

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

Mayor Nassif called the meeting to order. Present were

Marilyn Boulton  
Winston Broadfoot  
Jonathan Howes  
Beverly Kawalec  
David Pasquini  
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 presented Certificates of Appointment to the following members of the Human Services Advisory Board: Patricia Sullivan, Barry Yearwood, Katherine Savage, and Ed Dolby. On behalf of the Council, Mayor Nassif expressed appreciation for the willingness of these members to serve the Town in this capacity.

Letter of Appreciation to Mr. George T. (Terry) Lathrop

On behalf of the Council, Mayor Nassif presented a Letter of Appreciation to Mr. Terry Lathrop, former member and Chairman of the Transportation Board. Mayor Nassif explained that Mr. Lathrop had given of his time, freely, to the Town even though, professional, he was a Transportation Planning Consultant.

Mayor Nassif reviewed the countless hours which Mr. Lathrop had volunteered since 1960, when plans for the Town's transportation system was in its beginning stages. Mayor Nassif stated that, in his opinion, "no one...could say that anyone was more responsible for it [the transportation system as it existed today] than Terry Lathrop."

Mayor Nassif read and presented the following Letter of Appreciation to Mr. Lathrop:

October 11, 1982

LETTER OF APPRECIATION TO GEORGE T. LATHROP

Dear Terry:

It is a special privilege for us to recognize and thank you for your extraordinary contribution to the Town of Chapel Hill. Your retirement from the Transportation Board, which you chaired since its origin in 1975, occasions this tribute. You have served as the essential and chief steward of our transit system, watching its progress, warning us of its problems, and striving to retain the fine professional staff the system needed.

More important, perhaps, was your crucial role in the early days, when a Chapel Hill transit system was merely a suggestion. As a member of a special Mayor's Task Force and as Chairman of the Chapel Hill-Carrboro-UNC Joint Public Transportation Commission, you held together diverse and skeptical study groups. Your determination and professional skills, which you gave the Town freely, moved us forward. We thank you for your careful study of other transit systems, federal grants, financing, contract proposals and technical feasibility. Most of all, we thank you for helping citizens and elected officials keep the faith when odds seemed bleak.

Your perseverance, hard work and love for the Town set an example by which we all can measure ourselves.

\_\_\_\_\_  
Joseph L. Nassif, Mayor

\_\_\_\_\_  
Marilyn Myers Boulton, Mayor  
Pro-Tem

\_\_\_\_\_  
David Pasquini, Councilmember

\_\_\_\_\_  
Winston Broadfoot, Councilmember

\_\_\_\_\_  
R. D. Smith, Councilmember

\_\_\_\_\_  
Jonathan B. Howes, Councilmember

\_\_\_\_\_  
Joseph W. Straley, Councilmember

\_\_\_\_\_  
Beverly Kawalec, Councilmember

\_\_\_\_\_  
James C. Wallace, Councilmember

#### Petitions

Council had received a letter from Mr. Charles Thibaut which stated his support of the proposed amendment to the Zoning Ordinance, Section 6.6 (to be considered during this meeting), and the proposed rezoning (to "Town Center") of the First Baptist Church property (to be considered at the November 15, 1982, public hearing). (Please refer to files in the Clerk's Office.)

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

Mr. Taylor informed Council of a petition which he had received from Mr. and Mrs. Jon Harder requesting that Council waive the bond requirement of the Modification of the Special Use Permit granted to Central Carolina Bank and Trust (sidewalk bond on Sage Road). (Please refer to files in the Clerk's Office.)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO RECEIVE THE PETITION AND THAT THE MANAGER PRESENT A REPORT TO COUNCIL AT THE NEXT MEETING. THE MOTION CARRIED UNANIMOUSLY.

#### Minutes (September 20 and 27, 1982)

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE MINUTES OF SEPTEMBER 20, 1982, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE MINUTES OF SEPTEMBER 27, AS SUBMITTED. THE MOTION CARRIED UNANIMOUSLY.

#### Resolution Supporting the Creation of a Task Force on Alcohol-Related Problems

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 82-R-180.

Councilmember Straley stated that he wished to "encourage the Task to work expeditiously."

COUNCILMEMBER SMITH MOVED AN AMENDMENT TO THE MAIN MOTION TO ALTER THE WORDING (of paragraph 3, regarding responsibilities of the Task Force) FROM "...in the spring...." to "...no later than the spring...."; and from "...in the fall...." to "...no later than the fall...."

COUNCILMEMBER STRALEY SECONDED THE MOTION.

VOTE TO AMEND THE MAIN MOTION CARRIED UNANIMOUSLY.

VOTE ON THE MAIN MOTION, AS AMENDED, CARRIED UNANIMOUSLY.

The adopted resolution, as amended, is as follows:

A RESOLUTION SUPPORTING THE CREATION OF A TASK FORCE ON ALCOHOL-RELATED PROBLEMS (82-R-180)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council supports the creation of a Task Force on Alcohol-Related Problems with representatives including the following:

University of North Carolina administration  
 University of North Carolina Student Government  
 Public school students (9th and 11th grades)  
 High school administration  
 School Board  
 Community Advisor to Drive-a-Teen Program  
 Parent of a teen (to be Chairperson)  
 Bar owners  
 Convenience store owners  
 Judge  
 Police Department  
 ABC Board  
 District Attorney

BE IT FURTHER RESOLVED that the Council urges the Task Force to undertake the following responsibilities:

- To identify courses of action which the groups and organizations represented on the Task Force can implement individually or collectively to address alcohol-related problems.
- To help coordinate the activity of community organizations and groups, including those which may come into existence as a result of increasing community awareness of alcohol-related problems.
- To issue an interim report no later than the spring of 1983, and a final report no later than the fall of 1983.
- To take such other actions and make other recommendations as the Task Force determines are necessary in addressing alcohol-related issues and problems.

This the 11th day of October, 1982.

Appointment of Parent of a Teen to the Task Force on Alcohol-Related Problems

Councilmember Howes nominated Dr. William Eastman to serve as "parent of a teen" on the Task Force on Alcohol-Related Problems.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, APPOINTMENT OF DR. WILLIAM EASTMAN TO THE TASK FORCE BY ACCLAMATION. THE MOTION CARRIED UNANIMOUSLY.

Council expressed the desire that the Task Force appoint its own chairman.

Resolution Granting a Modification of the Special Use Permit for the Forest Park Planned Development-Office and Institutional Special Use Permit

Mayor Nassif stated that the Community Appearance Commission, Planning Board, and Manager recommended adoption of resolution 82-R-181.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE FOREST PARK PLANNED DEVELOPMENT-OFFICE AND INSTITUTIONAL SPECIAL USE PERMIT (82-R-181)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Planned Development-Office and Institutional Special Use Permit granted to Roger Baker on July 13, 1981, for Forest Park (previously Franklin Park) on Chapel Hill Township Tax Map 45, Block A, Lots 1 and 8 is hereby modified to allow revision of the site plan to construct one 96,500 sq.ft. office building instead of seven office buildings totalling 75,000 sq.ft., subject to the following:

1. That the applicant demonstrate by documentation acceptable to the Town Manager that Forest Park has legal access to improve, as proposed, and use the drive across the Northwestern Bank property prior to issuance of a Zoning Compliance Permit.
2. That the location of fire hydrants and bulk trash collection facilities be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That any fire hydrants be served by a minimum 8-inch water line.
3. That a storm drainage plan, including detention for a ten (10) year storm of 30 minutes duration, be approved by the Manager prior to issuance of a Building Permit.
4. That a lighting plan for the parking lot be approved by the Town Manager prior to issuance of a Building Permit.
5. That the dumpster be relocated to the west side of the building and that relocating the dumpster shall not constitute a modification of the Special Use Permit. Plans for the dumpster's location shall be approved by the Town Manager.
6. That construction begin by October 11, 1984, and be completed by October 11, 1987.
7. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, this project meets the four requisite findings as set forth below:
  - a. The development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
  - b. 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 Section 8.7 and 8.8, and with all other applicable regulations;
  - c. The development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
  - d. 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.

This the 11th day of October, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Drive-In Window Special Use Permit to Central Carolina Bank for a Three-Lane Drive-In Facility at University Square

Mayor Nassif stated that the Planning Board, Community Appearance Commission, and Manager recommended adoption of resolution 82-R-183.

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

A RESOLUTION GRANTING A DRIVE-IN WINDOW SPECIAL USE PERMIT TO CENTRAL CAROLINA BANK FOR A THREE-LANE DRIVE-IN FACILITY AT UNIVERSITY SQUARE (82-R-182)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the drive-in facility proposed by Central Carolina Bank, if developed in accordance with the plans submitted with the application and the stipulations and conditions set forth below:

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

- c. 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 Section 8.7 and 8.8, and with all other applicable regulations;
- c. Is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use is a public necessity; and
- d. 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 signs be provided at the exit onto the area labeled "Pittsboro Street" indicating that traffic is one way, that traffic from the area labeled "Pittsboro Street" is not to enter, and that traffic entering the area labeled "Pittsboro Street" shall stop prior to entering it. That a pedestrian crosswalk be provided from the paving area to the sidewalk.
2. That a sign be provided on the canopy indicating its vertical clearance.
3. That the existing curb between Central Carolina Bank and the parking lot of Granville Towers be tied into the proposed curb and gutter island on the area labeled "Pittsboro Street."

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 11th day of October, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Planned Development-Housing Special Use Permit to Hugh McFarling for the McFarling Apartments

Mayor Nassif stated that the Planning Board and Manager recommended adoption of resolution 82-R-183.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO HUGH McFARLING FOR THE McFARLING APARTMENTS (82-R-183)

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 Hugh McFarling if developed in accordance with the plans dated July 23, 1982, and the stipulations and conditions set forth below:

- a) Is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- b) 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) Is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- d) 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 prior to October 11, 1985, or at such time as improvements to Old Oxford Road as required in the Hickory Hill Planned Development-Housing Special Use Permit are completed, whichever occurs sooner:

- a) A plat dedicating a 55-foot right-of-way across the frontage of the subject property to the North Carolina Department of Transportation or Town of Chapel Hill, as appropriate, be approved by the Town Manager and recorded in the Orange County Register of Deeds Office; and that
- b) Old Oxford Road be improved along the frontage of this property to a 44-foot ditch-to-ditch cross-section with 20 feet of pavement. That the design for road improvements and the alignment be approved by the Town Manager and the North Carolina Department of Transportation.

It is the intent of this stipulation that the right-of-way will be located to align with the planned improvements for Old Oxford Road.

- 2. That a revised site plan deleting the middle parking area and which provides a turnaround to the western parking area be submitted to and be approved by the Town Manager prior to issuance of a Special Use Permit.

BE IT FURTHER RESOLVED that the Council finds that the public purposes to be achieved by requiring that a 5-foot landscape buffer be provided between multi-family and single-family uses (6.12); that parking areas be set back 10 feet from public street rights-of-way (6.5b); that parking lots be screened from adjacent rights-of-way (6.6.6c); that vegetation be provided which will shade at least 35% of the parking area (6.6.6d); that refuse storage facilities be screened (6.11); and that an 8-foot buffer strip be provided bordering entryways into parking areas (6.6.6b) are served to an equivalent degree by granting a Special Use Permit to this apartment complex which cannot meet these standards, but which, with maintenance of the existing vegetation, and with the provision of adequate turnaround space will maintain or enhance the general public health, safety, and welfare of the surrounding area.

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 in accordance with the stipulations above.

This the 11th day of October, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Granting a Planned Development-Housing Special Use Permit to John C. Burnett for Burnett Quadplex

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF RESOLUTION 82-R-184b.

Councilmember Broadfoot urged Council to deny the request. He referenced statements made during the public hearing that it would create a financial hardship for the applicant to comply with various ordinance requirements. He asserted that if the applicant charged \$250-\$275/month for each quadplex, as was stated during the public hearing, he would be financially able to comply.

Councilmember Broadfoot stated that after visiting the project site, he did not believe that the basement would meet the Town's Housing Code requirements. He felt that the proposed living space was too near the minimum space required and that the structure, with the proposed basement, would be out of character with the neighborhood.

Councilmember Broadfoot also objected to the fact that this qualified for a Planned Development on the basis that it benefitted from surrounding land that was not owned by the applicant. He proposed that a 10% limitation to how much land could be added to the gross land area be considered at the November 15, 1982, public hearing.

Councilmember Smith questioned the need for a 50-foot construction easement to be dedicated along McMasters Street as he doubted that the street would ever be extended. Mr. Jennings explained that the requirements would keep the options open at a minimum cost to the developer.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO AMEND THE MAIN MOTION BY DELETING THE FIRST STIPULATION FOR A 50-FOOT CONSTRUCTION EASEMENT.

Councilmember Wallace concurred with Councilmember Broadfoot, objecting to "borrowing" property that was not owned by the property owner in order to "make up" the balance of square footage needed to meet requirements.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO TABLE THE ISSUE.

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

Councilmember Straley stated that any extension of McMasters Street, at the expense of the property owner, was unwarranted. He felt that the current street was adequate to serve the property. The cost of any future extension of the street could be shared by property owners around this development.

VOTE ON THE MAIN MOTION (to adopt the following resolution) CARRIED 6 TO 3 WITH COUNCILMEMBERS SMITH, STRALEY, HOWES, BOULTON, KAWALEC, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS BROADFOOT, PASQUINI, AND WALLACE OPPOSING:

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO JOHN C. BURNETT FOR BURNETT QUADPLEX (82-R-184B)

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 John C. Burnett if developed in accordance with the plans submitted August 6, 1982, and the stipulations and conditions set forth below:

- a) That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- b) That the development complies with all required regulations and standards of the Zoning Ordinance, including all applicable provisions of Articles 4, 5, and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
- c) That the development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
- d) 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 additional  $2\frac{1}{2}$  feet of right-of-way and a 50-foot construction easement be dedicated along this property's frontage with McMasters Street.
2. That an 8-foot landscape buffer be provided along the entry drive.
3. That the parking lot be screened from Sykes Street as required in Section 6.6.6c.
4. That a shading plan as required by Section 6.6.6d be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That a pedestrian, non-motorized vehicle greenway easement be dedicated across the area of deed overlap in the northeast corner of the property.

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 11th day of October, 1982.

Councilmember Wallace asserted that the key question (re how much property could be "borrowed" in order to "make up" sufficient square footage) had not been resolved.

Resolution Denying a Zoning Map Amendment Request by McDonald's Corporation

Mayor Nassif stated that the Planning Board and Manager recommended approval of the request.

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

A RESOLUTION DENYING A ZONING MAP AMENDMENT REQUESTED BY McDONALD'S CORPORATION (82-R-185)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the request by McDonald's Corporation to reclassify 1.54 acres at the intersection of Chapel Hill/Durham Boulevard with Lakeview Drive west from Residential-2 to Neighborhood Commercial does not meet any of the criteria in Section 19.1 of the Chapel Hill Zoning Ordinance for Zoning Map amendments.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request of the McDonald's Corporation for a Zoning Map amendment to change the zoning of 1.54 acres of land located on the southwest corner of the intersection of the Chapel Hill/Durham Boulevard with Lakeview Drive west and identified as Chapel Hill Township Tax Map 27B, Block A, and Lots 1 and 2, from Residential-2 to Neighborhood Commercial.

This the 11th day of October, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Extend the Corporate Limits of the Town of Chapel Hill

Mayor Nassif stated that the Manager and the Planning Board recommended adoption of ordinance 82-O-74.

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

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA (82-O-74)

WHEREAS, the Town of Chapel Hill has been petitioned under G.S. 160A-31, as amended, to annex the area described in the attached petition of Lewis and Ona Mae H. Durham, dated August 5, 1982; and

WHEREAS, as provided in G.S. 160A-31(f), said property is contiguous to the present municipal boundaries, in that it is separated from the primary corporate limits only by State-owned property; and

WHEREAS, said statute permits the Council to include within the territory annexed such State-owned lands that separate the municipal boundaries from the area which the Town has been petitioned to annex; and

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Chapel Hill Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C. at 7:30 o'clock P.M. on the 20th day of September, 1982, after due notice by publication on the 5th and 12th days of September, 1982; and

WHEREAS, the Town of Chapel Hill does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the following described territory is hereby annexed and made part of the Town of Chapel Hill as of midnight on the 11th day of October, 1982.



BEGINNING at a point in the centerline of Preswick Road, said point being the intersection of the present corporate limits and the west line of Chapel Hill Township; Orange County Tax Map 66, Lot 10; proceeding thence east with the centerline of Preswick Road approximately 1500 feet to the northeast corner of said lot; proceeding thence south with the eastern line of said lot and the present corporate limits approximately 270 feet, 590 feet and 1120 feet to the southwest corner of Chapel Hill Township Tax Map 66, Lot 10A; proceeding thence east approximately 200 feet with the southern line of said lot and the present corporate limits to the centerline of Finley Golf Course Road; proceeding thence north with the centerline of said road and the present corporate limits approximately 1670 feet to the extended southern line of Chapel Hill Township Tax Map 65, Block D, Lot 1; proceeding thence east with the extended southern line and southern line of said lot approximately 290 feet to the southeast corner of said lot; thence with the eastern line of Chapel Hill Township Tax Map 66, Lot 10 south approximately 90 feet; thence with the northern lines of Map 66, lots 10 and 12 approximately 2320 feet to the northeast corner of said Lot 12; proceeding thence south with the eastern line of said Lot 12 approximately 280 feet to the northwest corner of Map 56, Lot 2; proceeding thence east with the north line of said lot and the north line of Durham County, Triangle Tax Map 491, Block 6, Lot 1, approximately 656.32 feet; proceeding thence with the east line of said lot the following: southwardly 325.96 feet, southeastwardly 130.30 feet and eastwardly 128.98 feet to a point in the western right-of-way line of Barbee Chapel Road; thence on a radius along the western side of Barbee Chapel Road a distance of approximately 500 feet to a pin; running thence in a southwardly direction with the eastern line of Durham County, Triangle Tax Map 491, Block 6, Lot 1 approximately 1088.43 feet to a pin and west with the south line of said lot approximately 870 feet to the Orange County line; proceeding thence south with the Orange County line approximately 1620 feet to its intersection with the centerline of Morgan Creek; proceeding thence northwest with the centerline of Morgan Creek approximately 3300 feet to the northeast corner of Chapel Hill Township Tax Map 66, Lot 8A; proceeding with said lot line thence N 50° 36' 52" W 168.06 feet to a point; thence N 37° 12' 03" W 380.14 feet to a point; thence N 10° 12' 29" W 143.66 feet to the intersection with the present corporate limits; proceeding thence with the corporate limits the following calls: N 04° 24' 07" W 185.93 feet to a point, N 43° 17' 23" W 198.24 feet to a point, N 01° 06' 01" E to a point, N 16° 50' 30" E 78.11 feet to a point, thence N 54° 25' 27" W 919.72 feet to a point, thence N 74° 20' 44" W 282.38 feet to a point, thence S 10° 23' 01" W 290.00 feet to a point, thence S 15° 29' 48" W 316.84 feet to a point, thence S 24° 33' 52" W 121.40 feet to a point, thence S 10° 22' 53" E 196.70 feet to a point, thence S 03° 21' 33" W 184.15 feet to a point, thence S 46° 48' 28" E 55.14 feet to a point in the north line of Chapel Hill Township Tax Map 66, Lot 8A; proceeding thence with the northern line of Map 66, Lot 8A the following: west approximately 590 feet, south approximately 310 feet, west approximately 190 feet, 300 feet and 150 feet; thence with the west property line of Chapel Hill Township Tax Map 73, Lot 1 the following: north approximately 120 feet and 190 feet and west approximately 110 feet to the present corporate limits; thence with the present corporate limits the following: west approximately 250 feet, north approximately 800 feet and west approximately 1000 feet to the centerline of US 15-501; proceeding northeast with the present corporate limits and the centerline of US 15-501 approximately 1700 feet; proceeding thence east with the present corporate limits and the north lines of Chapel Hill Township Tax Map 73, Lot 1 and Map 66, Lot 10 approximately 2000 feet and proceeding north with the west line of Map 66, Lot 10 approximately 1830 feet to the point of BEGINNING.

Section 2. Upon and after midnight on the 11th day of October, 1982, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town of Chapel Hill. Said territory shall be subject to municipal taxes according to G.S. 160A-31(e), as amended.

Section 3. The Manager of the Town of Chapel Hill shall cause to be recorded in the Office of the Register of Deeds of Orange and Durham Counties and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this ordinance.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Chapel Hill.

This the 11th day of October, 1982.

OCT 11 1982

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

Ordinance Amending the Chapel Hill Zoning Ordinance

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF ORDINANCE 82-0-75.

Councilmember Smith felt that an R-4 zone would "downgrade the area," and open the door for high density development. He also expressed concern that there was no buffer between the proposed R-4 zone and the existing established neighborhood.

Councilmember Pasquini concurred with Councilmember Smith, opposing the R-4 zoning request. He stated that he preferred an R-3 zone over an R-2 zone, as he felt that R-2 would produce negative "revenue vs. expenditure figures."

Councilmember Smith corrected an earlier petition. He stated that "...it was not the 'Town of Chapel Hill' that wanted to purchase and develop this property" as the petition had stated.

Mr. Jennings explained to Councilmember Kawalec that current zoning of this area was not R-4, but was more than R-2.

Mr. Jennings identified the density designations of Chapel Hill's entryways. He stated that the staff felt R-4 zoning was appropriate for this area, "...given the fact that U.S. Hwy. 54 was planned, along with the I-40 improvements, to become a four-lane road...and that nine acres were already zoned R-4."

Mayor Nassif referenced staff's earlier recommendation to not zone land to the south of Chapel Hill, near Chatham County, as it was considered "outland" and staff desired to develop "inland" property. He asked Mr. Jennings if the area on U.S. Hwy. 54 was considered "inland" or "outland" feeling that there might be an inconsistency in zoning considerations.

Mr. Jennings explained that the land to the south had a 3-mile separation from the corporate limits. In addition, sewer availability had been a problem. U.S. Hwy. 54 was considered a major artery between Chapel Hill and the Research Triangle Park. The area was expected to experience growth.

THE MOTION (to adopt the following ordinance) CARRIED 7 TO 2 WITH COUNCILMEMBERS WALLACE, KAWALEC, BROADFOOT, BOULTON, HOWES, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS SMITH AND PASQUINI OPPOSING:

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ORDINANCE (82-0-75)

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

SECTION I

That the property identified as part of Durham County, Triangle Township Tax Map 491, Block 6, Lot 1, located on the west side of Barbee Chapel Road and continuing approximately 29 acres of land be added to the Chapel Hill Zoning Atlas, and that it be classified to a Residential-4 district.

SECTION II

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

This the 11th day of October, 1982.

Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, as Amended

Mr. Taylor stated that the Town Clerk had certified the sufficiency of the petition.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE FOLLOWING CERTIFICATE OF SUFFICIENCY:



CERTIFICATE OF SUFFICIENCY

To the Council of the Town of Chapel Hill, North Carolina.

I, David B. Roberts, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed my seal of the Town of Chapel Hill, this 11 day of October, 1982.

(SEAL)

David B. Roberts  
Town Clerk



PETITION REQUESTING ANNEXATION

TO: THE TOWN COUNCIL OF THE TOWN OF CHAPEL HILL

1. Duke Power Company, the owner of the parcel of land described below, respectfully requests that the said parcel be annexed to the Town of Chapel Hill. The Tax Map designation of this property is Chapel Hill Tax Map 24, Lot 41.

2. The area for which annexation is requested is contiguous to the Town of Chapel Hill.

3. The address of Duke Power Company locally is: Kroger Plaza, East Franklin Street and Elliott Road, Chapel Hill, North Carolina 27514. The address of the main office of Duke Power Company is: Post Office Box 33189, Charlotte, North Carolina 28242.

4. Duke Power Company is the only owner of the land as to which annexation is requested.

5. The boundaries of the area to be annexed are described as follows:

BEGINNING at an iron at the Northwest intersection of N. C. Highway No. 86 and S. R. 1777 (Homestead Road), said iron marking the Southeast corner of the property described herein and as shown on the Plat recorded at Plat Book 35, Page 111, Orange County Registry; running thence North 58 degrees 51 minutes West 979.15 feet with the Northern margin of the right-of-way of S. R. 1777 (said right-of-way being measured as 40 feet on either side of the centerline of said road); running thence with said right-of-way a counterclockwise turning curve with a radius of 1,178.02 feet and a distance of 382.88 feet to an iron; running thence North 11 degrees 39 minutes West 345.92 feet; running thence with the line of Kay Maddry Creech and William W. Creech South 85



degrees 31 minutes East 1,483.21 feet to an iron in the Western margin of the right-of-way of N. C. Highway No. 86 (said right-of-way being measured as being 45 feet on either side of the centerline of said highway); running thence with said right-of-way South 17 degrees 20 minutes West 308.48 feet to an iron; running thence with said right-of-way a counterclockwise turning curve with a radius of 3,323.41 feet and a distance of 590.87 feet to the point and place of BEGINNING. This is the parcel shown on the Plat recorded at Plat Book 35, Page 111, Orange County Registry.

This, the 5<sup>th</sup> day of October, 1982.

DUKE POWER COMPANY

By:

*John P. Kincaid*  
(Title)  
*District Manager*





REQUEST FOR ZONING

TO: THE TOWN COUNCIL OF THE TOWN OF CHAPEL HILL

1. The undersigned, DUKE POWER COMPANY, has contemporaneously submitted a Petition Requesting Annexation. The property as to which annexation has been requested consists of 18.101 acres, is located at the Northwest intersection of Homestead Road and N. C. Highway No. 86 and is more precisely described in the Petition. The Tax Map designation of this parcel is Chapel Hill Township Tax Map 24, Lot 41.

2. In the event that an ordinance annexing this area is adopted, DUKE POWER COMPANY requests that the property be zoned as OFFICE/INSTITUTIONAL-2. This Zoning District is set forth in Section 3.1.5 of the Town of Chapel Hill Zoning Ordinance.

This, the 5<sup>th</sup> day of October, 1982.

DUKE POWER COMPANY

By: John J. Keisicki  
(Title)  
District Manager



THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF RESOLUTION 82-R-186.1.

Ms. Loewenthal stated that Duke Power Company had submitted a petition for annexation on October 5, 1982. Construction of an Operations Center was currently underway on the site under a Special Use Permit granted by Orange County.

Mr. John J. P. Kincaid, Jr., representing Duke Power Company, informed Council that construction of a substation was planned for the site. Construction needed to begin before the first of the year. A modification of the Special Use Permit by Orange County could not be reviewed until January of 1983 and would, therefore, delay the desired onset of construction. It had been the intent of Duke Power Company from the beginning to request that Chapel Hill annex the property. In order to obtain the necessary Building Permit to begin construction of the substation facility in 1982, Duke Power Company would need to have the area annexed and zoned. Therefore, Duke Power Company was requesting that a public hearing be scheduled for October 25, 1982, at 7:30 P.M.

Ms. Loewenthal stated that if the Town of Chapel Hill granted the annexation request and zoned the land appropriately, a site plan review would be necessary to permit construction of the proposed substation.

Councilmember Kawalec expressed concern that the imminent date of the public hearing would not allow sufficient time to notify interested citizens.

Councilmember Broadfoot felt that there would be adequate time for proper notification of citizens.

Mr. Jennings informed Councilmember Smith that a Courtesy Review of the Duke Power Operations Center had been completed and that proposed stipulations had been incorporated into the County's final action. A Courtesy Review of the Duke Power substation had also been completed, with comments submitted to Orange County.

VOTE ON THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED (82-R-186.1)

WHEREAS, a petition requesting annexation of the area described herein has been received, said area being generally described as that certain tract lying in the northwest corner of the intersection of Homestead Road (S.R. 1777) and Airport Road (N.C. 86);

WHEREAS, the Town Clerk has certified the sufficiency of said petition;

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

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Municipal Building, 306 N. Columbia Street at 7:30 P.M. on the 25th day of October, 1982.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at an iron stake at the northwest intersection of N.C. Highway No. 86 and S.R. 1777 (Homestead Road), said iron marking the southeast corner of the property described herein and as shown on the plat recorded at Plat Book 35, Page 111, Orange County Registry; running thence north 58 degrees 51 minutes west 979.15 feet with the northern margin of the right-of-way of S.R. 1777 (said right-of-way being measured as 40 feet on either side of the centerline of said road); running thence with said right-of-way a counterclockwise turning curve with a radius of 1,178.02 feet and a distance of 382.88 feet to an iron; running thence north 11 degrees 39 minutes west 345.92 feet; running thence with the line of Kay Maddry Creech and William W. Creech south 85 degrees 31 minutes east, 1,483.21 feet to an iron in the western margin of the right-of-way of N.C. Highway No. 86 (said right-of-way being measured as being 45 feet on either side of the centerline of said highway); running thence with said right-of-way south 17 degrees 20

minutes west 308.48 feet to an iron; running thence with said right-of-way a counterclockwise turning curve with a radius of 3,323.41 feet and a distance of 590.87 feet to the point and place of BEGINNING. This is the parcel shown on the Plat recorded at Plat Book 35, Page 111, Orange County Registry.

Section 3. Notice of said public hearing shall be published 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 11th day of October, 1982.

Resolution Calling for a Public Hearing on Zoning of Duke Power Property

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

A RESOLUTION CALLING FOR A PUBLIC HEARING ON ZONING OF DUKE POWER PROPERTY (82-R-186.2)

WHEREAS, Duke Power Company urgently wishes to be annexed by the Town of Chapel Hill and to proceed under the Town's development ordinances as soon as practical; and

WHEREAS, Duke Power Company has represented to the Town that it will suffer irreparable harm or loss of benefits if it is delayed in proceeding to develop the property for which it has requested annexation; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares that an emergency exists; and

BE IT FURTHER RESOLVED that the Council call a Public Hearing at 7:30 P.M. Monday, October 25, 1982, in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider classifying Chapel Hill Township Map 24, Lot 41 as an OI-2 District.

This the 11th day of October, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Kawalec requested that nearby property owners be notified of the proposed annexation and zoning request.

Mayor Nassif instructed Mr. Taylor to notify all property owners within 1,000 feet of the Duke Power Company property.

Report on Petition for Release of Warranty Bonds for Street and Utility Improvements in Timberlyne Office Park South

Mr. Taylor reviewed the September 27, 1982, petition of Mr. Bob Page requesting the release of bonds in Timberlyne Office Park South.

In view of the policy implications, Mr. Taylor stated that bonds should be required in areas of development where utilities were to be installed. However, in the study process, it had been concluded that the method of computing utility bonds needed to be changed. As streets were the primary concern of the Town, Mr. Taylor stated that computation of the amount of the bond should be based on the construction cost for installation of water and sewer lines and not for the pipe. The full 25% warranty bond for street construction should be required. Such requirement would assure the Town that street maintenance would be carried out by the developer. Mr. Taylor stated that there was "clear statutory authority to adopt, administer and enforce the codes in the extraterritorial planning area...as well as authority to require the bond."

Mr. Taylor stated that facts presented by Mr. Page had been reviewed and it was concluded that the ordinance "was reasonable, it was a prudent exercise of the Town's powers, and that it was legally valid." He further stated that "the warranty bond requirements in the ordinance are applicable in this situation, and the ordinance has not been applied, in this case, in an arbitrary or discriminatory manner."

Recommendation from management was that Council take no action on the petition by Mr. Page and that the ordinance stand as applied.

Mr. Taylor responded to Councilmember Boulton that this issue maintained strict adherence to the policy.

Mr. Taylor explained to Councilmember Howes that the bond would be recomputed on the basis of 25% of the cost of the utility installation, and the cost of the pipe would be eliminated.

The Manager would inform Mr. Page that the policy would remain in effect.

Resolution Approving the Detailed Screening and Landscape Plan for the UNC Electric Substation

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF RESOLUTION 82-R-187.

Mr. John Kincaid explained to Councilmember Howes that a delay of approximately one year to complete these plans was due to university funding problems.

Mayor Nassif felt that the deciduous growth of the area might not provide adequate buffer; he, therefore, asked the consent of Councilmembers Boulton and Smith (maker and seconder of the motion) that the following paragraph be incorporated into the resolution (without making an amendment):

"BE IT FURTHER RESOLVED that the Community Appearance Commission and the Town Manager shall visit and inspect the site in February 1983. If the plans are not deemed satisfactory in meeting the requirements of the Special Use Permit by either the Community Appearance Commission or the Town Manager, the plans shall be submitted to Council for reconsideration."

Council had no objection to the proposed addition.

Mr. Gordon Rutherford, representing the UNC Electric Substation, responded to Councilmember Howes that bids would soon be received that would enable the onset of construction of the substation.

VOTE ON THE FOLLOWING RESOLUTION, AS MODIFIED, CARRIED UNANIMOUSLY:

A RESOLUTION APPROVING THE DETAILED SCREENING AND LANDSCAPE PLAN FOR THE UNC ELECTRIC SUBSTATION (82-R-187)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the detailed screening and landscape plan for the UNC Electric Substation dated July 21, 1982, subject to the assurances contained in the letter from Mr. Gordon Rutherford dated September 8, 1982, and the provisions of this resolution.

BE IT FURTHER RESOLVED that the Community Appearance Commission and the Town Manager shall visit and inspect the site in February 1983. If the plans are not deemed satisfactory in meeting the requirements of the Special Use Permit by either the Community Appearance Commission or the Manager, the plans shall be submitted to Council for reconsideration.

This the 11th day of October, 1982.

Ordinance Amending the Chapel Hill Zoning Ordinance

Mr. Jennings reviewed proposed changes in the Chapel Hill Zoning Ordinance.

Councilmember Boulton proposed a compromise to the earlier deletion of clubs in residential districts with Special Use. She felt that a compromise would be to allow clubs in R-5 and R-6 districts, as Special Use.

Mr. Jennings read the definition of clubs: "An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes which is not operated for profit or to render a service which is customarily conducted as a business."

Councilmember Smith felt that it was discriminatory to allow some clubs in some districts and not in others. Councilmember Boulton did not agree, stating that, as an example, it would not be considered discriminatory to allow certain heights in some zones and not in others.

Councilmember Boulton stated that she felt that drive-in windows should also require Special Use Permits.

Councilmember Wallace concurred, stating that Special Use Permits for drive-in windows as well as clubs would allow necessary control by Council.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF ORDINANCE 82-O-76 WITH INCORPORATION OF THE FOLLOWING CHANGE:

Under "Section 4.3, Schedule of Use Regulations, Use Group C, Window, Drive-In, as an Accessory Use to a Permitted Principal Use": CHANGE all "A" (Permitted as an Accessory Use) designations TO "S" (Permitted as a Special Use) designations.

Mr. Jennings stated that some clubs were already allowed in some residential districts as Special Uses, but felt that a differentiation could be made between high-density districts and low-density districts, if Council wished. Staff had originally felt that clubs could be permitted in any zones.

Councilmember Boulton explained that her desire to limit clubs to certain zones was an effort to reach a compromise of differing opinions presented during earlier work sessions.

Councilmember Howes did not object to having clubs under Special Use Permits for all areas.

Councilmember Kawalec felt that clubs "were essentially party houses," and were not compatible uses in residential districts, except perhaps high-density.

Councilmember Howes asserted that this argument was, then, in favor of having clubs permitted by Special Use, in any zone, with the control being that the Council could approve or not approve a request. Compatibility with the surrounding neighborhood would be a critical variant.

Mr. Taylor agreed that to allow clubs as permitted uses, with Special Use Permits, would give necessary controls. Mr. Denny concurred.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO AMEND THE MAIN MOTION (ordinance 82-O-76, with proposed alterations) TO PERMIT CLUBS IN ALL (residential and non-residential) ZONES WITH SPECIAL USES.

Councilmember Broadfoot did not concur with allowing clubs in residential neighborhoods.

Councilmember Smith asserted that Council would have the opportunity to deny a Special Use request for clubs in residential neighborhoods.

VOTE TO AMEND ORDINANCE 82-O-76 FAILED 3 TO 6 WITH COUNCILMEMBERS SMITH, BOULTON, AND HOWES SUPPORTING, AND COUNCILMEMBERS WALLACE, KAWALEC, PASQUINI, BROADFOOT, STRALEY, AND MAYOR NASSIF OPPOSING.

Councilmember Straley questioned Article 8.8.6.5. He felt the wording suggested a "protection" for R-1 and R-2 residents that it did not offer R-3, R-4, and R-5 residents. It allowed Planned Development-Housing to be placed at will in R-3, R-4, and R-5 districts. He felt that the original Zoning Ordinance did not make such a distinction.

Councilmember Straley suggested the following amendment to ordinance 82-O-70: "Where a Planned Development-Housing zoning lot adjoins land that is zoned Residential, the portion of the perimeter of the Planned Development-Housing zoning lot so adjoining shall be planned and developed so that no building in the Planned Development-Housing shall be closer than 50 feet from any residence in the adjoining residentially zoned land, and a transition of bufferyards and screening at least 5 feet wide, meeting the standards of Section 6.12, shall be provided."

Mayor Nassif suggested that a wording change from "R-1 or R-2" to "all residential zoning" would have the same effect.

Councilmember Straley had no objection. He stated that his intent was to protect all area residents from the problem of the interface between their property and a Planned Development-Housing. He felt that the wording, when changed, would provide a more effective way to deal with the problem. Mr. Jennings did not object to the wording, but maintained staff's recommendation.

COUNCILMEMBER STRALEY MOVED THAT SECTION 8.8.6.5 BE CHANGED BACK TO THE ORIGINAL LANGUAGE: "Where a Planned Development-Housing zoning lot of 10 acres or more in area adjoins land zoned Residential, the intervening permanent open space shall be at least 100 feet in width, serving as a separation for building areas, the portion of the perimeter of the Planned Development-Housing zoning lot so adjoining shall be planned and developed only for uses permitted by right in the adjoining residentially zoned land and in accord with all other requirements applicable to such land, provided however that in lieu of development, common open space for the Planned Development-Housing to a depth of 100 feet from the district boundary may be permitted. No intensity recreational use or off-street parking shall be permitted within 75 feet of the Planned Development-Housing zoning lot boundary in such circumstances."

COUNCILMEMBER SMITH SECONDED THE MOTION.

A 4 TO 5 VOTE DEFEATED THE AMENDMENT WITH COUNCILMEMBERS SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS HOWES, BOULTON, BROADFOOT, PASQUINI, AND KAWALEC OPPOSING.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO AMEND ORDINANCE 82-O-76 BY DELETING THE WORDS "R-1 or R-2" OF SECTION 8.8.6.5 AND SUBSTITUTE "residential."

VOTE ON THE AMENDMENT CARRIED UNANIMOUSLY.

Mr. Jennings explained to Councilmembers Straley and Smith that Section 7.9.1, paragraph 2, required reservation of recreational areas for single family and duplex developers; otherwise, a development would come under the recreation space ratio.

VOTE ON THE MAIN MOTION, TO ADOPT THE FOLLOWING ORDINANCE, CARRIED UNANIMOUSLY:

(PLEASE REFER TO ORDINANCE BOOK # **6** FOR ORDINANCE 82-O-76. DUE TO ITS LENGTH, IT HAS NOT BEEN COPIED IN THIS MINUTE BOOK.)

Resolution Authorizing the Use of a Design Manual

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF RESOLUTION 82-R-188

COUNCILMEMBER BROADFOOT MOVED TO AMEND THE RESOLUTION WITH THE ADDITION OF THE WORDS "BE IT FURTHER RESOLVED that any changes in the Design Manual shall be subject to approval by the Town Council."

Mr. Taylor explained to Council that the resolution was not an approval of the Design Manual, but rather an authorization of its issuance. Due to the technical nature of the manual, management's intent was to keep Council from having to approve the manual and any changes or specifications that might come up.

Mayor Nassif felt that Council should "stay on top of issues," but as this was not always feasible, Council could authorize the Manager with the flexibility to make changes. This was advisable in this instance. Council would have the right to approve or not approve any changes.

COUNCILMEMBER WALLACE, THEREFORE, WITHDREW THE MOTION TO AMEND.

Councilmember Pasquini asked for a clarification of the resolution. Mr. Taylor explained that a previous ordinance adopted by Council directed the Manager to "prepare and issue a Design Manual." Council would, with this resolution, authorize its issuance as standards for the Town. This resolution would further amplify and clarify Council's support of its issuance. Council would be notified of changes.

Councilmember Pasquini stated that he would not support the issuance of the Design Manual without formal approval of the contents of the document first.



Councilmember Wallace proposed that the wording of the last paragraph of the proposed resolution be altered slightly from "...as such changes are made from time to time." to "...as such changes are introduced by the Manager from time to time." He felt that changes should be reviewed by Council before incorporation of any change.

Mayor Nassif felt that to wait for Council action could unnecessarily delay a project. Councilmember Wallace agreed, stating that he would be willing to rely on the interpretation of the words "significant changes."

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

A RESOLUTION AUTHORIZING THE USE OF A DESIGN MANUAL (82-R-188)

WHEREAS, the Chapel Hill Development Ordinance authorizes the Town administration to prepare a manual with specific standards for design and construction in accord with the general standards of the ordinance and with generally accepted construction practices; and

WHEREAS, the ordinance provides that the Town Manager may modify the Design Manual to provide flexibility in meeting the general performance standards of the ordinance; and

WHEREAS, a committee of professionals in design and development fields participated in the preparation of the Design Manual; copies of the Design Manual and related engineering specifications for construction were distributed to engineers, architects, developers and other interested persons in the development field for review and comment; and a public hearing was held to receive public comment on the Design Manual on March 15, 1982;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Manager to issue and to use the Design Manual and related engineering specifications, and standard details for construction work in the form distributed to the Council on June 30, 1982, for the purpose of explaining and interpreting the general standards in the Town's Land Development Ordinance; and

BE IT FURTHER RESOLVED that the Manager is authorized to revise the Design Manual and engineering specifications from time to time in accord with the provisions of Section 6.3 of the Development Ordinance and he is directed to distribute to members of the Council revised copies of said manual and specifications containing significant changes as such changes are made from time to time.

This the 11th day of October, 1982.

Proposed Use of Credit Cards for Sale of Bus Passes

Mayor Nassif reviewed past Council vote (4 to 4 on September 27, 1982) on proposed resolution 82-R-178 which would authorize an agreement with Central Carolina Bank for sale of bus passes to holders of major credit cards. At the September 27 meeting, Councilmembers Howes, Boulton, Straley, and Smith had voted in support of the resolution, and Councilmembers Kawalec, Broadfoot, Pasquini, and Mayor Nassif had opposed the resolution.

Mayor Nassif stated that the original motion would automatically be on the floor.

Mr. Ed Montgomery, a citizen and member of the Transportation Board (but who stated that he was not speaking for the Transportation Board) stated that he felt that sale of bus passes would help in the effort to make the bus system self-supporting. He stated that he did not feel that the Council should be in the business of telling citizens of Chapel Hill how they could incur or dispense with debts.

Councilmember Smith stated that he had supported the resolution on September 27, but now had reservations regarding use of credit cards by citizens to pay for Town services. He would, therefore, oppose the motion on this vote.

Councilmember Howes concurred with statements of Mr. Montgomery. He supported the thought that sale of bus passes to credit card holders would benefit the Town and that was the issue that should be considered at this time.

Councilmember Broadfoot agreed that the Town should not regulate how citizens paid for bus passes. He did not agree with recent comments in a local newspaper which inferred that defeat of the proposed resolution indicated a lack of desire by Council for an increase in transportation revenues.

VOTE TO ADOPT RESOLUTION 82-R-178 FAILED 6 TO 3 WITH COUNCILMEMBERS BOULTON, STRALEY, AND HOWES SUPPORTING, AND COUNCILMEMBERS WALLACE, KAWALEC, PASQUINI, BROADFOOT, SMITH, AND MAYOR NASSIF OPPOSING.

Ordinance to Amend the "Community Development Small Cities Program Project Ordinance" (1980-1981 Grant Year; Housing Rehabilitation)

Ms. Loewenthal stated that ordinance 82-O-77 would increase the housing rehabilitation grants by \$14,560. Funds would be reallocated from the "Relocation" line item which had not yet been fully expended. The Planning Board and staff unanimously recommended approval.

Ms. Loewenthal explained to Councilmember Broadfoot that reasons for reallocation were

1. The original budget figures were based on an average amount used for reallocation; the average was higher than had been expected.
2. The original estimate had been made with the assumption that 21 grants would be used to rehabilitate 27 units. Subsequently, it had been determined that 23 grants would be needed.

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

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (1980-81 GRANT YEAR; HOUSING REHABILITATION) (82-O-77)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 4: Reflect the following increases and decreases in appropriations to activities.

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>	<u>Year 2 Revised</u>
Acquisition of Real Property	\$ 410,365			\$ 410,365	\$134,015
Disposition of Real Property	\$ 6,000			\$ 6,000	\$ 1,400
Public Facilities and Improvements	\$ 482,450			\$ 482,450	\$172,215
Clearance Activities	\$ 27,600			\$ 27,600	\$ 4,900
Relocation Payments and Assistance	\$ 191,987		\$14,560	\$ 177,427	\$ 69,157
Rehabilitation and Preservation	\$ 735,115	\$14,560		\$ 749,675	\$251,970
General Administration	\$ 186,478			\$ 186,478	\$ 58,298
Non-Departmental	\$ <u>60,005</u>	<u>          </u>	<u>          </u>	\$ <u>60,005</u>	\$ <u>8,045</u>
TOTAL	\$2,100,000	\$14,560	\$14,560	\$2,100,000	\$700,000

This the 11th day of October, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Amend the "Community Development Small Cities Program Project Ordinance" (1981-82 Grant Year; Housing Rehabilitation)

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

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (1981-82 GRANT YEAR; HOUSING REHABILITATION) (82-O-78)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 4: Reflect the following increases and decreases in appropriations to activities.

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>	<u>Year 3 Revised</u>
Acquisition of Real Property	\$ 410,365			\$ 410,365	\$182,480
Disposition of Real Property	\$ 6,000			\$ 6,000	\$ 3,900
Public Facilities and Improvements	\$ 482,450			\$ 482,450	\$ 64,850
Clearance Activities	\$ 27,600			\$ 27,600	\$ 14,500
Relocation Payments and Assistance	\$ 177,427			\$ 177,427	\$ 22,185
Rehabilitation and Preservation	\$ 749,675	\$30,000		\$ 779,675	\$328,440
General Administration	\$ 186,478			\$ 186,478	\$ 63,495
Non-Departmental	\$ 60,005		\$30,000	\$ 30,005	\$ 20,150
TOTAL	\$2,100,000	\$30,000	\$30,000	\$2,100,000	\$700,000

This the 11th day of October, 1982.

Councilmember Smith expressed concern for the large amount of money spent on rehabilitation. He referenced figures for rehabilitation costs for one house that he felt was structurally sound. Ms. Loewenthal explained that this particular house was not found to be structurally sound, once extensive inspection had been completed. In addition, the slope of the relocation site for the house would require the development of a basement. The basement would be used as living space.

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

Ordinance to Amend the "Community Development Small Cities Program Project Ordinance" (1981-82 Grant Year; Property Acquisition Clearance)

The Planning Board had recommended denial of the request. Ms. Loewenthal explained that when it became known (in June-July 1981) that Section 35 of the Homeownership Subsidy Program would not be available, Council had to reconsider a portion of the Third Year Grant application. The lateness of this information did not allow time for additional consideration by the Planning Board to discuss how the money would be reprogrammed. (Some of the money was reallocated for acquisition of land for subsidized housing and some was reallocated for acquisition of dilapidated structures.)

Ms. Loewenthal explained that over the past years Council had made it clear that condemnation was not to be used when owners of dilapidated rental units did not wish to sell the property. Staff, therefore, chose to acquire three dilapidated houses for the purpose of eliminating blight. (At this point, several other owners of dilapidated units were willing to sell.) Instead of giving grants to homeowners to rehabilitate the structures, the Town purchased the dilapidated unit and made relocation allowances of up to \$15,000. The money would be used by the property owner for replacement housing (rental units...not owner-occupied units). Rehabilitation of dilapidated units would not provide decent, safe, and sanitary living conditions for people, and therefore would not be the wisest use of Town money.

Councilmember Boulton clarified that the land would still belong to the owner. The owner would keep his land and receive money for the demolished house. New structures were proposed. Ms. Loewenthal stated that the Planning Board had expressed concern that new structures might not become a reality and would effect a net loss of units. Ms. Loewenthal stated that it was, however, the clear intention of the owners to put the money back into rental units. Mr. Denny explained that there was no legal requirement for this. The land could remain vacant indefinitely, or could be sold by the owner.

Councilmember Broadfoot questioned why condemnation was not used "as a tool to get rid of junk." He felt that the Building Inspector could require rehabilitation of houses, or demand condemnation and subsequent demolition of the structure.

Ms. Loewenthal explained that the Building Inspector "...had limited power...to effect the demolition of substandard housing units through the Housing Code." The result could be that a landlord could comply with the minimal requirements of the Housing Code, but not necessarily maintain structural soundness. The Code was an extremely cumbersome tool. If the owner chose to do neither, the Town could proceed with the lengthy court process of trying to get the house demolished. The Town would have no way to assure or even encourage that the house be replaced.

Councilmember Broadfoot felt that it was bad policy to "reward them for getting into a mess." There would be no end to it. He preferred tougher and more sensible methods of dealing with substandard housing.

Ms. Loewenthal stated that Community Development funds would allow current renters who had been displaced by "governmental action" to relocate.

Mayor Nassif clarified that the current process allowed a way for the Town to have the structure removed totally. There was no other way to do this effectively. Mr. Denny asserted that there was a Substandard Housing Ordinance that provided for the inspection of housing. If the structure could not be reconstructed economically to meet these standards, the lengthy and costly process of effecting demolition could begin. Council had decided that they did not wish to be in the business of demolition and, therefore, decided that they would no longer follow this procedure. Currently, there were many mechanisms (i.e., Community Development programs, etc.) which provided a way to circumvent such problems.

Councilmember Broadfoot urged Council to "quit paying the worst landlords the most money."

Councilmember Boulton asked for a "middle ground" to this choice. One choice was for the Town to go to court and have the building demolished at the owner's expense; the other choice was for the Town to demolish the building at the Town's expense.

Mr. Denny explained that Council's current policy on dealing with dilapidated structures was long-standing; previous approval of these Community Development programs had, in effect, made that choice.

Councilmember Wallace expressed concern that the owners would be paid twice: (1) the cost of destruction of the building and removal of the debris would be covered by the Town; (2) payment for the structure to the owner would be made by the Town. Mr. Denny explained that a house was considered "a property." The Town could not, under the law, take property without compensation.

Councilmember Boulton suggested postponement of the issue.

Mr. Taylor stated that use of Federal funds for property acquisition was regulated by Federal law. In addition, it was his understanding that Council's long-standing policy did not present the option of condemnation and demolition.

Councilmember Smith recounted Council's prior decision to not have "wholesale demolition" in Chapel Hill as had existed in Durham. He also expressed concern as to whether the owners would be able to afford to build any other structure on the property.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF ORDINANCE 82-O-79.

Councilmember Howes felt that this solution was consistent with current standing policy and was an appropriate way to proceed. Councilmember Broadfoot concurred, but wished to see the policy changed.

VOTE ON THE FOLLOWING ORDINANCE CARRIED UNANIMOUSLY:

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (1981-82 GRANT YEAR; PROPERTY ACQUISITION CLEARANCE) (82-O-79)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 4: Reflect the following increases and decreases in appropriations to activities.

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>	<u>Year 3 Revised</u>
Acquisition of Real Property	\$ 410,365	\$14,000		\$ 424,365	\$196,480
Disposition of Real Property	\$ 6,000			\$ 6,000	\$ 3,900
Public Facilities and Improvements	\$ 482,450			\$ 482,450	\$ 64,850
Clearance Activities	\$ 27,600	\$ 3,500		\$ 31,100	\$ 18,000
Relocation Payments and Assistance	\$ 177,427			\$ 177,427	\$ 22,185
Rehabilitation and Preservation	\$ 779,675			\$ 779,675	\$328,440
General Administration	\$ 186,478			\$ 186,478	\$ 63,495
Non-Departmental	\$ 30,005		\$17,500	\$ 12,505	\$ 2,650
TOTAL	\$2,100,000	\$17,500	\$17,500	\$2,100,000	\$700,000

This the 11th day of October, 1982.

COUNCILMEMBER BROADFOOT MOVED THAT THE POLICY OF BUILDING CONDEMNATION BE REVIEWED AND THAT THE MANAGER PRESENT A REPORT AND RECOMMENDATION TO COUNCIL. COUNCILMEMBER PASQUINI SECONDED THE MOTION.

Councilmember Howes opposed the motion, as he felt it was difficult to review a policy out of context. He preferred to see the policy reviewed during the next phase of the Community Development program.

Councilmember Wallace felt that it was better to have a clear policy before consideration of another issue.

Councilmember Smith stated that any policy affected the redevelopment area of the black community. The current policy "had worked well for 14 years."

Mr. Taylor stated that he did not anticipate that there would be many more such cases for Council to consider.

THE MOTION WAS DEFEATED 6 TO 3 WITH COUNCILMEMBERS WALLACE, PASQUINI, AND BROADFOOT SUPPORTING, AND COUNCILMEMBERS KAWALEC, HOWES, BOULTON, STRALEY, SMITH, AND MAYOR NASSIF OPPOSING.

#### Consent Agenda

Councilmember Kawalec requested to remove item "c" (re a grant for a Transit Capital Project) from the Consent Agenda.

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (82-R-189)

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. Certificate of Just Compensation for property to be acquired in the Community Development program (82-R-190)
- b. Bids for asphalt supplies (82-R-191)
- d. Approval of event in Eastgate parking lot (82-~~R~~-192)
- e. Meeting of ICMA Executive Board (82-R-193)

This the 11th day of October, 1982.

THE MOTION CARRIED UNANIMOUSLY.

#### Resolutions Adopted on the Consent Agenda

The following resolutions were adopted on the Consent Agenda:

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 13.76.1 (24 CFR 42.111) (82-R-190)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it has determined, on the basis of an appraisal and a review appraisal, that the fair market value of the building located at 304 McMasters Street, intended for purchase by the Chapel Hill Housing Authority and the Town's Community Development Program, is as follows:

<u>Parcel Number</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Just Compensation</u>
84-I-9A	Ruth Farmer	Structure Only	\$18,000

BE IT FURTHER RESOLVED that the Council, on the basis of information supplied by Alvin E. Stevenson, Executive Director of the Chapel Hill Housing Authority, hereby certifies that the work of the appraiser and review appraiser with respect to the above property, has been performed in a competent manner in accordance with applicable state and federal law and the policies and requirements of the U. S. Department of Housing and Urban Development.

This the 11th day of October, 1982.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR 1-2 ASPHALTIC CONCRETE, H-B ASPHALT AND TACK COAT (82-R-191)

WHEREAS, the Town of Chapel Hill has solicited formal bids for 1-2 asphaltic concrete, H-B asphalt and tack coat on September 23, 1982, and the following bids have been received:

Item	Nello L. Teer Co.	C.C. Mangum, Inc.	William Muirhead Construction Co.	REA Const. Co.
Est. 2015 tons 1-2 asphalt	\$22.40/ton = \$45,136	\$23.00/ton = \$46,345	\$23.00/ton = \$46,345	\$26.00/ton = \$52,390
Est. 350 tons H-B asphalt	\$20.00/ton = \$ 7,000	\$20.00/ton = \$ 7,000	\$20.00/ton = \$ 7,000	\$26.00/ton = \$ 9,100
Est. 6400 gal. tack coat	\$.90/gal. = \$ 5,760	\$1.00/gal. = \$ 6,400	\$1.00/gal. = \$ 6,400	\$1.00/gal. = \$ 6,400
Total Bid	\$57,896	\$59,745	\$59,745	\$67,890

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Nello L. Teer Company in the amounts of \$22.40/ton for 1-2 asphaltic concrete, \$0.00/ton for H-B asphalt, and \$.90/gal. for tack coat.

This the 11th day of October, 1982.

A RESOLUTION APPROVING AN EVENT IN THE EASTGATE SHOPPING CENTER PARKING LOT (82-R-192)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the request by the Eastgate Merchants' Association for the annual pumpkin carving contest at Eastgate Shopping Center from 6:30 P.M. to 8:00 p.m. on Thursday, October 28, 1982, subject to the following conditions:

1. Banners shall be installed, cars shall be parked around the perimeter of the area, and other safety measures shall be undertaken as described in the Association's application as submitted to the Town.
2. The persons in charge of the activity shall comply with reasonable directives of the Town's Police and/or Fire Chiefs, or their designees, as may be necessary in their judgment to maintain safe conditions.

This the 11th day of October, 1982.

Ordinance to Adopt a Grant Project Ordinance for Transit Capital Project

Councilmember Kawalec objected to spending money to modify 11 existing bus shelters for accessibility to handicapped persons. She felt the money could be better spent to serve handicapped persons in a different way. She had contacted Mr. Godding, Transportation Director, and asked him to contact UMTA to request if Chapel Hill could be exempted from the 504 requirement.

Councilmember Broadfoot concurred with the request. He asked if Chapel Hill always had to comply with regulations. Mr. Taylor explained that when Federal funds were accepted, compliance with Section 504 (handicapped laws) was required.

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

AN ORDINANCE TO ADOPT A GRANT PROJECT ORDINANCE FOR TRANSIT CAPITAL PROJECT (82-O-80)

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

## SECTION I

The project authorized is a Transit Capital Grant from FY 1981 federal funds, more specifically known as Urban Mass Transportation Administration Grant NC-05-0027, awarded under the Urban Mass Transportation Act of 1964, as amended. The project provides funds for transit capital purchases.

## SECTION II

The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the Urban Mass Transportation Administration and the North Carolina Department of Transportation and within the funds appropriated herein.

## SECTION III

The following revenue is anticipated to be available to the Town to complete activities as outlined in the project application.

Urban Mass Transportation Administration Grant	\$119,280
North Carolina Department of Transportation Grant	14,910
Town of Chapel Hill	6,770
Town of Carrboro	5,140
University of North Carolina	<u>3,000</u>
TOTAL	\$149,100

## SECTION IV

The following amounts are appropriated for the project.

Professional Services	\$ 2,000
Easements	2,114
Administration	7,450
Capital Improvements	38,982
Capital Equipment	85,677
Contingency	<u>12,877</u>
TOTAL	\$149,100

## SECTION V

The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Report. He shall also keep the Council informed of any unusual occurrences.

## SECTION VI

Copies of this project ordinance shall be entered into the Minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director, and Clerk.

This the 11th day of October, 1982.

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

Nominations and Appointments--Transportation Board

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, TO CLOSE NOMINATIONS. THE MOTION CARRIED UNANIMOUSLY.

THE FOLLOWING VOTE WAS TAKEN:



Rita Berman: 5 votes (Councilmembers Kawalec, Smith, Boulton, Howes, and Straley)

Larry Lanset: 4 votes (Councilmembers Wallace, Pasquini, Broadfoot, and Mayor Nassif)

Don Thomson: 7 votes (Councilmembers Wallace, Kawalec, Boulton, Howes, Pasquini, Broadfoot, and Mayor Nassif)

Daniel Forrest Read: 2 votes (Councilmembers Smith and Straley)

Ms. Rita Berman was appointed to fill the unexpired term of Gerry Cohen (her term would expire on June 30, 1983).

Mr. Don Thomas was appointed to fill the unexpired term of Jean Ann Hemmens (his term would expire on June 30, 1984).

#### Recommendations/Nominations--Board of Adjustment

Councilmember Smith placed the name of Mr. Bob Joesting in nomination.

Mayor Nassif stated that nominations could be made at the October 25, 1982, Council meeting.

#### Other Business

Councilmember Boulton requested that the ABC Board member not be listed as a representative of the Council Task Force on Alcohol-Related Problems.

COUNCILMEMBER WALLACE MOVED TO AMEND RESOLUTION 82-R-180 BY STRIKING THE REFERENCE TO AN "ABC BOARD MEMBER" AND TO REMOVE THE PARENTHEICAL PHRASE "(to be chairperson)" WHICH APPEARED AFTER THE WORDS "PARENT OF A TEEN." COUNCILMEMBER KAWALEC SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY. THE RESOLUTION, AS AMENDED, IS AS FOLLOWS:

A RESOLUTION SUPPORTING THE CREATION OF A TASK FORCE ON ALCOHOL-RELATED PROBLEMS (82-R-180)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council supports the creation of a Task Force on Alcohol-Related Problems with representatives including the following:

- University of North Carolina administration
- University of North Carolina Student Government
- Public school students (9th and 11th grades)
- High school administration
- School Board
- Community Advisor to Drive-a-Teen Program
- Parent of a teen
- Bar owners
- Convenience store owners
- Judge
- Police Department
- District Attorney

BE IT FURTHER RESOLVED that the Council urges the Task Force to undertake the following responsibilities:

- To identify courses of action which the groups and organizations represented on the Task Force can implement individually or collectively to address alcohol-related problems.
- to help coordinate the activity of community organizations and groups, including those which may come into existence as a result of increasing community awareness of alcohol-related problems.
- to issue an interim report no later than the spring of 1983, and a final report no later than the fall of 1983.

--to take such other actions and make other recommendations as the Task Force determines are necessary in addressing alcohol-related issues and problems.

This the 11th day of October, 1982.

As there was no further business to come before the Council, the meeting was adjourned at 10:48 P.M.

---

Joseph L. Nassif, Mayor

---

David B. Roberts, Clerk