

James C. Wallace  
Mayor, James C. Wallace

David B. Roberts  
Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND MEETING OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY APRIL 25, 1977  
7:30 P.M.

Mayor Wallace called the meeting to order at 7:30 p.m. Present were:

- Gerald Cohen
- Thomas Gardner
- Jonathan Howes
- Shirley Marshall
- Marvin Silver
- R. D. Smith

Also present were Town Manager K. Jenne, Town Attorney E. Denny, and Town Clerk D. Roberts.

Resolution of Appreciation - Robert Bryan

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

OFFICE OF THE MAYOR

R E S O L U T I O N

WHEREAS, Robert Bryan served as a member of the Community Appearance Commission from June 1973 through December 1976, and

WHEREAS, Robert Bryan contributed long hours of service to the Town of Chapel Hill demonstrating unflagging dedication in the pursuit of a more attractive Chapel Hill, and

WHEREAS, Robert Bryan provided vigorous and determined leadership during his three and a half years of service;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Aldermen of the Town of Chapel Hill, on behalf of all of the citizens, express deep appreciation to Mr. Bryan, for the excellent services rendered; and

BE IT FURTHER RESOLVED that this resolution be signed by the Mayor and each member of the Board of Aldermen and a copy be duly filed with the permanent records of the Town of Chapel Hill.

This the 25th day of April, 1977.

James C. Wallace  
Mayor James C. Wallace

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Alderman Gerald Cohen

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Alderman Robert Epting

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Alderman Thomas B. Gardner

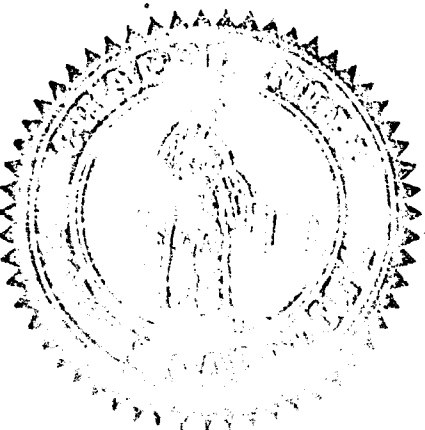
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Alderman Jonathan B. Howes

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Alderman Shirley Marshall

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Alderman Marvin Silver

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Alderman R. D. Smith

\_\_\_\_\_  
Alderman Edward Vickery



THE MOTION WAS CARRIED UNANIMOUSLY.

Assessment Rolls for Kings Mill Sewer - Public Hearing

Mayor Wallace called the public hearing to consider the assessment rolls for the Kings Mill Sewer to order. Mr. Jenne stated the Kings Mill project was done in two phases over a two to three year period. The initial assessment roll was found to be in error, was reprepared, readvertised to be heard at this meeting, and a copy sent to all property owners affected. The total project cost minus the amount of the clean water bond grant was \$125,761.77, equalling \$2,515.24 per lot plus the acreage charge. This is approximately what was estimated to be the cost when the project was proposed.

Mayor Wallace asked for comments from the audience. Mr. Robert Page, representing Dr. Nelson, stated Dr. Nelson owned two lots which were both being assessed. One of the lots is unbuildable. In talking with Mr. Roberts, he had found there was precedent for the Town to reconsider this assessment and assess Dr. Nelson for only one lot. He petitioned the Board to consider this.

Mr. Denny said there was a similar problem with Mr. Holland's property. The last time the Board had a sewer assessment before it, it took the position that if the property owner irrevocably combined the two lots into one building lot, with a covenant in perpetuity with the town, he could be assessed for only one lot. Or, if the Board found that waiving these assessments would make a significant difference, it could readvertise to hold another public hearing with a further revised assessment roll.

Ms. LaVerne Anderson stated when this area had been annexed by the Town, they had been told sewer would cost approximately \$1,000 to \$1,500. Now, because of the delay of the Town in installing sewer it was costing much more. She asked that before annexing any more land, the Town be able to provide sewer so that residents would know how much it would cost. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SILVER, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR KINGS MILL I & II SEWER COLLECTOR PROJECT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby confirms the following as the assessment roll for the Kings Mill I & II Sewer Collector project; deleting 2 lots owned by Herbert Holland Robert M. Nelson, a covenant with the Town in perpetuity, combining their lots, is received within 30 days.

	<u>Owner</u>	<u>Lot Size</u>	<u>A. Ch.</u>	<u>Total</u>
<u>Map 68</u>				
<u>Block C</u>				
Lot 7				
<u>Subdivision Map</u>				
<u>Block E</u>				
Lot 7	Carl Anderson	.9	112.50	2,627.74
8	Carl Anderson	1.0	125.00	2,640.24
9	Carl Anderson	.8	100.00	2,615.24
8	Moyer G. Smith	.7	87.50	2,602.74
9	Charles Bryan	1.1	137.50	2,652.74
10	Claude George, Jr.	.9	112.50	2,627.74
11	Lon F. Ussery	1.7	212.50	2,727.74

Block G

Lot 15	Maynard Hufschmidt	.7	87.50	2,602.74
16	Avery Cohan	.7	87.50	2,602.94
17	Charles Morris	.8	100.00	2,615.24
18	George F. Scheer	.9	112.50	2,627.74
19	Gerald Barrett	.9	112.50	2,627.74
20	Orville Campbell	.7	87.50	2,602.74
21	Lloyd J. Thompson	.8	100.00	2,615.24
22	Gerald Barrett	.9	112.50	2,627.74
23	Donald G. McLeod	1.0	125.00	2,640.24
24	Frank C. Williams	1.6	200.00	2,715.24

Map 68  
Block B

Lot 1	W. W. McLendon	.9	112.50	2,627.74
2	Jeffery C. Allen	.6	75.00	2,590.24
3	Dr. Henry E. Turlington	.6	75.00	2,590.24
4	Ernest Small	.7	87.50	2,602.74
5				

Subdivision Map  
Block B

Lot 9	Herbert Holland	.6	75.00	2,590.24
5	Herbert Holland	1.0	125.00	2,640.24
7	Larry G. Hart	.7	87.50	2,602.74
8				

OwnerLot SizeA. Ch.TotalSubdivision Map  
Block B

Lot 2	Robert M. Nelson	.6	75.00	2,590.24
3	Robert M. Nelson	.6	75.00	2,590.24

Block C

Lot 1	Harry C. Gillespie	.8	100.00	2,615.24
2	Dannie Moffie	.8	100.00	2,615.24
3	Norman Jackson	1.6	200.00	2,715.24
4	Edward Perl	.7	87.50	2,602.74
5	George Taylor	.8	100.00	2,615.24
6	Robert Gallman	1.0	125.00	2,640.24
12	Roy Holsten	1.0	125.00	2,640.24
13	Walter Benson	1.1	137.50	2,652.74

Map 68  
Block D

Lot 5	Mable Barrett Jones	1.0	125.00	2,640.24
6				

Subdivision Map  
Block C

Lot 2	William T. & Harriet Crisp	.9	112.50	2,627.74
7	James C. Wallace	.9	112.50	2,627.74

Block G

Lot 10	Charles R. Morris	.9	112.50	2,627.74
12				

Subdivision Map  
Block A

Lot 4	David A. Davis	.8	100.00	2,615.24
5	David A. Davis	.8	100.00	2,615.24
13	Robert Lindsay	.8	100.00	2,615.24
14	J. A. Branch, Sr.	.8	100.00	2,615.24

Map 69  
Block A

Lot 1	Henry Bodman, Jr.	1.4	175.00	2,690.24
2	Henry A. Landsberger	1.3	162.50	2,677.74
3	Rudolph Steinberger	.9	112.50	2,627.74

	<u>Owner</u>	<u>Lot Size</u>	<u>A. Ch.</u>	<u>Total</u>
<u>Map 72</u>				
<u>Block E</u>				
Lot 4	Mary G. Whitfield	1.5	187.50	2,702.74
5	Margaret Kalp	1.1	137.50	2,652.74

Block F

Lot 1				
<u>Subdivision Map</u>				
<u>Block E</u>				
Lot 21	Claude Piantadosi	.9	112.50	2,627.74
22	Claude Piantadosi	1.0	125.00	2,640.24
2	Thomas L. Hall	.7	87.50	2,602.74

This the 25th day of April, 1977, at \_\_\_\_\_ p.m.

Phase I (Constructed by T. H. Blake Contracting Corporation)

Construction	\$63,522.08
Engineering	\$ 5,399.38
	<u>\$68,921.46</u>

Phase II (Construction by Billings & Garrett, Inc.)

Construction	\$69,313.60
	\$ 5,891.06
	+ 213.10
Revenue	<u>\$75,417.76</u>

Grant	\$18,186.20		
Sales Tax	\$ 591.25		
	<u>\$18,777.45</u>	Total	\$144,339.22
Less Audit	- 200.00		<u>18,577.45</u>
	<u>\$18,577.45</u>		<u>\$125,761.77</u>

\$125,761.77 divided by 44 lots = \$2,858.22

\$125,761.77 divided by 50 lots = \$2,515.24

THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Alderman Marshall, seconded by Alderman Howes, consideration of the minutes of March 28 was deferred until the next meeting for a correction. On motion by Alderman Cohen, seconded by Alderman Smith, the minutes of April 4, 1977, were approved.

Petitions and Requests

Ms. Ontjes, art coordinator of the Chapel Hill-Carrboro Schools and the Orange County Art Council, petitioned the Board for contribution of \$300 towards the purchase of supplies. The School Art Guild was planning to have a printmaking class this summer, and this contribution would enable students to participate in the program without paying. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE TOWN MANAGER FOR CONSIDERATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Sparrow asked to be allowed to speak when the Sparrow Apartments were considered.

Mr. Warren Howard requested permission to speak on the University Mall special use permit modification when it was considered.

Mr. Lamar Cecil petitioned the Board to speak when the preliminary sketch for the Oaks Subdivision was considered. Ms. Sue Gray and Mr. John Barrett also requested to speak on this matter.

Mr. Mel Rashkis requested the Board to consider an amendment to the resolution which had been adopted April 4, 1977 approving the Norem Subdivision. This was placed on the agenda at the end of the planning items.

Mr. Scott Herman-Giddens asked to speak when the Huskey House relocation was considered.

Alderman Marshall asked the Board to add a discussion on the allocation for COG to the agenda.

Mr. Jenne asked the Board to add to the agenda consideration of a resolution changing the minimum value of a car to be sold at auction on April 30. The car had blown an engine, changing its value. He also wanted the Board to consider the changes to the schedule for the public hearings on the budget. These changes eliminated the hearings which were to be held the week of April 25. This was added to the end of the agenda.

Alderman Gardner requested that telephone informational charges be discussed when the franchise for the telephone company was considered.

Mayor Wallace asked the Board to request the attorney investigate the impact of the Supreme Court decision "New Orleans v. Dukes" relative to the matter of the Flower Ladies on Franklin Street. He wanted the attorney to give a report on this matter at the next meeting.

#### Preliminary Sketch for the Oaks Subdivision, Map 5

Mr. Jennings pointed out the section of the Oaks under consideration, east of Rogerson Drive and south of the creek. The project consists of 50.6 acres to be divided into 31 lots. Approximately 25 acres of the subdivision will be within the flood plain. Two lots are partially within the floodway zone. Twenty acres have been designated as open space, all of which is in either the flood plain or the floodway zone. The open space can serve as a portion of the Town's greenway system and as a wildlife refuge. The sewer for the project could be accommodated in the allocation system 1978 through 1981. Mr. Jennings stated that during the Planning Board meeting, concern had been expressed about the traffic going from 15-501 to 54 using Burning Tree Drive and Cleland Road. There was also concern expressed about double frontage lots. However, the applicant has agreed to deed to the Town a 1 foot strip along Rogerson Drive to prevent curb cuts. Alderman Silver questioned Mr. Jennings on the traffic on Burning Tree Drive. Mr. Jennings responded that at present Burning Tree Drive is deadend. The road was cut originally to provide access through the Oaks, however, there is no public access out. Alderman Smith thought the road was cut before the subdivision came in for approval. Access was denied because the residents felt it would become a speedway. Alderman Marshall thought problems were building up because each neighborhood did not want increased traffic. If many of these neighborhoods were opened, the traffic would be diffused throughout the town. She was upset because one of the excuses of the neighborhoods was that children played in the street. The Board should not seem to approve of children playing in the street. Alderman Howes disagreed saying one of the charms of Chapel Hill is that children can play in the streets.

Ms. Sue Gray stated that if Cleland is opened, direct access will be provided to highway 54. She suggested an alternative to connecting Cleland was making a loop road into the subdivision. She wanted further study on this issue.

Mr. Lamar Cecil stated that Rogerson Drive was a high density neighborhood. Both old and young use Rogerson for recreational purposes. He requested the Board to consider the proposal carefully before depriving the street of its unusual character.

Alderman Cohen said it was equally likely that opening up Cleland and Burning Tree would cut the traffic on Rogerson in half.

Mr. Barrett had come to speak on the driveway access, but that problem had been solved by the planning department. He presented a petition to the Board not to open Cleland Road.

Mr. Jennings in response to Alderman Howes' question, stated he did not think traffic on Rogerson would be greatly increased because of the split in traffic for the two roads. Rogerson is a narrow street, and the others are 33' wide. He felt paving of Cleland Road would have a greater effect on traffic than the connection. Past experience has shown there are problems for emergency services on subdivisions with one entrance way. It also made urban services more expensive. Alderman Cohen stated there had been several requests for a stop sign at Burkley, and perhaps these requests should be acted on. Alderman Silver wanted an up-to-date traffic study on Rogerson Drive. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN COHEN, TO REFER THE MATTER BACK TO THE PLANNING BOARD, FOR THE PURPOSE OF TRAFFIC STUDIES AND REPORT TO THE BOARD OF ALDERMEN. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving a Modification of the Special Use Permit for the University Mall to Permit Construction of a Restaurant

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

A RESOLUTION APPROVING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE UNIVERSITY MALL TO PERMIT CONSTRUCTION OF A RESTAURANT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to North Hills, Inc. in September, 1968 and later amended for the University Mall Unified Business Development is hereby modified to approve the location of approximately 4,104 square foot restaurant on the portion of the site adjacent to the Binkley Baptist Church, as shown on plans submitted with this application subject to the following:

1. That the sign plan be approved by the Community Appearance Commission prior to issuance of the building permit. Such sign plan not to include a pole sign.
2. That the landscape plan be approved by the Community Appearance Commission prior to issuance of the building permit. Such landscape plan to include: a) a solid evergreen hedge sufficient to totally screen the restaurant building and dumpster area from the abutting church property, and b) a modification to the approved landscape plan to include a solid evergreen hedge a minimum of 3 feet high to screen the parking lot along its frontage with US 15-501.
3. That if for topographic reasons it is necessary to place the required planting on the Binkley Church property to achieve the effective screen stipulated above, that the applicant secure a planting easement from the Church granting the applicant a perpetual right to maintain such planting for the duration of the special use permit.
4. That any and all planting which dies during the life of the special use permit shall be replaced with planting of the same species and approximately the same size during the next planting season.
5. That construction begin by April 1, 1978, and be completed by April 1, 1979.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans as submitted and approved continues to meet the requirements of the four findings made by the Board of Aldermen in September, 1968.

This the 25th day of April, 1977

Mr. Howard, a member of Binkley Church, asked if the proposal would be limited to a restaurant. He was concerned that the building might be used for other purposes if the restaurant failed. He did not believe the proposed structure in conformance with the architecture of the mall. The building design would also be limited to a few uses. Mr. Howard agreed with the staff that the design should be different. Mr. Jennings explained the staff had tried to get a change in design; however, the Appearance Commission had felt strongly that the French motif would serve as a transition between the mall and the church. The representative from North Hills said the corporation was ready to conform to the suggestions of the Board, but they would like to know what was wanted as they

were dealing with three or four groups, all of whom had a different opinion.

ALDERMAN COHEN OFFERED A SUBSTITUTE MOTION TO REFER THE MATTER BACK TO THE APPEARANCE COMMISSION WITH A DIRECTIVE TO RETURN TO THE BOARD WITH A RECOMMENDATION FOR A DESIGN SIMILAR TO THAT OF THE MALL. ALDERMAN SMITH SECONDED THE MOTION. THE MOTION TO SUBSTITUTE WAS CARRIED UNANIMOUSLY. THE MOTION AS SUBSTITUTED WAS CARRIED UNANIMOUSLY.

Resolution Granting a Special Use Permit for the Sparrow Apartments, Unified Housing Development, Old Lystra Road with Stipulations

Mr. Sparrow had originally submitted his request for a unified housing development special use permit with a design for four apartments. He now wished to modify that design to three apartments.

Mr. Jenne stated the staff had recommended the Board fail to make the positive findings of three issues. Two of these applied to conditions of the septic tank. The change in the number of units would eliminate the problem with the first issue of safety and health and the second issue of not complying with specifications. However, the third issue of lowering property values would still exist. No evidence had been shown at the public hearing that property values would not be lowered, and in the staff's opinion the burden of proof, which rests on the applicant had not been met. This was however, a matter of judgment.

Alderman Cohen felt the reduction would make a great deal of difference; it would certainly lower the amount of traffic and the number of occupants. ALDERMAN SMITH MOVED ADOPTION OF THE FOLLOWING RESOLUTION.

**A RESOLUTION DENYING A SPECIAL USE PERMIT FOR THE SPARROW APARTMENTS UNIFIED HOUSING DEVELOPMENT, OLD LYSTRA ROAD**

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby fails to make the findings that the request by B. B. Sparrow, et. al. for a Unified Housing Development Special Use Permit

- (1) will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved because it proposes a density to be served by a septic tank in excess of one unit per acre,
- (2) meets all required conditions and specifications because it proposes a density to be served by septic tank in excess of one unit per acre,
- (3) will not substantially injure the value of adjoining or abutting property because it is believed that the conversion from one unit to four units would have an adverse effect upon surrounding property values.

BE IT FURTHER RESOLVED that the Board of Aldermen of the Town of Chapel Hill refuses to grant a Special Use Permit for said Unified Housing Development.

This the 25th day of April, 1977

The motion died for lack of a second. Alderman Silver asked Mr. Jennings if the Planning Board had discussed the reduction to three units, Mr. Jennings responded that the applicant had suggested the reduction, but the Planning Board had not voted on it, they had only voted on the proposal for four units. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION.

**A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE SPARROW APARTMENTS UNIFIED HOUSING DEVELOPMENT, OLD LYSTRA ROAD WITH STIPULATIONS**

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Sparrow Apartments Unified Housing Development, if developed in accordance with the plans submitted with the application and modified to include not more than three dwelling units.

- (1) will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
- (2) meets all required conditions and specifications,

- (3) will not substantially injure the value of adjoining or abutting property, and
- (4) that the location and character of the use if developed according to the plan as submitted August 16, 1976 and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its Environs.

In order to make the four above findings, the Board of Aldermen stipulates that the plan of development submitted shall be modified by the following stipulations:

1. That the landscape plan and sign plan be submitted to and approved by the Appearance Commission prior to issuance of the building permit.
2. That all exposed areas (deprived of protective vegetative cover) be provided with protective ground cover sufficient to reduce erosion potential. Such to be accomplished prior to issuance of certificate of occupancy.
3. That an additional 15 feet of public right-of-way be dedicated along the property's frontage with Old Lystra Road to provide for future expansion as a thoroughfare.
4. That construction be completed by April 1, 1978.

BE IT FURTHER RESOLVED, by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit for the Sparrow Apartments Unified Housing Development according to the plans as submitted with the application and modified above is hereby granted.

This the 25th day of April, 1977.

ALDERMAN SMITH OFFERED A SUBSTITUTE MOTION TO RETURN THE MATTER TO THE PLANNING BOARD FOR RECOMMENDATION ON THE THREE UNITS. ALDERMAN SILVER SECONDED THE MOTION. THE MOTION TO SUBSTITUTE WAS DEFEATED BY A VOTE OF THREE TO THREE WITH ALDERMAN HOWES, SILVER AND SMITH SUPPORTING AND ALDERMAN COHEN, GARDNER AND MARSHALL OPPOSING. THE MOTION TO GRANT THE PERMIT WAS ADOPTED BY A VOTE OF FOUR TO TWO WITH ALDERMEN COHEN, GARDNER, HOWES AND MARSHALL SUPPORTING AND ALDERMEN SILVER AND SMITH OPPOSING.

Resolution Approving a Modification of the Special Use Permit for the Northampton Plaza Apartments to Permit the Relocation of the Huskey House on to the Property

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

A RESOLUTION APPROVING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE NORTHAMPTON PLAZA APARTMENTS TO PERMIT THE RELOCATION OF THE HUSKEY HOUSE ON TO THE PROPERTY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted and later amended for the Northampton Plaza and Northampton Terrace Unified Housing Developments are hereby modified to delete approximately 12,960 square feet located on the west side of Henderson Street near Cobb Terrace, as shown on plans submitted with the application

BE IT FURTHER RESOLVED that the Board finds that the use as modified in accordance with the plans as submitted and approved continues to meet the requirements of the four findings made by the Board on December 13, 1975.

This the 25th day of April, 1977.

Mr. Scott Herman-Giddens, representing the Cobb Terrace residents, said the residents had several concerns about the proposal. There were in favor of having the Huskey House on this property, but did not want anything else on the property. It was promised as open space and they were afraid that if anything happened to the Huskey House, that it was destroyed, an apartment would be built in its place.



Ms. Lee Cameron, representing the Preservation Society, read a statement promising to, if legally possible, put the following deed restrictions on the property when it was sold:

1. Restrict structural changes on the historic portion of the house to insure the integrity of this section.
2. Require that the Society be given the first refusal to purchase if the owner should wish to sell.
3. Require that the land be used for a single family unit in perpetuity.
4. In the event that the Huskey House be destroyed by fire that it be replaced by a unit similar in character and size or not at all.
5. That there be no removal of major vegetation such as trees or larger shrubs without written approval.

Alderman Cohen stated the covenant was a good solution, but suggested the lot be rezoned to R-6 so that the density would be the same as that of Cobb Terrace. The Town would have no right to enforce the covenant if in the future the Preservation Society and the owner decided to change it. Mr. Herman-Giddens suggested the Preservation Society give the town conservation easements so that the Town could enforce the covenant. Alderman Cohen asked Ms. Cameron if the Preservation Society would be willing to enter a covenant with the Town similar to that for sale of the house. Ms. Cameron agreed, if it was possible. Mr. Denny then explained that the proposed resolution was for the existing special use permit, but would not affect the Huskey House. He asked for a sentence to be added to the first paragraph:

...solely for the purpose of permitting the conveyance of the property to the Preservation Society and the relocation of the historic Huskey House on said property.

Alderman Howes and Smith agreed to the amendment. THE FOLLOWING MOTION WAS ADOPTED BY UNANIMOUS VOTE.

A RESOLUTION APPROVING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE NORTHAMPTON PLAZA APARTMENTS TO PERMIT THE RELOCATION OF THE HUSKEY HOUSE ON TO THE PROPERTY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted and later amended for the Northampton Plaza and Northampton Terrace Unified Housing Developments are hereby modified to delete approximately 12,960 square feet located on the west side of Henderson Street near Cobb Terrace, as shown on plans submitted with the application, solely for the purpose of permitting the conveyance of the property to the Preservation Society and the relocation of the historic Huskey House on said property.

BE IT FURTHER RESOLVED that the Board finds that the use as modified in accordance with the plans as submitted and approved continues to meet the requirements of the four findings made by the Board on December 13, 1975.

This the 25th day of April, 1977.

Amendment to the Resolution Approving the Norem Subdivision

Mr. Rashkis stated that in the resolution to approve the Norem Subdivision the stipulation regulating the private road had contained a twenty foot wide requirement. The members of the town staff did not feel this requirement was necessary or perhaps advisable. He requested the Board to pass a new motion or to amend the previous resolution to allow the Town Manager the discretion of establishing the road width upon advise of the staff. Alderman Gardner asked Mr. Rashkis if he would bind himself to the final decision made by the manager. Mr. Rashkis agreed. Mr. Harris indicated he would like some leeway in the design for the road, but he might specify a wider road once the conditions had been considered.

Mr. Howard asked that abutting property owners be kept informed of the discussions about the conditions of the road.

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

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the resolution adopted April 4, 1977, approving the preliminary sketch on the Norem Subdivision be amended in paragraph 1, thereof, fifth line, by deleting "twenty feet in width", and inserting in lieu thereof "acceptable to the Town Manager."

This the 25th day of April, 1977.

This was subject to the abutting property owners being kept informed by the Town Manager of the discussions. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinances and Resolution Concerning Traffic and Safety

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

AN ORDINANCE AMENDING CHAPTER 21, THE TRAFFIC CODE

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances, Town of Chapel Hill, is hereby amended as follows:

DELETE from Section 21-27, "No parking as to particular streets" the following:

STREET	SIDE	FROM	TO
South Columbia	East	Franklin Street	Town limits at N.C. 54 By-pass
South Columbia	West	Franklin Street	A point 350 feet south of Franklin
South Columbia	West	Cameron Street	McCauley Street
South Columbia	East	South Road	Town limits at 15-501 By-pass
South Columbia	West	McCauley Street	Town limits at 15-501 By-pass
Battle Lane	East	Franklin Street	A point 25 feet south thereof
N. Columbia Street	West	North Street	A point 122 feet south of the center line of North Street
Dogwood Drive	North		Full Length
Grant Street	West		Full Length
E. Patterson Place	Both		Unpaved portion
South Road	Either	Raleigh Street	Western curb of Drive to Navy Field
Westwood Drive (South entrance)	North	Columbia Street	W. University Drive
Westwood Drive	South	S. Columbia Street	University Drive

and ADD to Section 21-27 the following:

Dogwood Drive	Inside of Loop		Full Length
Grant Street	South		Full Length
E. Patterson Place	Either	Ransom Street	East End
W. Rosemary Street	North	Nunn Alley	A point 317 feet west of Nunn Alley
South Road	Either	Raleigh Street	West curb of drive to Carmichael Field
Westwood Drive	Inside of Loop		Full Length
Boundary Street	West	Hooper Lane	Park Place
S. Columbia Street	Either	Franklin Street	US 15-501 By-pass
Rosemary Street	Either	Henderson Street	Boundary Street

SECTION II

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

This the 25th day of April, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

AN ORDINANCE AMENDING SECTION 21-20.2, "FIRE LANES"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-20.2 of the Code of Ordinances, Town of Chapel Hill, is hereby amended by the addition of the following line:

NAME	DESCRIPTION	LENGTH
Fetzer Lane	Running north from Cameron Avenue at a point 315 feet west of Columbia Street.	12 feet

This the 25th day of April, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND SECTION 21-35, LOADING AND UNLOADING

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-35 of the Code of Ordinances, Town of Chapel Hill, is hereby amended by the addition of a new subsection (O) to read as follows:

- (O) the space along the curb on the north side of Cameron Avenue at the intersection of the extended center line of right-of-way Pittsboro Street, for a distance of 25 feet to either side of said extended centerline, shall be reserved at all times as a loading zone with no parking allowed except for loading and unloading.

#### SECTION II

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

This the 25th day of April, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

AN ORDINANCE TO AMEND SECTION 21-13, RIGHT-OF-WAY AND STOP REGULATIONS

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-13 of the Code of Ordinances, Town of Chapel Hill, is hereby amended as follows:

DELETE the lines:

#### Through Streets

Tinkerbell Rd.  
Boundary St.

and ADD the lines:

Ferrell Rd.  
Battle Lane

#### Stop Streets

Ferrell Rd.  
Battle Lane

Tinkerbell Rd.  
Boundary St.

#### SECTION II

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

This the 25th day of April, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION REQUESTING CONCURRING SPEED LIMIT ORDINANCE AMENDMENTS FROM THE N. C. DEPARTMENT OF TRANSPORTATION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby requests concurrence from the State Department of Transportation to change the speed limits on the following state-maintained roads within the Town of Chapel Hill:

The full length of Merritt Mill Road from the present 35 miles/hr. to 25 miles/hr.

Manning Drive from the present 25 miles/hr. to 35 miles/hr. from a point 0.85 miles east of N.C. 86 to U.S. 15-501 By-pass.

This the 25th day of April, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending Section 10-25, "Operation of Certain Enterprises Prohibited Without Obtaining a Franchise"

Alderman Cohen explained that until 1975 North Carolina allowed municipalities to franchise water, sewer, electric systems, natural gas and bus systems. In 1972, the Board of Aldermen had passed an ordinance requiring franchises based on the General Statutes. In 1975, the General Statutes were amended to allow the franchise of telephone companies. Chapel Hill's ordinance did not cover this. He wanted an ordinance passed requiring telephone companies to apply for a franchise to give the town some control over curbs, lines, etc. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 10-25, "OPERATION OF CERTAIN ENTERPRISES PROHIBITED WITHOUT OBTAINING A FRANCHISE"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 10-25 of the Code of Ordinances, Town of Chapel Hill, is hereby amended by the addition "or operate a telephone system" to follow the words "designated by General Statute 160A-311."

## SECTION II

All ordinances and portions of ordinances in conflict herewith repealed.

This the 25th day of April, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Alderman Gardner stated he had had several complaints about charges made for informational calls where a number was not listed in the telephone directory. Alderman Cohen said this had been discussed with Mr. Carson of Southern Bell. Mr. Carson had verified that the telephone directory put out by the university was frequently inaccurate. There was also a problem with the transient nature of the community. Mr. Carson stated Chapel Hill could not be treated any differently from other communities in the state. Alderman Cohen suggested the Utilities Commission could be asked to modify the charges. He asked that the Board direct the attorney to file a request with the Utilities Commission asking for a modification to the charges in the case of Chapel Hill, at least until Southern Bell could formulate its own directory. Alderman Cohen also asked for a modification in the installation rate where several thousand phones in one area will be turned on at one time in the fall. There was a consensus of the Board that this should be done.

## Transportation Board - Vacancy

The Board was notified that a vacancy existed on the Transportation Board created by the resignation of Bill Levine. The Transportation Board had also been notified and would forward recommendations.

Planning Board - Appointment

The Planning Board had submitted the names of Audrey Evarts and Jesse Page for nomination to the position on the Planning Board. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE NOMINATIONS BE CLOSED. THE MOTION WAS CARRIED UNANIMOUSLY. By a vote of four to two, Mrs. Evarts was appointed to fill the unexpired term of Bill Bayliss, such term to expire June 1981.

COG Allocation

Alderman Marshall explained that at the meeting of the delegates to COG, all of the delegates felt that some method of benefit should be used for the allocation. The first motion made supported the column for 1977-78 on the basis of allocation on judgment of benefit. This was to come in two stages so that members could adjust. Subsequent discussion showed that counties did not get uniform benefit. The formula for benefit treated all counties alike. Therefore another motion was passed to go on the basis of the 1977-78 population, with the stipulation that a study of benefits would be done for next year. Many of the jurisdictions heard from felt this to be too much. He was therefore considering a 20% increase over everyone's amount of last year. Mr. Jenne stated this much had not been budgeted. Alderman Howes suggested dealing with the question in the budget discussions. This was agreed to.

Resolution Changing a Minimum Bid for Public Auction

Mr. Jenne explained that the minimum bid set on a Plymouth Fury Sedan was no longer valid because the car had blown an engine. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SILVER, ADOPTION OF THE FOLLOWING RESOLUTION.

## A RESOLUTION CHANGING A MINIMUM BID FOR PUBLIC AUCTION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the resolution of April 4, 1977, declaring certain personal property to be surplus is hereby amended as follows:

In Section I, DELETE the line:

Article	Quantity	Minimum Acceptable Unit Bid
1975 Plymouth Fury Sedan	1	\$ 850.00

and ADD the line:

1975 Plymouth Fury Sedan	1	\$ 300.00
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This the 25th day of April, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Schedule for Public Hearings

Mr. Jenne asked if the Aldermen had any changes to make in the schedule for the work sessions and the public hearings. The meeting on May 18 was changed to 7:30 and the meeting on May 25 was changed to 4:00 p.m.

Future Agenda Items

Alderman Howes asked for a report from the Manager on the drainage problem at the Airport Road housing project.

There being no further business to come before the Board, the meeting was adjourned at 10:40 p.m.

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Mayor, James C. Wallace

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Town Clerk, David B. Roberts