

Alderman Gardner asked if the plans had been distributed to the Aldermen. Mr. Jenne said no but they were available. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN COHEN, EPTING, HOWES, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN GARDNER OPPOSING.

Personnel Appeals Committee - Appointments

Mayor Wallace stated the following names had been placed in nomination: Gerald Barrett, C. L. Kindall, Lillian Lee, Nick Holland, Warren Wicker and Rebecca Clark. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SMITH, THAT THESE PERSONS BE APPOINTED TO THE PERSONNEL APPEALS COMMITTEE. THE MOTION WAS CARRIED UNANIMOUSLY.

Setting of Meeting Date, in Lieu of April 11

After some discussion, the Board decided to meet on April 4, rather than April 11, Easter Monday.

Authorization to Purchase Storm Drainage Right-of-Way on Howell Street

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE MANAGER BE AUTHORIZED TO PURCHASE A STORM DRAINAGE RIGHT-OF-WAY ON HOWELL STREET FROM EBEN MERRITT FOR THE AMOUNT OF \$731.70. THE MOTION WAS CARRIED UNANIMOUSLY.

Work Session on March 21.

The session was set for 5:00 p.m. on March 21.

Resolution of Authorization for Execution of an Audit Contract

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Mayor is authorized to enter into a contract with John C. Muse Company for conducting a financial audit for the 1976-77 fiscal year.

THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.

THE MOTION WAS CARRIED AND THE MEETING ADJOURNED AT 10:14 p.m.

James C. Wallace

Mayor James C. Wallace

David B. Roberts

Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR
AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MARCH 28, 1977
7:30 P.M.

- MEMBERS PRESENT: Shirley Marshall
- MEMBERS ABSENT: Gerald Cohen
Robert Epting
Thomas Gardner
Jonathan Howes
Marvin Silver
R. D. Smith
Edward Vickery
James C. Wallace, Mayor

Mayor Pro tem Marshall called the meeting to order. She noted there was less than a quorum of the Board of Aldermen present due to the NCAA Basketball Finals being played at this time.

BOARD OF ALDERMEN
 PROTEST OF RESIDENTS

MAR 28 1

We the residents of the area adjoining the property identified as Chapel Hill Township Tax Map 27, Block F, Lots 3 and 4 strongly protest the request by Robert L. Bryan, Jr. to change the existing zoning from R-15 to R-10 and to obtain approval for a subdivision.

In 1963, at the time of the construction of Colony Apartments, this area was rezoned from Agricultural to R-15 for the explicit purpose of protecting the single family residences in Ridgefield Park. Three previous attempts have been made to rezone this land from R-15 to a classification allowing for a higher density use.

On November 23, 1970, an attempt was made to rezone the land from R-15 to R-5. The Board of Aldermen rejected the proposal by a 6 to 0 vote. The minutes of the meeting show that Alderman Scroggs noted that when the Colony Apartments were first approved, the area had been zoned R-15 "to protect Ridgefield Park and that he did not think it should be changed... Alderman Smith told the Board that a promise had been made to the Ridgefield Park owners when the Colony Apartments were built that this remain zoned R-15... Alderman Nassif noted that this was a congested area with commercial development and that he opposed the project." (Minutes of Chapel Hill Board of Aldermen meeting November 23, 1970, p. 2).

On February 22, 1971 the Board of Aldermen rejected an attempt to rezone this tract from R-15 to R-10, by a vote of 5 to 1 (George Coxhead dissenting). Aldermen Smith and Scroggs reiterated that they had been on the Planning Board when the original R-15 zoning had been established for the express purpose of maintaining the character of the Ridgefield Park community and that they were firm in their position that it not be changed. Alderwoman Alice Welsh also asserted that the R-15 zoning had been specifically selected to protect the people of Ridgefield Park and that, if anything, the need for protection had grown over the years.

What was true in 1971 is even truer today. In 1971 there were 294 apartment units along Ephesus Church Road. There are now 460 apartments, condominiums and motel units, two large shopping centers, a new public school and a substantial amount of additional commercial development in our immediate area.

The proposed subdivision includes a plan to extend Spruce Street to connect with a proposed street, Frances Place, which will have direct access to Ephesus Church Road. At present Spruce and Cypress Streets and Eden Lane bear a heavy load of traffic principally generated by people who live in Colony Woods and beyond using these streets to avoid the traffic light on Ephesus Church Road and the 15-501 By-Pass. On February 24, 1977 a traffic count taken by residents indicated that between 4:30 p.m. and 6:00 p.m. 165 motor vehicles passed the corner of Spruce and Cypress (1.83 cars per minute). On February 25, 1977 in the hours between 7:30 a.m. to 8:30 a.m., when children are walking to school, 116 motor vehicles passed the corner (1.93 cars per minute). The proposed through access to Ephesus Church Road will provide the residents of the apartments south of Eden Lane with a convenient short cut via Spruce Street to the By-Pass thereby increasing the traffic in this residential area. None of the past proposals for development of the tract included a plan for access to Spruce Street. In view of the master plan for a connecting link between Willow Drive and Ephesus Church Road through this tract of land, the extension of Spruce Street is both deleterious and unnecessary. In combining a damaging zoning change with a street extension, these proposals are worse than prior proposals to change zoning.

In view of all the above, we protest the proposed zoning change and subdivision plan. Mr. Bryan recently purchased this land at the existing zoning and we do not quarrel with his right to develop it at this level. We would, in fact, welcome this as a way of finally resolving this matter. His proposal would result in changing the character of our neighborhood, lowering our property values in exchange for increasing the value of his property, and undermining public trust in Chapel Hill's zoning procedures. The property owners of the area have purchased or remained in their houses with knowledge of, and in reliance on, the existing zoning and the earlier promises and precedents just as Mr. Bryan purchased the land knowing its zoning designation. To change it now would be to enrich him at our expense.

- 1 Marie F. J. Forman 21 Spruce St.
- 2 John L. Forman 701 Spruce St.
- 3 Julie M. Searing 303 Spruce St.
- 4 Dorothy D. Searing 333 Spruce St.
- 5 Sam K. Miller 305 Spruce St.
- 6 Ruth C. Miller 305 Spruce St.
- 7 Elizabeth F. Faison 600 Eden Lane
- 8 Thomas R. Faison 600 Eden Lane
- 9 Claude W. Paulini 300 Spruce St.
- 10 Estelle J. Paulini 300 Spruce St.
- 11 Suzanne D. Paulini 1200 Cypress Road
- 12 Rev. James L. Paulini 1201 Cypress
- 13 Bashem W. Chumawala 1205 Cypress Road
- 14 Delila B. Chumawala 1205 Cypress Road
- 15 Mrs. Vera B. Wolfe 1201 Cypress Road
- 16 Harold W. Moss 1197 Cypress Road
- 17 Robert Turroy 1300 Cypress Road
- 18 Dr. R. R. R. Turroy 17 Parkway Lane
- 19 Sharon B. Keeble 1202 Cypress Rd.
- 20 Marilyn Green 1198 Cypress Rd.
- 21 Miriam Bachar 306 Hemlock Drive
- 22 William K. Leese 1202 Cypress St.
- 23 Ann Shearer 302 Spruce St.
- 24 St. C. Stroud 601 Eden Lane St.
- 25 Kenneth D. Stroud 302 Spruce St.
- 26 Betty L. Mays 1197 Cypress Rd.
- 27 Mable W. Stroud 601 Eden Lane
- 28 Bertude J. London 1199 Cypress Rd.
- 29 Judith M. Turroy 1300 Cypress Rd.
- 30 James T. MacRivins 1301 Cypress Rd.
- 31 Laurie A. Palmer 1204 Cypress Rd.
- 32 Anna J. Dennis 1207 Cypress Rd.
- 33 R. Merlini Hearns 1207 Cypress Rd.
- ~~34 Edith M. Paulini 600 Eden Lane~~
- 34 Edward M. Paulini 19 Parkway Lane
- ~~35 Thomas R. Paulini 600 Eden Lane~~
- 35 Joseph Raylin 1101 Willow Drive
- ~~36 John Paulini 600 Eden Lane~~

37	May W. Hammerlund	304	Spruce St.
38	Dorrie Fowler Decker	304	Hampock
39	James C. Bachus	306	Hemlock Dr.
40	Herman Linder	308	" "
41	Ernest J. Lueber	308	" "
42	Stanley C. Euser	310	Hemlock Drive
43	Admiral G. Evans	310	Hemlock Drive
44	Thomas B. Chapp	309	Birch Circle
45	Janet Larnac Clear	307	Birch Circle
46	Lois M. Bell	309	Birch Circle
47	Fred E. Bell	309	Birch Circle
48	Barbara F. Akutz	311	Birch Circle
49	Frank Schultz	311	Birch Circle
50	Gene Phay	313	Birch Circle
51	Ruth Harris	317	Hemlock
52	John J. Sharp		
53	Marianna Edgerton	1203	Cypress Rd.
54	J. Wilbur Edgerton	1203	Cypress Rd.
55	Charles Cook	1303	Cypress Rd.
56	Chas Cook	1303	Cypress Rd.
57	Suzanne Simpson	604	Eden Lane
58	Howard M. Simpson	604	Eden Lane
59	Robert C. Page	605	Eden Lane
60	Shonda Surgen	602	Eden Lane
	Rt Surgen	602	Eden Lane
62	William C. Seif (Pres. Oxford Condominiums)	12	Banbury Ln
	Hilda H. Seif	12	Banbury Ln.
	Walter Schaeffle	603	Eden Lane
	Anne Schaeffle	603	Eden Lane

- 184. C. Cramer 413 Longleaf Drive
- Yvonne Kreis 415 Long Leaf Drive
- 185. R. Wier 415 Long Leaf Drive
- 186. S. Franer 408 Long Leaf Dr.
- 187. David Franer 407 Longleaf Dr.
- 188. W. S. Mayer, Jr. D.D.S. 407 Longleaf Drive
- 189. Marice R. Mayer 409 Long Leaf Drive
- 190. L. C. Wall 409 Long Leaf Drive
- 191. John Wall 412 Long Leaf Dr.
- 192. Rachel Simon 412 Long Leaf Dr.
- 193. Clara Simon 410 Long Leaf Drive
- 194. Peggy Goldstein 410 LONGLEAF DR.
- 195. H. James Goldstein 1109 Willow Dr.
- 196. Gladys Dimmick 1109 Willow Dr.
- 197. Mrs. H. J. Prosen 1109 Willow Dr.
- 198. James W. Dimmick 1112 Willow Drive
- 199. Jay S. Cloninger 46 Willow Terrace
- 200. Orinbell G. Simon 1114 Willow Dr.
- 201. Beverly Ann Tallin 1108 Willow Dr.
- 202. Cynthia Forbes 1108 Willow Drive
- 203. Charles Forbes 1100 Willow Drive
- 204. Ann Ann 1102 Willow Drive
- 205. Louise Pampel 1105 Willow Dr.
- 206. Ruth Ann Alexander 1105 Willow Drive
- 207. Albert Leander 1103 Willow Dr.
- 208. Monique A. Lohr 1102 Willow Dr.
- 209. Russell Pimmel 1104 Willow Drive
- 210. Joseph J. Kelly 1106 Willow Dr.
- 211. William A. Fischer 1106 Willow Dr.
- 212. Marie A. Fischer

MAR 28

- 96 John C. Lucchesi 411 Longleaf Dr.
- 97 Barbara Lucchesi 411 Longleaf Dr.
- 98 Iris Evans 11 Banbury Lane
- 99 Andrew M. Evans " " "
- 100 M. R. Winack 7 " "
- Philip Johnson 23 Banbury Lane
- 102 Carey Shaw Jr 22 Oxford Apts
- 103 Frances C. Shaw 22 Oxford Apts
- 104 Dorothy Dr Lett 20 Oxford Apts
- 105 Nancy C. Dugan 16 Banbury Lane
- 106 Helen Van Horn 15 Banbury Lane
- 107 Marjorie H. Conney 6 Banbury Lane
- 108 Gertrude B. Elson 1 Banbury Lane
- Dorothy D. Allen 4 Banbury Lane
- 110 Dan L Doble 306 Spruce
- 111 Margie B. Brown 303 Hamlet Lane
- 112 Joel B. Brown 303 Hamlet Lane

A letter of protest had also been received from Oxford Condominiums Association.

OXFORD TOWNHOUSE CONDOMINIUM, INC.

March 22, 1977

Mr. M. Burger
Planning Office
The Town of Chapel Hill
306 North Columbia Street
Chapel Hill, N.C. 27514

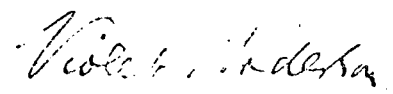
Dear Mr. Burger:

I write on behalf of the sixteen Members of this Association, each of whom owns a townhouse condominium in Banbury Lane, to ask if you will kindly convey our message to the Aldermen concerned with the proposed zoning changes.

The proposal to rezone the area opposite our land, fronting on Ephesus Church Road, from the existing R - 15 to R - 10, is a matter of serious apprehension to us. When making our investments in our homes we took into account the high zoning rating of the neighboring land since it was a factor which would influence the maintenance of the value of our property. We had every expectation that it would remain at that high level. The higher density of occupation which you now propose to face us with would undermine our standing and hence our investment.

We petition the Aldermen, as a matter of keeping faith with the community, not to alter the character of our immediate neighborhood.

Yours sincerely,



Violet Anderson, Secretary
9 Banbury Lane
Chapel Hill, N.C. 27514

The background of the property was given. The property had been rezoned from agriculture to R-15. In 1970 a request had been made for rezoning to R-5. A valid protest petition had been received on that occasion, and the Board of Aldermen had denied the request without referral to the Planning Board. Another request for rezoning to R-10 had been received in 1971. The Board of Aldermen had again denied the request without referral to the Planning Board.

Alderman Marshall pointed out that the Board of Aldermen was no longer allowed to deny a request for rezoning without referral to the Planning Board.

Mr. Robert L. Bryan, co-owner of the property, spoke for the development. He stated there were no uses allowed in R-10 zoning that were not allowed in R-15 zoning. The difference is in the density. The zoning change would increase the number of units allowed from 26 to 33. The purpose of the rezoning request was (1) to provide smaller, more moderately priced lots; (2) to allow a mixture of residences of 1, 2 and 3 units; (3) to provide building sites where houses can be constructed for less than \$50,000; and (4) to create a transitional zone between the R-15 zoning of Ridgfield Park and R-3 and R-5 zoning of the apartments and condominiums. He believed potential purchasers would trade off the appearance of the apartments and driveways they would look out on for more moderately priced lots. The developers would dedicate a 90' right-of-way for the proposed thoroughfare link. Mr. Bryan did not believe the proposed development would devalue adjoining property. He quoted from a letter by Mr. A. C. Robbins, an appraiser in Chapel Hill, who also gave an opinion that the rezoning would not devalue the adjoining properties. Mr. Bryan stated that more development in town, with town services, would lessen the amount of traffic coming into town from development

outside of the town. The proposed thoroughfare, when built, would also reduce the amount of traffic going through Ridgefield Park. The proposed development would be in conformity with Ridgefield Park, providing a buffer between Ridgefield Park and the apartment complexes.

Mrs. Vera Wolfe stated that when she bought her home, the neighborhood was semi-rural. Now it was crowded with traffic and businesses. The rezoning would be an encroachment on the residential nature of the neighborhood.

Mr. William Turnier stated the rezoning question had been examined before and none of the circumstances had changed from the last time. He did not believe the matter should keep coming up unless the circumstances had changed. He stated the streets in this area were not designed for heavy traffic. Heavy traffic would be dangerous for children walking to school.

Mrs. Rachel Simon stated there was no constancy in the planning of the town. When she had moved into her home, she had been told there would be no through streets--there were now two. They had also been told there would be only single family units. There were now duplexes.

Ms. Maria F. Turnier said she had asked about the zoning of this lot when moving into her home, and had been told it was R-15 and would not change. She was appealing to the Board of Aldermen to maintain the type of residential neighborhood they now had.

Mr. Kenneth Shearer stated he and his wife would not have brought their home if the zoning had not been R-15. The Aldermen had agreed at earlier rezoning requests that the property should be left at R-15 to protect the character of Ridgefield Park.

Mrs. Gertrude London read the advertisement for the sale of the property in 1976 in which the zoning was stated as R-15. She stated that the buyers had known it was zoned R-15 when they bought it, and must have known some of the background for the property. She then read from an article in the newspaper in 1973, which quoted the Board of Aldermen as assuring the residents of Ridgefield Park that this tract of land would not be developed at a higher density.

Mr. Donald Searing stated the area had many children who played in the streets because there was no other place to play. Increasing the traffic would only make the problem worse.

Ms. Claire Simon stated she drove through this area every morning to go to work. She had had to change her route several times because of heavy traffic.

Mr. Charles Foskey stated a denser populated area would create more sewer tap-ons when the town already had sewer problems.

Mr. Bryan said the street configuration would not be changed by a zoning change.

Mr. Max Hommersand said the traffic was already dangerous for children, and the use of part of this property for a thoroughfare would make it worse.

Ms. Ann Shearer stated the development of duplexes and triplexes on this property would devalue the adjoining properties.

Ms. Alice Kramer stated when she had brought her home, she had been assured there was no risk in the zoning of this property being changed.

Alderman Smith stated the Board had denied two requests for rezoning on this property. The Planning Board was working on a long-range development plan which would be obsolete if the Board of Aldermen continued to rezone each time these requests came before it. Alderman Cohen stated he lived near this area, and the traffic was very heavy. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Marlboro Meadows Townhouses Unified Housing Special Use - Public Hearing

Mayor Wallace asked for all persons wishing to speak on the request for

a unified housing special use permit for Marlboro Meadows Townhouses to come forward and be sworn.

Mr. Jennings asked that the background report be included as a part of the record.

MARLBORO MEADOWS TOWNHOUSES
UNIFIED HOUSING DEVELOPMENT SPECIAL USE

Background Report
March 28, 1977

Project Description: A request by Samuel Longiotti for a unified housing development special use permit to construct 57 townhouse units on 16.6 acres of land zoned R-5 and located on the south side of American Legion Road on property identified as Chapel Hill Township Tax Map 27, Block D, Lot 17A.

History: The site was originally planned and approved for a 128 unit multi-family development under a special use permit granted on June 12, 1972. This permit was later modified to reduce the number of dwelling units to 100 and to convert the apartments to condominiums. On September 30, 1975 the special use permit became void since the starting and completion dates had not been met. On July 26, 1976 the Board of Aldermen declined to consider plans for a cluster subdivision containing 48 lots for single family development due to the limitations on sewer line extensions at that time. The applicant has subsequently obtained a sewer line extension permit to serve 48 dwelling units and is seeking a modification to the permit to accommodate the proposed 57 dwelling units.

Public Utilities and Services: The property is just outside the Chapel Hill corporate limits. Fire protection would be provided by the New Hope Rural Fire Department. A sewer extension permit has been approved for 48 dwelling units and an application has been filed to amend this permit to include the additional 9 units. Garbage collection is proposed to be by private contract. The expected wastewater discharge is 22,800 gallons per day.

Flood Plain: The property is not located within the Chapel Hill Flood Plain.

Open Space: The applicant proposes a minimum of 4 acres of open space within the development. The Zoning Ordinance requirement is 3.96 acres.

Access and Off-street Parking: Off-street parking meeting the Zoning Ordinance requirement has been provided within the development. Access to the dwelling units is by American Legion Road and the proposed Marlboro Meadow Drive. Both roads have a 60 foot wide public right-of-way. All roads within the development will be public. A pedestrian easement is proposed connecting the public street to Ephesus Road School.

He stated the development would have 57 units on 16.6 acres of land located on the south side of Legion Road, east of the intersection of Ephesus Church Road and Legion Road. The property is surrounded by Castillian Villa, Kings Arms Apartments, and Oxford Condominiums to the west, American Legion Hut to the east, and scattered residential uses across the road. Access would be by Legion Road. It is estimated that the project would generate 400 trips on Legion Road. A sewer line extension permit has been granted for 48 units based on the previous subdivision request; however, the applicant is seeking a modification to that permit. The thoroughfare plan does not consider Legion Road to be a major thoroughfare.

Alderman Smith asked if the Board could consider a project which will have more units than it has a permit for. Mr. Denny answered that the Board could consider it, but could not give final approval until the permit had been modified.

Mr. Bill Devereaux described the project as detached townhouses or patio houses. By providing blank walls on one side of each unit, a greater usage of the property is allowed, with more open space and more usable space in the buildings. A buffer of 200 to 300 feet will be in front of the project. Mr. Devereaux thought the traffic impact would be minimal. The roads would be built to town standards. Large areas of the property would be left untouched, and additional landscaping would be added to help control soil erosion. Experience and statistical tables showed similar complexes to have approximately .2 children per unit. Therefore, the impact on the schools would be minimum.

In response to Alderman Epting's questions, Mr. Devereaux stated the units would be on individual lots with a Homeowner's Association to care for common ground. The side yard requirements would not apply. Alderman Smith asked about the character of the open space. Mr. Devereaux explained that the land sloped gently toward a stream. The land had very little vegetation. On questions about the road coming to the end of the property, Mr. Jennings explained that the town policy is that when a road cannot be linked to another, the road is brought to the end of the property line for future extension. Alderman Howes suggested this policy be reconsidered. He did not think 400 cars per day would be minimal. Alderman Epting asked if the Planning staff had looked into the possibility of acquiring a right-of-way across the American Legion property to bring the road back out to Legion Road. Alderman Smith did not think it necessary to extend the road. As long as the Legion owns the land, there will probably be no development on it.

Ms. Turnier stated this part of Chapel Hill was going through much development. She felt the density should be spread around through other parts of the town.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Higgs Professional Office Development Unified Business Special Use Permit -
Public Hearing

Mayor Wallace called the public hearing to order. All those wishing to speak on the request for a professional office development unified business special use permit by Don Higgs were sworn.

Mr. Jennings asked that the background report be included in the record.

HIGGS PROFESSIONAL OFFICE DEVELOPMENT
UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT

Background Report
March 28, 1977

Project Description: A request by Don Higgs for a unified business development special use permit to convert the existing residential structure located at 1611 East Franklin Street and containing 1,650 square feet of enclosed floor area to an office building and to construct behind the existing structure a second residential appearing structure containing 1,200 square feet of enclosed floor area to be used for office space. Property is identified as Chapel Hill Township Tax Map 46, Block A, Lot 6.

Public Utilities and Services: The property is located within the Chapel Hill corporate limits and has electricity, water, sewer, municipal fire protection and municipal garbage collection available to it. The maximum expected wastewater discharge is 560 gallons per day.

Flood Plain: The property is not located within the Chapel Hill Flood Plain.

Access and Off-Street Parking: Off-street parking meeting the Zoning Ordinance requirement has been provided within the development. Access to the property is by East Franklin Street which is a major thoroughfare having a right-of-way width of 100 feet. East Franklin Street has a five lane cross section carrying between 18,900 and 19,200 vehicles per day. There are two existing curb cuts along the frontage of the property. No paved sidewalk exists along the frontage of the property, however, there is a paved sidewalk along the frontage of the fire station's property which is located to the east of the subject property.

Surrounding Uses and Zoning Districts: The property is zoned R-3 and is surrounded by R-3 zoning on the west, east and south sides. The property to the north is zoned R-15. Abutting land uses include the Chapel Hill Fire Station Number 3 to the east, commercial and residential uses to the south, residential uses to the west and vacant land to the north.

The applicant proposed to convert an existing structure into an office building, and build a second structure behind the first. The property is located at 1611 E. Franklin Street, next to the fire station. It is across from Kroger Plaza and First Citizens Bank. The land is zoned R-3, with R-3 zoning surrounding it on three sides. Property to the north is zoned R-15. The property has a circular drive with two curb cuts. Fifteen parking spaces will be provided. There is no paved sidewalk in front of the property. Franklin Street is designated as a major thoroughfare on the thoroughfare plan.

Mr. Higgs stated the original intention was just to convert the house to an office. However, to qualify under the unified business special use permit, he would have to build the second building, which would be residential in nature. He did not believe the use would be detrimental to adjoining property values. The developers would not disturb any of the trees and shrubs. The hedge would be continued further along the side of the property. Mr. Higgs stated the house was not maintained now, and would technically qualify as a slum. He hoped to retain the residential appearance by preserving the existing yard, and by having a low volume business. This type of office would help to prevent strip commercial development along Franklin. All utilities would be underground. Mr. Higgs felt the use to be in harmony with the plan of development for Chapel Hill. The site had good visibility and a traffic light at Elliott would prevent a dangerous traffic situation. The use would not have negative effect on the value of adjoining property. They would meet all requirements and conditions of the ordinances. Replying to Alderman Silver, Mr. Higgs stated the parking area would be graveled. Alderman Gardner asked if Mr. Higgs thought the office development to be more desirable than the R-3 zoning uses. Mr. Higgs stated the entrance to town was commercial. The area is not a prime residential area.

Mr. Bill Levine spoke against the development. One of the goals of the Comprehensive Plan was to intersperse commercial and residential areas. He felt this area to be very fragile. This R-3 area breaks up the strip development along Franklin and should be maintained as a buffer along the commercial development.

Alderman Gardner stated the likelihood of young couples raising children in this area was not very great. Mr. Levine replied that there were already families with children on Franklin Street and he did not believe this would change so long as this area remains residential. Alderman Cohen asked if the occupants of the surrounding houses had been notified, if they were tenant occupied. Mr. Jennings stated signs were posted on the property but only the owners of the adjoining properties were notified. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN HOWES, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

Five-Sixteen East Franklin Street Condominium Development Unified Housing Special Use Permit - Public Hearing

The public hearing was called to order and persons desiring to speak on the request for a unified housing special use permit for a condominium development at 516 E. Franklin Street were sworn. Mr. Jennings asked that the background report be included in the record.

FIVE-SIXTEEN EAST FRANKLIN STREET
SPECIAL USE PERMIT

Background Report
March 28, 1977

Project Description: A request by Dennis Wuycik and Rick Suberman for a special use permit to convert two existing residential structures located at 516 and 520 East Franklin Street from the existing 7 rental units to 3 condominium units. Property is identified as Chapel Hill Township Tax Map 74, Block E, Lot 4. The property contains a total of 25,239 square feet of area and is zoned R-10. A small addition is proposed for the structure at 520 E. Franklin Street. No significant existing vegetation is proposed to be removed. All existing rock walls would be preserved.

Location: The property is located on the south side of E. Franklin Street near the Public Library and is located within the Historic District. All uses within a 500 foot radius of the subject property are residential except for institutional uses owned by The Town of Chapel Hill and the University of North Carolina. R-10 zoning abuts the property on all sides.

Public Utilities and Services: The property is located within the Chapel Hill corporate limits and has all public utilities and services available to it. No significant increase in wastewater discharge is anticipated from the proposed change to condominium ownership.

Flood Plain: The property is not located within the Chapel Hill Flood Plain.

Access and Parking: Access to the 3 units is from E. Franklin Street. The two existing curb cuts are proposed to be retained. One curb cut serves both the subject property and the adjoining property to the west. Off-street parking meeting the requirements of the Zoning Ordinance is shown on the proposed site plan.

An existing Chapel Hill gravel sidewalk is located along the frontage of the property with Franklin Street.

The 1974 traffic count for this portion of E. Franklin Street ranged between 15,000 and 17,000 vehicles per day.

Ordinances and Standards: The application complies with all Zoning Ordinance regulations.

The applicant proposed to convert two existing structures into three condominium units with an addition on the smaller structure. The property is zoned R-10 and is located across from the library. Access is from E. Franklin St. Surrounding area is mostly residential. Six parking spaces are proposed. A gravel sidewalk is now in front of the property. No additional sewerage would be required by the proposed use. The large structure will be divided into two units, and the small structure with its addition will be one unit. The house is in the historic district and has been given a certificate of appropriateness by the Historic District Commission.

Mr. Rick Suberman, one of the developers stated the use would not endanger the public health or safety. He thought the conversion would lower the population density of the structure which is now used as rental units. It will also lower the vehicle density. Less utilities will be used. Only minor changes in the landscaping are planned. All conditions and specifications of ordinances will be met. Mr. Suberman thought the values of adjoining properties would be increased through lower density and better maintenance of the property. The use will be in harmony with the area. He did not believe the use as condominiums would change the character of the area. The present owners cannot use the structure as a single family residence because it is too large. Mr. Suberman replied to Alderman Gardner that the Articles of Condominium Owners Association would be submitted to the Planning Board. Alderman Epting stated he favored the project. The benefits of the condominiums would outweigh any detriments. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Amendment to Section 3 and Section 4 of the Zoning Ordinance - Public Hearing and Consideration of Declaring the Central Business District and Adjoining Limited Business Districts an Area of Special Control

Jennings stated the public hearing had been called at the request of the Planning Board, to consider ways in which the town would have better control over the Central Business District than it now does. The staff had identified two vehicles by which the town could have better control, that of special use procedure and designating areas of special control. Under the latter, the Appearance Commission would issue a certificate of appropriateness for any modifications, signs or landscaping. The Board of Aldermen could approve the special use permit or could relegate this function to the Board of Adjustment. The staff had not drafted any legislation to cover either of these alternatives. Mr. Denny explained that further public hearings might be required for specific suggestions for implementation.

Alderman Marshall reminded the Board that this question had been studied before and read some excerpts from the minutes of the CBD Implementation Team meeting on May 19, 1974. The minutes referred both to the Leary report and to the White study on the CBD. The White study had recommended the CBD be put under special use procedure. Mr. Green felt the flexibility of special use appropriate, providing a method for both writing out standards and yet retaining the ability to control many details. Mr. Harlman, at that time, had broached the difficulty of special use bringing development to other areas than the CBD, such as the adjacent limited business district, as developers strove to avoid going under special use. To avoid this, it would be necessary to find out why this fear existed, define special use and what it meant, find ways to reassure developers, letting them see that special use could mean flexibility for them as well as regulations for the town. An ordinance could be drawn to have use by right under listed conditions and special use for others. Alderman Cohen stated that most commercial development was under special use except in the CBD. By allowing use by right in the CBD without restrictions, the Board had failed to realize that business uses in the CBD have a large impact not only on other businesses, but on residential uses in abutting districts or on existing residential uses in the CBD, as well as on pedestrian through uses of the property. He stated the kind of process he would like would be one of community review of major changes or uses. Alderman Epting stated that people coming back to the town after a period of absence are disturbed at some of the uses that are allowed. But now, as the law is written, any commercial use is allowed in the downtown area without inquiry by the town. He did not think businesses would be driven away by regulations, but would be driven away only if people were driven away by a lowering of the quality of the area. Alderman Smith asked if the Planning Board had considered action for the CBD in the comprehensive plan. Ms. Parker answered that it had been discussed, but not to this level of consideration.

Mr. Rashkis stated he was in sympathy with the intention of the ordinance. However, he was concerned about a procedure where a small group of people with diverse backgrounds would be deciding what use certain properties would be put to. He would like the word "major" to have some definition or limitation. Such an ordinance could lead to unfair and possibly negative control over the CBD. Alderman Cohen stated that a group of members of the Chamber of Commerce and some of the Planning Board members had met to put together some sort of development for the town's large piece of undeveloped land and another similar piece to the west of the bank. This would take the cooperation of several property owners. The present ordinances were to try to hold off some changes until a program for bringing new use into the downtown area had been formulated. Alderman Gardner agreed with Mr. Rashkis.

Mr. Phil McGill was concerned that a hand full of people would be making value judgments as to what the Town of Chapel Hill will need. Alderman Silver said people were not objecting to a service in town, but whether it added to the appearance of the Town.

Alderman Vickery supported the comments made by Mr. McGill and Mr. Rashkis. Mr. Bryan stated he was agreeable to giving the Appearance Commission to authority to issue certificates of appropriateness. Ms. Fluellen stated she was apprehensive about the proposed legislation becoming discriminatory. Alderman Smith wanted some control over the CBD because at present any kind of pornography shop could be opened downtown. Alderman Vickery wanted to avoid legislating the morals of the town. And, banning pornography shops might be in conflict with federal laws.

Alderman Howes stated he did not agree with Alderman Vickery. The market had brought the Pizza Hut to the Town, but people had objected to it through political process. The proposal was to bridge the gap between the market and the political process, and accommodate both forces.

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER OF AN AMENDMENT TO SECTION 3 AND SECTION 4 OF THE ZONING ORDINANCE TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER OF DECLARING THE CENTRAL BUSINESS DISTRICT AND ADJOINING LIMITED BUSINESS DISTRICTS AN AREA OF SPECIAL CONTROL TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. Alderman Gardner asked that the Planning Board also take note of the proposed sign ordinance at the same time.

Petitions and Requests

Mr. Ed Hess, Director of the Carol Woods Retirement Center, stated the environmental impact ordinance is so broadly written that it strikes projects which have no impact on the environment. The Retirement Center had submitted its assessment for interior alterations which would have no impact on the environment. Now waiting for the thirty days was holding up their work. He petitioned the Board to make a modification to the ordinance to give the Building Inspector discretion to issue building permits on projects which have no impact on the environment. Alderman Epting stated he had met with Mr. Hess and told him there were amendments to the ordinance which would be discussed on April 4. Mr. Hess said this would not give much relief. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THAT CONSIDERATION OF AMENDMENTS TO THE ENVIRONMENTAL IMPACT ORDINANCE BE PLACED ON THE AGENDA OF THE MEETING OF APRIL 4. Alderman Howes stated the Planning Board and Appearance Commission might not be ready to give their opinion by April 4.

Alderman Epting stated it was his intention when the ordinance was adopted that copies of environmental statements would be distributed to appropriate boards. He requested that this be done for projects which would require a vote of the Board of Aldermen or Planning Board. THE MOTION WAS CARRIED UNANIMOUSLY.

Alderman Howes introduced the following resolution of appreciation to the University of North Carolina basketball team.

RESOLUTION OF APPRECIATION

WHEREAS, the basketball team of the University of North Carolina at Chapel Hill under the coaching and guidance of Dean Smith, Bill Guthridge, Eddie Fogler, and trainer John Lacey did perform superbly throughout a long and arduous season winning the regular conference title with a record of 24 and 4; and

WHEREAS, under extreme physical hardship they did win the Atlantic Coast Conference Championship; and

WHEREAS, in the Eastern Regionals they did defeat 3 highly-rated teams - Purdue, Notre Dame, and Kentucky; and

WHEREAS, they did advance to the finals of the NCAA Championship by defeating the University of Nevada at Las Vegas only to finish second in the finals to a fine Marquette team; and

WHEREAS, this young team by its splendid performance has represented the University, the Town, and the State of North Carolina so admirably on and off the court;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Chapel Hill that we do hereby extend to the entire University of North Carolina basketball team and its coaching staff, our most hearty congratulations on behalf of all the citizens in recognition of an outstanding athletic performance.

BE IT FURTHER RESOLVED that a copy of this resolution will be sent to each member of the basketball team, coaches, trainers, and managers.

This the 29th day of March, 1977.

ALDERMAN HOWES MOVED SECONDED BY ALDERMAN SMITH, THAT THE RESOLUTION BE ADOPTED. THE MOTION WAS CARRIED UNANIMOUSLY.

Alderman Cohen requested that he be allowed to make a legislative report as the last item on the agenda. There was no objection.

Minutes

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SILVER, THAT THE MINUTES OF MARCH 14, 1977, BE APPROVED AS CORRECTED. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Closing Portions of Franklin and Henderson Streets for
Apple Chill Fair

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

RESOLUTION CLOSING PORTIONS OF FRANKLIN AND HENDERSON STREETS FOR APPLE CHILL FAIR

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby directs the closing of Henderson Street between Rosemary and Franklin Streets, and Franklin Street between the western driveway entrance to the planetarium and Columbia Streets on Sunday, April 17, 1977, from 12 to 7:30 p.m., to allow the holding of Apple Chill Fair and cleanup of the street following said fair.

This the 29th day of March, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Certifying Valuation as Required by HUD Handbook 1320.

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SMITH, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 1320.1

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board of Aldermen has determined on the basis of three appraisals that the fair market value of certain property intended for purchase by the Chapel Hill Housing Authority, is as follows:

<u>Parcel Number</u>	<u>Area (Sq. Ft.)</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Established Fair Market Value</u>
85-D-8	7,889.14	Nonie Jones	Land and Structure	\$8,150.00

(407 Cotton Street)

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

This the 29th day of March, 1977.

Mr. Denny explained that as a part of the CD program, the Housing Authority had acquired a tract of land that will be of benefit to the Town, and is in a congested area near Hargraves. It has acquired the property on Cotton Street and proposes to sell it to a displacee. That transaction will come before the Board at a later time in the form of a private sale to individual displacees or a public sale with preference to displacees.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving the CD Block Grant Entitlement Application

Mayor Wallace stated there were two recommendations for approval of the community development block grant program. Mr. Shipman explained the difference between the manager's recommendation and the Planning Board's recommendation was that the Planning Board had recommended giving two rehabilitation grants totaling \$9,000 to the Pine Knolls Community Center for renovation of the Center, provided the structure would serve the community for at least 7 years, and a maintenance contract sufficient to the town could be executed. The rehabilitation grants would reduce the homeowners rehabilitation grants by two. The manager had recommended the 12 rehabilitation grants be given to homeowners. After the recommendation by the Planning Board, the staff had tried to seek an appraisal on the community center to determine if there were seven years useful life in the building, and assurance of the community labor for rehabilitation. Mr. Denny stated he had contacted Jim Webb and asked for his assistance in this matter. They had inspected the premises and made

the following findings: (1) the project was a desirable one provided it could be accomplished; (2) there was no way short of a take-off to determine if the \$9,000 was enough to accomplish the rehabilitation; (3) the town would not want to get half way finished and find there wasn't enough money; and (4) there needed to be assurance that the community labor would be forthcoming.

Mr. Ted Parrish stated he had a statement from George Tate that he would do the complete job, including materials and labor, for \$14,630. Mr. Parrish stated the community would provide well over \$5,000 in labor.

Alderman Cohen stated both recommendations were acceptable. However, if the idea of neighborhood participation and involvement was to mean anything, the Board should be in favor of the community priorities. The community should be given a chance to prove that they could put the structure together. Alderman Howes agreed with Alderman Cohen. Alderman Smith asked what type of arrangements had been made with Mr. Tate for the materials if the community furnished the labor. He asked who was going to supervise the work. Mr. Parrish replied that Mr. Tate had agreed to give technical assistance, but it was going to be a community project. Alderman Vickery stated the Planning Board minutes seemed to indicate there were two different opinions on whether the community center was a priority. Mr. Parrish stated the community was together on the project. Alderman Silver asked if the community had asked the County for assistance in operating expenses. Mr. Parrish stated their attorney was requesting the County to release the community from taxes for the property. They had not asked for operating money. Alderman Smith asked about the taxes already levied against the property. Mr. Denny advised that non-profit organizations might make application and be exempted from County and City ad valorem taxes, but these would be prospective not retrospective taxes. He did not know of any way the organization could be relieved of water, sewer and paving assessments. Mr. Parrish stated the community was prepared to pay the water and sewer assessment.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

RESOLUTION APPROVING THE CD BLOCK GRANT ENTITLEMENT APPLICATION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager, Kurt J. Jenne, to submit an application to the Department of Housing and Urban Development for \$465,000 in Community Development Block Grant Entitlement funds to be expended in accordance with the attached Third Year (1977-78) Community Development Program Budget as prepared by the staff and modified by recommendations by the Planning Board; and

BE IT FURTHER RESOLVED that the said Kurt J. Jenne be and the same hereby is directed and designated as the authorized representative of the Town to act in connection with the application and to provide such additional information as may be required.

This the 29th day of March, 1977.

Attachment

TABLE 1. BREAKDOWN OF CDBG ADMINISTRATIVE COSTS
1977-1978 (\$) (HOUSING AUTHORITY)

	Rehab- ilitation	Relo- cation	General Admin.	Total	% of Salary
1. SALARIES - Total	48,045	12,505	16,590	77,140	
a. Executive Director			12,170	12,170	50
b. Executive Secretary			4,420	4,420	50
c. Hsg. Finance Advisor	11,915			11,915	100
d. Hsg. Dev. & Operations Manager	16,290			16,290	100
e. Rehab Advisor	11,850			11,850	100
f. Clerk Typist	7,990			7,990	100
g. Relocation Officer		12,505		12,505	100
2. EMPLOYEE BENEFITS - Total			10,278	10,278	
a. FICA			4,513	4,513	
b. Retirement			4,243	4,243	
c. Health Insurance			1,228	1,228	
d. Life Insurance			294	294	
3. OVERHEAD - Total			13,632	13,632	
a. Travel			2,965	2,965	
b. Contract for Services			0	0	
c. Equipment			330	330	
d. Other (rent, util- ities, supplies, etc.)			10,337	10,337	
TOTAL	48,045	12,505	40,500	101,050	

TABLE 2. ANALYSIS OF HOUSING AUTHORITY ADMINISTRATIVE COSTS, 1977-1978

	Rehab- ilitation	Relo- cation	General Admin.	Total
(1) Total CDBG Expenditures (\$)				465,000
(2) CDBG Housing Authority Expenditures (\$)	122,045	219,305	40,500	381,850
(3) Administrative Expenses (\$)	48,045**	12,505	40,500	101,500
(4) $\frac{\text{Admin. Expen. (3)}}{\text{CDBG Expen. (1)}} (\%)$				22
(5) $\frac{\text{Admin. Expen. (3)}}{\text{CDBG HA Expen. (2)}} (\%)$	39**	6		26
(6) Other Funds (\$):				
(a) 312 Loans*	30,000			30,000
(b) HLTF Loans*	140,000	99,000		239,000
(7) Total Expenditures (\$) (2) + (6)	292,045	318,305	40,500	650,850
(8) $\frac{\text{Admin. Expen. (3)}}{\text{Total Expen. (7)}} (\%)$	16**	4		16

*Subsidy and/or guarantee on loans.

**Rehabilitation staff also handle some relocation-related activity, including arranging Housing Loan Trust Fund replacement housing loans and demolition of dilapidated housing.

TABLE 3. CDBG ADMINISTRATIVE COSTS, 1975-1978 (\$) (HOUSING AUTHORITY)

	1975-76 Budget	1976-77		Proposed 1977-78		
		Budget	Revised	Budget	% Change	
					Bgt.	Rev.
1. SALARIES & FRINGE BENEFITS - Total	74,985	86,690	86,366	87,418		
a. General Admin.	27,870	10,900*	29,694	26,868*		
b. Relocation	14,450	19,200	12,336	12,505		
c. Rehabilitation	32,665	56,590	44,336	48,045		
2. OTHER ADMIN. EXPENSES	21,365**	12,710	13,361	13,632		
TOTAL ADMINISTRATION	96,350	99,400	99,997	101,050	+1.7	+1.1

*Salaries of Executive Director and clerical support, and employee fringe benefits were apportioned among program areas for 1976-77 budget, but were put entirely in general administration in 1977-78 budget in order to facilitate accounting.

**Includes employee fringe benefits.

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TABLE 4. OVERALL CD ADMINISTRATIVE COSTS

<u>Total Expenditures</u>		<u>Administrative Costs</u>		<u>Adm. as % of Total</u>
\$465,000	CDBG	\$101,050	Hsg. Auth.	
30,000	Other federal		Admin.	
	excluding	7,000	Planning &	
	Section 8		Management	
9,800	General Fund			
239,000	HLTF			
<hr/>				
\$743,800	Subtotal	\$108,050	Subtotal	15%
148,000	CDBG Discre-	13,000	Discretionary	
	tionary		Admin.	
<hr/>				
\$891,800	Total	\$121,050	Total	14%
<hr/>				

(PLANNING BOARD RECOMMENDATION)
 COMMUNITY DEVELOPMENT PROGRAM BUDGET

Table 6

THIRD YEAR 1977-1978

Activity	Source of Funds					Total Cost
	Federal CD		Other Federal	Local		
	Hold-Harmless	Discretionary		General Fund	Housing Loan Trust Fund	
1. Planning and Management	1,000			7,000		8,000
2. Hsg. Auth. General Administration	40,500					40,500
3. Replacement Housing Program - total	219,305				99,000*	318,305
A. Real property acquisition of 11 structures @ \$4,200	(46,200)					(46,200)
B. 11 replacement housing grants @ \$13,000	(143,000)					(143,000)
C. 11 temporary relocation payments @ \$350	(3,850)					(3,850)
D. 11 appraisals @ \$550	(6,050)					(6,050)
E. 11 replacement housing loans @ \$9,000					(99,000)*	(99,000)
F. Demolition of 11 structures @ \$700	(7,700)					(7,700)
G. Administration	(12,505)					(12,505)
4. Rehabilitation - total	122,045	148,000	30,000		140,000*	440,045
A. 10 rehab grants @ \$4,500	(45,000)					(45,000)
B. Pine-Knolls Community Center	(9,000)					(9,000)
C. 30 rehab grants @ \$4,500		(135,000)				(135,000)
D. 5 "312" rehab loans @ \$6,000			(30,000)			(30,000)
E. 20 MLTF rehab loans @ \$7,000					(140,000)*	(140,000)
F. Emergency rehab fund	(20,000)					(20,000)
G. Administration	(48,045)	(13,000)				(61,045)
5. Intake and referral/ Community organization	20,200					20,200
6. Street improvements: 1,200 LF of paving	47,500					47,500
7. Code enforcement				2,800		2,800
8. Rent subsidies: 100 existing units @ \$2,074 (Sec. 9)			207,400			207,400
sub-total	450,550	148,000	237,400	9,800	239,000*	1,084,750
9. Local option activities	14,450					14,450
TOTAL	465,000	148,000	237,400	9,800	239,000*	1,099,200

* Maximum encumbrance

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Attachment 1

**OUTLINE OF PROCEDURES FOR CARRYING OUT
ACQUISITION AND RELOCATION ACTIVITIES**

<u>ACTIVITY</u>	<u>TIME ELAPSED</u>
1. Public Hearing concerning Community Development activities for up coming year.	15 days
2. Once the Community Development Plan is approved, a selection of families to be considered for re-development is made from the Town's Inspection Report, Housing Authority Inspections and cost work-up.	
3. Alert the families selected of the program activity.	15 - 20 days
4. Aid the owner/occupant to understand his property situation.	
5. Encourage owner to take advantage of available program (acquisition & relocation).	15 - 20 days
6. Obtain demographic information (income, social characteristics of household, etc.)	
7. Obtain income verification for the purpose of determining eligibility for Housing Loan Trust Fund and ability to pay.	15 to 30 days
8. Request attorney to obtain title information.	20 to 30 days
9. Have property surveyed.	
10. Select and consult with real estate appraisers.	30 to 45 days
11. Have property appraised.	
12. Review appraisal work.	
13. Approval by Housing Authority Board of Commissioners.	10 to 15 days after appraisal review
14. Approval by Board of Aldermen.	7 to 10 days
15. Send letter of Intent to Acquire and explain procedure.	10 to 15 days
16. Negotiate for sale of property.	Minimum of 60 days
17. Establish closing date (at the convenience of the family).	15 to 30 days
18. Advise family of the amount (based on income), of the amount which should be put into new dwelling.	7 to 10 days
19. Assist family with temporary housing.	60 days
20. Schedule and complete demolition of structure.	15 to 20 days
21. Construction of new dwelling.	Minimum of 120 days:
22. Schedule permanent move.	15 to 20 days
23. Follow-up on complaints from owner regarding contractor's work.	Indefinite

NOTE:

The total acquisition and relocation process usually extends four to six months into the next year's activities. Some of the reasons for this are:

1. Date actually funded by the Department of Housing and Urban Development for Community Development year.
2. Problems with heir property.
3. Problems with correct legal description of property.
4. Problems with establishing Housing Loan Trust Fund eligibility.
5. Problems with weather conditions delaying contractor's work.

MAR 28

OUTLINE OF PROCEDURES FOR IMPLEMENTING
REHABILITATION AND NEW CONSTRUCTION LOANS
THROUGH THE HOUSING LOAN TRUST FUND

<u>ACTIVITIES</u>	<u>TIME PERIOD</u>
1. Public Hearing concerning Community Development activities for the up coming year. 2. Once the CD Plan is approved, a selection of families to be considered for assistance is made from the Town's Minimum Housing Inspection Report.	15 days
3. Consult with the families who are eligible for assistance under the CD Program activities. 4. Interview and advise the applicants on the general rehabilitation objectives of the CD Program, and the purpose and meaning of the minimum housing codes.	15 - 20 days
5. Complete "Special Loan Application" on information supplied by the applicant (unverified) 6. Inspect the property for minimum housing code violation, incipient violations and general improvements that the owner wishes to make. 7. Prepare a work write-up and cost estimate of the rehabilitation work needed to meet minimum housing codes.	10 - 15 days
8. Determine eligibility of the applicant for a loan by obtaining the following information A. Verification of Mortgage on Deed of Trust from each holder of lien secured by property B. Credit report from recognized credit bureau C. Verification of employment D. Verification of savings and checking account E. Verification of ownership of property 9. Make a preliminary evaluation of applicant's ability to repay indicated loan amount.	20 - 30 days
10. Consult with applicant on preliminary work write-up and cost estimate to reach agreement on work to be done within applicant's ability to repay. 11. Prepare final work write-up and cost estimate. 12. Prepare construction contract documents for applicant and obtain bids and proposals for contractors. Also assist applicant in selecting acceptable contractor.	5 - 15 days
13. Prepare loan application; based on information furnished by applicant and supporting documentation obtained by Housing Authority. Obtain applicant's signature on loan application forms. 14. Transmit recommended loan application file to Housing Loan Trust Fund Committee. 15. After receipt of loan approved from loan committee, consult with various lending institutions about making the loan. Also obtain a letter of commitment from lending institutions.	10 - 20 days

16. Prepare for and carry out loan settlement with applicant and Housing Authority attorney.	2 - 5 days
17. Assist applicant to issue proceed order for Construction work (3 working days after loan settlement).	
18. Inspect rehabilitation work periodically.	30 - 120 days
19. Make final inspection of completed Rehabilitation with owner.	
20. Notify lending Institution and Housing Authority attorney the date and time of loan closing.	6 - 10 days
21. Make a 60 day inspection of property from the date of closing.	
22. Follow up on complaints from owner regarding Contractor's work.	Indefinite

Note:

Due to the special nature of the Housing Loan Trust Fund, it takes longer to process than the 312 Loan; in the Housing Loan Trust Fund we have a loan guaranty and an interest subsidy program and a third party which is the local lending institution. The Housing Authority prepares all of the information for the lending institution and the only thing the lending institution has to do is approve the loan and have the Housing Authority deposit the loan amount in the Housing Loan Trust Fund escrow account.

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OUTLINE OF PROCEDURES FOR IMPLEMENTING REHABILITATION LOAN THROUGH FEDERAL 312 LOAN PROGRAM

<u>ACTIVITIES</u>	<u>TIME PERIOD</u>
1. Public Hearing concerning Community Development activities for the up coming year. 2. Once the CD Plan is approved, a selection of families to be considered for assistance is made from the Town's Minimum Housing Inspection Report.	15 days
3. Consult with the families who are eligible for assistance under the CD Program activities. 4. Interview and advise the applicants on the general rehabilitating objectives of the CD Program, and the purpose and meaning of the minimum housing codes.	15 - 20 days
5. Complete preliminary application on information supplied by applicant (unverified) 6. Inspect the property for minimum housing code violation, incipient violations and general improvements that the owner wishes to make. 7. Prepare a work write-up and cost estimate of the rehabilitation work needed to meet minimum housing codes.	10 - 15 days
8. Determine eligibility of the applicant for a loan by obtaining the following information A. Verification of Mortgage on Deed of Trust from each holder of lien secured by property B. Credit report from recognized credit bureau C. Verification of employment D. Verification of saving and checking account E. Verification of ownership of property F. Request title report from attorney 9. Make a preliminary evaluation of applicant's ability to repay indicated loan amount.	20 - 30 days
10. Consult with applicant on preliminary work write-up and cost estimate to reach agreement on work to be done within applicant's ability to repay. 11. Prepare final work write-up and cost estimate. 12. Prepare construction contract documents for applicant and obtain bids and proposals for contractors. Also assist applicant in selecting acceptable contractor.	5 - 15 days

<p>13. Request appraisal of property from HUD or from a HUD approved FHA appraiser.</p> <p>14. Prepare loan application; based on information furnished by applicant and supporting documentation obtained by Housing Authority. Obtain applicant's signature on loan application forms.</p> <p>15. Submit loan application to HUD Area Office for approval.</p> <p>16. After receipt of loan approval from the HUD Area Office we request loan check from HUD office in Atlanta (10 working days to receive check).</p>	15 - 25 days
<p>17. Prepare for and carry out loan settlement with applicant and Housing Authority attorney.</p> <p>18. Record security instruments and deposit loan check endorsed by borrower to the Rehabilitation escrow account.</p> <p>19. Assist applicant to issue proceed order for Construction work (3 working days after loan settlement).</p>	2 - 5 days
<p>20. Inspect rehabilitation work periodically.</p> <p>21. Make final inspection of completed rehabilitation work with owner.</p>	30 - 120 days
<p>22. Prepare for and complete loan closeout and prepare statement of Disposition of Funds.</p> <p>23. Request checks from Housing Authority escrow account.</p> <p>24. Obtain from contractor guarantee of work, manufacturer's and supplier's warranty and release of liens from General Contractor.</p> <p>25. Make final payment to contractor for completed Rehabilitation work.</p>	3 - 5 days
<p>26. Request recorded Deed of Trust from Housing Authority attorney if applicable.</p> <p>27. Send all transmittal letters to HUD Area Office and the Certification of final Inspection (HUD 6245) to Bureau of Statistics, Washington, D. C.</p>	3 - 5 days
<p>28. Make a 60 day inspection of property from the date of closing</p>	2 - 3 days
<p>29. Follow up on complaints from owner regarding Contractor's work.</p>	Indefinite

Note:

There has been some problems with the 312 Loans being available when we needed it in the past. Presently 312 Loans are available until September 30, 1977, at which time Congress will have to approve monies for the 312 Loan program

Alde.lman Gardner stated that although the project was a popular one, he doubted that one of the recipients of the grants would chose the project over receiving a grant. Mr. Denny stated there were administrative de-tails that would have to be worked out. It was understood by the Board that if the stipulations placed on the granting of the money could not be carried out, the money would revert to rehabilitation grants for homes. THE MOTION WAS CARRIED UNANIMOUSLY.

MAR 28

Resolution Confirming Refund and Release of Pro Rata of Sewer Rentals for the Fiscal Year 1976-77

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

RESOLUTION CONFIRMING REFUND AND RELEASE OF PRO RATA OF SEWER RENTALS FOR THE FISCAL YEAR 1976-77

WHEREAS, Town of Chapel Hill and the Orange Water and Sewer Authority did enter into an Agreement under date July 29, 1976 for the transfer and conveyance of the sanitary sewer utility of the Town to the Orange Water and Sewer Authority, and

WHEREAS, said Agreement of Sale and Purchase did provide for the pay-ment of a pro rata share of the sewer rentals for the fiscal year 1976-77 collected by the Town of Chapel Hill to the Orange Water and Sewer Authority upon closing, and

WHEREAS, said contract of Sale and Purchase has been closed, and

WHEREAS, the Parties have entered into an Amendment to said Agreement of Sale and Purchase to provide that the Town will refund the pro rata share to the tax account lister, and will release a pro rata share on any accounts not paid in lieu of payment to the Authority, and

WHEREAS, the Board of Aldermen have heretofore entered a Resolution authorizing the Tax Collector generally to comply with the terms of said Amended Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the actions of the Tax Collector in refunding 3485 sewer accounts in the total of \$156,110.97, a detailed list of which said accounts and the amount of the individual refund is on file in the Office of the Tax Collector and Town Clerk be, and is hereby con-firmed, and

BE IT FURTHER RESOLVED, that the actions of the Tax Collector in re-releasing the pro rata share of 330 accounts in the total amount of \$17,207.90, a detailed list of which accounts and the individual amount thereof is on file in the Office of the Tax Collector and Town Clerk be, and the same is hereby confirmed.

This the 29th day of March, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution - Tax Releases

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

RESOLUTION - TAX RELEASES

WHEREAS, taxes listed below were erroneously levied through clerical errors on properties belonging to the following:

<u>Name</u>	<u>Rec. #</u>	<u>Amount</u>	<u>Reason</u>
Norman Blacknell	2701 (1960)	9.80	Lived in County (Piney Mt. Road).
	2695 (1961)	4.69	
	201 (1962)	4.30	
	254 (1964)	1.06	
David E. Brown	841	15.54	Listed and paid tax in Guilford County.
Michael G. Byrne & Michelle	9061	46.38	Lived in Carrboro on 1-1-76.
John Jacob Cannell	9419	56.31	Lived at Wrightsville Beach on 1-1-76.

Alford Nello Clark	9437	15.60	Picked up in error. Belongs to Carrboro.
Parks Marshall Crowell, Jr. & Sara McCelland	9472	36.96	Lived in Gainesville, Florida on 1-1-76.
Steven Long Gray	9560	54.57	In Guilford County on 1-1-76.
Franklin Neal Hill	9596	31.77	Double listed.
Elizabeth Page Montgomery	9757	15.60	Resident of Caldwell County.
Charles Sellars Parrott	9793	50.25	Lenior County resident.
Cathy J. Rosenthal	6164	30.71	Car registered and paid for in Maryland.
Michael Thomas Ray Sheppard	9858	41.87	In military.
Kay Ginter Shoulars	9860	15.60	Ohio resident.
Leslie William Thomas	9915	102.93	Double listed.
Rebecca A. Watson	7426	30.45	Car listed and paid for in Lenoir County.
June Gardell Wright	9971	42.16	Not in Town - in County.
Robert A. Poole	5733	29.51	Not in Town - in Chatham County.
Robert I. Shoaf	6503	9.71	V.W. listed at 2025 should be 1100.

WHEREAS, the above listed persons have made application for release of said taxes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that it finds the taxes of the above listed persons were levied through clerical error, and in the discretion of the Board should be released to the taxpayer;

IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

This the 29th day of March, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for Radio Communications Equipment

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION.

RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR RADIO COMMUNICATIONS EQUIPMENT

WHEREAS the Town of Chapel Hill has solicited formal bids on radio communications equipment and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	<u>Delivery & Installation</u>
Motorola, Inc. Raleigh, N.C.	\$33,841.18	90 days

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Motorola, Incorporated in the amount of \$33,841.18 and that it be awarded the contract.

This the 29th day of March, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

MAR 28

Community Appearance Commission - Nominations

The terms of Robert Bryan, Eunice Brock and James Webb had expired December 31, 1976. Recommendations for nominations for filling these vacancies from the Appearance Commission were: Eunice Brock, Robert Bryan, James Webb, James R. Leutze, Jane Turvey and Watts Hill, Jr. Dr. Lamar Cecil had been nominated by the Board of Aldermen.

Procedure Related to Hearing Citizen Discussion Following Regular Action on Subdivisions.

Mayor Wallace stated questions had been raised by citizens concerning the Jorem subdivision for which the Planning Board had recommended approval. The citizens were concerned that they had not been notified of the subdivision process in time to attend the Planning Board meeting at which the recommendation had been made. They were now requesting to be notified when the Board of Aldermen would consider the subdivision. This would be at the next meeting. Alderman Cohen asked if notice of subdivisions was given to residents adjacent to the subject properties. Mr. Jenne replied that it was not required, but the Planning Department had recently begun to notify residents in a similar manner to that for zoning changes. Alderman Marshall stated that when the Board was discussing a technical matter, it did not help to hear comments from citizens who did not understand what kind of decisions the Board could make. She did not object to hearing questions from the public which could then be answered. Alderman Howes stated the petition procedure should be the way to hear the comments from these citizens on the Norem Subdivision. Mayor Wallace said he would inform the citizens of this.

Alderman Smith asked if the Town Manager could have residents notified in a subdivision of any size. Mr. Denny responded that this would take an amendment to the ordinance. Mr. Denny was asked to draft such an amendment.

Future Agenda Items

Alderman Howes stated he had received requests for town licenses to be sold at more places, perhaps at banks as are bus passes. He would like for this to be considered. Also he had received requests for the speed limit to be increased on Manning Drive now that parking has been removed. Mr. Denny stated this would take an ordinance.

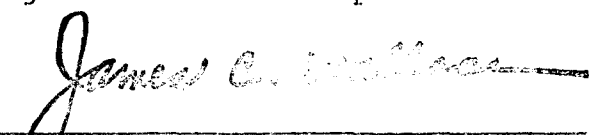
Alderman Smith said the revised thoroughfare plan had been discussed for a long time. He asked when some action was going to be taken on it. His second concern was that some citizens had received the impression that Hargraves Center was going to be closed and were upset. He wanted the Board to assure these citizens that the Center would not be closed.

In response to action on the thoroughfare plan, Mr. Jenne said the State was to explain the plan, but seemed reluctant to send someone to do so. Now that the town was employing a transportation planner, it was hoped that more time would be given to the thoroughfare plan.


Legislative Report

Alderman Cohen reported the bill to allow voting by Chapel Hill residents in Durham County was introduced as House Bill 427 on March 14. House Bill 428 was referred to local government committee #1 which because of a backlog has not adopted a schedule yet. The deadline for local bills is April 1. Also, the Board had two years ago adopted a resolution endorsing a senate bill authorizing funding for transit communities under 10,000 operating expenses. That bill had passed the House subcommittee but did not get out of the House committee. A legislative hearing was being held on April 6. APTA would be supporting two bills, HR5010 and Senate 208. Alderman Cohen would be attending a legislative conference in support of the bills and wanted to take with him a resolution endorsing the bills from Chapel Hill. He asked if this could be considered at the next meeting.

There being no further business to come before the Board, the meeting was adjourned at 11:40 p.m.



Mayor, James C. Wallace



Town Clerk, David B. Roberts