Authority had effected cost savings and good management by lifting ceiling rents, recording maintenance calls (to document evictions based on abuse to a unit), reducing payment periods for rent, utilities, and repair charges, and through personnel reductions. Mr. Heffner expressed the desire to meet with the Council to discuss the operations of the Housing Authority in greater detail.

Councilmembers Broadfoot and Wallace submitted a proposal that the Town of Chapel Hill assume the responsibilities and the authority of the Chapel Hill Housing Authority.

Mr. Heffner clarified for Councilmember Broadfoot that the Housing Authority had eliminated rent ceilings prior to federal government direction.

Councilmember Broadfoot questioned the length of vacancy for some units. Mr. Heffner explained that units which more nearly met the needs of families on the waiting list were completed first. Also, some units remained uninhabitable due to extensive repair needs.

Councilmember Wallace felt that there were probably several groups that would fit any number of available units, as the waiting list contained approximately several hundred applicants. Mr. Heffner did not feel that, in reality, this was always the case.

At the request of Councilmember Kawalec, Mr. Heffner introduced members of the Chapel Hill Housing Authority who were present: Wendy Watson, Carl Gebuhr, Marjorie Land, and Margaret Edwards.

Mayor Nassif expressed appreciation for the openness and cooperation he had received from all board members and chairpersons that he had been associated with. Councilmember Smith wished to assure current members of the Housing Authority that they were not being blamed for current problems resulting from action of prior boards. Councilmember Wallace concurred.

Request Fixing the Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-58.2, as Amended

The Clerk submitted a Certificate of Sufficiency for the petition for annexation. Staff recommended that a public hearing be scheduled for September 20, 1982, to discuss the issue of annexation of this property. Staff recommendation would be presented at that time.

Mr. Joe Haakan, representing Larry Goldrich (property owner and petitioner of the annexation request) supported the request: (1) annexation would put the site under one jurisdiction; (2) land lying between this site and the Town limits (a golf course) would probably remain undeveloped/unoccupied; (3) taxes would be an asset to Chapel Hill; (4) property owners were willing to waive Town services, or pay a small fee for services; and (5) owners agreed to pave the road. Mr. Jennings had advised that annexation would pose the least problems if the area were to be considered for urban development. Cost and benefits of future development, however, could not be determined at this point.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE FOLLOWING RESOLUTION BE ADOPTED:

A RESOLUTION FIXING THE DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2, AS AMENDED (82-R-151)

WHEREAS, a petition requesting annexation of non-contiguous area described herein has been received; and

WHEREAS, the Council of the Town of Chapel Hill has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

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

SECTION I

That a public hearing on the question of annexation of the non-contiguous area described herein will be held at the Meeting Room in the Chapel Hill Municipal Building, 306 North Columbia Street, Chapel Hill, North Carolina, 27514, at 7:30 p.m. on the 20th day of September, 1982.

SECTION II

The area proposed for annexation is described as follows:

All that certain tract or parcel of land situated in the counties of Durham and Orange, State of North Carolina, consisting of 38.21 acres of land, more or less, and generally described as follows: BEGINNING at a point in the western line of Barbee Chapel Road at a pin located approximately 803' south of Route 54; running thence in a westwardly direction a distance of 128.98' to a pin; running thence generally northwestwardly a distance of 130.30' to a pin; running thence in a northwardly direction a distance of 325.96' to a pin; running thence in a westwardly direction a distance of 656.32' to a pin; running thence in a southwardly direction a distance of 2,007.00' to a pin; running thence in an eastwardly direction a distance of 888.80' to a pin; running thence in a northwardly direction a distance of 1,088.43' to a pin; running thence on a radius along the western side of Barbee Chapel Road a distance of 454.75' to a pin; and running thence northwardly along the western line of Barbee Chapel Road to the point of beginning. A sketch entitled "Property of Lewis M. Durham" showing the property and marked "Exhibit A" is attached hereto and by this reference made a part hereof.

SECTION III

Notice of said public hearing shall be published once in the Chapel Hill Newspaper, a newspaper having general circulation in the Town of Chapel Hill, at least ten (10) days prior to the date of said public hearing.

This the 23rd day of August, 1982.

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

Budget Development Procedures

Mayor Nassif proposed adoption of a budget development procedure and subsequent inclusion into the Council Procedures Manual. Council debated the merits of early citizen input into budget issues, Council participation in public meetings, and fewer meetings in the fall. Council also supported citizen input regarding what citizens did like or would like to see changed in Town government...and not specify figures in dollars and cents.

Council felt that too many meetings would be non-productive. Councilmember Smith felt that inclement weather in January and February might deter citizen participation. Councilmember Howes did not concur, as citizens managed to attend other activities during this time of year. Councilmember Kawlaec suggested that citizens be encouraged to speak on Town government in general...not just on the town budget.

Councilmember Straley objected to the use of the term "hearing," saying that as elected officials, members of the Council had a responsibility to present their image of the Town's future as a basis for public response. He urged that we refer to the meetings as "forums."

Council suggested a "hotline" or a questionnaire in a local newspaper as a means of eliciting public input.

Councilmember Wallace proposed a single public hearing on Tuesday, November 16, 1982. Councilmember Straley concurred with Mayor Nassif's suggestion that a trial budget procedure be adopted for this year with a more formal inclusion into the Procedures Manual if it proved workable. A procedure at this time would give the Manager direction.

Mr. Taylor stated that budget procedure for the past year had been adequate, providing early citizen input, and early direction from Council. He also stated that any budget procedure might need to be changed from year to year according to changes in budgetary needs.

COUNCILMEMBER KAWALEC MOVED THAT COUNCIL ADOPT THE FOLLOWING PROCEDURES WITH PROCEDURE #1 TO SCHEDULE A PUBLIC HEARING IN NOVEMBER, SUBJECT TO FURTHER PUBLIC HEARINGS AS NEEDED. COUNCILMEMBER BROADFOOT SECONDED THE MOTION. COUNCILMEMBER WALLACE PROPOSED THAT THE WORDS "IN DECEMBER" BE DELETED FROM THE PROPOSED PROCEDURE #2. COUNCILMEMBER KAWALEC, MAKER OF THE MOTION, AND COUNCILMEMBER BROADFOOT, SECONDER OF THE MOTION DID NOT OBJECT.

BUDGET DEVELOPMENT PROCEDURE

Below is the procedure Council has decided to follow in developing its 1982-83 annual operating and capital budgets. The timetable is designed to allow citizen input early in the process, to permit time for Council to develop policies, goals and performance and service level objectives, and to permit ample time for the Manager to develop operating and capital budgets based on those policies, goals and objectives.

1. Council holds one public forum on November 16, 1982, subject to further public forums as needed.
2. Council holds a work session(s) to develop goals and objectives for the upcoming fiscal year's budget. Council presents these goals and objectives to the Manager as policy directives.
3. The Manager presents an interim budget report at the second regular Council meeting in March.
4. In early April, Council holds a public meeting to permit the public to comment on the Manager's interim budget report.

5. The Manager presents his recommended budget to the Council and public at the first regular Council meeting in May. Council schedules work sessions as needed.
6. Council holds a public hearing on the Manager's recommended budget at the second regular Council meeting in May.
7. Council adopts budget no later than the second regular Council meeting in June.

Copies of the adopted budget are available by mid-July.

THE MOTION CARRIED UNANIMOUSLY.

Procedures Manual Update/Revisions

Councilmember Broadfoot proposed changes in the Procedures Manual. Council voted on the following changes proposed by Councilmember Broadfoot:

1. COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER SMITH, TO APPROVE THE ADDITION OF PARAGRAPH 6(b) (to establish work sessions with Advisory Boards and Commissions) ON PAGE 2. THE MOTION CARRIED UNANIMOUSLY.
2. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO DELETE THE WORDS "by the Manager" FROM PAGE 4, PARAGRAPH 3, LINE 2. Councilmember Broadfoot felt the words were redundant. THE MOTION CARRIED UNANIMOUSLY.
3. COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO DELETE THE WORDS "if present" FROM PAGE 5, PARAGRAPH 1 (Under Section "C") LINE 1. Councilmember Broadfoot felt the words were unnecessary. THE MOTION CARRIED UNANIMOUSLY.
4. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ELIMINATE EXCESSIVE WORDING ON PAGE 5, PARAGRAPH 6, AND PARAGRAPH 7 (Under Section "C"). THE MOTION CARRIED UNANIMOUSLY.

(Paragraph 6 deletes the words "only" and "may" from line 1; adds the word "may" to line 3; deletes the words "It is accepted practice for" from line 3; and changes the word "to" on line 4 to "may." Paragraph 7 deletes the words "it is the practice of" from line 1; deletes the word "to" from the end of line 1; and changes the word "hear" to "hears" on line 2.)

5. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO NOT ADOPT THE PROPOSED CHANGE ON PAGE 6, PARAGRAPH b, LINE 1. Councilmember Broadfoot proposed alteration in wording that would require a unanimous vote of all Councilmembers present and the Mayor to permit action on a petition during a regular Council meeting. Council's current policy prohibited action on a petition without the unanimous consent of the full Council and Mayor.

Councilmember Wallace felt that the proposed alteration would allow flexibility that the Council did not have; Councilmember Howes submitted that the alteration would allow flexibility that the Council did not need, submitting that current policy had been designed to protect the absent Councilmember.

Councilmember Kawalec and Mayor Nassif concurred with Councilmember Howes, submitting that current policy was a safeguard not only for the Council but also for the public, as prior public notice would be given regarding when Council would consider the issue.

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

5. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ACCEPT THE PROPOSED CHANGE ON PAGE 7, PARAGRAPH "c," reflecting more concise wording. THE MOTION CARRIED UNANIMOUSLY. (The first sentence formerly read "It has been the practice of the Council not to have motions in executive session but rather to terminate the discussion through expression of a consensus. "The wording was changed to read "The Council will not have motions in executive session but rather will terminate the closed discussion through expression of a consensus.")
7. COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO DELETE THE WORDS "to him" FROM PAGE 19, PARAGRAPH B, LINE 2, AND TO ADD A PARAGRAPH UNDER SECTION "C" REGARDING COUNCIL INSTRUCTION TO LIAISONS.
8. COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER SMITH, TO AMEND RESOLUTION 79-R-80 (Page 35) BY CHANGING THE WORDS IN PARAGRAPH #4 AS FOLLOWS:

ADD (after the first sentence): "No name may be put in nomination unless that individual has filed an application with the Clerk."

(The next sentence will remain the same: "Further nominations may be received at the next regular meeting of the Council.")

DELETE the next sentence from the original resolution: "At its second regular meeting following receipt of the recommendations, the Council will fill the vacancy but will not receive further nominations; and"

ADD (in place of the above deleted sentence): "At its second regular meeting following receipt of the recommendations, the Council may receive additional nominations and will fill the vacancy, provided the application of the nominee has been placed in the hands of the Mayor and Councilmembers at least three days prior to the meeting."

THE RESOLUTION, AS AMENDED, IS AS FOLLOWS:

A RESOLUTION SETTING POLICY FOR FILLING SEATS ON ADVISORY BOARDS AND COMMISSIONS, TERM EXPIRATION DATE, AND NUMBER OF CONSECUTIVE TERMS ALLOWED (79-R-80)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby states the following to be the policy it wishes to be followed in the future or until changed for filling vacancies on Town Boards and Commissions:

1. At least eight weeks before a term expires, or promptly following a vacancy occurring in mid-term, the Town Clerk will advertise the vacancy in a medium of general circulation within the community and by such other means as may seem effective.
2. Two weeks after the advertisement has appeared, the Town Clerk will turn over all applications to fill the vacancy to the affected board or commission.
3. The affected board or commission will screen all applications and may recommend at least one, and preferably two, candidates for the vacancy. The name(s) and application(s) of the candidate(s) will be forwarded to the Council along with the application(s) of all other persons interested in the vacancy.
4. At the meeting on which the recommendations and applications are received, the Council may put names and applications in nomination for the vacancy. No name may be put in nomination unless that individual has filed an application with the Clerk. Further nominations may be received at the next regular meeting of the Council. At its second regular meeting following receipt of the recommendations, the Council may receive additional nominations and will fill the vacancy, provided the application of the nominee has been placed in the hands of the Mayor and Council three days prior.

BE IT FURTHER RESOLVED that all advisory board and commission term expirations which now fall on March 1 shall be changed to June 30 of the same; and

BE IT FURTHER RESOLVED that advisory boards and commissions are encouraged to limit members' terms to no more than two consecutive full terms.

This the 23rd day of August, 1982.

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

9. COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING CHANGES ON PAGE 45, #4:

- Clarify wording of the main paragraph (under #4), page 45.
- Insert the following words at the end of the last paragraph in #4: "All such additional subscriptions must be in the name of the Town Council and received at 306 North Columbia Street. They must be kept in the Municipal Building except for brief lending periods. A single subscription to any such publication is considered sufficient for the entire Council and the Mayor."

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE UPDATE TO THE COUNCIL PROCEDURES' MANUAL, AS SUBMITTED BY THE CLERK'S OFFICE. The update included:

- (unnumbered) Changes in the Table of Contents to reflect text changes, the addition of the Human Services Advisory Board, and the deletion of the Village Companies Foundation, Inc.
- Page 26: Additional wording to more accurately reflect membership requirements for Parks and Recreation.
- Page 29a: Human Services Advisory Board added.
- Page 34: Additional wording to more accurately reflect membership requirements for OWASA.
- Page 34a: Deletion of page referencing Village Companies Foundation, Inc.
- Pages 39-42: Update on Board/Commission members and terms; addition of Human Services Advisory Board; deletion of Village Companies Foundation, Inc.

THE MOTION CARRIED UNANIMOUSLY.

Reports

Annual Report for 1981-82. Mr. Taylor submitted the 1981-82 Annual Report (please refer to files in the Clerk's Office).

Councilmember Smith expressed concern that the jay-walking problem by college students, etc., would eventually result in a traffic casualty. Mr. Taylor responded that he would speak with the Police Chief Stone about alleviating this problem.

Reports by Council Liaisons. Councilmember Straley submitted a memorandum outlining JOCCA activities from May 1, 1981 through July 31, 1982. He responded to a question from Councilmember Howes that JOCCA's existence was assured for at least two more years.

Councilmember Howes reported that there would be a presentation by Dr. Langfelder on Recreational Opportunities at Jordan Lake on Wednesday, August 25, 1982. The Annual meeting of the Triangle J Council of Governments would be on September 22, 1982. The Executive Newsletter would be mailed to Council.

Councilmember Broadfoot reported that the Orange County Human Services Advisory Commission had completed a Needs Assessment study.

Traffic Control at Entrance to Frank Porter Graham School

The principal at Frank Porter Graham School had requested assistance in traffic control at the school. Mr. Taylor felt that traffic control could be reached through an agreement between the Town of Chapel Hill and Carrboro and proposed a resolution to authorize an agreement.

Currently, Chapel Hill supplied a school crossing guard. The guard, however, was not allowed to direct traffic. Mr. Taylor proposed that the school crossing guard be given minimum training in traffic control. The Town, however, would not be liable in the event of an accident.

Councilmember Smith felt that the school's traffic conditions warranted the employment of a sworn officer...a person of authority...rather than a school crossing guard. Councilmember Boulton concurred and felt that Carrboro might be willing to share the expense, since the street was located in Carrboro. Mayor Nassif stated that the street was under Carrboro's jurisdiction. Frank Porter Graham school had been previously annexed by Chapel Hill due to its need for services.

Mr. Taylor proposed that the issue be reconsidered by staff; Carrboro would be contacted. Council had no objections.

Resolution Authorizing the Animal Protection Society to Construct an Addition to the Animal Shelter

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

A RESOLUTION AUTHORIZING THE ANIMAL PROTECTION SOCIETY TO CONSTRUCT AN ADDITION TO THE ANIMAL SHELTER (82-R-154)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Animal Protection Society may construct an addition to the Animal Shelter at the Municipal Operations Facility, provided that it conforms to the architectural style of the shelter and applicable ordinances and standards.

This the 23rd day of August, 1982.

The Animal Protection Society would hold a fund-raiser for the 600 sq.ft. addition to the Animal Shelter at the Municipal Operations Facilities.

THE MOTION CARRIED 8 TO 0. MAYOR NASSIF ABSTAINED.

Village Cable Tier One Services

Council had been advised by Mr. E. Denny, Town Attorney, that Village Cable had the right (under Section 10-85 of the Town's Cable Television Ordinance) to establish monthly rates for Tier One services, if proper notice were given to the Town. The monthly charge of \$8.50 was effective on August 17, 1982. During the period between September 1, 1983, and November 30, 1983, Council would have the opportunity to modify Cable television rates for the following two-year period.

The Manager recommended no further action at this time.

Consent Agenda

Councilmember Boulton requested to remove item "b" from the Consent Agenda (re first reading of Cable T.V. Franchise Amendment).

Councilmember Smith requested to remove Consent Agenda "e" (re bids for resurfacing streets, and parks and recreation parking areas).

Councilmember Smith also requested that Consent Agenda item "g" (re approval of transportation planning work program) be removed.

Councilmember Broadfoot requested to delete "i" from the Consent Agenda (re lease of the mezzanine floor of the Old Police Building).

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND ORDINANCES (82-R-155)

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:

- a. Second reading of Cable TV Franchise amendment re the Weather Channel (82-O-58)
- c. Authorization to sell used air conditioners at Old Police Building to Orange County (82-R-156)
- d. Authorization to extend lease of up to 4 Town buses to Raleigh Transportation Service (82-R-157)
- f. Budget amendment (\$25,000 from Z. Smith Reynolds Foundation grant for delinquency prevention program) (82-O-61)
- h. Rejection of bids for refuse truck body (82-R-160)

This the 23rd day of August, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions and an Ordinance Adopted by the Consent Agenda

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

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 23rd day of August, 1982.

(2nd reading)

A RESOLUTION REJECTING BIDS FOR ONE 1973 DEMPSTER-DUMPSTER BODY (82-R-160)

WHEREAS, the Town of Chapel Hill has solicited formal bids on July 18, 1982, and the following bids have been received:

<u>Item</u>	<u>Suburban Sanitation Service</u>	<u>Sanco Corporation</u>
One 1973 Dempster-Dumpmaster Body	\$1202.00	\$810.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town rejects all bids received.

This the 23rd day of August, 1982.

A RESOLUTION AUTHORIZING PRIVATE SALE OF USED AIR CONDITIONERS (82-R-156)

BE IT RESOLVED that the Town Manager is authorized to sell 10 used window air conditioning units presently installed in the Old Police Building at private sale pursuant to G.S. 160A-267 to Orange County; and

BE IT FURTHER RESOLVED that a summary of this resolution shall be published as by law provided and said sale shall take place no earlier than 10 days after its publication.

This the 23rd day of August, 1982.

A RESOLUTION AUTHORIZING THE MANAGER TO EXTEND A SURPLUS BUS LEASE AGREEMENT (82-R-157)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is hereby authorized to extend the effective date of a lease agreement with Raleigh Transportation Service for up to 4 surplus buses. Such extension(s) may be in monthly increments from August to December, 1982.

This the 23rd day of August, 1982.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1982" (82-O-61)

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, 1982" as duly adopted on June 28, 1982, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund - Police - Uniform Patrol	1,112,160	25,000		1,137,160

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund - Revenue from Other Agencies	2,635,744	25,000		2,660,744

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

This the 23rd day of August, 1982.

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

Ms. Lu Stevens, General Manager of Village Cable, informed Councilmember Boulton that SPN programming would no longer be available due to hardware problems; similar programming, however, would be available through another network during morning hours--a less convenient time for viewers.

Councilmember Kawalec spoke against the change in the franchise, as she felt that the change eliminated the diversity of programming that was available. She questioned if a change in the franchise was in the public interest.

Councilmember Broadfoot did not concur with Councilmember Kawalec. He also opposed the involvement of the Town Council in the programming business and would support a future franchise change that would revert this decision to Village Cable.

Councilmembers Wallace and Howes concurred. Councilmember Kawalec concurred that Council should not be involved in programming decisions, but felt that the way to avoid such involvement would be to stick to the original franchise. She felt that the ordinance supported changes in the franchise.

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

AN ORDINANCE AMENDING THE FRANCHISE GRANTED TO VILLAGE CABLE, INC. (82-O-60)

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 Cable News Network 2 (CNN 2) programming for the Satellite Programming Network (SPN) offered originally by Village Cable in said proposal."

This the 23rd day of August, 1982.

(1st reading.)

Mayor Nassif suggested that a more orderly and formal way for Village Cable to handle its requests would be to work directly through the Manager. This was more appropriate and would eliminate problems that Council had encountered in the past. The Manager could confer with the staff and consultant and would present a recommendation to Council.

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

Resolution Accepting Bids and Awarding of Contract for Resurfacing of Streets and Parking Areas

Mr. Taylor explained to Councilmember Smith that the Street Resurfacing Program Priority Listing was based on an estimate of cost per sq.yds. The bid was on a tonnage and sq.yd. basis. If more materials were required to complete high priority streets than what had been anticipated, the completion of streets with lower priority might be affected.

Mr. Taylor also explained to Councilmember Smith that bid specificities included a right to increase or decrease quantities by 25%. The contractor knew that the quantity could change, but that the contractual figure would not.

Councilmember Broadfoot referenced damage to personal property by Lee Paving Paving Company that he had experienced. Mr. Harold Harris, Director of Public Works, stated that payment to the contractor could be withheld until complaints had been corrected.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR RESURFACING OF STREETS AND PARKING AREAS (82-R-158)

WHEREAS, the Town of Chapel Hill has solicited formal bids on July 27, 1982, and the following bids have been received:

Item	Lee Paving Co.		REA Const. Co.		Nello Teer		B&B Paving Co.		C. C. Mangum		Oscar Miller		W.M. Muirhead Const.	
	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1. Base Bid, Street Resurfacing														
a. asphalt 4900 tons	\$26.25	\$128,625	\$27.43	\$134,407	\$29.26	\$143,374	\$30.46	\$149,250	\$33.47	\$164,003	\$33.78	\$165,522	\$35.00	\$171,500
b. Patching 50 tons	40.00	2,000	45.00	2,250	75.00	3,750	50.00	2,500	33.47	1,674	45.40	2,270	50.00	2,500
TOTAL		130,625		136,657		147,124		151,754		165,677		167,792		174,000
2. Alternate I, Paving Parking Lots														
a. Asphalt 1200 tons	33.20	39,840	30.79	36,948	31.00	37,200	32.50	39,000	34.23	41,076	35.49	42,588	31.00	37,200
TOTAL		39,840		36,948		37,200		39,000		41,076		42,588		37,200
3. Alternate II, Utility Adjustments														
a. Manholes 89	150.00	13,350	67.00	5,963	135.00	12,015	100.00	8,900	85.00	7,565	95.00	8,455	75.00	6,675
b. Valve Boxes 98	90.00	8,820	55.00	5,390	70.00	6,860	100.00	9,800	85.00	8,330	85.00	8,330	75.00	7,350
TOTAL		22,170		11,353		18,875		18,700		15,895		16,785		14,025

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the base bid of Lee Paving Company in the amount of \$130,625 and the Alternate I bid by REA Construction Company in the amount of \$36,948 and rejects all Alternate II bids.

BE IT FURTHER RESOLVED that the Manager is authorized to reduce the amount of paving at the Parks and Recreation parking areas to keep the cost of this work within the budgeted amount.

This the 23rd day of August, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Concerning Transportation Planning Grant Funds

Mr. Taylor responded to Councilmember Smith that transportation planning processes were currently negotiated through the City of Durham and its affiliated committees. This process would be followed until different procedures were effected.

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

A RESOLUTION CONCERNING TRANSPORTATION PLANNING GRANT FUNDS (82-R-159)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to take the following actions so that the Town may receive grant funds for transportation planning activities and for developing the use of microcomputers by the Transportation Department:

1. To submit to the Durham Transportation Advisory Committee the Chapel Hill portion of a Unified Planning Work Program for Transportation planning in the Durham Urbanized Area.
2. To enter into an agreement with the City of Durham by which the City of Durham would apply for Transportation Planning Grant funds on behalf of the Town of Chapel Hill, and remit such grant funds to the Town.
3. To apply for a Demonstration Grant to develop additional uses for the Transportation microcomputers and to purchase additional equipment.

This the 23rd day of August, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing the Execution of an Amendment to the Lease Between the Town of Chapel Hill and Orange County

Councilmember Broadfoot stated that he would oppose this resolution. He felt the property had now become a liability; therefore, he supported sale of the property.

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

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LEASE BETWEEN THE TOWN OF CHAPEL HILL AND ORANGE COUNTY (82-R-161)

WHEREAS, the Mayor of Chapel Hill has executed a lease between the Town and Orange County for space at 100 W. Rosemary Street;

BE IT HEREBY RESOLVED that the Town Council authorizes the Mayor to execute an amendment to said lease to include the mezzanine of the Old Police Building as leased premises hereunder on the same terms and conditions governing the currently leased premises.

This the 23rd day of August, 1982.

Mr. Taylor informed Councilmember Straley that painting the building had been scheduled for late fall/early winter.

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

Notification of Vacancy

Council was notified of the resignation of Transportation Board members Gerry Cohen and Jean Ann Hemmens.

Nominations--Historic District Commission

Mayor and Council received the recommendation from the Historic District Commission for the appointment of Michael Culpepper and John Gulick.

Councilmember Straley nominated Mr. John Gulick.

Councilmember Wallace nominated Mr. Michael Lee Culpepper.

Councilmember Howes nominated Ms. Lynn Igoe.

Resolution Regarding a Temporary Event in the Holiday Inn Parking Lot

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT THE FOLLOWING RESOLUTION BE ADOPTED:

A RESOLUTION REGARDING A TEMPORARY EVENT IN THE HOLIDAY INN PARKING LOT (82-R-163)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby grants a permit for a sale sponsored by the Holiday Inn in its parking lot from 9 to 11 a.m. on Saturday, September 4, 1982, as described in an application by the Holiday Inn. Said applicant shall comply with reasonable directives of the Town Police and/or Fire Department to undertake safety measures determined by either of these Town departments to be necessary or desirable for protection of persons and property in the vicinity of the above event.

This the 23rd day of August, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Future Business

Mr. Taylor informed Council that Mr. Ed Kitchen, Personnel Director for the City of Greensboro, would speak with the Council on Wednesday, September 15, 1982, at 3:30 P.M. to discuss Greensboro's system of merit pay and employee performance appraisal.

Council scheduled to meet with the Housing Authority on Monday, August 30, 1982, at 7:30 P.M.

Executive Session

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT COUNCIL ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL MATTERS.

THE MOTION CARRIED UNANIMOUSLY.

The meeting adjourned to Executive Session at 10:15 P.M.

At 11:08 P.M., Mayor Nassif reconvened the meeting.

Resolution Granting a Planned Development-Housing Special Use Permit for the Laurel Hill V Development

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

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT FOR THE LAUREL HILL V DEVELOPMENT (82-R-162.2)

BE IT RESOLVED that the Council, pursuant to the direction and by order of the Superior Court of Orange County (Judge Gordon Battle presiding), authorizes the issuance of a Planned Development-Housing Special Use Permit to Roger Messer for the Laurel Hill V development, subject to the plans submitted by the developer therefor and the stipulations and conditions set forth below; and

BE IT FURTHER RESOLVED that the Council takes such action, pursuant to said judicial order, without any waiver of or prejudice to the Town's position in pending litigation regarding said Special Use Permit, it being recognized and understood that the Town has filed notice of, and intends to pursue, an appeal of the above mentioned judicial order.

BE IT FURTHER RESOLVED that said Special Use Permit shall be subject to the following stipulations and conditions:

WITH REGARD TO SAFETY

1. That a paved sidewalk be constructed according to the phasing plan, along one side of Rhododendron Drive prior to issuance of certificates of occupancy for each phase of development. The design of such sidewalk shall be approved by the Town Manager prior to construction.
2. That the design and construction of the private drives serving the individual clusters of units be reviewed and approved by the Town Manager prior to construction.
3. That the right-of-way of Rhododendron Drive be realigned so that it is adjacent to the eastern property line for a minimum distance of 1,300 feet from its intersection with Parker Road and that it be paved to Town standards with a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. A paved temporary cul-de-sac, with required easements, shall be provided at the northern terminus of Rhododendron Drive. The water line, including the proposed valve and blow-off, shall be extended beyond the

paving of the cul-de-sac. The final design of the roadway including plans for paving the street shall be approved by the Town Manager prior to construction. Street grades on Rhododendron Drive shall not exceed 12%.

4. That prior to issuance of a building permit a plat shall be recorded dedicating public right-of-way to provide access from Rhododendron Drive to the Pardue property. Such access shall be at two points; one north of the location of the proposed tennis courts and a second approximately 900 feet back from Parker Road. The precise location of such rights-of-way shall be approved by the Town Manager. If it is necessary to relocate the tennis courts to accommodate this requirement the relocation of the courts shall be approved by the Town Manager and shall not be considered a modification of the approved permit.
5. That the final design for fire protection, including the number, location and installation of fire hydrants and layout of water lines be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permit.

WITH REGARD TO APPEARANCE

6. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
7. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
8. That any and all planting which dies during the life of the Special Use Permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
9. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan and shall be in place prior to issuance of a building permit.
10. That sewer and utility easements be dedicated as required by the Town Manager.
11. That at such time as municipal garbage collection is available to the development, the provisions for garbage collection shall be provided as required by the Town Manager. The location and screening of bulk trash containers shall be provided as required by the Town Manager in consultation with the Appearance Commission. The provision of such facilities shall not be a modification to the approved permit. The applicant shall provide areas for the location of bulk trash containers. Such provisions shall be provided as required by the Town Manager and shall be installed prior to issuance of a certificate of occupancy.
12. That additional right-of-way be dedicated along the applicant's frontage with Parker Road. Such dedication shall be recorded prior to issuance of a certificate of occupancy and shall measure 45 feet from the centerline of the road.
13. That a drainage plan be submitted to the Town Manager for his approval prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of any certificate of occupancy. The maintenance of any detention basins shall be the responsibility of the homeowners association.
14. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each cluster of units. A letter from the owner or owner's representative shall be presented to the Town Manager prior to paving any street certifying that all utilities are in place.
15. That no proposed street names (public or private) duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
16. That prior to issuance of any certificates of occupancy, signs indicating that the rights-of-way providing access to the Pardue property are subject to future extension be placed at their respective intersections with Rhododendron Drive.

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- 17. That a valve and tee for the extension of the water line to the Pardue property be provided at both proposed street stubs identified in stipulation #4. The water line at such stubs shall be extended a minimum distance of 30 feet to ensure the extension of the water line will not damage the street.
- 18. That the proposal comply with all design standards included in Article 6 of the Zoning Ordinance.
- 19. That construction begin by August 23, 1984 and be completed by August 23, 1987.

This the 23rd day of August, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Concerning the Preliminary Sketch for the Laurel Hill V Subdivision

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

A RESOLUTION CONCERNING THE PRELIMINARY SKETCH FOR THE LAUREL HILL V SUBDIVISION (82-R-162.1)

BE IT RESOLVED that the Council, pursuant to the directives and by order of the Superior Court of Orange County (Judge Gordon Battle presiding), hereby amends the conditions of approval for the Subdivision Preliminary Sketch it approved for Roger Messer's Laurel Hill V development on January 11, 1982, to delete Paragraph 16 of the stipulations contained in such approved preliminary sketch; and

BE IT FURTHER RESOLVED, that the Council takes such action and amends said Subdivision Permit, pursuant to said judicial order, without any waiver of or prejudice to the Town's position in pending litigation regarding said Subdivision Preliminary Sketch approval, it being recognized and understood that the Town has filed notice of, and intends to pursue, an appeal of the above mentioned judicial order.

BE IT FURTHER RESOLVED that the stipulations of such Preliminary Sketch approval are now as shown on the attachment hereto.

This the 23rd day of August, 1982.

- 1. That the right-of-way of Rhododendron Drive be realigned so that it is adjacent to the eastern property line for a minimum distance of 1,300 feet from its intersection with Parker Road and that it be paved to Town standards with a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. The plans for such paving shall be approved by the Town Manager and NCDOT prior to construction. Street grades on Rhododendron Drive shall not exceed 12%.
- 2. That the final plat include the dedication of a public right-of-way to provide access from Rhododendron Drive to the Cochrane property. The precise location of such right-of-way shall be approved by the Town Manager.
- 3. That the number, location and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of any building permits.
- 4. That sewer drainage and utility easements be dedicated as required by the Town Manager.
- 5. That additional right-of-way be dedicated along the applicant's frontage with Parker Road. Such dedication shall measure 45 feet from the centerline of the road as determined by the plans of the NCDOT and shall be shown on the final plat.

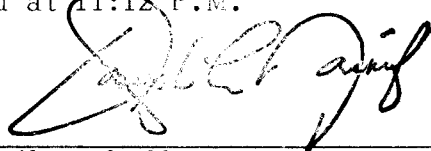
6. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance by any grading permit, start of construction of improvements, and submission of an application for final plat approval.
7. That a drainage plan be submitted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

THE MOTION CARRIED UNANIMOUSLY.

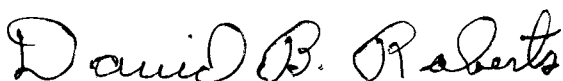
Mayor Nassif stated that the matter would be appealed by the Town.

Mayor Nassif stated that the Executive Session for Personnel Matters would be postponed until a later meeting.

As there was no further business to come before the Council, the meeting was adjourned at 11:12 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk