

15b

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY, DECEMBER 13, 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 Deputy Town Attorney, Grainger Barrett.

Mayor Nassif introduced Ms. Lynn Magee, Assistant to the Mayor, to the Council. Ms. Magee began work in this capacity on December 13, 1982.

Petitions

Mr. Jerry Bruno requested permission to speak on agenda item #5 (re proposed amendment to the cable television franchise).

Mayor Nassif informed Councilmembers that McManis and Associates had planned to submit a draft copy of the Management Audit to Council on January 28, 1983, but that a request was now being made to extend that date to January 31, 1983. Mayor Nassif proposed that that date be changed, since January 31 was the first public hearing on the Thoroughfare Plan. He suggested that the report be delayed until Monday, February 7, 1983.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO GRANT A TIME EXTENSION TO McMANIS AND ASSOCIATES FROM JANUARY 28, 1983, TO FEBRUARY 7, 1983 (for submission of the draft copy of the Management Audit Report).

THE MOTION CARRIED UNANIMOUSLY.

Minutes (November 8, November 15, and November 16, 1982)

At the request of Mayor Nassif the Deputy Clerk notes here that the minutes of November 8, 1982, reflected the nomination of Ms. Louise Oldenburg by Councilmember Kawalec, prior to Council's receipt of the application. Following that date, Ms. Oldenburg's application was properly submitted to Council and her name was subsequently placed in nomination by Councilmember Kawalec, adhering to Council procedure.

COUNCILMEMBER SMITH MOVED TO APPROVE THE MINUTES OF NOVEMBER 8, 1982, AS CIRCULATED. THE MOTION WAS SECONDED BY COUNCILMEMBER WALLACE. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HOWES, APPROVAL OF THE MINUTES OF NOVEMBER 15, 1982, AS SUBMITTED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER PASQUINI, ADOPTION OF THE MINUTES OF NOVEMBER 16, 1982, AS CIRCULATED. Councilmember Smith requested that the minutes reflect that his absence from this meeting was an excused absence. THE MINUTES OF NOVEMBER 16, 1982, WERE ADOPTED, AS AMENDED BY COUNCILMEMBER SMITH, UNANIMOUSLY.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO SUBSTITUTE AGENDA ITEMS 4a and 4b FOR AGENDA ITEM 3. THE MOTION CARRIED UNANIMOUSLY.

Resolution Accepting the Gift of Cornelia Spencer Love

Mr. William S. Stewart, Trustee of the Cornelia Spencer Love Estate, addressed Council regarding the bequest of Ms. Cornelia Spencer Love to the Chapel Hill Public Library. Mr. Stewart stated that the net income of about \$40,000 would be paid to the Town and was to be used to benefit the Library according to the terms of the will.

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

A RESOLUTION ACCEPTING THE GIFT OF CORNELIA SPENCER LOVE (82-R-206)

WHEREAS, Cornelia Spencer Love was a founder of the Chapel Hill Public Library and served as a trustee and secretary to its Board of Trustees from its inception in 1958 until 1970; and

WHEREAS, Cornelia Spencer Love's support and dedication to the Chapel Hill Public Library was profound in every respect; and

WHEREAS, Cornelia Spencer Love further expressed this dedication through a generous gift for the benefit of the Chapel Hill Public Library;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, in recognition of Miss Love's dedication to the Chapel Hill Public Library, hereby accepts her generous gift for the benefit of the Library on the terms contained in her will.

This the 13th day of December, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Adopt a Capital Reserve Fund

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

AN ORDINANCE TO ADOPT A CAPITAL RESERVE FUND (82-O-89)

BE IT ORDAINED by the Council of the Town of Chapel Hill, pursuant to Section 18 of Chapter 159 of the General Statutes of North Carolina, a Capital Reserve fund as described in Sections I through IV is hereby adopted:

SECTION I

The fund authorized may be used to reserve capital funds for a variety of specified purposes, with each purpose described by ordinance.

SECTION II

The first component of this fund shall be known as the Cornelia Spencer Love Capital Account. As hereby adopted in this section, said account will consist of the annual income of the Cornelia Spencer Love Trust, estimated to be approximately \$40,000, and all income for the life of the Trust, and all interest earnings derived from these sources, are hereby reserved for the capital improvement needs of the Chapel Hill Public Library. Prior to the appropriation of any funds received from the Cornelia Spencer Love Trust, the Town Council will consult with the Board of Trustees of the Chapel Hill Public Library.

SECTION III

The Manager is directed to report annually on the financial status of this fund as a part of the Annual Report.

SECTION IV

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

This the 13th day of December, 1982.

Councilmember Broadfoot stated that "according to N.C. General Statutes, a subsequent action of the Town Council could change the nature of the entire fund, at will."

THE MOTION CARRIED UNANIMOUSLY.

Joint Meeting with the Library Board

Mr. Grainger Barrett, Deputy Town Attorney, outlined the legal basis and responsibilities of the Library Board based on N.C. General Statutes and the Town Code of Ordinances.

Councilmember Broadfoot asserted that the Town's Code of Ordinances did not specify duties, authorities, or responsibilities of the Board of Trustees. He felt that such duties should be incorporated into the Code in order to clarify the role of the Board in relationship to Town government.

Ms. Barbara Schutz, Chair of the Library Board of Trustees, introduced Board members: Tobin Savage, Carroll Hollis, Frances Hargraves, and Lisa Price (Bill Geer was not present). Ms. Mary Boone, Library Director, was introduced.

Ms. Schutz documented former recommendations, proposals, and budgetary documents which had reflected plans for land acquisition, building design, and construction plans for expanding the Library system since 1979, none of which had materialized. Ms. Schutz submitted statistics which supported current Library space needs and which demonstrated the value of the Library to the Chapel Hill area.

Ms. Schutz informed Councilmember Howes that a professional librarian made book selections and that the Board and citizens could also make recommendations.

Councilmember Smith reminded the Board that the need for budget cuts had resulted in alterations of past proposals.

Ms. Schutz responded to Councilmember Broadfoot's inquiry (re a policy for previewing books before the annual book sale) that the sale was sponsored by the Friends of the Library. The intent of this policy was "to make good books available to school librarians." This preview was specifically for Chapel Hill/Carrboro public school librarians.

Ms. Frances Hargraves, a Board member, addressed questions to Council:

1. What had been the result of a meeting between Councilmembers Broadfoot, Kawalec, Straley, and a subcommittee of the Orange County Board of Commissioners regarding library funding considerations.
2. What action had been taken regarding a representative from the Orange County Commissioners on the Library Board of Trustees. She felt that a representative would afford Orange County the opportunity to understand the Library's funding needs and requests.

Mayor Nassif, responding to the second question, stated that no action had been taken.

Councilmember Straley, responding to the first question, stated that a meeting had taken place, but no decisions had been reached. He expressed his hope that the Commission would remember issues discussed at the meeting during the county's budget considerations.

Councilmember Kawalec added that the Council's representatives had been charged to meet with the Commissioners in an attempt to agree on a fair basis of funding for the Library. She, however, did not feel that the end result was as favorable as had been hoped.

Ms. Lisa Price, a Board member, asked when Council might make a decision re recommendations for a new Library facility.

Mayor Nassif responded that Mr. Taylor would present a report to Council in the late spring or early summer.

Councilmember Howes stated that the Council was currently in a difficult position, financially. There was little confidence, with the current economic mood in this country, that the community "would be...receptive to a bond issue for any such expense." He expressed hope that this would change and felt that past and present plans would be useful when that time did come. He encouraged the Board to seek alternative funds that could be used with bonds and which could reduce bond considerations.

Councilmember Broadfoot asked if the Board had considered allowing the corpus of the Trust to go into large future capital improvements. Ms. Schutz responded negatively. The Board felt that the Trust would be carried out according to the will. She felt investment of the \$40,000 would accumulate interest and that how these funds were used could be considered if and when a bond issue were considered.

Councilmember Kawalec felt it was valid that the Commissioners also consider the worth of a public library to its residents of Orange County and decide what portion of a new building they would be willing to fund. She felt that there was little incentive for the County to become financially responsible as long as their use was free.

Mayor Nassif expressed appreciation to past and current Board members who, through their dedication, had over the years brought changes to the Library facilities and services that encouraged its use by the citizenry.

Mayor Nassif asserted to Board members that overriding circumstances that prevented the Council from acting on previously outlined directions did not mean that the Council did not appreciate the Board's efforts or consider their recommendations seriously. He expressed his support of a capital reserve fund rather than a general fund.

Councilmember Smith stated that he hoped that the Board would not consider using the principal of the trust. He felt that the intent of the will was that the income of the Trust be used for Library purposes over and above what the Town could provide.

Ordinance Amending the Ordinance Granting a Franchise to Village Cable, Inc.

Mayor Nassif stated that the proposed ordinance would establish additional flexibility in programming. Mr. Taylor stated that some of this flexibility would permit the consolidation of certain access channels in order to make additional program channels available to the cable operator. The proposed amendment would stipulate that when the use of the consolidated access channels reached 70 hours per week for six consecutive months, the cable operator would be required to make additional access channels available. The Town of Chapel Hill or the Chapel Hill/Carrboro school system could also request that a separate access channel be made available to them upon 90 days' notice.

Mr. Taylor briefly reviewed other aspects of the proposed ordinance. Mr. Taylor stated that the proposed amendment would "...allow Village Cable flexibility without Council approval...and...would still protect the subscriber and the public...."

Mr. Jerry Bruno, a citizen, stated his opposition to the proposed franchise amendment. He reasoned that the terms of the original contract had "slowly...become dismantled under the recommendations of the Manager." He expressed concern that preferred programs would be replaced or denied to subscribers. He opposed the request to delay the franchise requirement for home burgular alarms until 1985. He proposed that Council delay action on this request until a public hearing could be held to solicit subscriber views.

Councilmember Boulton felt that the proposed requirement of "an average of 70 hours per week in any six consecutive months" (before an additional access channel could be required) was excessive.

Councilmember Howes concurred. Mr. Taylor explained to Councilmember Howes that a program would have to be deleted in order to make room for another access channel. Councilmember Howes felt that cancellation of programs would cause considerable controversy among the subscribers.

Ms. Lieu Stevens, representing Village Cable, stated that Village Cable found the proposed amendment acceptable and workable. She also stated that currently public access channels were used approximately 5-6 hours/week. She felt that public sentiment would have a significant effect on programming; it had been her experience that programming should not be altered unless absolutely necessary. She also felt that technological improvements would produce more channels and therefore would not necessitate program cancellations.

Councilmember Boulton felt that a 40-hour/week limit for access channel programming was more acceptable and reasonable.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF ORDINANCE 82-O-90, WITH THE MAXIMUM HOURS FOR ACCESS CHANNEL PROGRAMMING CHANGED FROM 70 HOURS/WEEK TO 40 HOURS/WEEK.

Mr. Taylor stated that the ordinance would require two readings, since this was an amendment to a franchise agreement.

Mayor Nassif stated that he had no objections to the programming changes, but that he did object to removing the access channels. He did not feel that the system had been around long enough to determine its value.

VOTE ON THE FOLLOWING ORDINANCE, AS AMENDED, CARRIED 8 TO 1 WITH COUNCILMEMBERS SMITH, STRALEY, HOWES, BOULTON, PASQUINI, BROADFOOT, KAWALEC, AND WALLACE SUPPORTING, AND MAYOR NASSIF OPPOSING:

AN ORDINANCE AMENDING THE ORDINANCE GRANTING A FRANCHISE TO VILLAGE CABLE, INC. (82-O-90) (First Reading)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the ordinance granting a cable television franchise to Village Cable, Inc., to allow the cable operator to select and offer programming in accord with the following requirements and conditions. Specifically, the ordinance dated November 19, 1979, granting a cable television franchise to Village Cable, Inc. is amended as follows:

Village's franchise proposal dated September 4, 1979, shall continue to be adopted by reference as part of the franchise granted to Village, except as said proposal is specifically modified or amended by the following requirements:

I. Structure of Service Tiers

Village Cable shall continue the current system of three basic service tiers. Tier One shall have 11 channels, Tier Two shall have 17 channels including those in Tier One, and Tier Three shall have 29 to 32 channels, including those in Tiers One and Two. Village Cable shall use the remaining three to six channels for optional pay services in accord with paragraph VI below.

II. Programming of Tier One

Tier One shall continue to include 7 channels for carriage of signals from 7 broadcast television stations in the central North Carolina area, as described in Village's franchise proposal; and shall have four access channels:

1 For governmental and educational programming supplied by the Town of Chapel Hill and Chapel Hill-Carrboro City Schools. In addition, Village Cable may carry programs of the Appalachian Community Service Network on this channel, subject to the Town Manager's approval as to times and schedules for the purpose of assuring that governmental and educational programming is available to subscribers in accord with the desires of the Town and the City School District.

1 For use by the University of North Carolina, provided that the University of North Carolina may allow Village Cable to provide programming on this channel subject to the University's approval.

1 For business, consumer, and leased use and for the home shopping guide.

1 For general public use and access.

Village Cable may place the program guide on either of the access channels for public, consumer, business or leased use when not in use for the access programming.

III. Future Increases in Number of Access Channels

When programming of an access channel for public, business, consumer or leased use (by local citizens or groups, other than Village Cable) reaches an average of 40 hours per week in any six consecutive months, Village Cable shall notify the Town and the Council shall have the right to require an additional channel or channels, up to a maximum total of four channels for public, business, consumer or leased access, including the two required in Tier One under this amendment and excluding the Town, School District and UNC access channels. The University access channel shall remain separate from the above access channels unless the University of North Carolina agrees otherwise. The Town and Chapel Hill-Carrboro City School District shall retain the right to require separate access channels for their respective use, as described in Village's franchise proposal, upon 90 days' notice by either the Town or School District to Village Cable.

IV. Programming of Tier Two

Tier Two shall include all channels in Tier One, and one channel in Tier Two shall be used primarily for local origination programming produced by Village Cable for coverage of local news, events and affairs. Programming of other channels in Tier Two shall be provided in Village's discretion.

V. Programming of Tier Three

Tier Three shall have a total of 29 to 32 channels including Tier One and Two channels. Such total shall include at least one channel for each of the following general categories of programs:

- A national news service.
- A regional or national weather information service.
- A cultural programming service.
- A broadcast television station signal from a major metropolitan area outside of North Carolina (i.e., one of the "superstations").
- Children's programming.
- A channel dedicated to the University of North Carolina for live and/or taped coverage of sports events as described in Village's franchise proposal. However, Village Cable shall be authorized to program this channel in its discretion until the University of North Carolina reaches an agreement with Village with respect to UNC sports events programming.
- A general entertainment and sports channel other than an over-the-air broadcast television station.

The requirements for programs in these categories shall be contingent upon reasonable availability to the cable industry of each respective type of service, as noted in paragraph VIII below.

VI. Pay Services

Village Cable shall carry at least three video channels with optional pay services such as movies, sports, and/or entertainment; and may have up to 6 pay channels, other than the UNC sports channel. The selection of the 3 to 6 pay services shall be in Village's discretion.

162

All pay services including FM audio shall remain available to Tier Two and Three subscribers.

VII. Notice to Subscribers Regarding Program Changes

Forms to be signed by subscribers in requesting or contracting for services from Village Cable shall include a clear written statement that Village Cable may make changes in programming from time to time in accord with the franchise. Whenever practical, Village Cable shall submit a written notice to the Town and shall notify subscribers at least 45 days in advance of each program change, through written material distributed to subscribers to the Tier(s) on which changes are made, through a notice displayed periodically on channel(s) visible to subscribers affected by the change, and, in Village's discretion, through publication of a notice in a newspaper of circular generally distributed in the Town of Chapel Hill.

VIII. Availability of Program Services

The requirements of this amendment for programming shall be contingent upon reasonable availability of the specified kinds of programming to the cable TV industry.

Village Cable may request waiver of a requirement for a category of programming if the cost of making the programming available is unreasonable or not justified in Village Cable's judgment. The Council's consideration of such requests shall be on the basis of all relevant factors, including but not limited to program costs to Village Cable and the estimated percentage of subscribers who have indicated interest in the program in any relevant market surveys.

IX. Bona Fide Programming Required

Village Cable shall carry bona fide programming in some form, such as alpha-numeric information on a cycled basis, taped or live presentations, and satellite or broadcast television signals, on at least 30 of 35 channels.

This the 13th day of December, 1982.

Ordinance Amending the Ordinance Granting a Franchise to Village Cable

COUNCILMEMBER BOULTON MOVED ADOPTION OF ORDINANCE 82-O-91; COUNCILMEMBER STRALEY SECONDED THE MOTION.

Mr. Taylor stated that the proposed amendment would defer the franchise requirement that Village Cable provide security and fire alarm monitoring services. Council would retain the right to require, at its discretion, provision of security devices upon 180 days' notice. The proposed amendment would not prohibit the cable operator from providing security services, however, if they were to find it to be feasible.

In addition, management recommended a 3-year delay before Council would again review security service requirements.

Councilmember Smith felt that a survey should be made to determine if subscribers desired this service before Council considered this delay.

Councilmember Boulton stated that as technology was not available to provide this service, a delay was reasonable. Councilmember Smith felt that the franchise agreement had required these services, and the requirement should not be deleted without subscriber input.

Mayor Nassif felt that a yearly reconsideration by Council was more appropriate. He objected to the wording of the amendment which placed the burden of responsibility on the Town to have the issue reconsidered. He also objected to allowing the deletion of various aspects of the franchise "simply because there was...no demonstrated need, when there had not been anything demonstrated to need."

Mr. Taylor felt that the 3-year delay before reconsideration would allow sufficient time for technological advancement and subsequent reconsideration. Mayor Nassif proposed a 1-year interval between reconsiderations by Council. Councilmember Wallace concurred, feeling that the burden to bring the matter to Council for reconsideration should remain with the franchisee. Councilmember Boulton concurred.

Councilmember Straley felt that a yearly review would not allow sufficient time for the advancement of technology; he proposed a 2-year interval. In addition, he felt that review should be required and not left up to either party to schedule a review.

COUNCILMEMBER STRALEY, SECONDER OF THE MOTION, WITHDREW HIS SECOND TO THE MOTION; COUNCILMEMBER BOULTON, MAKER OF THE MOTION, WITHDREW HER MOTION.

COUNCILMEMBER BOULTON MOVED ADOPTION OF ORDINANCE 82-O-91a, AMENDING THE ORDINANCE TO READ THAT THE CABLE OPERATOR BE REQUIRED TO REPORT TO COUNCIL AT 2-YEAR INTERVALS. COUNCILMEMBER STRALEY SECONDED THE MOTION.

Mr. Jerry Bruno stated that he disagreed with statements that technology was not now available and that there was no demand for security service. He proposed that a survey be taken to determine a demand.

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

AN ORDINANCE AMENDING THE ORDINANCE GRANTING A FRANCHISE TO VILLAGE CABLE (82-O-91a) (First Reading)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the ordinance granting a cable TV franchise to Village Cable, Inc., as follows:

The requirement that Village Cable offer a monitoring service for security and fire alarms (as described in Village's franchise proposal dated September 4, 1979) is hereby suspended until September, 1984, at which time Village Cable shall report to the Council on the feasibility of providing such services as described in the above-noted franchise proposal, and the Council shall consider whether, in its discretion, to direct the cable operator to provide such services as described in the above-noted franchise proposal, upon 180 days' notice.

This amendment shall not be deemed to limit or restrict the authority of Village Cable, Inc., to offer monitoring services at any time in its discretion.

This the 13th day of December, 1982.

Resolution Authorizing the Town Manager to Construct a Sidewalk along Hillsborough Street

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 82-R-211.

Councilmember Smith questioned why all the money would be used for the Hillsborough Street sidewalk and asked for a figure that showed the number of pedestrians vs. bus riders on this street. Mr. Jennings stated that such a count was beyond their capabilities. Mr. Taylor stated that he had lived in the area for several months and could attest to the fact that the Hillsborough Street route was heavily traveled by pedestrians.

Mayor Nassif stated that the proposed use of these funds had been approved in the budget. Mr. Jennings stated that there were sections on this street where there was no safe place for pedestrians to travel.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO CONSTRUCT A SIDEWALK ALONG HILLSBOROUGH STREET (82-R-211)

WHEREAS, the Council has budgeted \$20,000 for sidewalk construction during FY 1982-83; and

WHEREAS, the Council finds that of the first priority items in the adopted Sidewalk Plan, a sidewalk along Hillsborough Street is of the highest priority;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to use the budgeted \$20,000 to begin construction of a paved sidewalk along Hillsborough Street.

This the 13th day of December, 1982.

Quarterly Report on the Joint Orange-Chatham Community Action Agency

Councilmember Straley presented a report to Council of the activities of JOCCA through the first three quarters of the 1982 Fiscal Year.

In response to a question from Councilmember Broadfoot, Councilmember Straley stated that JOCCA would submit a proposal for a Headstart Program. JOCCA had not been able to lower the overhead figures in their proposal.

Resolution Calling a Public Hearing to Consider the Draft Thoroughfare Plan

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER THE DRAFT THOROUGHFARE PLAN (82-R-212)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing for 7:30 P.M., January 31, 1983, in the Cultural Arts Building of Chapel Hill High School to consider the draft Thoroughfare Plan. Said public hearing is intended to be a joint public hearing with the Board of Aldermen of the Town of Carrboro.

This the 13th day of December, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Consent Agenda

Councilmember Broadfoot requested to remove Consent Agenda 9c (re public hearing to consider the closing of Porthole Alley right-of-way).

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS AND ORDINANCES (82-R-213)

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. Public hearing, January 17, 1983, on petition for annexation of Limberlyne Property (82-R-214)
- b. Public hearing, January 17, 1983, on proposed Development Ordinance amendments (82-R-215)
- d. Authorization to submit Certificate of Completion to the U.S. Department of Housing and Urban Development for the 1975-80 Community Development "Entitlement" Grant program and 1979 CD "Small Cities" Grant program (82-R-217)
- e. Bids for Police and Fire uniforms (82-R-218)
- f. Bid for bus engine (8-R-219)
- g. Budget amendment--encumbrances (82-O-92)
- h. Budget amendment--Library Grant (82-O-93)

This the 13th day of December, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinances and Resolutions Adopted on the Consent Agenda

The following ordinances and resolutions were adopted on the Consent Agenda:

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31, AS AMENDED (82-R-214)

WHEREAS, a petition requesting annexation of the area described herein has been received; and

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

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 area described herein will be held at the Municipal Building, 306 N. Columbia Street, at 7:30 p.m. on the 17th day of January, 1983.

SECTION II

The area for which annexation has been requested is described as follows:

BEGINNING at a stake in the northwest corner of Lot No. 134, TIMBERLYNE SUBDIVISION, according to Plat Book 29, at page 93, Orange County Registry and the southern margin of Weaver Dairy Road (said stake being the center line of the Duke Power Company easement), thence south $18^{\circ} 26' 36''$ west 1099.57 feet to a stake in the northwest corner of Lot No. 123, TIMBERLYNE SUBDIVISION, according to Plat Book 29, at page 93, Orange County Registry, which stake is in the southern margin of Kingston Drive; running thence with the said margin of Kingston Drive north $50^{\circ} 40' 20''$ west 515.74 feet to a stake in the northwest corner of Lot No. 141, TIMBERLYNE SUBDIVISION, Section II, according to Plat Book 32, at page 197, Orange County Registry; running thence with the western lines of Lot Nos. 141, 140, 139 and 138, Section II, TIMBERLYNE SUBDIVISION south $12^{\circ} 25' 53''$ west 539.04 feet to a stake, the northeast corner of Avery Maddry; thence with the northern margin of Maddry north $89^{\circ} 19' 49''$ west 905.78 feet; north $86^{\circ} 03' 21''$ west 123.75 feet and north $85^{\circ} 09' 11''$ west 560.22 feet to a stake; thence north $35^{\circ} 08' 40''$ east 199.83 feet to a stake; thence north $17^{\circ} 02' 39''$ east 125.36 feet to a stake; thence south $79^{\circ} 43' 00''$ west 405.62 feet to a stake in the eastern margin of N.C. 86; thence with said margin of N.C. 86 north $01^{\circ} 17'$ west 60 feet to a stake; thence leaving N.C. 86 North $79^{\circ} 43' 00''$ east 419.81 feet to a point; thence north $10^{\circ} 23' 35''$ west 387.15 feet and north $08^{\circ} 39' 12''$ west 517.05 feet more or less to the southern margin of Weaver Dairy Road; thence with the said margin of Weaver Dairy Road south $88^{\circ} 57' 35''$ east 2450.96 feet to the center line of the Duke Power Co. easement, the point and place of BEGINNING.

SECTION III

Notice of said 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 13th day of December, 1982.

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE DEVELOPMENT ORDINANCE (82-R-215)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for Monday, January 17, 1983 at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider the following amendments to the Chapel Hill Development Ordinance.

4.3 Schedule of Use Regulations
(Use Group C)

Delete Extraction of Earth Products as a special use in an OI-3 District.

5.9.8 Minimum Solar Setback
and7.8.3 Reductions in Lot and
Setback Requirements

Allow a reduction in solar setbacks for lots in a cluster subdivision in R-1, R-2 and R-3 zoning districts. This provision would not apply to lots whose north line forms an exterior boundary of the cluster subdivision.

5.11 Schedule of Intensity
Regulations

Increase the maximum primary height allowed in R1, R-1, R-2 and R-4 zoning districts to allow a 2½ story house at the minimum setback.

This the 13th day of December, 1982.

A RESOLUTION AUTHORIZING THE MANAGER TO SUBMIT A CERTIFICATE OF COMPLETION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT ENTITLEMENT PROGRAM (B-75/76/77/78/79-HS-37-0002) (82-R-217)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to submit a Certificate of Completion to the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Entitlement Program of the Town of Chapel Hill, and to provide any additional information that may be requested by HUD.

This the 13th day of December, 1982.

A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS FOR FIRE, POLICE, AND PUBLIC SAFETY OFFICER UNIFORMS (82-R-218)

WHEREAS, the Town of Chapel Hill solicited formal bids on November 14, 1982, and the following bids were received:

<u>Item</u>	<u>American Uniform Sales</u>	<u>Hub Uni- form Co.</u>	<u>Roberts Uniforms</u>
<u>Police & PSO Uniforms</u>			
122 Short Sleeve Shirts	\$ 1,756.80	\$ 1,988.60	\$ 2,220.40
143 Long Sleeve Shirts	2,288.00	2,559.70	3,067.35
138 Dress Trousers	2,656.50	2,967.00	3,436.20
17 Car Coats	1,251.20	1,275.00	1,504.50
17 Jackets	508.30	544.00	628.49
14 Patrol Caps-Winter	167.30	168.00	194.60
3 Officer Caps-Winter	38.85	42.00	44.25
18 Patrol Caps-Summer	215.10	198.00	246.60
4 Patrol Caps-Summer	51.80	52.00	59.00
SUBTOTAL	\$ 8,933.85	\$ 9,794.30	\$11,401.39
<u>Fire</u>			
69 Short Sleeve Shirts	\$ 717.60	\$ 703.80	\$ 850.80
102 Long Sleeve Shirts	1,222.98	1,198.50	1,417.80
12 Dress Trousers	207.00	232.80	274.20
90 Work Trousers	1,323.00	1,237.50	1,575.00
9 Short Sleeve Overalls	135.00	135.00	139.50
9 Long Sleeve Overalls	144.00	144.00	145.35
Buttons per set	\$3.00	\$3.00	\$2.70
Gold braid per foot	.15	.25	2.50
SUBTOTAL	\$ 3,749.58	\$ 3,651.60	\$ 4,401.93
TOTAL Bid	\$12,683.43	\$13,445.90	\$15,803.32

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Hub Uniform Company for fire uniforms in the amount of \$3,651.60 and American Uniform Sales for police and public safety officer uniforms in the amount of \$8,933.85 and for button sets at \$3.00 per set and gold braid at 15¢ per foot.

This the 13th day of December, 1982.

A RESOLUTION ACCEPTING A BID AND AWARDING A CONTRACT FOR ONE (1) POWER PLANT ASSEMBLY FOR GMC RTS-II-04 TRANSIT COACHES, MODEL T70604 (82-R-219)

WHEREAS the Town of Chapel Hill solicited formal bids on November 17, 1982, and the following bid has been received:

<u>Item</u>	<u>Vendor</u>	<u>Price</u>
Power Plant Assembly for GMC RTS-II-04 Transit Coach, Model-T70604	GMC Truck and Coach Division General Motors Corp.	\$36,125.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of GMC Truck and Coach Division, General Motors Corporation in the amount of \$36,125.

This the 13th day of December, 1982.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1982" (82-O-92)

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				
Town Manager Administration	192,604	2,000		194,604
Finance				
Administration	81,893	307		82,200
Data Processing	30,178	17,057		47,235
Town Clerk	40,468	55		40,523
Human Services				
Contracts	36,177	373		36,550
Planning	201,030	328		201,358
Public Works				
Administration	86,609	600		87,209
Streets	775,827	1,275		777,102

1168

Equipment Services	547,133	3,008	550,141
Solid Waste Collection	845,125	2,420	847,545
Public Building and Grounds	325,196	5,136	330,332
Police			
Administration	187,767	2,209	189,976
Patrol	1,118,676	313	1,118,989
Detective	200,277	459	200,736
Fire			
Suppression	1,025,099	814	1,025,913
Parks & Recreation			
General Rec.	215,795	33	215,828
Athletics	232,738	543	233,281
Parks Maintenance	226,627	561	227,188
Non-Departmental	1,007,123	3,152	1,010,275
GENERAL FUND TOTAL		40,643	
Solid Waste Disposal	215,000	306	215,306
Parking Facilities	233,000	264	233,264
Transportation			
Administration	149,487	1,753	151,240
Operations	1,444,403	9,739	1,454,142
Maintenance	369,114	5,308	374,422
Library	458,287	9,653	467,940
Community Development Entitlement	0	1,774	1,774
Capital Improvements	159,000	95,586	254,586
Transit Capital Grant	0	479	479

ARTICLE II

<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund				
Fund Balance	306,215	40,643		346,858
Solid Waste Disposal				
Fund Balance	0	306		306
Parking Facilities				
Fund Balance	0	264		264
Transportation				
Fund Balance	0	16,800		16,800
Library Operations				
Fund Balance	5,102	9,653		14,755
Community Development Entitlement				
Fund Balance	0	1,774		1,774
Capital Improvements				
Fund Balance	159,000	95,586		254,586
Transit Capital Grant				
Fund Balance	0	479		479

This the 13th day of December, 1982.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1982" (82-O-93)

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>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library Operations Fund	467,940	3,865		471,805

ARTICLE II

<u>Revenues</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Library Operations Fund	467,940	3,865		471,805

This the 13th day of December, 1982.

Discussion of Proposed Resolution of Intent to Consider Closing a Portion of Porthole Alley and Calling a Public Hearing

Councilmember Broadfoot felt that the proposed closure would restrict access from Franklin Street and, therefore, suggested that the University be given an easement with the stipulation that pedestrian access be maintained.

Councilmember Howes concurred with Councilmember Broadfoot's concern regarding access, but felt that there were other available means of access to Franklin Street. He supported the University's request.

Councilmember Wallace asked Mr. Barrett to see if access could be permitted through this area if a structure were built.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO DEFER ACTION UNTIL THE NEXT MEETING, UNTIL THE MANAGER AND THE DEPUTY TOWN ATTORNEY COULD CONSIDER THE ISSUE IN CONSULTATION WITH THE UNIVERSITY AND REPORT TO COUNCIL.

THE MOTION CARRIED UNANIMOUSLY.

Historic District Commission--Nominations and Appointments

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, TO CLOSE NOMINATIONS. THE MOTION CARRIED UNANIMOUSLY.

The following vote was taken:

John Gulick: 8 votes (Councilmembers Pasquini, Smith, Boulton, Straley, Howes, Kawalec, Broadfoot, and Mayor Nassif).

Phil Rees: 9 votes (Councilmembers Pasquini, Smith, Boulton, Straley, Howes, Wallace, Kawalec, Broadfoot, and Mayor Nassif).

"Luke" Page: 3 votes (Councilmembers Pasquini, Wallace, and Broadfoot).

Sara L. Oldenburg: 7 votes (Councilmembers Smith, Boulton, Straley, Howes, Wallace, Kawalec, and Mayor Nassif).

Mr. John Gulick, Mr. Phil Rees, and Ms. Sara L. Oldenburg were appointed to serve on the Historic District Commission.

Orange County Energy Commission--Recommendations for Appointment

Councilmember Straley recommended that the name of Mr. Daniel Read be submitted to the Orange County Commissioners for appointment to the Orange County Energy Commission.

COUNCILMEMBER WALLACE MOVED TO CLOSE NOMINATIONS; COUNCILMEMBER HOWES SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO SUBMIT THE NAME OF MR. DANIEL READ TO THE ORANGE COUNTY BOARD OF COMMISSIONERS FOR APPOINTMENT TO THE ORANGE COUNTY ENERGY COMMISSION BY ACCLAMATION.

THE MOTION CARRIED UNANIMOUSLY.

As there was no further business to come before the Council, the meeting was adjourned at 9:49 P.M.

Joseph L. Nassif, Mayor

David B. Roberts, Clerk