

MINUTES OF A REGULAR MEETING OF THE MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, DECEMBER 12, 1983, 7:30 P.M.

Mayor Joseph L. Nassif called the meeting to order. Councilmembers present were:

Marilyn Boulton
Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe

Also present were Town Manager, David R. Taylor; Assistant Town Managers, Sonna Loewenthal, and Ron Secrist; and Town Attorney, Grainger Barrett.

Mayor Nassif stated that testimony could not be received by the Council on items re Special Use Permits, as a public hearing had already been held.

Petitions

--Mr. Watts Hill, Jr., and Mr. Harry Gooder requested permission to speak on Agenda #2 (re proposed elimination of credit for right-of-way and open space in land use intensity standards).

--Ms. Sally Vilas and Mr. Tom Worth requested to speak on Agenda #3 (re rezoning of six pr on Agenda #3 (re rezoning of six properties)).

--Ms. Nancy Tolley, Mr. Edward Cameron, and Mr. John McAdams requested to speak on Agenda #5 (re Little Hill Subdivision).

All requests were granted by the Council.

Proposed Ordinance Amending the Chapel Hill Development Ordinance (net land area--second reading)

Mr. Taylor stated that proposed ordinance 83-O-67b had not passed by a 2/3 majority vote on December 5; therefore, this ordinance was back before the Council for a second reading. The proposed ordinance would eliminate the use of gross land area and would adjust land use intensity ratios so that non-conformities would not be created when the net land area concept began.

Mr. Mike Jennings, Planning Director, stated that proposed alternative ordinance "c" addressed Council's concerns for intensity ratios. Ordinance "b" would benefit land-locked areas, but would not benefit properties with more adjacent open space.

Ms. Sally Vilas, a property owner on Couch Lane, opposed the proposed amendment as it would have the effect of changing the rules after the game was played. Mr. Jennings explained that Ms. Vilas had dedicated land for the Couch Road right-of-way.

Mr. Harry Gooder stated that "The Town Attorney today was unwilling to state unequivocally that individuals who have already deeded land for rights-of-way would be grandfathered in." He stated that he had deeded land to the town for right-of-way in good faith, and was told that "they would have full use of the property including counting the land they were going to deed in regard to any further development." He felt that the current Development Ordinance did not address this problem if the proposed change went into effect.

Mr. Watts Hill, Jr., speaking for the Chamber of Commerce, stated that the Chamber was concerned about "the mechanics of the question"; i.e., the proposed ordinance would have "virtually no impact" on the development of Municipal Parking Lot #1 because of the limitations on volume that could be built. Should the Council choose to change the intensity ratios, however, the impact would be very significant. He urged the Council "to give judicious consideration to alternative ordinance 83-O-67c," and requested postponement of related items on this agenda until further consideration could be given.

Councilmember Broadfoot felt that the Council's intent was to eliminate gross land area altogether, with no consideration for adjustments. Mr. Taylor responded that the intent behind allowing percentage adjustments as presented in the proposed ordinance was to prevent nonconformities as much as possible. Councilmember Broadfoot felt that nonconformities were inevitable with any change in the Development Ordinance.

Councilmember Preston felt the Council should consider these matters in more detail before taking action. Councilmembers Boulton, Pasquini, and Kawalec, concurred. Councilmember Howes concurred and concurred with the Manager re the Council's intent to limit nonconformities as much as possible.

Councilmember Kawalec felt that the Council had to be flexible at some point re nonconformity. One option would be to allow nonconformities to continue indefinitely, as some communities were doing. Councilmember Smith felt there was an inconsistency in the Council's concern for different types of nonconformities throughout Chapel Hill.

Mr. Taylor responded to Mayor Nassif that if a nonconforming structure were destroyed, it would have to be rebuilt to conform to the Development Ordinance that was in existence at the time of the reconstruction. Regarding lending institutions, he stated that, generally speaking, it would be considerably more difficult to get a loan for a large mortgage on larger non-conforming structures. Mr. Taylor stated that an ordinance could be proposed that would permit the owner to rebuild exactly what was destroyed. Mr. Barrett concurred.

Councilmember Howes felt that a work session on this subject on January 12, 1984, would be helpful. Mr. Taylor suggested that a series of work sessions to adequately consider revisions in the current Development Ordinance and to fully understand the Council's intent.

Councilmember Broadfoot stated that he would support a moratorium on all development until these concerns for equity were resolved. He did not agree with Mayor Nassif's suggestion re an ordinance to address non-conformity.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO TABLE THE CONSIDERATION OF THIS ITEM INDEFINITELY.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Barrett advised the Council that this matter was still pending before the Council and the gross land area concept was still in effect until further Council action.

Ordinance Amending the Chapel Hill Development Ordinance (to rezone Kingswood Apartments, Camelot Apartments, Ridgefield Apartments, Village Green Condominia, and part of a 27-acre tract east of Old Oxford Road)

Mr. Tom Worth, a Raleigh Attorney representing the owners of the 27-acre tract east of Old Oxford Road, stated that he had not received any formal notification from the Town re the alleged invalidity of the petition filed on behalf of the owners of the tract and was not clear why the petition had been declared invalid. Mr. Worth submitted an affidavit signed by Mr. Mark Daley, the other owner of the property whose name had not appeared on the protest petition (please refer to the Clerk's files).

Mr. Barrett explained that the protest petition had not been signed by all the property owners when it was submitted prior to the November 21, 1983, public hearing. The affidavit stated that this property owner had left the country on November 7, 1983, several weeks after notification of the proposed rezoning. Mr. Barrett stated that in his opinion the property owner had had ample time to sign a protest petition before leaving the country.

Mr. Taylor stated that the following properties were being considered for rezoning:

- Kingswood Apartments (from R-5 to R-4)
- Camelot Apartments (from R-4 to R-3)
- Ridgefield Apartments (from R-4 to R-3)
- Village Green Condominia (from R-4 to R-3)
- A tract of land to the east of Old Oxford Road (from R-4 to R-2)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF ORDINANCE 83-O-74.1

Councilmember Kawalec felt that the relelwant question was what the correct zoning should be, not what the Council's intent might have been in 1981. She felt that the Council might want to consider restricted development in the floodway fringe during the proposed work sessions dealing with revisions to the Development Ordinance.

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

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (83-O-74.1)

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

SECTION I (Kingswood)

That the property identified as Chapel Hill Township Tax Map 122, Block B, Lots 3, 3A and 5 located on the south side of NC 54 Bypass and containing approximately 23.9 acres of land and one half the adjoining right-of-way of NC 54 Bypass be reclassified from R-5 to R-4.

SECTION II (Camelot)

That the property identified as Chapel Hill Township Tax Map 48, Block A, Lot 21 located on the south side of Estes Drive and containing approximately 13.25 acres of land be reclassified from R-4 to R-3.

SECTION III (Ridgefield)

That the property identified as Chapel Hill Township Tax Map 52, Lot 11 located on the east side of US 15-501 Bypass and containing approximately 11.14 acres of land and one-half the adjoining right-of-way of US 15-501 Bypass be reclassified from R-4 to R-3.

SECTION IV (Village Green)

That the property identified as Chapel Hill Township Tax Map 77A, including all blocks and lots therein, located on Elizabeth Street and containing approximately 14 acres of land be reclassified from R-4 to R-3.

SECTION V (Old Oxford Road)

That the property identified as Chapel Hill Township Tax Map 27, Block A, part of Lot 3A located on the southeast side of Old Oxford Road and containing approximately 19.75 acres of land be reclassified from R-4 to R-2.

SECTION VI

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

This the 12th day of December, 1983.

Ordinance Amending the Chapel Hill Development Ordinance (to rezone a 30-acre tract near Velma Drive)

Mayor Nassif stated that the rezoning of this tract of land near Velma Drive was subject to the 3/4 vote requirement due to the receipt of a valid protest petition.

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

AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE (83-O-74.2)

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

SECTION I (Velma Drive)

That the property identified as Chapel Hill Township Tax Map 38, Block B, Lot 18 located on the northwest side of Franklin Street and containing approximately 30 acres of land be reclassified from R-1, R-4, and R-5 to R-1.

SECTION II

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

This the 12th day of December, 1983.

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

Resolution Denying a Special Use Permit for The Shire of Chapel Hill

Mr. Jennings stated that the applicant had re-arranged the plans for the proposed buildings along Erwin Road to save a portion of the rock wall and existing significant trees. The parking lot layout and landscaping had been revised. Sage Road was proposed to be off of and to the east of the property.

Councilmember Broadfoot questioned what future traffic plans might be in this area of Chapel Hill that would accommodate traffic projections.

Mr. Jennings stated that a basic approach to traffic concerns had been to request developers to improve rights-of-way. Another idea would be to charge development impact fees for developers who could not provide off-site improvements. Such funds could be used for road improvements on a public scale. This method had been successful in Broward County, Florida. Currently, however, there was no way to improve intersections. It was staff's opinion that requirements of the developer would satisfy long-term traffic needs along Erwin Road, depending upon the Sage Road connection.

COUNCILMEMBER PRESTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO ADOPT RESOLUTION 83-R-183b, TO DENY THE REQUEST.

Councilmember Pasquini felt that the question of controlled growth should be addressed. Mr. Taylor responded that currently the Comprehensive Plan, the Zoning Map, and the Development Ordinance were the documents used to control growth.

Councilmember Smith felt that the Council should take action to improve the health and safety of this area before approving further developments, questioning the adequacy of Weaver Dairy Road to accommodate a traffic capacity of 10,000 vehicles/day. He also felt the Council should strive to maintain low/high density ratio development of this area.

Mayor Nassif stated that his support of the motion to deny the request was not based on traffic concerns, but on the design of the project. He did not feel that the proposed changes were satisfactory or showed good design and did not enhance the site.

Councilmember Kawalec asked Councilmembers Preston and Smith, maker and seconder of the motion, respectively, if they would agree to add the words that the Council failed to find:

--"That the development will comply with all required regulations and standards of the Development 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; and"

--"That the development will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan."

Councilmembers Preston and Smith agreed to the request.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION (83-R-183b, as revised) CARRIED UNANIMOUSLY:

A RESOLUTION DENYING A SPECIAL USE PERMIT FOR THE SHIRE OF CHAPEL HILL (83-R-183b)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby fails to find:

1. That the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

The reason for failure to make the above finding is based on the following:

The public traffic safety would not be maintained or promoted on Erwin Road in the vicinity of the proposed development.

2. That the development will comply with all required regulations and standards of the Development 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; and
3. That the development will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby denies the Special Use Permit requested for said development.

This the 12th day of December, 1983.

Mr. Taylor informed Councilmember Boulton that the study of the Town's intersections would be completed in the late spring, with a report to the Council.

Resolution Approving the Preliminary Plat for Little Hill Subdivision

Mr. Jennings stated that the original proposal provided for a payment in lieu of dedicated open space. On November 14, 1983, the Council requested that the applicant revise his plans to show the inclusion of the required recreation area. The applicant submitted two plans:

1. Proposed resolution 83-R-184b showed the applicant's plan that the open space to be located on the southern part of the property.
2. Proposed resolution 83-R-184c reserved the open space (as passive open space) along Laurel Hill Road.

Mr. Edward Cameron, a resident, stated that residents in the Laurel Hill neighborhood were "overwhelmingly in favor of 'c'," as it provided a buffer that would preserve the character and appearance of the Laurel Hill neighborhood.

Ms. Nancy Tolley, President of the Laurel Hill Association, stated that "a flat payment in lieu does not best serve the people...." as it would change the character of this long-established neighborhood. She supported proposed resolution "c", as it would provide passive recreational space and adequate natural buffer and would preserve the character of the neighborhood.

Mr. John McAdams declined to speak.

Councilmember Broadfoot felt that the Development Ordinance should clarify the difference between various types of open spaces.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF RESOLUTION 83-R-184c.

Mayor Nassif stated that, with the elimination of duplexes in this R-1 zone, the developer could request to build on smaller lots than what was currently being proposed.

COUNCILMEMBER BROADFOOT MOVED TO TABLE THIS MATTER. THE MOTION FAILED FOR LACK OF A SECOND.

Mr. Taylor informed the Council that, under State law, the owner of this property could combine two lots and then subdivide those lots into three lots.

VOTE ON THE MOTION (to adopt the following resolution) CARRIED UNANIMOUSLY:

A RESOLUTION APPROVING THE PRELIMINARY PLAT FOR LITTLE HILL SUBDIVISION (83-R-184c)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary plat designated Alternative C and dated November 30, 1983, for Little Hill Subdivision located on property identified as Chapel Hill Township Tax Map 63, Block C, Lot 1, subject to the following:

1. That a sight triangle easement to Town standards, with necessary clearing and grading, be provided along this property's frontage with Laurel Hill Road to the north of the proposed intersection.
2. That no lots have direct driveway access onto Laurel Hill Road.
3. That the location of the centerline of Laurel Hill Road with respect to the eastern edge of the right-of-way be verified and that, if necessary, additional right-of-way be dedicated to provide 25 feet measured from the centerline along this property's frontage.
4. That the off-site sanitary sewer easement be recorded prior to approval of the final plat.
5. That plans for water and sewer be approved by OWASA prior to approval of the final plat and that the waterline be fully valved with appropriate blow-off.
6. That utility easements as required by OWASA and the Town Manager be dedicated and shown on the final plat and that easement documents as required by OWASA be recorded prior to approval of the final plat.
7. That street names be approved by the Town Manager prior to approval of the final plat.
8. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to approval of the final plat.
9. That a detailed drainage plan be approved by the Town Manager prior to approval of the final plat.

This the 12th day of December, 1983.

Resolution Granting a Planned Development-Housing Special Use Permit to Josh and Richard Gurlitz (Glenshire Forest)

Ms. Barrett explained to Councilmember Pasquini that the Council could fail to make a finding because of the result of the transfer of density, but not because of the transfer of density itself.

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF RESOLUTION 83-R-185c, TO DENY THE REQUEST.

Councilmember Boulton stated that there would be less impact with a design using transfer of density than with a single-family development. Councilmember Howes concurred and encouraged the Council to defeat the motion.

COUNCILMEMBER PASQUINI REQUESTED THAT RESOLUTION 83-R-185c SHOW THE FOLLOWING CHANGE: DELETE THE WORDS "the Forest Creek subdivision;" AND SUBSTITUTE THE WORDS "Taylor Street and on the property on the north and south sides of the property in question."

COUNCILMEMBER SMITH, SECONDER OF THE MOTION, DID NOT CONCUR WITH THE PROPOSED CHANGE.

VOTE ON THE MOTION FAILED TO CARRY 3 TO 6 WITH COUNCILMEMBERS SMITH, PRESTON, AND PASQUINI SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, BROADFOOT, KAWALEC, HOWES, AND MAYOR NASSIF OPPOSING.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF RESOLUTION 83-R-185a

Councilmember Broadfoot objected to the use of utility easements by pedestrians and non-motorized vehicles as he felt it would "destroy the integrity of neighborhoods." Mr. Jennings stated that this idea was an effort to provide pedestrian movement without having to cross streets, similar to the intent behind greenways.

COUNCILMEMBER BROADFOOT MOVED TO DELETE THE USE OF UTILITY EASEMENTS BY PEDESTRIAN AND NON-MOTORIZED VEHICLES (proposed Stipulation #3) FROM THE PROPOSED RESOLUTION. THE MOTION FAILED FOR LACK OF A SECOND.

Mayor Nassif felt that it was not this development that made the widening of Airport Road necessary, but rather other developments that contributed to the traffic capacity; road improvements should not be required of developments on thoroughfares. Mr. Taylor responded that such requirements were made of developers on Weaver Dairy Road, which was an east-west thoroughfare.

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

A RESOLUTION GRANTING A PLANNED DEVELOPMENT-HOUSING SPECIAL USE PERMIT TO JOSH AND RICHARD GURLITZ (83-R-185a)

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 Josh and Richard Gurlitz for Tax Map 29, Lot 2E if developed in accordance with the plans submitted October 10, 1983, and the stipulations and conditions set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Will comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Will be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
4. Will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That N.C. 86 be improved to $\frac{1}{2}$ of a 65-foot cross-section with curb and gutter. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. If an escrow account is established for such road improvements, the applicant may make a cash payment instead of providing the improvements.
2. That a 5-foot wide bike facility be provided along this property's frontage with N.C. 86. This should be a bike lane, if approved by NCDOT. Failing that, this facility should be combined with the sidewalk as a facility

separated from the roadway along the eastern edge of N.C. 86 right-of-way. Plans shall be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. The applicant may make a cash payment according to procedures set forth by the Town Manager instead of providing the improvements.

3. That a 30-foot wide pedestrian/non-motorized vehicle easement be dedicated along the power line easement and through the parking lots which lie partially within the power easements. Graded and cleared connections for a future pathway shall be provided from the parking lots to the property lines along this easement. Plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
4. That additional recreation space be added on the south side of the development such as a picnic area, basketball area and/or playground equipment. Plans for this recreation space shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
5. That the volleyball court be graded and seeded and that the necessary equipment including poles and net be provided prior to issuance of a Certificate of Occupancy.
6. That the proposed bus stop be designed to Town standards and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. That at least two (2) handicapped parking spaces be provided.
8. That wheel stops or curbed islands be provided to separate double-tiered parking bays.
9. That parking areas be screened from adjoining off-site residential areas by a 6-foot high fence, wall or hedge except where necessary to provide access for Duke Power vehicles and pedestrian/non-motorized vehicle traffic.
10. That a shading plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. That the portion of the internal sidewalk network along the eastern end of the cul-de-sac which extends into the proposed right-of-way be moved out of the right-of-way or built to Town standards. That all other sidewalks within public rights-of-way be built to Town standards.
12. That a lighting plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
13. That plans showing the location and detailed design of dumpster pads and screening be approved by the Town Manager prior to issuance of a Zoning Compliance Permit (for each phase).
14. That plans for water and sewer utilities be approved by the Town Manager and OWASA prior to issuance of a Zoning Compliance Permit. Sewer service shall be provided by gravity.
15. That easement documents as approved by OWASA be recorded for utility easements prior to issuance of a Zoning Compliance Permit.
16. That a plat dedicating all easements and street rights-of-way including any off-site easements or rights-of-way necessary to serve the development be approved by the Town Manager and recorded prior to issuance of a Zoning Compliance Permit.
17. That detailed plans for fire hydrant location and design be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. If any hydrants are provided outside the public right-of-way, the property owner shall bear the cost of any assessments required by OWASA for maintenance until such time as this responsibility is assumed by a homeowner's association.
18. That a storm drainage plan with hydrologic calculations be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
19. That the public improvements for each phase be completed before a Building Permit is issued for the next phase.

20. That the names of the development and its streets be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
21. That the detailed plans as required above may be submitted by phase.
22. If any stipulations shall be held invalid or void, then this permit shall be void and of no effect.
23. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with the Chapel Hill Development Ordinance and regulations thereunder.
24. That construction begin by December 31, 1985, and be completed by December 31, 1988.

BE IT FURTHER RESOLVED that the Council finds that public purposes are satisfied to an equivalent degree by exempting the development from the screening requirements of Section 6.6.6c on the turnaround at the end of the 33-space parking lot. This requirement is designed to screen adjacent uses from parking lots. However, there are not now, nor will there be, any buildings in the Duke Power right-of-way.

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 12th day of December, 1983.

Resolution Granting a Temporary Portable Building Special Use Permit to Chapel Hill Flying Club

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

A RESOLUTION GRANTING A TEMPORARY PORTABLE BUILDING SPECIAL USE PERMIT TO CHAPEL HILL FLYING CLUB (83-R-186a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Temporary Portable Building Special Use Permit proposed by Chapel Hill Flying Club for Tax Map 29, Lot 1A, if developed in accordance with the plans submitted September 6, 1983, and the stipulations and conditions set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Will comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Will be 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
4. Will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That the portable building be removed from the Horace Williams Airport site by December 12, 1986, or when Midway Airport is opened, whichever is sooner.
2. That the portable building remain screened from the public right-of-way of Estes Drive.
3. That any and all planting which dies during the life of the Special Use Permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.

4. If any stipulations shall be held invalid or void, then this permit shall be void and of no effect.
5. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with the Chapel Hill Development Ordinance and regulations thereunder.

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

This the 12th day of December, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Approving a Modification of the Special Use Permit for The Woods at Laurel Hill to James E. Plymire

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

A RESOLUTION APPROVING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE WOODS AT LAUREL HILL TO JAMES E. PLYMIRE (83-R-187)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the modification of the Special Use Permit for the Woods at Laurel Hill to add garages and parking for the recreation facilities proposed by James E. Plymire for Tax Map 131, Lot 8 if developed in accordance with the plans submitted October 24, 1983, and the stipulations and conditions set forth below:

1. Will be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Will comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 4, 5 and 6, and the applicable specific standards contained in Sections 8.7 and 8.8, and with all other applicable regulations;
3. Will be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and
4. Will conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

These findings are conditioned on the following stipulations:

1. That no plumbing other than that necessary for potable water be provided in the garages and that no living areas be provided in the garages.
2. That except as modified herein, all other special terms, conditions and stipulations heretofore made applicable to the special use permit be continued in effect.
3. If any stipulations shall be held invalid or void, then this permit shall be void and of no effect.
4. The continued validity and effectiveness of this permit is expressly conditioned upon compliance with or fulfillment of these conditions, and upon compliance with the Chapel Hill Development Ordinance and regulations thereunder.

BE IT FURTHER RESOLVED that the Council hereby modifies the Planned Development-Housing Special Use Permit granted to William L. Hunt and Roger D. Messer on August 25, 1983, for Laurel Hill V, now called The Woods at Laurel Hill, in accord with the plans as submitted on October 24, 1983, and approved and the stipulation above.

This the 12th day of December, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Discussion of Ordinance Amending the Chapel Hill Development Ordinance
(re Durham County appointed member to the Chapel Hill Planning Board and the Chapel Hill Zoning Board of Adjustment)

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER PRESTON, ADOPTION OF ORDINANCE 83-O-75 WITH THE FOLLOWING CHANGES:

--"...consisting of ten (10) members,..." (instead of 11); and

--"Two (2) members appointed by Orange County Board of Commissioners,..." (instead of three).

Councilmember Kawalec stated that the recent resignation of an Orange County appointed member to the Chapel Hill Planning Board could be filled by a Durham County appointment.

Councilmember Smith felt Orange County should be advised of this intent.

COUNCILMEMBER KAWALEC, MAKER OF THE MOTION, AND COUNCILMEMBER PRESTON, SECONDER OF THE MOTION, WITHDREW THE MOTION FROM THE FLOOR.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER SMITH, TO TABLE THIS MATTER UNTIL JANUARY 9, 1984. THE MOTION CARRIED UNANIMOUSLY.

Resolution Calling a Public Hearing on Amendments to the Development Ordinance

Mayor Nassif strongly urged the Council to hold work sessions on the proposed amendments before holding public hearings.

Mr. Barrett urged the Mayor and Council "to call a public hearing on the question of the burden of proof that an applicant has in a Special Use Permit proceeding," as this was an urgent legal matter to the Town.

Councilmember Kawalec felt the matter of duplexes should be considered as soon as possible.

Councilmember Broadfoot felt that all proposals that would be affected by proposed changes should be postponed until a final decision could be reached.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF RESOLUTION 83-R-188, REVISED, TO INCLUDE ONLY ITEMS 1, 2, and 4 (these items would be re-numbered to be consecutive).

Councilmember Smith did not feel that these concerns should be postponed for a long period of time and that all the changes should be made simultaneously.

THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED UNANIMOUSLY:

A RESOLUTION CALLING A PUBLIC HEARING ON AMENDMENTS TO THE DEVELOPMENT ORDINANCE (83-R-188)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a Public Hearing for Monday, January 16, 1984, at 7:30 p.m. in the Municipal Building, 306 N. Columbia Street, Chapel Hill, N.C., to consider the proposed amendments to the Development Ordinance in substantially the following form:

1. Section 8.3.d: REPLACE current wording with the following:

that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

2. Section 8.4.6, fourth paragraph: REPLACE "conclusively" with the word "persuasively".

3. Amend definition of duplexes (Section 18.39) to require that duplex units be attached.

This the 12th day of December, 1983.

Proposed Motion to Call Public Hearings on January 16, 1984, on Proposed Amendments to the Development Ordinance

Councilmember Broadfoot requested that this item be withdrawn from the agenda, as it would be discussed in forthcoming work sessions.

Ordinance Establishing a Town Holiday in Honor of Dr. Martin Luther King, Jr.

Councilmember Thorpe stated that the Federal government had set this holiday to begin in 1986.

COUNCILMEMBER THORPE MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF ORDINANCE 83-O-76.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER PASQUINI, A SUBSTITUTE MOTION, TO REFER THIS TO THE MANAGER.

Councilmember Thorpe stated that he felt that any delay might not permit the holiday to be scheduled in 1984; Chapel Hill would be setting a good example by designating this as a holiday in 1984.

Mr. Taylor stated that, under the normal process, an item would be referred to the Manager for a report to be brought back to the Council. Referral might delay a 1984 enactment. If this ordinance were adopted, the third Monday in January (January 16, 1984) would be observed as a holiday by Town employees. Work schedule adjustments would be necessary to continue to provide Town services; employees would be compensated for work on the holiday.

Councilmember Boulton felt that a good compromise would be a one-year delay. Councilmember Smith felt that the Federal government's decision should be disregarded; the Town should do what it felt was right.

Councilmember Broadfoot stated that he did not oppose the proposed holiday, but suggested that it "did not have to be at economic costs."

Mr. Taylor stated that the direct cash cost to the Town would be about \$15,000 to maintain policy, fire, and some transportation. In addition, it would cost the Town approximately \$15,000 in lost production.

Councilmember Kawalec suggested that an exchange could be made for another Town holiday.

Councilmember Pasquini felt that postponement to January 9, 1984, would allow the Manager adequate time to provide information and to consider other options. Mr. Taylor felt that the problem with this was advising the community about reduced services. He also stated that January 16, 1984, was a scheduled, advertised public hearing.

Councilmember Broadfoot stated that he would support the motion if a trade-off could be made with another holiday. He reasserted his point that his opposition to the motion "was [based on] economics...not whether to honor Mr. King."

VOTE ON THE SUBSTITUTE MOTION (to refer to the Manager) FAILED 3 TO 6 WITH COUNCILMEMBERS PRESTON, PASQUINI, AND BROADFOOT SUPPORTING, AND COUNCILMEMBERS THORPE, BOULTON, KAWALEC, HOWES, SMITH, AND MAYOR NASSIF OPPOSING.

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

AN ORDINANCE ESTABLISHING A TOWN HOLIDAY IN HONOR OF DR. MARTIN LUTHER KING, JR. (83-O-76)

WHEREAS, Dr. Martin Luther King led a revolution that revived equality under the law for Black America and rekindled aspiration and opportunity; and

WHEREAS, Chapel Hill led the way in redressing a legacy of racial discrimination from the past;

LEASE AGREEMENT

This Lease Agreement, dated as of _____, 1984, by and between the Town of Chapel Hill, N.C., a North Carolina municipal corporation, 306 N. Columbia Street, Chapel Hill, N.C. (the "Town"), and the Holmes Day Care Center, Inc. a not-for-profit corporation organized under Chapter 55A of the North Carolina General Statutes, 216 N. Roberson Street, Chapel Hill, N.C. ("Holmes").

In consideration of the mutual covenants and conditions set forth below, the Town and Holmes mutually agree as follows:

1. Lease of Premises: The Town agrees as lessor to lease to Holmes, and Holmes agrees as lessee to lease from the Town, on the terms set forth herein, approximately 3,850 square feet in the basement of the Hargraves Recreation Center, 216 N. Roberson Street (the "Leased Premises"). Said Leased Premises shall be leased to Holmes as set forth herein to operate a State-licensed and federally certified child care center for pre-school aged youth.
2. Use of Premises: The Leased Premises are leased solely for the purpose of and on condition that the Leased Premises be used and employed solely for a Day Care Center, Monday - Friday from 7 A.M. to 5:30 P.M. under Holmes' sponsorship and upon the further condition that the Leased Premises be used, and the Day Care Center program and membership, if any, be made available on a nondiscriminatory basis, without regard to sex, race, color, creed, handicap, or national origin.
3. Term of Lease: The term of this lease shall be five years, commencing on _____ and shall continue until _____. Holmes shall give the Town Manager notice in writing of its desire to enter into a subsequent Lease at least 120 days prior to expiration of the five year term.
4. Duties of Holmes:
 - a) Holmes shall pay a monthly rent of \$125.00 until December 31, 1984, to defray the costs of the Leased premises. At that time and each year thereafter, the amount of the monthly payment shall be renegotiated to reflect the actual percentage increase in the pro-rated cost for utilities for the space occupied by Holmes. The annual increase in rent shall not exceed 10% over the previous period.
 - b) Holmes shall ensure that the Leased Premises are maintained and operated in a safe and sanitary manner. Holmes shall also be responsible for proper safekeeping and security of the Leased Premises.
 - c) Holmes shall strictly comply with all applicable statutes, ordinances, codes and regulations respecting use and occupancy of the Leased Premises, including any provisions relating to licensing of the day care center occupancy by a certain number of persons, building code provisions for

- d) The Town shall allow Holmes to use outdoor open space in Hargraves Park during the Day Care Center's operating hours.
 - e) The Town shall inform Holmes of any intended structural changes to be made to the Hargraves Recreation Center during the term of this agreement, and will consult with the Director of Holmes in order to minimize disruption to day care operations to be temporarily relocated.
6. Insurance: Holmes shall provide at its expense liability insurance, naming the Town as an additional insured, covering the activities of the Day Care Center in amounts approved by the Town Manager, and any other insurance required by law, such as for Worker's Compensation. Copies of certificates of such insurance shall be on file in the Town Manager's Office. Said insurance shall provide that the Town shall be given at least 30 days prior written notice before the policy may be altered, amended or cancelled or terminated or allowed to lapse.
7. Joint Use: On a day-to-day basis, Holmes may be allowed by the Town Parks and Recreation Department staff to use other portions of the Hargraves Recreation Center for activities associated with the Day Care Center activities (e.g., drama, table games, dance) as long as such activities avoid disruption of Town Parks and Recreation operations.
8. Sublease or Assignment: This Lease Agreement may not be assigned or transferred, nor may any of the Leased Premises be sublet, without the prior written approval of the Town Manager.
9. Alterations, Repairs: The Town reserves the right to approve any alterations, renovations, or repairs to or of the Leased Premises.
10. Right of Inspection: The Town reserves the right to enter the Leased Premises and inspect them, or to repair or maintain them, at reasonable times and upon reasonable notice.
11. Personal Injury or Property Damage: Holmes shall indemnify and hold harmless the Town against any claim, cost, expense, liability, action, or judgment arising out of or related to any personal injury, death, or property damage with respect to the Leased Premises which does not arise out of or relate to the active negligence of the Town or its officers or employees.
12. Notice: Any notice or written communication related to this Lease shall be deemed effective if mailed first class or delivered to:

a) For the Town,

Town Manager
306 N. Columbia Street
Chapel Hill, N.C. 27514

b) For Holmes,

kitchens, fire regulations, provisions governing food preparation and handling, and the like. Holmes shall take reasonable precautions to prevent damage to the Leased Premises from fire or other causes, to prevent injuries, and to prevent loss from theft or other causes.

- d) Holmes shall be responsible for all necessary staffing, programming, and operations of the Day Care Center. Holmes agrees to ensure appropriate and prudent supervision by responsible adults at the Leased Premises at all times when the Day Care Center is open. Holmes agrees to obtain approval of the Town in advance of alterations to the hours of operation and schedule proposed for the Day Care Center contained herein.
- e) Holmes will provide all equipment necessary for day care operations, including but limited to, curtains, bulletin boards, and kitchen equipment. On a day-to-day basis, Holmes may be allowed by the Town Parks and Recreation Department staff to use, for day care purposes chairs, tables and other equipment which are the property of the Town; provided, however, that the Town shall not be responsible for the care, storage, repair, replacement or maintenance of any equipment not belonging to the Town.
- f) Holmes shall provide regular janitorial service and supplies for the Leased Premises at its own expense.

5. Duties of the Town:

- a) The Town shall provide Holmes with approximately 3850 sq. ft. of space suitable for certified day care operations in the basement of the Hargraves Recreation Center between the hours of 7 A.M. and 5:30 P.M., Monday through Friday (except in the event of structural alterations to the Center which may require closing of the day care space temporarily), provided however, that the Town shall not be liable for any failure to provide such space during the term of this Lease.
- b) The Town shall provide at its expense all necessary utilities, including electricity, gas, sewer, and water, but not including telephone or cable television service. The Town shall provide necessary repairs to said utilities which it is responsible for providing. Holmes shall be responsible for paying for any telephone or cable television service to the Leased Premises that it may choose to provide.
- c) The Town shall perform general maintenance and repairs on said space (e.g., replacing window panes, repairing light fixtures, annual floor waxing and stripping, plumbing) as needed. However, to the extent that the repairs become repeated and/or excessive, the Town reserves the right to charge Holmes for the costs of said repairs based on time and material expenses incurred by the Town.

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

Section 1: AMEND Section 14.68 of the Town Code by inserting in the list of holidays, after New Year's Day, the following line:

Dr. Martin Luther King, Jr. Birthday (observed on third Monday in January)

Section 2: All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of December, 1983.

Resolution Directing Publication of a Notice of Intent to Lease a Portion of the Hargraves Recreation Center for a Day Care Center

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

A RESOLUTION DIRECTING PUBLICATION OF A NOTICE OF INTENT TO LEASE A PORTION OF THE HARGRAVES RECREATION CENTER FOR A DAY CARE CENTER (83-R-190)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council directs the Town Manager to publish a notice of the Council's intent to enter into a lease with the Holme's Day Care Center, Inc., for approximately 3850 sq.ft. in the basement of the Hargraves Recreation Center on Roberson Street for the operation of a Day Care Center, said lease being substantially in the form presented by the Town Manager with his report on this matter on December 12, 1983, a copy of which shall be kept with the records of this meeting.

This the 12th day of December, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing a Service Agreement with Orange Enterprises, Inc., for a Sheltered Workshop

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF RESOLUTION 83-R-191a.

Councilmember Broadfoot felt this should be County business, or divided on a pro rata basis among Chapel Hill, Carrboro, and Hillsborough. He also questioned how a contribution to physical development of a building provided services. Mr. Barrett responded that the contribution would be returned by providing services to the handicapped population of Chapel Hill.

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

A RESOLUTION AUTHORIZING A SERVICE AGREEMENT WITH ORANGE ENTERPRISES, INC., FOR A SHELTERED WORKSHOP (83-R-191a)

WHEREAS, the Council of the Town of Chapel Hill on June 27, 1983, authorized the appropriation of \$25,000 to Orange Enterprises, Inc. for the purpose of purchasing an existing building in Carrboro to renovate into a sheltered workshop serving handicapped residents; and

WHEREAS, Orange Enterprises Inc. now proposes to revise its plans and construct a building in Hillsborough to house a sheltered workshop; and

WHEREAS, the Council supports Orange Enterprises Inc. plans to improve the condition of the sheltered workshop in Orange County;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Chapel Hill reaffirms its action of June 27, 1983, to authorize the Town Manager to execute on behalf of the Town, a service contract with Orange Enterprises, Inc., for services to the handicapped.

BE IT FURTHER RESOLVED that the appropriation for payment pursuant to the above agreement shall be from non-tax sources.

This the 12th day of December, 1983.

Appointment of Interim Town Clerk

Mayor Nassif stated that the Town Clerk, Mr. David B. Roberts, would be retiring on December 31, 1983, and that the re-organization of this office would involve budgetary considerations. He recommended the appointment of an Interim Town Clerk until such determinations could be made.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, THAT MR. JIM BAKER, FINANCE OFFICER, BE APPOINTED AS INTERIM TOWN CLERK.

Councilmember Smith felt that this additional responsibility on the Finance Officer would further burden him during budget considerations. He felt that Ms. Sandra Perkins, the current Assistant Revenue Collector, would be a more appropriate appointment.

Councilmember Howes explained that the reason for suggesting Mr. Baker was that he was currently in a supervisory position and this interim arrangement would keep the options open until long-term decisions could be made.

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

The Interim Town Clerk would assume responsibility on January 1, 1984.

Ordinance Amending the Position Classification and Pay Plan (Planner II)

Mr. Taylor stated that this was a request to the Council to allow the addition of a Planner II position in the Planning Department, as staff began work on the

Development Ordinance and other planning issues and attempted to catch up with increased work demands, development plans, and review of documents.

Councilmember Smith supported the request and suggested that efforts be made to carry out the Affirmative Action Plan to employ a black individual in this department.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF ORDINANCE 83-O-77.

Councilmember Preston stated that she felt that the whole planning process could be slowed down to help address this need. Mr. Barrett explained that the Development Ordinance had fixed schedules for development requests. Mr. Taylor suggested that this could be part of a work session.

Mayor Nassif felt concern that there might be a need to eliminate this position at budget time. He felt that part of the problem had been that some issues had been continued into the fall of 1983 and were further compounded by increased development requests, and increased public hearings. He also asserted that Council's indecision was part of the problem and that the Council should clarify their objectives and goals to help streamline the process before requesting additional personnel. Mr. Taylor asserted that "if we can balance the work load and get ourselves in a position that we can do the professional job that you want done with less people, you will find me recommending that."

Councilmember Howes asserted that as long as the economy was buoyant and development increased, different and difficult judgments would always have to be made by the Council at each request. Mayor Nassif felt that the process could be more stable.

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

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (1983-84) (83-O-77)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends the "Ordinance Establishing a Position Classification and Pay Plan, etc., "July 1, 1983-June 30, 1984 (83-O-31)" as follows:

In Section IV, under Planning, DELETE the line:

| | | | |
|------------|------------------|-------------|------------------|
| | <u>Full-Time</u> | | |
| | <u>No.</u> | <u>Hrs.</u> | <u>Grade No.</u> |
| Planner II | 3 | 37½ | 22 |

and ADD the line:

| | | | |
|------------|---|-----|----|
| Planner II | 4 | 37½ | 22 |
|------------|---|-----|----|

This the 12th day of December, 1983.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1983" (for Planner II position)

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

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (83-O-78)

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, 1983" as duly adopted on June 27, 1983, be and the same is hereby amended as follows:

| <u>Appropriation</u> | <u>Current Budget</u> | <u>Increase</u> | <u>Decrease</u> | <u>Revised Budget</u> |
|--------------------------|---------------------------|-----------------|-----------------|---------------------------|
| General Fund Planning | 206,372 | 11,605 | | 217,977 |

Revenues

| | | | | |
|---|---------|--------|--|---------|
| General Fund Licenses and Permits | 142,900 | 11,605 | | 154,505 |
|---|---------|--------|--|---------|

This the 12th day of December, 1983.

Ordinance Amending the Position Classification and Pay Plan (changes, Parks and Recreation)

Mayor Nassif stated that this ordinance would delete one Administrative Assistant I position; convert one vacant full-time Recreation Specialist II position to one part-time Recreation Specialist II position and add one part-time secretary. Mr. Taylor stated that these changes were the result of recent administrative changes in the Parks and Recreation Department.

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

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN (83-O-79)

BE IT ORDAINED by the Council of the Town of Chapel Hill that:

SECTION I

That the Council hereby amends the Ordinance Establishing a Position Classification and Pay Plan for the period July 1, 1983 through June 30, 1984 as follows:

In Section IV, under Parks and Recreation: DELETE the lines:

| | <u>Full-Time No.</u> | <u>Hrs.</u> | <u>Part-Time No.</u> | <u>Hrs.</u> | <u>Grade</u> |
|----------------------------|--------------------------|-------------|--------------------------|-------------|--------------|
| Administrative Assistant I | 1 | 40 | - | - | 20 |
| Recreation Specialist II | 4 | 37½ | - | - | 16 |

ADD the lines:

| | | | | | |
|--------------------------|---|-----|---|----|----|
| Recreation Specialist II | 3 | 37½ | 1 | 20 | 16 |
| Secretary I | - | - | 1 | 20 | 8 |

SECTION II

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

This the 12th day of December, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Consent Agenda

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

A RESOLUTION APPROVING VARIOUS RESOLUTIONS (83-R-192)

BE IT RESOLVED by the Chapel Hill Town Council that the Council hereby adopts the following resolutions as submitted by the Manager:

- a. Authorization of right-of-way encroachment agreement for brick retaining wall at 100 Sage Road (83-R-193).
- b. Award of contracts for purchase of uniforms for Police, Fire and Public Safety Officers (83-R-194).
- c. Award of contract for bus shelters (83-R-195).

This the 12th day of December, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions Adopted on the Consent Agenda

The following resolutions were adopted on the Consent Agenda:

A RESOLUTION AUTHORIZING AN ENCROACHMENT AGREEMENT (83-R-193)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes, and authorizes the Town Manager to enter into on behalf of the Town, an encroachment agreement with Forum One Associates, Ltd., and its successors in title to property at 100 Sage Road for a brick retaining wall as described in said Associates' petition dated November 22, 1983, with conditions including but not necessarily limited to the following:

1. The owner shall construct the wall at its sole expense and in accord with applicable regulations, codes and statutes. The detailed design of the improvements shall be subject to the Town Manager's prior approval.
2. The owner shall hold harmless and indemnify the Town from any damage, injury or death arising out of or in connection with the construction or presence of the brick wall and related improvements.
3. The owner, or future owner, shall agree to remove the improvements at owner's sole expense promptly upon request of the Town.

This the 12th day of December, 1983.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACTS FOR FIRE, POLICE, AND PUBLIC SAFETY OFFICER UNIFORMS (83-R-194)

WHEREAS, the Town of Chapel Hill solicited formal bids on November 6, 1983 and the following bids have been received:

| <u>Item</u> | <u>American Uniform Sales</u> | <u>Hub Uniform Sales</u> | <u>Robert's Uniform</u> |
|----------------------------|-----------------------------------|------------------------------|-----------------------------|
| <u>Police/PSO Uniforms</u> | | | |
| 101 short sleeve shirts | \$1,575.60 | \$1,691.75 | \$1,704.88 |
| 100 long sleeve shirts | 1,700.00 | 1,875.00 | 1,835.00 |
| 97 dress pants | 1,940.00 | 2,012.75 | 2,296.96 |
| 2 car coats | 150.00 | 152.00 | 153.60 |
| 4 light jackets | 130.00 | 132.00 | 144.72 |
| 10 patrol caps - winter | 129.50 | 127.50 | 119.00 |
| 2 officer caps - winter | 25.90 | 29.50 | 27.10 |
| 3 patrol caps - summer | 38.95 | 36.00 | 35.70 |
| 3 patrol caps - summer | <u>38.95</u> | <u>42.00</u> | <u>40.65</u> |
| SUB TOTAL | \$5,728.90 | \$6,098.50 | \$6,357.61 |

Fire Uniforms

| | | | |
|---------------------------|---------------|---------------|---------------|
| 123 short sleeve shirts | \$1,402.20 | \$1,340.70 | \$1,500.60 |
| 123 long sleeve shirts | 1,599.00 | 1,512.90 | 1,720.77 |
| 15 dress pants (PP) | 292.50 | 270.00 | 322.95 |
| 3 dress pants (GAB) | 105.00 | 98.25 | 117.69 |
| 105 work pants | 1,811.25 | 1,543.50 | 2,004.45 |
| 5 work jackets | 194.75 | 160.00 | 193.05 |
| 15 short sleeve coveralls | 225.00 | 225.00 | 221.85 |
| 15 long sleeve coveralls | <u>240.00</u> | <u>240.00</u> | <u>241.65</u> |
| SUB TOTAL | \$5,869.70 | \$5,390.35 | \$6,323.01 |
| TOTAL BID | \$11,598.60 | \$11,488.85 | \$12,680.62 |

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bids of and awards contracts to American Uniform Sales for Police and Public Safety uniforms in the amount of \$5,728.90 and the bid of Hub Uniform Company for Fire uniforms in the amount of \$5,390.35.

This the 12th day of December, 1983.

A RESOLUTION ACCEPTING BIDS FOR PREFABRICATED BUS SHELTERS (83-R-195)

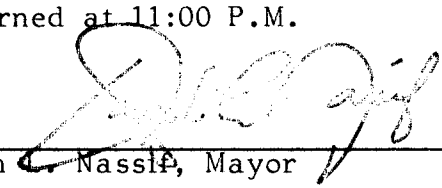
WHEREAS, the Town of Chapel Hill has solicited formal bids on September 13, 1983 and the following bids have been received:

| <u>Item</u> | <u>Midwest American Shelter Systems</u> | <u>Columbia Equip. Co.</u> | <u>Handi-hut Inc.</u> |
|--|---|--------------------------------|---------------------------|
| <u>Base Bid</u> <u>7 Shelters</u> | \$15,543.48 | \$16,000.00 | \$16,597.00 |
| <u>Alternate Bid</u> <u>20 Shelters</u> | \$48,071.73 | \$51,405.00 | \$53,352.00 |

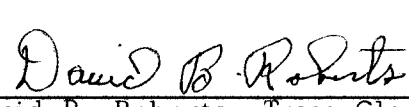
NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of and awards a contract to Midwest American Shelter Systems in the amount of \$15,543.48.

This the 12th day of December, 1983.

As there was no further business to come before the Council, the meeting was adjourned at 11:00 P.M.



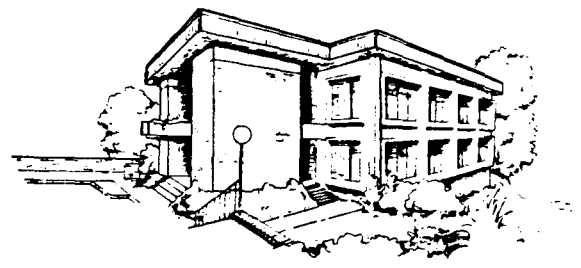
Joseph Nassif, Mayor



David B. Roberts, Town Clerk

TOWN OF CHAPEL HILL

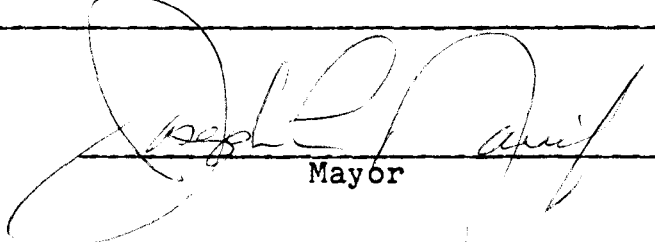
306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111



NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN COUNCIL

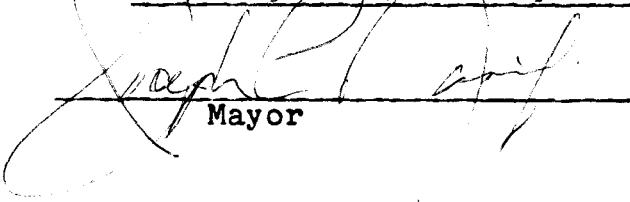
TO: Marilyn Boulton
Winston Broadfoot
Jonathan Howes 250.12.83
Beverly Kawalec
David A. Pasquini
Nancy Preston
R. D. Smith
Bill Thorpe 3.65.12.83

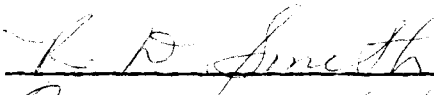
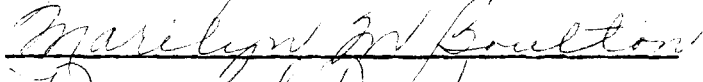

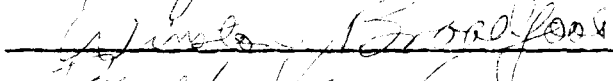
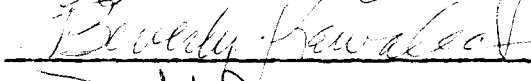


You, and each of you, are hereby notified that the Town Council has called a Special Meeting, to be held in the Meeting Room, at 4:00 P.M. on Tuesday, December 13, 1983, for the purpose of holding an Executive Session to discuss litigation.


Mayor

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Chapel Hill Town Council, hereby accept notice of a Special Meeting of the Council, called by Honorable Joseph L. Nassif, Mayor, to be held in the Meeting Room, Municipal Building.

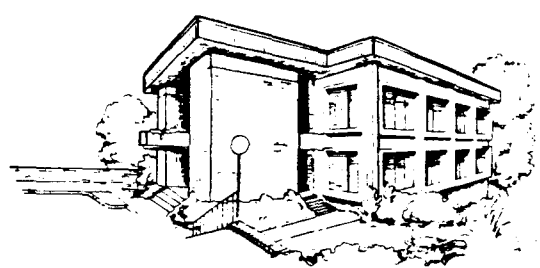

Mayor

THIS MEETING
WAS CANCELLED.

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111

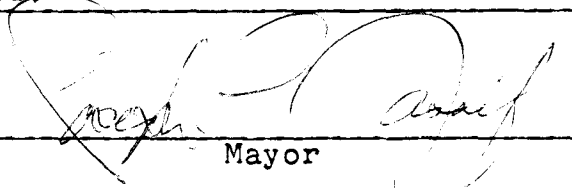


NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN COUNCIL

TO: Marilyn Boulton ²⁻¹⁵⁻⁶⁻²¹⁻⁸³
Winston Broadfoot
Jonathan Howes
Beverly Kawalec ²⁻⁴⁷⁻⁶⁻²¹⁻⁸³
David Pasquini ²⁻⁰⁷⁻⁶⁻²¹⁻⁸³
Nancy Preston
R. D. Smith
Bill Thorpe ²⁻³⁵⁻⁶⁻²¹⁻⁸³

You, and each of you, are hereby notified that the Town Council has called a Special Meeting, to be held in the Meeting Room, at 4:00 P.M. on Wednesday, Dec. 28, 19 83, to consider the issuing of parking revenue bonds and the acquisition of a portion of Municipal Parking Lot #2.

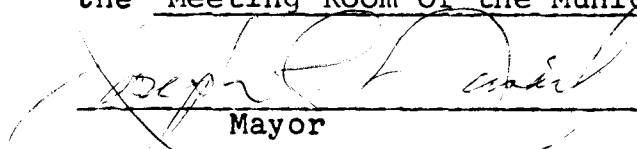
and to hold an executive session to consider the acquisition of an interest in real property.



Mayor

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Mayor

