

Street Paving

28, 1975.

Consideration of this matter was postponed to the meeting of April

Day Care Task Force
Report--Work Session

The work session was scheduled for one evening during the week of May 11, 1975.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:50 p.m.



 Mayor



 Town Clerk, David B. Roberts

MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE OLD TOWN HALL, MONDAY, APRIL 28, 1975 AT 7:30 P.M.

The Board of Aldermen met for a Public Hearing, followed by a regular meeting, on April 28, 1975 at 7:30 p.m. in the Old Town Hall. The roll was reported as follows:

Present:	Howard N. Lee, Mayor
	Gerald A. Cohen
	Thomas B. Gardner
	Shirley E. Marshall
	Sid S. Rancer
	R. D. Smith
	Alice M. Welsh

Absent:	None
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A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts, and Town Attorney E. Denny. Planning Board members present were Ms. Conley, Mr. Howes, and Mr. Liner.

PUBLIC HEARING

Annexation

Mayor Lee said that the Public Hearing is a joint hearing with the Planning Board to consider a proposal for annexation of certain unincorporated areas into the Town of Chapel Hill. The proposal has been recommended for approval by the Planning Board. Notice of public hearing, Planning Board transmittal and Annexation Plan Report have been distributed to the Board of Aldermen and have been available for public inspection. Mayor Lee explained the procedure to be followed at this hearing.

Mr. Mike Jennings, Planning Director, said that on January 6, 1975, Board of Aldermen directed the Town Manager to study areas eligible for annexation; on February 18, 1975, the first progress report was submitted, and on March 4, 1975, the second progress report was submitted in a work session, in which several areas were deleted from the original proposal. On March 18, 1975, the Planning Board reviewed the report and recommended its approval. On March 24, 1975, Board of Aldermen reviewed the report and passed a resolution of intent to annex. The Annexation Plan Report, dated April 7, 1975, has been on file since April 14, 1975, and available for public inspection. The Annexation Report is a legal document consisting of the written report and of four maps, showing the existing and proposed Town limits, land use in Town, existing and needed sewer

outfalls, and existing and needed water mains. The purpose of annexation of outlying areas is expressed in the State policy for annexation, prompting sound urban development and adequate provision of governmental services in urban areas, and in Town policy for annexation, which encourages bringing into Town all adjacent territory that is inhabited largely by those who work, shop, attend schools and churches in Town and use Town facilities. When a municipality annexes an area by ordinance, State requires that the area in question meets certain standards of urban development and that the municipality is able to extend municipal services to the annexed areas. To see that all the areas considered in this report meet the required standards, a field survey was made to determine the number of dwelling units, types of land use, and condition of roads in each of the areas. The population of each area was estimated using the 1970 U.S. Census, and the total acreage of each area was estimated using measurements from Orange and Durham County Tax Maps.

Mr. Jennings said that Area 1 extends north from the existing Town limits near Brookview Road and includes the subdivisions of Countryside, Argonne Hills, Green Hills and North Lake Forest Estates. All development in the area is residential in character. He showed the location of the area on the map. He said that the area meets requirements for annexation and is considered a growth area for Town; the residents are a part of community of Chapel Hill. Annexation of this area will permit better control of traffic along Eastwood, Shadylawn, and Countryside corridors. The area will be served by route B bus line, which runs on Lake Shore Drive, although service will not be extended directly into the area. The area needs additional storm drainage, but other services are available. The annual operating expenses for this area are estimated at about \$18,000 and the total cost for capital improvements for this area is estimated to be about \$59,000.

Mr. Jennings said that Area 2 extends east from the existing Town limits near Eastwood Lake to Weaver Dairy Road and along U.S. 15-501 to approximately the Durham County Line, including Booker Creek Subdivision, Foxcroft Apartments, Booker Creek Apartments and Pinegate-Eastowne Apartments; office and commercial development along U.S. 15-501, including the Blue Cross-Blue Shield Building; University Heights; and Chapel Hill cemetery. He showed the area on the map. He said that this area is considered a growth area for Town, and is part of the community of Chapel Hill. Sewer outfalls and water lines will need to be extended to University Heights. Bus Service can be extended into the area along route B. The annual operating expenses for this area are estimated at about \$105,000, and the total cost for capital improvements for this area is estimated at about \$238,000.

Mr. Jennings said that Area 3 extends south from the present Town limits near Wildwood Drive to just beyond Little Creek. It is completely single family development and includes the Briarcliff Subdivision. He showed the area on the map. He said that the area is part of the community of Chapel Hill. Street improvements and improved storm drainage is needed in the area. Bus service can be provided by route G. Annual operating expenses for this area are estimated at about \$10,000, and the total cost for capital improvements is estimated at about \$97,000.

Mr. Jennings said that Area 4 extends north from the existing Town limits at N. C. 54 to the southern boundary of Area 3 and includes The Oaks subdivision containing a large amount of single family development along Burning Tree Drive and The Oaks Apartments. He showed the area on the map. He said that the area is part of the community of Chapel Hill. The area needs extensive street improvements. Bus service would not be extended at the present time into the area, but route G now serves The Oaks Apartments. The annual operating expenses for this area are estimated at about \$20,800, and the total cost for capital improvements is estimated at about \$42,000.

Mr. Jennings said that Area 5, Northside, is a small section of county land between the corporate limits of Carrboro and Chapel Hill; the area better served by Carrboro is not included in this report. He showed the area on the map. He said that the area is part of the community of Chapel Hill and has a strong relationship to NDP area. Street improvements and water lines are needed in the area. Some of the residents keep swine in their backyards, which would be in violation of Town Ordinances if the area were annexed. Bus service can be provided by N route. The annual operating expenses for this area are estimated at about \$3,000, and the total cost of capital improvements is estimated at about \$34,000.

Mr. Jennings said that Area 6 extends west from the existing Town limits on Umstead Drive to Estes Drive extension. He showed the area on the map. He said that the area is almost surrounded by Town, and is part of the community of Chapel Hill. By annexing the area, Town will obtain control of Estes Drive - Umstead Drive intersection. Service to the area can be provided by bus route N. No appropriations are needed to finance capital improvements.

Mr. Jennings said that Area 7 extends north from the existing municipal limits near Barclay Road to the northern boundary of the Chapel Hill Zoning and Subdivision District, and is owned in its entirety by the University of North Carolina, including the Horace Williams Airport. He showed the area on the map. He said that the area is a growth area for town, and its inclusion allows Town a greater flexibility in extending its planning area. No appropriations are needed to finance capital improvements.

Mr. Jennings said that the Planning Director recommends approval of the report.

Mayor Lee asked for comments in opposition to annexation of Area 1.

Ms. Carolyn Elfland of 901 Cedar Fork Trail presented a petition to the Board with ten signatures requesting that Countryside Subdivision not be annexed into the corporate limits of Chapel Hill at this time. She distributed a chart to Board members showing that Area 1 without Countryside meets residential requirements for annexation, and that Countryside alone does not meet these requirements. She read the following statement:

The residents of the Countryside subdivision would like to request that Countryside be deleted from the proposed area for annexation designated as Area 1.

We believe that it is in the best interests of the current residents of Chapel Hill and the Town of Chapel Hill that this be done.

A glance at the chart will show, and the planning experts can verify, that Area 1 will still meet the requirements of section (c) (2) of the annexation statutes, and indeed will exceed them, without Countryside. Countryside alone meets none of the statutory requirements for annexation. A glance at the chart will show that, with only 0.4 persons/acre, Countryside needs a 500% increase in population to meet the requirements of (c) (1) and a 250% increase to meet the requirements of (c) (2). It does not meet the requirements of (c) (3), (d) (1), or (d) (2) either.

We note in the annexation report that the town police department requested 1 car and 4 men to cover one or all of the proposed annexation areas. However, we note that last year the police department also requested one car and 4 men to cover the existing town limits and this was denied. Therefore, with the police department already understaffed, the addition of all these annexation areas with only 1 more car and 4 more men would seem to be unrealistic. Either more cars and men will be needed, at a much greater cost than that projected in the report, or service to all residents of the town will have to be diluted, at a possibly greater cost. Since it is nearly 1/2 mile from the first house in Countryside to the nearest house it would be a considerable savings in time and manpower for the police department if Countryside were deleted.

With regard to fire protection, the same argument of increased cost or decreased service can be made. Also, Countryside is closer to the New Hope Fire Department than to either the Airport Road station or the Elliott Road station. Thus, we would receive better fire protection if we were not annexed.

We believe that one of the major attractions of Countryside for prospective buyers is the fact that it is outside the city limits. With this attraction removed, Countryside will probably develop more slowly, thus making the whole of Area 1 a liability to the town budget for a longer time than the 5 years projected in the annexation report.

With the deletion of Countryside from Area 1, the remaining portion would be denser by nearly 50%, would be closer to town, and thus would be cheaper to serve. Thus, without Countryside, Area 1 may be a liability to the town's budget for a shorter period of time than the 5 years projected in the annexation report.

As you know, the developer of Countryside will begin construction on a condominium section after homes have been built on the 34 lots in section 3 of Countryside. This construction, which is over a year away at the earliest, would greatly increase the density of Countryside and make it economically a sounder annexation choice. In addition, the Carroll Woods retirement development will be well along by that time. With the addition of Carroll Woods, it would be economically attractive to annex the area, and it would be possible, as well as probably necessary, to build a fire station in the area. Also it would be economically much more attractive to provide police protection, as well as garbage and trash collection.

Perhaps the most graphic example of why Countryside is very much an economic liability at this time is the fact that the U. S. Post Office declines to serve Countryside. At the present time our mailboxes are located nearly a half mile from the first house in Countryside, in front of a house in North Lake Forest Estates. If the postal service, which need only provide 1 man and 1 jeep for perhaps an additional half hour a day 6 days a week finds it unprofitable to do so, can the town find it in its interest to annex the area, when it must provide police, fire, trash, and garbage services, not to mention necessary capital improvements such as street lighting?

In summary, we believe that the inclusion of Countryside in Area 1 would result in either a much larger expenditure than estimated for services or would result in a decrease in service to all residents of the Town of Chapel Hill. The tax base of Countryside cannot support the services it demands. Countryside (with only 0.4 persons/acre) is in its infancy as a development, and infants are incapable of supporting themselves.

We therefore request that the Board wait until Section 3 has been fully developed and the condominiums are built, when we will be in the adulthood of our development and capable of paying our fair share.

From the standpoint of good business practices, no businessman will do at a loss today what he can do at a profit tomorrow. Certainly the use of tax revenues warrants the same sound judgement.

Mr. J. H. Harrison of 806 Kenmore Road presented a petition signed by fifteen property owners requesting that North Lake Forest Estates not be annexed into the corporate limits of Chapel Hill at this time. The area residents have petitioned State for traffic control in the area. He said that if the area were annexed, bus service to the area would need to be added to projected service costs. He said that the criterion of immediate service to annexed areas is questionable, since there are areas now inside Town limits annexed several years ago that still are not provided all needed services.

Mayor Lee asked for comments in favor of annexing Area 1. There were none.

Alderman Cohen said that a possible bus service extension has been considered in the area along Shadylawn Road and Kenmore Road.

Mayor Lee asked for comments in opposition to annexation of Area 2.

Mr. Ed Pizer, owner and developer of Eastowne Office Park, said that Eastowne and Blue Cross/Blue Shield have spent over \$300,000 to extend water and sewer to their properties along U. S. 15-501. Of the people renting office space at Eastowne, 21 out of 31 are not from Chapel Hill. He said that the fire rating is satisfactory, that Eastowne has internal protection and a private refuse collection, and he does not feel that Town services especially bus, are necessary since the majority of people are not from Chapel Hill. In addition, the area is served by Durham telephone system. He said that annexation would create a hardship, since the leases have been signed for three to five years without considering the possibility of annexation. It might be profitable for Town to take the property, but he does not feel that this would be a fair way of annexing, since the owners have extended the sewer lines at their own cost. He asked that consideration of annexation be postponed for five years, and that a plan be developed showing the proposed timetable for annexation. If the area is annexed, then taxes should not be retroactive.

Ms. Sylvia Wilkinson of Williams Street read the following statement:

The permanent residents of the University Heights community in area 2 would like to raise the following objections to the planned proposal by Town of Chapel Hill to annex this area. In the reason for annexation and economic development, the phrase "sound urban development" is used. We suggest that the old University Heights area is a rural area, and one that should be preserved as is, with gardens, dirt roads, pets, wildlife, wells, septic tanks, etc., and protected in this time of urban sprawl by get-rich-quick developments, and apartment complexes and subdivisions. University Heights is also separated from the boundary of Chapel Hill by farm land. This area has been established for many years, unlike the Booker Creek-Eastowne areas, therefore the residents are self-sufficient, and do not need the services offered by the City of Chapel Hill. To the contrary, considerable expense has been accumulated by us to install wells and septic tanks. The sewer would cost the city a great deal, and we don't even need it. Also, this is a lower-lower middle income community that cannot afford the city taxes. Some of the residents have lived here for 20 years in contrast to the transient population of the apartment complexes and the Blue Cross building. Furthermore, the residents of University Heights are not impressed by the Town's offer of services. This area is zoned residential, yet, although the city offers services to us in their annexation plan immediately, complaints by many permanent residents of this area of about ten acres of junked cars and house trailers, brought no action whatsoever by the city Zoning Board. The so-called advantage of city mail service enacted recently has meant that we receive our mail in the afternoon instead of the morning. We feel that the higher population density of the apartment complexes is in direct contrast to our low population rural community. We also feel that the Blue Cross organization wants to have its cake and eat it too. They purchased land at rural prices and now they want city services because they are paying high rates for fire insurance. Please consider us in a different light. We own our homes and we like the rural life that we chose to live. In closing, we, the permanent residents of University Heights, propose that we be deleted from the annexation plan for Chapel Hill.

Mayor Lee asked for comments in favor of annexing Area 2.

Mr. Ken Pace, operating manager of Pinegate Apartment, said that 60% of the tenants are professional people, and he feels that Town facilities will aid them, especially bus and recreational facilities. There are also problem areas adjacent to the apartment complex, and he feels that annexing the area will alleviate these.

Ms. Monika Nees of Foxcroft Apartments asked who will be responsible for improving the access road to Foxcroft Apartments, if the area were annexed. Town Attorney Denny said that the road is in the state highway right-of-way, and is under state maintenance whether or not the area were annexed. Ms. Nees asked how soon police protection would be provided to the area. Town Manager Kendzior said that this would be provided immediately on the adoption of the ordinance of annexation.

Alderman Cohen said that if the area were annexed, people would not pay retroactive taxes, but would pay taxes beginning Town's fiscal year, July 1, 1975.

There were not statements in opposition or in support of annexing Area 3.

Mayor Lee asked for statements in opposition to annexation of Area 4.

Mr. Jim Merkel, president of The Oaks Association, said that he also is speaking on behalf of Representative Trish Hunt, who is unable to be present at this hearing. He said that The Oaks has had extensive problems with streets, with roads not acceptable to State or to Town, and residents feel that the problem is partially Town's fault, since Town approved the lots for construction and issued the building permits. The residents contacted Town in 1974 about possible annexation to Town, but were told that Town would not have funds available to repave the streets. Residents spent their own money to repave the streets, and were under the impression that Town would not annex the area for two years. The roads were repaved and met State specifications as of November, 1974, with final approval granted in February, 1975. Since then, residents have learned that Town is anxious to annex The Oaks. He presented the following letter written to Mr. Chet Kendzior, dated April 15, 1975; with signatures of thirty property owners opposing annexation:

April 15, 1975

Mr. Chet Kendzior
Town Manager
Town of Chapel Hill
North Carolina 27514

Dear Mr. Kendzior:

Because of the recent publicity indicating "The Oaks was being considered for annexation by the Town of Chapel Hill by July 1, 1975 the membership of The Oaks Association held a meeting on April 10, 1975. All were concerned at the apparent abrupt change in position of the Town of Chapel Hill.

You should recall a Committee from our Association (T. Hunt, J. Merkel, G. High) met with you in mid-1974 to explain the situation we all faced in "The Oaks" and how we felt the Town was in no small way responsible. As a result we believed we had your assurance that this area would not be annexed for at least a period of two years. Based on this assurance our property owners have spent thousands of dollars to repair the roads to bring them to State requirements. We have received State acceptance. After bearing this large unplanned for expenditure it is indeed disconcerting to hear you have forgotten your earlier commitment and we are now faced with the possibility of being annexed this year.

We do not know the reasons behind this apparent change in attitude. However, our members are disturbed and the attached signature list stating "The Oaks" area is opposed to annexation seems clear we are not in accord with the Town's reversal of position.

We suggest that "The Oaks" not be considered for annexation this year.

Sincerely,

/S/

James Merkel

James Merkel, President
The Oaks Association
Burning Tree Drive
Chapel Hill, N.C.

Mr. Merkel read the following letter from Ms. Hunt:

TO: The Mayor and the Board of Aldermen
FROM: Patricia S. Hunt
RE: Annexation of the Oaks

My apologies for not being able to attend this hearing in person, but I am sure you understand that I must be in Raleigh.

I appreciate the letter from Mrs. Marshall which I think quite succinctly clears up my recollection of the meeting held in Mr. Kendzior's office sometime in the spring of 1974.

After that meeting, we in the Association went to work to secure bids and money to patch up the streets in the area to meet the state standards. We were faced with momentous delays caused by weather, caused by negotiations with many groups (including the University, the Country Club and Oaks Apartments), and caused by a large number of houses being built with sewer and water cuts. Finally, we decided to fund the patching ourselves. At the time the whole thing started, there were only 6 houses out here and no apartments occupied. Now, all the apartments are occupied and there are about 30 houses out here.

When we finally patched the roads together and the State had recommended their acceptance, it was November. It was not until February 7, 1975 that the State finally accepted the roads. Obviously, there is no way the State can put these streets into a resurfacing priority for this paving year. The paving year for the state goes by the weather--from spring to fall. We have barely been accepted onto the system.

I believe there are two possibilities for us--one dependent on a bill now pending in the State which will bring all developments up to standard in the State by the DOT and requiring all new developments to be at State standard when developed (which is the legislation that Mr. Rose was interested in and which I have been supporting in the General Assembly) and secondly, we may have a chance with county allotments for the next paving year (this would not come from straight county allocation but from maintenance money). Obviously, neither of these will be available to us with annexation.

We know and the DOT knows and I believe the Town knows that our streets will not hold up without resurfacing. It has not helped our chances with the DOT to have letters of inquiry about annexation and resurfacing from the Town. We have a new man (the third in three years) as head of DOT, which means starting all over again.

The land in The Oaks is expensive. The reason it is expensive is because of the degree of development and its location. When we paid for our lots, we paid for water, sewer, underground electric lines and streets that were curbed and guttered and paved. This whole area is in the Chapel Hill Zoning District--almost all of us received permits from the Town to cut the streets for the sewer cuts (which we believed were already to our lots)--and it was not until after that action by Town employees that we found out the streets were not the property of the Town or the State.

It is my feeling that Town officials have given us a moral commitment to leave us out of the Town--for two years--not only in the meeting referred to above but also in the Fire District discussions later on.

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We have paid for our paved streets, twice--and still they remain in immediate danger of collapsing, without a resurfacing. It seems to me to be in the best interest of The Oaks and the Town to give us our one additional year to get this done. We have already put up our money to take the risk of achieving this goal.

Mr. Merkel said that the residents of The Oaks are looking for a fair judgement and understanding, and asked that annexation of the area be deferred. He said that earlier discussions with Town Manager Kendzior support this request, as does a recent letter from Alderman Marshall. He asked whether the proposed \$43,000 expenditure for capital improvements in the Oaks includes road surfacing. Mr. Jennings said yes.

Mayor Lee said that in the discussions held with Town officials, he does not believe that assurances were given that the area would not be annexed for two years, since at that time Town was not sure which areas would be considered for annexation. On July 1, 1974, Board of Aldermen agreed to contract for fire services for The Oaks for a period not to exceed two years, with the residents of the area being informed that annexation is being actively considered. The problems with the streets occurred several years ago, and Town has moved as fast as it could to remedy the situation.

Mr. Merkel asked that Town Manager clarify his letter of April 23, 1975. Town Manager Kendzior said that this letter was sent in response to Mr. Merkel's letter dated April 15, 1975. Town Manager Kendzior said that the information in the letter is based on memory; he could only recall two meetings with The Oaks representatives during which fire protection and street improvements were discussed. He said that he does not recall stating in any of the meetings that Town would not annex the area, that the discussion concerned what Town would accept in street conditions for the area if annexation were considered. Mr. Merkel said that a meeting with Town officials was also held prior to the two meetings referred to, at which annexation and timing of it was specifically discussed. He said that the area residents realized that annexation was a likely possibility, and the issue was the timing of it, since they were not going to spend their money repaving streets if Town were considering immediate annexation. After the first meeting, residents believed that annexation would not be immediate and spent their own money to repair the streets to State standards.

Mr. Thomas Hunt of Burning Tree Drive said that State Legislature is considering a bill that would bring all streets in subdivisions up to State standard. He said that the streets in The Oaks are in very poor condition, and, if there were any possibility that State will be able to improve them, this would be preferable to Town doing so.

Mr. George High of Burning Tree Drive said that he speaks on behalf of the Chapel Hill Country Club and presented a letter from its president, A. Berry Credle, stating that the Chapel Hill Country Club requests that the 12th and 13th fairways of its golf course, presently included in the area under consideration for annexation, be excluded, since the area requires no Town services, and thus imposes no financial burden on the Town. He said that the Country Club needs no water or sewer services, that the additional taxes would be a burden to it, and annexation would not offer anything to the Country Club members. He said that he attended the meetings with Town representatives where annexation possibility was discussed, and the representatives were told that annexation would not be economically feasible. He said that he feels it is poor policy for Town not to provide street improvements when they are needed, but to attempt annexation after these improvements have been made and after additional homes have been built in the area causing the tax values to increase. He said that he feels area residents would not oppose annexation after July 1, 1976, and asked that annexation of the area be deferred.

Mayor Lee asked for comments in favor of annexing Area 4. There were none.

There were not statements in opposition or in support of annexing Areas 5 and 6. Alderman Welsh asked whether there are any houses in Area 6. Mr. Jennings said there are two houses.

Mayor Lee asked for statements in opposition to annexation of Area 7.

Dr. Claiborne S. Jones, Vice Chancellor for Business and Finance of UNC, asked whether the Annexation Plan Report is correct in regard to Area 7, stating on page 24 that all other services can be performed with existing personnel, equipment and facilities and the annual costs can be provided from the General Fund. Mr. Jennings said that the statement is in error; annexation of the area would cause no increase in expenses for Town.

Dr. Jones read the following statement:

THE UNIVERSITY OF NORTH CAROLINA
AT
CHAPEL HILL
27514

Claiborne S. Jones
Vice Chancellor
Business and Finance

103 South Building
(919) 933-6961

April 28, 1975

Mayor and Board of Aldermen
The Town of Chapel Hill
Chapel Hill, North Carolina 27514

Ladies and Gentlemen:

The purpose of this statement is to register the opposition of The University of North Carolina at Chapel Hill to the proposed annexation, by the Town of Chapel Hill, of certain properties of the University extending north of the existing municipal limits near Barclay Road to the northern boundary of the Chapel Hill Zoning and Subdivision District, those properties being designated as Area 7 in the Annexation Plan Report dated April 7, 1975, which is now before you; and to record the University's request that these Area 7 properties be removed from consideration for annexation by the Town of Chapel Hill.

It is the University's conclusion that the Town's annexation of Area 7

- (a) would be sharply at variance with the Town's long-established and now-reiterated policy concerning annexation of adjacent territory;
- (b) would not meet the legal requirements for annexation as set forth in N.C.G.S. Chapter 160A, Article 4A; and
- (c) would be of no discernible benefit to the University or to the Town of Chapel Hill.

These reasons for the University's opposition are elaborated below.

1. Variance from the Town's Established Annexation Policy

The Annexation Plan Report now before you includes (at Page 1) the following:

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"The Town of Chapel Hill has long recognized its responsibility to provide urban services to developing areas and to include such areas in the corporate limits once they have reached a certain degree of urbanization. This recognition is expressed in the following policy statement which was originally adopted in 1956:

'It is the established policy of the Town of Chapel Hill to bring into the Town all adjacent territory that is inhabited largely by those who work in Chapel Hill, make many of their purchases in Chapel Hill, attend schools and churches in Chapel Hill and use the Chapel Hill facilities. A program of annexation will serve to better unify the "Community of Chapel Hill" and bring into the Town additional sources of leadership and participation in the local government.'

As noted on Page 23 of the Annexation Plan Report, "There are no dwelling units in this area" -- which is to say that the area is totally uninhabited. It has no residents who work, purchase, or attend schools and churches in Chapel Hill or use Chapel Hill facilities and none who by annexation would better unify the Community of Chapel Hill and bring into the Town additional sources of leadership and participation. Area 7 therefore fails to qualify for annexation under the Town's statement of annexation policy and purposes.

2. Failure of Area 7 to Qualify for Annexation Under G.S. 160A

The Annexation Plan Report (at Page 22, Item 4) undertakes to qualify Area 7 for annexation under G.S. 160A-48(c)(3), which reads as follows:

"(c) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

- (1) . . .
- (2) . . .
- (3) Is so developed that at least sixty percent (60%) of the total number of lots and tracts in the area at the time of annexation are used for residential, commercial, industrial, institutional or governmental purposes, and is subdivided into lots and tracts such that at least sixty percent (60%) of the total acreage, not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes, consists of lots and tracts five acres or less in size."

The Annexation Plan Report in this connection appears to assume (a) that Area 7 is a single tract, within the meaning of G.S. 160A-48, merely by virtue of its single ownership; and (b) that Area 7 is developed for institutional use merely because it is currently "classified (does this mean zoned?) as being used for 'institutional purposes'." The University believes that both assumptions are without basis in fact.

As to the first assumption, it is the University's belief that a tract, in the meaning of the statute, is a parcel of land clearly identified and recorded as an entity separate and distinct from other such tracts, and that the integrity of such a tract is in no way altered by the fact that two or more, whether or not contiguous, are held by the same owner. It is believed that county land records and recorded conveyances with metes and bounds descriptions will confirm that Area 7 includes eight such tracts varying in size from about one acre to several hundred acres.

As to the second assumption, it is the University's belief that the word "developed", as used in G.S. 160A-48(c) (3), must be understood to mean some substantial tangible modification or improvement making possible significant use of a tract in other than its unimproved state. This belief seems to be supported by the language of G.S. 160A-45, "Declaration of policy", which reads in pertinent part, "(2) that municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and welfare in areas being intensively used for residential, commercial, industrial, institutional and governmental purposes or in areas undergoing such development;" (emphasis added).

As the University understands the meaning and intent of the statutory language, (a) one of the eight tracts in Area 7 is unquestionably developed and being intensively used; it is the 50-acre tract on which are situated the University's Physical Plant and General Storeroom Facilities and its Airport Operations Building; (b) four of the eight tracts are entirely undeveloped; (c) two of the eight tracts are developed to the extent that there is airport runway paving on substantial portions of their acreage; and the largest of the eight tracts has airport runway paving occupying a small fraction of its total acreage. Thus it seems evident that at most only 50% of the tracts in Area 7 can be construed to be "developed".

Moreover, G.S. 160A-48(c) (3) requires that at least 60% of the total acreage to be annexed consists of lots and tracts five acres or less in size -- "not counting the acreage used at the time of annexation for commercial, industrial, governmental or institutional purposes." Since all of Area 7, whether developed or undeveloped, is used for such a purpose, zero percent of its non-governmentally used acreage is so subdivided, and Area 7 cannot possibly meet this requirement.

3. Area 7 Annexation of No Benefit to Town or University

Any examination of the matter made with the requisite knowledge and good will must lead to the conclusions that the welfare of the Town and of the University are inextricably intertwined; that for many practical purposes the two entities are inseparable; and that each has and ought to have a deep concern for the best interests of the other. For that reason, and because of the University's obvious interest as one of the two largest payers of taxes to the Town of Chapel Hill, perhaps it will not be considered presumptuous for the University to address the question of benefits to be expected for the Town from annexation of Area 7.

As previously noted, the Town would accrue none of the benefits on which the Town's annexation policy is based. Since Area 7 already lies within the boundaries of the Town's Zoning and Subdivision District, annexation would apparently add no benefit related to regulation of development and use. Additionally, the Annexation Plan Report (Pages 23-24) contemplates payment from the Town's General Fund for services to be provided to Area 7 -- services which, as will be pointed out later, are already being provided at University expense. Whatever the amount of the additional charges to the Town's General Fund, it can hardly be viewed as a benefit to the Town or to its other taxpayers.

As for the question of benefit to the University, the Annexation Plan Report states, with respect to Area 7, the intention (1) to provide garbage collection service "on the same basis as other University owned property presently within the Town limits"; (2) to provide fire protection immediately in the area upon the effective date of annexation; and (3) to provide police protection in the area as in other areas of the Town. No mention is made of sewer service, currently provided by the University, although sewer service is listed for each of the other six areas proposed to be annexed, if only to note that such service is already fully available.

The University is grateful that it has for some years been enabled to relieve the Town's budget by paying substantial sums each year for services which are understood to be legal obligations of the Town. In the last fiscal year, the University transferred \$111,000 (the total available for the purpose) to the Town to assist it with adequate provision of fire and police protection, when requested or needed for University personnel and property and for other persons and property in the community; to pay the University's and Memorial Hospital's share of the cost of collecting and treating wastes entering the local sewage system; and to pay for disposal of garbage delivered to the landfill by the University. The University maintains its own police force which regularly patrols University property including that in Area 7. Although Area 7 is not within the municipal limits, it is the University's understanding that fire protection for the developed portions of that area is and will continue to be provided by the Town under the long-standing agreement which gives rise to the \$111,000 annual transfer of funds by the University to the Town; and that, if and when needed in addition to the police protection provided by University police and the County sheriff, Town police protection would be similarly available in Area 7 under the same agreement. Also, the University each year pays some \$68,000 for collecting garbage from University property, including Area 7, and transporting it to the Eubanks Road landfill owned by Chapel Hill, Carrboro, and Orange County.

I repeat for emphasis that the University is pleased and grateful that it has thus far been enabled in these ways to relieve the burden on other Chapel Hill taxpayers (to the extent of about \$90,000 a year at present). It is, however, very difficult to see how annexation of Area 7 by the Town could benefit the University unless it is proposed that there be some associated reduction in the University's expenditures for the purposes mentioned above.

In summary, the University feels that it might oppose the proposed annexation of Area 7 for reasons including each and all of those set forth, i.e., that the proposed annexation is not compatible with the Town's stated policy, does not meet the statutory requirements, and accrues no discernible benefit to the Town or to the University. The University therefore requests that Area 7 be deleted from the Annexation Plan Report now before you and that Area 7 be eliminated from further consideration for annexation by the Town.

Yours sincerely,

/s/

Clairborne S. Jones

CSJ:swc

cc: Chancellor Ferebee Taylor

Mr. Dan Koenigshofer said that Horace Williams Airport area contains streets and animals only, and Town cannot provide services to these. He said that additional disturbances by building parking lots or residences around the upper Bolin Creek area will cause more floods in the lower lying areas of Town, and suggested extreme caution in any development there.

Mayor Lee asked for comments in favor of annexing Area 7. There were none.

Mayor Lee asked for general statements in opposition to annexation.

Mr. Henry Edmiston of Markham Court said that he lives in an area with about 25 houses that has been within Town limits for 17 years. The area still has dirt streets and over half of the houses have septic tanks. He asked that necessary improvements be done within existing boundaries before additional areas are annexed. Mayor Lee asked whether sewer service is available in the area. Mr. Edmiston said that sewer is available to most of the residents, but Markham Court is too low and needs a pump station; he also believes that sewer is not available to some houses on Old Oxford Road.

Alderman Welsh thanked all residents for participation, and said that the statements presented will be of value to the Board in considering annexation. She said that she feels Board should not annex all areas presented in the report, but feels that annexation reports should be made annually, with additional considerations made annually. She said that she realizes there are areas in Town that have been annexed previously but where necessary services are still not provided.

Alderman Cohen said that he agrees with Alderman Welsh. Board has been studying these areas for several months and some areas have been eliminated from consideration; he feels that additional changes will be made before actual annexation is done. He said that he feels people should be given notice that annexation is a continuing process and that residents should plan for possible annexation. He said that portions from any area can be deleted, and each area as presented will be considered separately.

Alderman Marshall said that she feels a copy of the letters from Mr. Merkel and Ms. Hunt should be forwarded to Planning Board.

Alderman Gardner said that the Annexation Plan Report is only a proposal, representing a plan to be followed sometime in the future. He said that all of the statements made by area residents will be considered by Board, regarding finances and fairness both from the point of view of residents and of Town, since many of the residents who live in these areas receive many benefits from Town.

Alderman Rancer said that he feels the majority of statements were anti-annexation. He said that he also is opposed to annexation and recommends that annexation of areas be postponed to later years. Mayor Lee said that all the statements will be given serious consideration. He said that Mr. Edmiston's statement requesting that services be provided for areas within Town has validity. He said that action on the report will be taken 7-60 days from this hearing, and invited interested citizens to sit in on Board work sessions and Board meetings during further consideration of annexation.

University of North
Carolina--Public Utility
Station Special Use
Permit

Mayor Lee said that the public hearing is called to consider a request for special use permit by the University of North Carolina at Chapel Hill for a Public

Utility Station (Telephone Exchange) Special Use Permit under Section 4-C-17 of the Chapel Hill Zoning Ordinance for the existing Telephone Exchange located at 207 East Rosemary Street, and identified as Orange County Tax Map 80, Block B, Lot 46. The University plans to expand the permitted employee parking on the lot. Notices have been mailed to area residents notifying them of this request. Copies of the notice of Public Hearing, Project Fact Sheet, Background Report, and Applicant's Statement of Justification have been distributed to Board members.

Seven persons wishing to testify were sworn in. All persons giving testimony have been sworn in, unless indicated otherwise.

Mr. Mike Jennings, Planning Director, said that the lot for which the Special Use Permit is requested is located at the north east corner of the CBD and abuts R-10A zoning on east, R-6 zoning on north, CBD and R-6 zoning on west, and CBD zoning on south sides. The lot is about 413 feet deep, with about 200 feet within the CBD, and 213 feet in R-6 zoning district. The Telephone Exchange building and its ten required parking spaces are located within the CBD portion of the lot, and the proposed parking area extends about 75 feet into the R-6 zone. According to the Zoning Ordinance, when a zoning line divides a lot, the district requirements for the least restrictive portion can be extended 35 feet beyond that district boundary line; in this case the CBD requirements can be extended 35 feet into the R-6 zone, which means that additional 40 feet of the proposed parking lot are not allowed as a permitted use under the Zoning Ordinance. The rear portion of the lot will be left undeveloped. Mr. Jennings said that in 1970 the Town Building Inspector issued a permit to the University of North Carolina to expand the parking lot in question. Area residents appealed the decision of the Building Inspector to the Board of Adjustment, and the issuance of the building permit was reversed and the Building Inspector was directed to withdraw the permit since the parking was found to be commercial in nature and could not be located in a residential zone. Recently, the Building Inspector has received complaints from residents of the nearby area reporting that commercial parking serving the Telephone Exchange is taking place within the residential zone in violation of the Zoning Ordinance. The Building Inspector informed the University of the violation, and this application for a Special Use Permit is requested by the University in order to bring the lot into conformity with the Zoning Ordinance. Mr. Jennings said that the Special Use application shows 37 proposed spaces. This is a reduction of six spaces from the 43 parking spaces now existing on the lot. The applicant proposed to pave that portion of the lot which is now paved, and will screen the parking from abutting residential properties. Mr. Jennings showed the area in question on maps, and presented drawings showing landscaping detail in the parking area, and proposed landscaping in the back of the parking area. (Maps and drawings are included in the official minutes). The proposed landscaping plan calls for the removal of a retaining wall and sloping the land to the level of the area behind the parking lot. The landscaping plan shows a gravel lot, no details of the proposed landscaping, does not indicate how deeply the slope will cover tree roots of existing trees in back, and does not indicate which parking spaces will be used by employees and which by company trucks. Mr. Jennings said that access to the Telephone Exchange parking lot is by Spring Lane which is shown on the Orange County Tax Map as a 15 foot wide public right-of-way. The Special Use application shows Spring Lane as part of the Telephone Exchange property. If Town has the right-of-way, 16 foot width is needed to qualify for Powell Bill funds for street improvements. The Telephone Exchange building fronts on Rosemary Street which is designated as a thoroughfare on the Chapel Hill Thoroughfare Plan. The Rosemary Street right-of-way has a present width of approximately 45 feet, while the standard for thoroughfares is 90 feet.

Mr. Allen Waters, Director of Operations and Engineering for the University, said that the application for the Special Use Permit was filed on April 7, 1975. Mr. Waters entered the following document in the record and summarized it verbally:

Application by the University of North Carolina at Chapel Hill for a Special Use Permit for a Public Utility Station at 207 East Rosemary Street for use as a Telephone Exchange, in Areas Currently Zoned Central Business and R-6 Residential District, as Specified in Section 4-C-17 of the Regulations for Special Use Permits of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas as Originally Passed March 14, 1955, Readopted January 19, 1970, and June 19, 1972 with Amendments through March, 1974.

April 7, 1975
Attachment to Application for
Special Use Permit
Telephone Exchange Building, 207 E. Rosemary St.

REQUEST

In order to bring the parking area behind the Telephone Exchange building into conformity with the Town Zoning Ordinance, the University of North Carolina at Chapel Hill hereby requests a Special Use Permit for a public utility station at 207 East Rosemary Street for use as a telephone exchange, not involving the storage of vehicles or maintenance equipment, as specified in section 4-C-17 of the regulations for special use permits of "The Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas." By submitting this request, the University of North Carolina at Chapel Hill does not waive, relinquish or temporarily forego any rights, powers, or privileges that it has (under statutory or common law) as a state agency for self-regulation, such as regulation of parking and traffic on its campus, or otherwise. Nor does it waive, relinquish or temporarily forego any rights, powers, or privileges that it possesses as the owner-operator of public utilities with the power of eminent domain and other corporate powers. The aforementioned rights, powers or privileges are hereby explicitly reserved along with any and all additional rights, powers or privileges to which the University of North Carolina at Chapel Hill may presently be entitled or may in the future be granted.

BACKGROUND

The Rosemary Street Exchange building is situated on a rectangular lot fronting 128.74 feet on Rosemary Street and 413.41 feet deep. The lot is part of a parcel of land originally purchased by the University in 1792. The front portion of the lot, consisting of the land 200 feet from the Rosemary Street property line, is zoned for Central Business uses. The Telephone Exchange building is located on the front portion of the lot. According to the table of district regulations in section 3 of the Chapel Hill Zoning Ordinance, the following uses, among others, are permitted in the Central Business District: 1. telephone exchanges; and 2. offices with no on-premises stock of goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of verbal, written, or mechanically reproduced communications material. The back portion of the lot is zoned R-6.

The original portion of the Telephone Exchange building was constructed in four sections in 1927, 1929, 1947, and 1950. Additions were constructed in 1959, 1962, and 1969. Since its original construction, the building has been continuously used for a telephone exchange and has contained some offices for staff involved in the telephone utility operations, such as plant engineers. The present total commercial square footage of the Telephone Exchange building is 22,976 square feet with 19,261 square feet devoted to equipment and 3,715 square feet devoted to office space.

The University of North Carolina at Chapel Hill seeks this special use permit with the desire of obtaining authorization to continue to use approximately 79 feet of the back portion of the 207 East Rosemary Street lot (said back portion being zoned R-6) as parking for Telephone Exchange employees. The remaining part, with a depth of 133 feet, will continue to be undeveloped. The approval of the special use permit for a public utility station or substation including a telephone exchange under section 4-C-17 would allow the proposed limited area to be used for Telephone Exchange employee parking. By approving this special use permit, the Board would be authorizing no major changes from the present situation, except a reduction in parking spaces actually being used and a commitment not to develop the rear portion of the lot and a commitment for landscaping. It is emphasized that no additional buildings or structures are proposed.

EVIDENCE FOR THE REQUIRED FINDINGS BY THE BOARD OF ALDERMEN

Substantial material evidence is presented herein and will be presented at the public hearing, if required, for the Board of Aldermen (and Alderwomen) to find that (1) the use of 207 East Rosemary Street in accordance with the proposed plan, as reflected in the attached maps, will not materially endanger the public health or safety, (2) the use meets all required conditions and specifications, (3) the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and (4) 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 now located and in general conformity with the plan of development of Chapel Hill and its environs.

THE USE WILL NOT ENDANGER PUBLIC HEALTH OR SAFETY

The continued use of 207 East Rosemary Street as a telephone exchange with the only change entailing the use of approximately 79 feet of the R-6 portion of the lot for University Telephone Exchange employee's parking will not materially endanger the public health or safety. The equipment such as line relays, connector switches, connectors terminals, selectors and finders in the Telephone Exchange building was installed and is maintained in accordance with the National Electric Safety Code provisions for the installation and maintenance of electric supply and communications lines. The Telephone Exchange building is fireproof and does not contain extrahazardous, explosive or dangerous equipment or materials. The Telephone Exchange equipment operates quietly and cannot be heard outside of the building. None of the equipment in the Telephone Exchange building or the accompanying lot emits gases, noxious or otherwise. The University Health and Safety Office monitors the working conditions and environment at the Telephone Exchange to insure that safe and healthful places and conditions of employment are provided there. The traffic flow to and from the Telephone Exchange does not and will not materially endanger the public health or safety. There are 59 employees stationed at the Telephone Exchange. A total of 43 parking spaces are currently provided at the facility, but landscaping and planting will reduce this number to 37, and 26 of those parking spaces will be on the portion of the lot zoned R-6. The parking spaces are for the Telephone Exchange employees and for other University personnel who occasionally visit on utilities business. One parking space is and will continue to be designated for the handicapped.

THE USE, AS PROPOSED, MEETS ALL REQUIRED CONDITIONS AND SPECIFICATIONS

The requested use as a telephone exchange with related office space and employee parking meets all the required conditions and specifications for public utility stations or substations under section 4-C-17 of the Chapel Hill Zoning Ordinance. Public Utility stations and substations are permitted under a special use permit in any district, including Central Business and R-6. The University of North Carolina at Chapel Hill has herewith submitted the proper lists of the owners of all properties within 500 feet of 207 East Rosemary Street and proper materials for the notifications of said owners by the Town will be provided. The proposed location and arrangement of all proposed off-street parking, the provision of protective screening at the lot lines adjacent to abutting residential property, and the location of the Telephone Exchange building are shown in the attached map designated Attachment 1 hereof. The present and anticipated service area of the Telephone Exchange located on 207 East Rosemary Street is shown on the attached map designated Attachment 2 hereof, and entitled Chapel Hill Telephone Company Exchange Boundary. 207 East Rosemary Street is not within the floodway or the floodway fringe zone; therefore, no floodway or floodway fringe zone boundaries are shown on any of the attached maps. The maps designated attachments 1, 3, and 4 all show the property for which the Special Use Permit is requested with the location and approximate size of existing and proposed buildings, easements, rights of way

and open space. The map entitled "Rosemary Street Telephone Exchange Vicinity Land Owners" and designated Attachment 3 shows a perimeter line 500 feet from the surrounding property lines of 207 East Rosemary Street, and the property lines, names of property owners, and existing buildings and structures, for all properties within the 500 foot perimeter. The map entitled "Rosemary Street Telephone Exchange - Area Within 1000': Streets and Zoning" shows the existing land uses within 500' and 1000' and, existing public streets, and rights of way within a 100 foot radius of 207 East Rosemary Street.

The requested use as a telephone exchange with related offices and employee parking spaces complies with the height, area, parking and yard regulations for the use district where it is located. The Telephone Exchange building is located in a Central Business District. The height of the Telephone Exchange Building is below thirty-seven (37) feet or three stories. The lot area is well over the minimum 6,000 square feet for non-commercial use. There is no minimum lot size required for commercial uses. The regulations for parking and loading in a Central Business District are contained in Section 6 of the Chapel Hill Zoning Ordinance. Since the Telephone Exchange existed prior to October 29, 1963, Section 6 B.l.b. on page 107 of the Chapel Hill Zoning Ordinance, is applicable to the building. The gross commercial floor area of the Telephone Exchange building prior to October 29, 1963, consisted of 14,070 square feet devoted to exchange equipment, 3,188 square feet devoted to office space, and 17,258 square feet total. The gross commercial floor area of the building constructed after October 29, 1963, was 5,191 square feet for exchange equipment and 527 square feet for office space. Since the Telephone Exchange Building has been enlarged as to add more than 10% to the gross commercial floor area existing October 29, 1963, one parking space must be provided for each 400 square feet of gross commercial floor area in excess of 10% of the October 29, 1963, gross commercial floor area. A total of 3,992 gross commercial square feet of floor space in excess of 10% of the original has been added since 1963. Thus, no more than ten parking spaces are required. The proposed 37 parking spaces easily meet this requirement. The present Telephone Exchange building and lot meet the minimum yard requirements for the Central Business District. No minimum front depth is required for commercial uses. The rear depth of 232 feet is well above the minimum of twenty-five (25) feet for any use abutting residential districts. No minimum side width is required for commercial uses.

THE USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY AND IS A PUBLIC NECESSITY

Although the finding necessary is that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity, both of these alternate requirements are met by the proposed use. The continued use of 207 East Rosemary Street as a Telephone Exchange with related office space and 37 parking spaces will not substantially injure the value of adjoining or abutting property. The Telephone Exchange has been located there since 1927. The building is an attractive brick building in the typical Chapel Hill "village" style. The use does not create a health or safety danger to the neighbors. The noise, traffic flow and interference with neighbors created by the Telephone Exchange is a minimum, especially considering that the front portion of the lot is zoned Central Business. Many of the possible commercial businesses allowed in Central Business could create larger traffic flows, more noise, and be a much less desirable neighbor. The proposed screening, as shown on the attached maps, will protect the surrounding properties. The parking does not detrimentally affect the privacy of the surrounding property owners.

The continued use of 207 East Rosemary Street as a telephone exchange is a public necessity. The Rosemary Street Telephone Exchange equipment serves all local and long distance calls with the central codes of 929, 942, 967, and 968. Thus, it serves almost all non-University customers. The local termination for all long distance toll facilities is in the Rosemary Street Exchange. The Rosemary Street Exchange is connected with the John S. Bennett Building (Manning Drive or Campus Exchange) by a cable approximately 7,000 feet in length, extending through an underground conduit system. Through this connection, the Rosemary Street Exchange provides long distance toll facilities for customers served from the Manning Drive Exchange. Therefore, the Rosemary Steet Exchange provides all the Chapel Hill Telephone Company's telephone customers with either both local and long distance service or only long distance service.

THE LOCATION AND CHARACTER OF THE USE, IN ACCORDANCE WITH THE PROPOSED PLANS, 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

The use of the building and less than three-fourths of the lot at 207 East Rosemary Street for a telephone exchange with related offices and parking spaces for Exchange employees in accordance with the submitted plans is in harmony with the area in which it is located. A little less than one-half of the lot is already zoned for Central Business uses which allows the telephone exchange and offices presently located there. The area (including the Telephone Exchange Lot) within a 500' radius of the Telephone Exchange is divided into approximately the following areas and percentages under the present Chapel Hill Zoning Ordinance, according to computations by the University Engineer's Office:

<u>Zone</u>	<u>Area - Square Feet</u>	<u>% of Total</u>
R-3	68,100	4.92
R-6	478,150	34.53
R-10A	294,600	21.26
LB	14,750	1.07
CB	332,400	24.00
University A	40,800	2.95
Streets	<u>156,100</u>	<u>11.27</u>
Total	1,384,900	100.00

The building locations and the names of the property owners within this 500' radius are shown on Attachment 3. All of the properties on both sides next to Rosemary Street within the 500' radius are zoned Central Business, Light Business, or R-10A. The Tau Epsilon Phi, the Phi Mu, the Kappa Alpha Theta, the Kappa Delta, and Lambda Chi Alpha Sororities and Fraternities are located within the 500' radius. In addition to various private businesses, a Town of Chapel Hill Commercial parking lot is within the 500' radius. In total, 60.55% of the properties within the 500' radius are zoned Central Business, Light Business, University A or R-10A, or are city streets. The parking space area at 207 East Rosemary Street has Spring Lane on one side, a buffer zone with a depth of 133 feet behind it, a natural screen on the west side, and the Telephone Exchange building in front of it. The parking spaces will not in any way change, distort, or interrupt the generally residential zoning pattern to the north of 207 East Rosemary Street. The K.A.T. property, which extends the R-10A zone northward further than the general R-10A line, has not served as a "foothold" weakening the integrity or harmony of the northern neighboring area zoned R-6. Likewise, the use of the parking area as shown in the attached Topography and Landscaping Drawing will not weaken the integrity or harmony of the neighboring area zoned R-6.

The continued existence of the Telephone Exchange at 207 East Rosemary Street with 37 parking spaces is in general conformity with the plan of development of Chapel Hill and its environs. The proposed special use permit will not adversely affect the residential zones to its north. The Exchange Building is located in the main Central Business District which will continue to prosper and help provide Chapel Hill the cosmopolitan life with "small town atmosphere" for which it is famous world over and which its townspeople and students seek to preserve.

In summary, this request is submitted in order to bring the parking area behind the Telephone Exchange building into conformity with the Town of Chapel Hill Zoning Ordinance. Facts have been submitted to amply support a favorable finding by the Board of Aldermen on all four of the basic requirements (found in Section 4-B.g.) to approve a Special Use Permit for a public utility station at 207 East Rosemary Street for use as a telephone exchange, not involving the storage of vehicle or maintenance equipment and serving the surrounding residential area.

This request is respectfully submitted by me in my duly authorized capacity as the Vice Chancellor of Business and Finance for the University of North Carolina at Chapel Hill. We will provide additional information or material pertinent to this application if requested. I would only suggest that any request from the Town staff for additional information or materials be made to the University in writing a reasonable time prior to the public hearing so that it can be properly prepared.

Sincerely yours,
/S/

Claiborne S. Jones
Vice Chancellor - Business & Finance
University of North Carolina

April 7, 1975
Attachment to Application for
Special Use Permit
Telephone Exchange Building, 207 E. Rosemary Street

Mr. Waters emphasized that the Special Use Permit was for existing parking only, and that the ordinance application requested four years ago would have allowed employee and equipment parking on the entire lot, whereas this permit would delete six parking spaces.

Mr. Waters presented two letters from realtors, stating that the landscaping proposal would not damage the value of adjacent property. The letters are from Bruce U. Fairbairn of Real Estate Properties of Chapel Hill, Inc., dated April 25, 1975; and from P. H. Craig, Real Estate Associates, dated April 28, 1975:

REAL ESTATE PROPERTIES
OF CHAPEL HILL, INC.

P.O. DRAWER 2386. CHAPEL HILL, N.C. 27514
Telephone 967-1330

April 25, 1975

Chapel Hill Board
of Aldermen
Chapel Hill, NC

Gentlemen:

On April 25, 1975 I inspected the parking area north of Rosemary Street Telephone Exchange and reviewed the proposed landscaping plan dated April 7, 1975, Drawing PR 74B, by the University of North Carolina as submitted by the Special Use Request of the University of North Carolina in April 1975.

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In my opinion the landscaping proposed would improve the appearance of the existing parking lot without taking more property into the present complex. The remaining land owned by the University of North Carolina shall also be improved by landscaping, which will improve the entire site, and not damage the value of adjacent property.

Respectfully submitted,

/S/

Bruce U. Fairbairn

BUF/wlf

P. H. CRAIG
REAL ESTATES ASSOCIATES
P.O. BOX 553
Chapel Hill, North Carolina 27514
. OFF, AND RES. 942-7234, AREA 919 .

April 28, 1975

TO: Board of Aldermen, Town of Chapel Hill
FROM: P. H. Craig

I have examined the parking area north of the Rosemary Street Telephone Exchange and the proposed landscaping plan dated April 7, 1975, drawing PR 74 B, by the University of North Carolina as submitted by the Special Use Request of the University of North Carolina in April 1975 and conclude that the landscaping proposed would improve the appearance of the property and would not in my opinion detract from the value of the adjacent property.

Very Respectfully Submitted

/S/

P. H. Craig

PHC/cb

Mr. Fairbairn was not present at the hearing.

Mr. Craig was sworn in. Alderman Cohen asked Mr. Craig's opinion on whether the permanence of the parking area is a detriment to the neighborhood, even if reduced. Mr. Craig said that he lives in the area and overlooks the parking lot; personally, he has no objection to its appearance. He said that he does not think that the parking area is detrimental to the neighborhood, since some of the houses in the neighborhood are not well maintained, and some others have garages adjoining the parking lot. He feels that the proposal is an improvement over the existing situation. Alderman Gardner asked whether Mr. Craig has had an opportunity to look at the proposal. Mr. Craig said that he has and he considers this an improvement. He can understand why some of the downhill neighbors might object to the existing retaining wall, and feels that the proposed landscaping would be a definite improvement visually and would not reduce property values.

Mr. Grey Culbreth, Director of Utilities for the University, said that the existance of the Telephone Exchange is a public necessity. It feeds four different office codes and is the nerve center of the communications in Town. Mr. Paul Sexton, Assistant Plant Superintendent, said that the parking spaces are needed for employees and asked that the Special Use Permit be approved. He said that the facility is a public necessity. He said that Spring Lane is Telephone Exchange property, with University allowing other residents its use. Mr. Jennings said that Tax Maps indicate it as a public right-of-way, and that this discrepancy will need to be cleared up.

Mr. Bob Williams, legal adviser for University Property Office, said that he has spent some time searching records that might show that Spring Lane has been dedicated as public right-of-way, and has been unable to find any record to this effect. University maps show Spring Lane as University property, which is left open for use by neighbors with University permission. Mr. Williams indicated he could find no record of the University of offering to dedicate the lane to the Town or the Town's acceptance and asked the Town Attorney to provide such information, if he had any available.

Mr. Henry Patterson said that he opposes the granting of Special Use Permit, since he feels this would affect property values, since the present parking is already in his opinion lowering property values. He said that the Board of Adjustments stopped a proposed increase in parking area four years ago, and he feels that the Board of Aldermen has a responsibility to the residential portion of the area. He said that he has relatives who own property adjoining the parking lot, and that he feels the property values would be decreased.

Mr. Giles Horney of Spring Lane said that Spring Lane has been used as an access road for many years and he feels that it cannot be closed. He said that the University-owned lot is unattractive, with barricades five feet high, manholes and catch basins also five feet high, grass unmowed, and lot not cleaned up for years, except for a cleanup a month ago. He said that a property can be so run down that anything done on it is an improvement. He said that he does not approve of the present illegal parking; he feels granting the Special Use Permit would be setting a precedent that Town may not wish to follow. He said that he does not feel that parking of this sort is intended under Zoning Ordinance, Section 4-C-17; he does not feel that the neighborhood should be expected to provide parking for a utility that serves the entire Town. Alderman Welsh asked whether there is any night parking in the lot. Mr. Horney said that there is some parking. He said that he is also concerned what Southern Bell may do about parking in the lot, if it purchases the utility, since it may decide to bring in their big trucks. He said that he feels a new Telephone Exchange building should be built in a more appropriate area.

Mr. Sexton said that 61 people work in the building, and only one or two vehicles are parked in the lot at night. He said that if Southern Bell purchases the utility, the present employees will be kept and it is not anticipated that extra vehicles will be brought in. A resident asked how much the Telephone Exchange employees pay for their parking permits. Mr. Sexton said that they pay \$72 per year, which is the same rate as for other University parking permits.

Alderman Welsh moved, seconded by Alderman Smith, that the request for a Special Use Permit by the University of North Carolina at Chapel Hill for a Public Utility Station Special Use Permit under Section 4-C-17 of the Chapel Hill Zoning Ordinance for the existing Telephone Exchange located at 207 East Rosemary Street, and identified as Orange County Tax Map 80, Block B, Lot 46, be referred to the Planning Board for their consideration, study, and recommendation back to the Board. Said motion was unanimously carried.

The public hearing adjourned at 9:55 p.m.

REGULAR MEETING

Alderman Smith moved, seconded by Alderman Welsh, that the minutes of the meeting of April 21, 1975 be approved as corrected. Said motion was unanimously carried.

North Street Removal from Bus Route--Petition

Mr. Douglas A. Johnston of North Street petitioned the Board to begin action on eliminating North

Street-Boundary Street segment of the G-line. Alderman Welsh moved, seconded by Alderman Cohen, that the petition be received and the matter referred to Transportation Advisory Committee for their consideration and recommendation back to the Board. Said motion was unanimously carried.

Forensic Equipment--
Grant Application

Town Manager Kendzior petitioned the Board to place on the agenda consideration of a grant application for forensic equipment through Triangle Commission on Criminal Justice. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received and the matter placed on the agenda under 6d. Said motion was unanimously carried.

Agenda Changes

Alderman Welsh moved, seconded by Alderman Cohen, that consideration of no parking restriction on North Street be moved to 4b, and that consideration of items 4b, 5b, 5d, 5e, 6a, and 6b be delayed until the next regular meeting. Said motion passed by a vote of five to one, with Alderman Smith opposing.

Tow Zone Ordinance -
Revote

Alderman Cohen moved, seconded by Alderman Welsh, that the Tow Zone Ordinance passed at last regular meeting be placed on the agenda for a second vote because of the lack of needed majority during last week's vote. Said motion was unanimously carried.

Tax Hearing for
University--Rescheduling

Town Attorney Denny said that the tax hearing for University has to be rescheduled to Monday, May 12, 1975. There were no objections from the Board.

Clean-Up-Work Program--
Request from Mrs. Rupert
Hanny

Town Manager Kendzior said that Ms. Hanny was unable to attend the meeting. She is requesting Board approval to support a clean-up-work program jointly supported by the Town of Carrboro and Chapel Hill-Carrboro School System. The work sessions would be scheduled for May 10-11, and May 17-18 to clean the streets of the town of litter. Town is asked to provide four large dumpsters, to be located strategically for trash collection. Alderman Welsh moved, seconded by Alderman Gardner, that Board support the proposed Clean-Up-Work Program and provide four dumpsters for use during the work sessions on May 10-11 and May 17-18, 1975. Alderman Smith said that Town has a policy that trash outside the dumpsters will not be picked up and asked that Town Manger instruct the Public Works department that trash outside the dumpsters be also picked up. Town Manager Kendzior said that all the trash will be placed in plastic bags. The dumpsters will be placed on Town property and Town employees will do any further necessary cleanups of sites. The trash will be placed in a compactor and taken to the landfill on Monday following the work sessions. Said motion was unanimously carried.

Bikeways Proposal

Mr. Daniel Koenigshofer distributed a report titled "Proposals to the Capital Expenditures Budget Concerning Bicycles" to Board members at Public Hearing on Capital Improvements Programs on April 21, 1975. Alderman Welsh said that some parts of the proposal need to be referred to the Planning Board, and asked Mr. Koenigshofer which parts of the report need immediate implementation. Mr. Koenigshofer said that a high priority is providing bikeways on Cameron Avenue, since this is the main route for bicycles travelling from Carrboro to the University campus. Banning parking on Cameron Avenue on one side from Columbia to Graham Street would permit a bikeway that could be marked. He asked that bikeways be considered on all streets where parking is banned. Other priorities are adequate marking of Merritt Mill Road and Franklin Street intersection, since this can be very dangerous for bicycles. A sidewalk going up east Franklin Street is needed, as are improvements for sidewalks at Estes School, to make bicycle riding there easier. Connector links between Willow Drive and Elliott Road, Hoot Owl Lane and Henderson Street, and Barkley Road to Estes Extension are also needed. Alderman Welsh suggested that Streets Committee be contacted about bikeways along Cameron Avenue and Graham Street. Alderman Marshall said that she is concerned about the dangerous intersections for bicycles, and said that she supports the proposal. She said that the capital improvement program does not indicate which needs are critical and which are very legitimate and

needed items; these two types of needs must be separated before Board can commit itself to implementation of the bikeways proposal. Alderman Smith said that Streets Committee does not propose complete elimination of parking on one side of Cameron Avenue, but only in areas where improvement of sight distance is needed. Alderman Welsh asked whether Cameron Avenue is a critical area for bikeway improvements. Mr. Koenigshofer said yes; also area in front of Carolina Inn is critical, with bicycles either permitted on the sidewalk or one of the car lanes eliminated and a bikeway installed; also South Columbia Street needs a bikeway. Alderman Welsh moved, seconded by Alderman Marshall, that the proposals in the bikeways document dealing with streets and street parking be referred to Streets Committee, and that items dealing with budget be referred to Town Manager for consideration and recommendation back to the Board. Mr. Koenigshofer said that it is important to begin the program soon, so that bikeways can also be in process of being established when state funds become available. Said motion was unanimously carried.

North Street--
Reconsideration of
No-Parking

Alderman Cohen said that he has been contacted by a number of residents of North Street asking that parking be permitted on one

side of North Street. Ms. Lynn Knauff of 409 North Street presented a petition with 29 names as follows:

We the undersigned residents and property owners of North Street between Hillsboro and Boundary Streets request that the Chapel Hill Board of Aldermen reinstate 24 hour parking on the south side of North Street for the following reasons:

1. Some residences have no off-street parking facilities due to small lot size, proximity to the street, and the absence of any area that could be converted into a driveway, parking space or alley. The location of these residences is such that their occupants will be required to park well over a block away if on-street parking is not reinstated.
2. Removal of 24 hour parking will convert North Street into a third local east-west thoroughfare, an unnecessary and undesirable conversion.
3. The use of North Street as a thoroughfare will deprive a strictly residential area of its neighborhood character.
4. Although the undersigned petition the Board for a permanent reinstatement of parking, if this is deemed undesirable at this time, we request reinstatement of on-street parking until the proposed changes in the G bus route have either been adopted or defeated, since the bus is the primary cause of congestion.

1. Meyer Dworsky, 500 North
2. Mary E. Owen, 500 North
3. Margaret W. Mudkins, 500 North
4. Anne W. Brown, 408 North St.
5. Mary Bell B. Jones, 412 North St. (I feel residents should be given the parking priority.)
6. Carolyn Van Sant, 502 North St.
7. Peter James Lee, 510 North St.
8. Janie S. Gwynn, 514 North
9. Lucy Evans, 518 North
10. Ed Preston, 517 North St.
11. Sara Johnston, 509 North St.
12. Gary F. Smith, 409-B North St.
13. Douglas Johnston, 509 North St.
14. Lynn Knauff, 409 North
15. Pat Thomas, 501 North
16. Mason Thomas Jr., 501 North
17. Shirley P. Powell, 401 North St.
18. Henry Powell, 401 North
19. Tom E. Blackburn, 403 North St.
20. Janice R. Blackburn, 403 North

- 21. Mrs. W. M. Pugh, 405 North St.
- 22. Rwelle G. Dworsky, 500 North St.
- 23. Werner Hausler, 513 East Rosemary St.
- 24. Thomas S. Deaton, 504 1/2 North St.
- 25. Diane Deaton - 504 1/2 North St.
- 26. Milton S. Heath Jr., North & Boundary
- 27. Eleanor S. Godfrey, 500 North
- 28. H. C. McAllister, #3 Mint Springs (500 North St.)
- 29. Julia S. Patterson
- 30. Fred G. Patterson - Property owner - North Street

Mr. Milton Heath of 213 North Boundary Street requested that parking be permitted on one side of North Street, since there are 13 residences served by some kind of driveway, four which do not have a driveway but where construction of one may be possible at expense to the owner, and two residences which do not have a driveway and do not have sufficient room to construct one. He said that he feels the ordinance of no parking on North Street is a mistake and asked Board to reconsider this. Alderman Welsh said that the Board did not consider that possible elimination of bus route on North Street would make it unnecessary to ban parking. She said that it is possible to reroute buses on other streets. She said that action of banning parking on North Street should be rescinded. Alderman Marshall said that the problem of enforcing no parking areas is of major importance, and that situation regarding parking in residential areas will improve once the enforcement of parking ban is under control. She said that Board does not wish to remove all parking, including places for residents to park, but there is a need to remove storage parking. She said that the matter should be referred back to Streets Committee. Alderman Cohen said that all residents of Gimghoul area were contacted when parking was removed from their streets, and apologized for having Streets Committee neglecting to do so in this instance. Alderman Cohen moved, seconded by Alderman Welsh, that an ordinance be drafted repealing no parking provision on North Street. Said motion was unanimously carried. Town Attorney Denny read the following ordinance:

NO PARKING ORDINANCE

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that §21-27, "No Parking as to Particular Streets", be amended effective May 15, 1975 to delete the following line:

STREET	SIDE	FROM	TO
North St.	Either	Hillsborough St.	Glenburnie St.

and to add in appropriate order the following lines:

North St.	North	Hillsborough St.	Glenburnie St.
North St.	South	Hillsborough St.	A point 100 ft. East

II

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

This the 28 day of April, 1975.

Alderman Welsh moved, seconded by Alderman Marshall, that the ordinance be adopted as read. Alderman Smith asked whether North Street residents have a problem with a large number of nonresident cars parking in the area. Mr. Heath said that there is a problem which is tied in with University parking, but he hopes that the problem is transitional and will be handled adequately by next year. Alderman Smith said that similar problems exist in other areas of Town and it is important to eliminate the problem while remaining fair to residents of the area. Town Attorney Denny said that, since both ordinances would become effective May 15, 1975, Town has not banned parking on North Street. Said motion was unanimously carried.

Tow Zone--Ordinance

Alderman Smith said that Police Department personnel are present

to give their views on the proposed ordinance of towing cars parked on certain streets in Town. Captain Stone said that he recommends that the Tow Zone Ordinance be passed, since this is the only way to enforce traffic regulations. Parking tickets are not collected easily, since the driver of the car needs to be identified to collect a ticket. Many people ignore the tickets that they get for parking illegally and get free parking. Police Department will use discretion in towing. Mayor Lee said that he is concerned that Town is not fully prepared to implement extensive towing, since there is no Town lot to store cars. He is concerned about possible liability to Town in case of damaged vehicles. Captain Stone said that parking ticket fine can be increased, but the problem of collecting them still remains. Mayor Lee said that a sufficiently high fine for parking violations would solve the problem. Town Attorney Denny said that parking fine increase is legal, but the problem of proving who is guilty of the crime of parking remains. Mayor Lee said that Town must presume that the owner of the car is guilty. He asked whether there have been difficulties in having magistrates issue warrants. Captain Stone said that the difficulty arises in the court. Mayor Lee said that he will support the ordinance, but reluctantly. Alderman Marshall asked whether Police Department anticipates that a large number of cars will need to be towed if Town shows that it means to enforce the ordinance. Captain Stone said many people have moved to other areas of Town to park when parking has been banned from certain areas. Many people are repeat offenders of parking in no-parking zones, with some collecting as many as 90 tickets without paying. Alderman Marshall asked that Town ask University representative about their experiences with towing. Dr. Claiborne Jones said that University allowed a reasonable length of time for the word to get around that it meant to enforce towing, and has had very little towing to do. He said that he does not anticipate that Town will have much problem with towing of cars. Alderman Cohen said that the list included in Tow Zone Ordinance reflects the latest changes in parking patterns in Town, and that all streets on the list do not need to be included in the Tow Zone Ordinance. Captain Stone said that there is no point in giving tickets if the violators do not pay them. Mayor Lee said that any person with many uncollected tickets should be prosecuted and made to pay them. He asked that Police Department contact Town Attorney about this. Alderman Smith said that many streets already have no parking signs. Police Department is asking that towing be allowed on these streets, since parking there creates a hazard. Parking also should be permitted for blocking bus stop zones and parking too close to driveways. Alderman Gardner said that previous Board discussions have suggested that persons with more than three tickets be prosecuted. He said that University tows its cars to a fenced, lighted lot, allowing easy access to all cars. Mayor Lee asked whether Town towing of cars would be of help to the University. Dr. Jones said only if it contributes to the greater use of the bus system. Alderman Gardner said that persons with many tickets should be prosecuted. Alderman Marshall agreed, but said that persons paying even high fines for parking tickets would still cause inconvenience to area residents and create hazardous situations. She said that she does not feel that much towing will be needed if people will realize that Town will enforce towing zones. Alderman Smith said that Town has cooperated with University and Carrboro in the past and suggested that Town work out an agreement with University to use part of their storage lot for towed cars until the new multipurpose site can be purchased where Town could store its own towed cars. He suggested that Town Manager contact University administration about this possibility. Alderman Gardner asked what the number one towing problem is. Captain Stone said that the major problems are with parking on sidewalks, loading zones, yellow zones on Pittsboro Street and Ransom Street, and blocking view of traffic. Mayor Lee recommended that towing be implemented for one month with Town Manager contacting wreckers about contracts with lots to which cars are towed. He said that he supports the plan to give Police Department a tool to solve parking problems in no parking areas. Alderman Gardner asked whether the wrecker doing the towing of the cars will be liable for damages. Town Attorney Denny said that any time a claim arises Town is going to be involved, but each case will probably be different. Mr. Don McChesney

said that he lives on the corner of Vance and Pittsboro Streets, and that during the day it is too dangerous to exit out Vance Street because of cars obstructing view. He has seen many near accidents in the area. He suggested that parking be permitted on east side of Pittsboro Street, and not on west side, since there are fewer driveways on the east side. He suggested that the west curb be painted yellow and a bikeway be installed there. Alderman Smith moved, seconded by Alderman Marshall, that the following ordinance be adopted, with Board being appraised by Town Manager of towing enforcement within one month from May 15, 1975, and with Town Manager working on a more unified towing plan:

TOW ZONES

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that §21-21.1, Tow Zones, of the Code of Ordinances, Town of Chapel Hill, be amended to add the following streets in alphabetical order:

STREET	SIDE	FROM	TO
Ransom St.	Both	Full Length	
Dawes St.	Both	Full Length	
Smith Ave.	Both	Full Length	
Old Pittsboro Rd.	Both	Full length	
Kenan St.	Both	Full length	
Cameron Ct.	West	Full length	
Purefoy Rd. (Pavement)	Both	Full length	
Church St.	Both	Full length	
Ledge Lane	West	Full length	
Roosevelt Dr.	Both	Full Length	
Willow Dr.	Both	Estes Dr.	U.S. 15-501 Bypass
Hillview Rd.	Both	Full length	
Evergreen St.	Both	Full length	
Cotton St.	Both	Full length	
Brooks St.	Both	Full length	
Mitchell Lane	Both	Full length	
Chapel St.	Both	Full length	
Sykes St.	Both	Full length	
Whitaker St.	Both	Full length	
Dogwood Dr.	North	Full length	
Woodland Ave.	East	Full length	
Gomains Ave.	North	Full length	
Bynum St.	West	Full length	
Cole St.	West	Full length	
Crest St.	North	Full length	
Johnson St.	North	Full length	
Knolls St.	North	Full length	
Hooper Lane	South	Full length	
Grant St.	West	Full length	
Creel St.	South	Full length	
Craig St.	South	Full length	
McMasters St.	South	Full length	
E. & W. Longview St.	North	Full length	
W. Cameron Ave.	North	Roberson St.	A point 100 ft. East of Roberson St.
W. Cameron Ave.	South	Roberson St.	A point 50 ft. West of Roberson St.
Westwood Dr. south entrance	North	Columbia St.	W. University Dr.

II

This ordinance shall become effective May 15, 1975.

III

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

This the 28th day of April, 1975.

Alderman Cohen offered a substitute motion, seconded by Alderman Gardner, that the matter of tow zones ordinance be referred back to Street Committee for study in setting up a priorities list for implementation. Alderman Smith said that the Streets Committee has studied the matter for a long time with the Police Department. Many areas have been referred to committee and the streets on the list are the top priority for implementation. If some of the streets from the list are eliminated, students will park there, causing further problems with parking. Alderman Gardner said that he is concerned about the piecemeal approach to solving parking problems. He said that he feels Streets Committee should take more time to study the matter, since there is no place to store towed vehicles. Alderman Smith said that the ordinance will give Police Department the necessary tools to do their job. If towing zones are enforced, people will either leave their cars at home and carpool, or use buses. Said substitute motion was defeated by a vote of two to four, with Alderman Cohen and Gardner supporting. Alderman Cohen said that he cannot support the motion on the floor unless a place for storing towed cars is available. Mayor Lee said that he too is uncomfortable about the lack of a central storage place, but he will support the ordinance until Town Manager reports back on it. Said motion passed by a vote of four to two, with Alderman Cohen and Gardner opposing. Town Attorney Denny said that several areas of concern are not covered by the ordinance, such as towing from sidewalks and loading zones and suggested that an ordinance be drafted to include these areas also. There was no opposition to this suggestion.

Tow Zone Ordinance--
Revote

Alderman Smith moved, seconded by Alderman Marshall, that the ordinance creating tow zones, which was

voted on at the Board meeting of April 21, 1975, be adopted. Said motion was unanimously carried.

Forensic Equipment--
Grant Application

Town Manager Kendzior said that the grant is for \$1,267.34 to purchase necessary forensic equip-

ment for Police Department, with Town share of \$105.61. Alderman Smith moved, seconded by Alderman Marshall, that Town Manager be empowered to apply for the grant for forensic equipment. Said motion was unanimously carried.

Water and Sewer
Authority--Executive
Session

Town Attorney Denny said that it is necessary for Board to consider the disposition of assets of the sanitary sewer system to the pro-

posed Water and Sewer Authority in an executive session. The executive session was set for Monday, May 5, 1975, 4:00 p.m. Town Attorney Denny said that it is also important for Board to consider the appointment of members to the Water and Sewer Authority.

Transportation System--
Special Audit Request

Mayor Lee said that Board needs to decide what action is needed on the letter from Chamber of Commerce

requesting a special audit of the Transportation System. Alderman Marshall said that the regular Town audit covers Transportation System also. Alderman Welsh said that she feels it would be appropriate for Town Manager to respond to the letter stating that all records of the Transportation System are available to the public. Mayor Lee said that some members of the Chamber of Commerce have already met with Town Manager in the past and have been provided records on Transportation System. He said that he feels Board should respond to the letter. Alderman Marshall said that, since funds for Transportation System were appropriated by a referendum, Board cannot rescind this action. Alderman Gardner said that he does not feel that a special audit should be done, but he does feel that Town officials should meet with the group to help them obtain the needed information. Mayor

Lee said that he agrees. He suggested that Town Manager invite Chamber of Commerce representatives to meet with him and to go over the available information.

George Wheless--
Communication

Mayor Lee said that the letter from Mr. Wheless requests that the unpaved portion of Coker Drive be

either eliminated from the bus route, that the street be paved at cost to Town, or that residents be recompensed for damages caused by buses. Alderman Smith moved, seconded by Alderman Welsh that Coker Drive be considered when street paving priorities are discussed. Said motion was unanimously carried.

County Commissioners--
Joint Meeting

Mayor Lee said that County Commissioners are requesting a joint meeting with Board to discuss

Proctor rezoning and landfill. The joint meeting was set for Thursday, May 8, 1975, at 7:30 p.m., with the place to be decided later.

Police Chief--
Sidney Hilliard

Mayor Lee introduced the new Police Chief, Sidney Hilliard.

Human Services
Director--Resignation

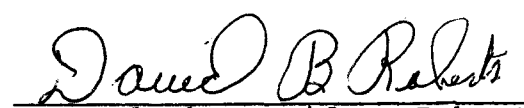
Town Manager Kendzior announced that Director of Human Services, Charles Haywood, has resigned

because of personal reasons effective May 23, 1975.

There being no further business to come before the Board, said meeting adjourned at 11:35 p.m.



Mayor



Town Clerk, David B. Roberts

MINUTES OF A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING, MONDAY MAY 5, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on May 5, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

- Present:
 - Howard N. Lee, Mayor
 - Gerald A. Cohen
 - Thomas B. Gardner
 - Shirley E. Marshall
 - R. D. Smith
 - Sid. S. Rancer
 - Alice M. Welsh

Absent: None

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts and Town Attorney E. Denny.

Alderman Smith moved, seconded by Alderman Welsh, that minutes of the meeting of April 28, 1975 be approved as corrected. Said motion was unanimously carried.

Willow Drive--Parking Ban

Mr. Walter Trott of 62 Willow Terrace Apartments presented a petition signed by all but four tenants of the apartment complex, requesting that Board reconsider its action of April 21, 1975, banning parking on Willow Drive from Estes Drive to 15-501 By-Pass, and to permit parking on north side of Willow Drive from Conner Drive to 15-501 By-Pass.

requesting that Board reconsider its action of April 21, 1975, banning parking on Willow Drive from Estes Drive to 15-501 By-Pass, and to permit parking on north side of Willow Drive from Conner Drive to 15-501 By-Pass.