

186

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

Mayor Wallace called the meeting to order. Present were:

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

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

The first item on the agenda was a public hearing, but as there was not a quorum of the Planning Board present, the Board deferred the hearing until such time as there was a quorum present.

Minutes

On motion by Alderman Howes, seconded by Alderman Smith, the minutes of November 14, 1977 were approved.

Petitions and Requests

Mayor Wallace announced that, as requested, he had appointed two committees, one to consider the fire and public safety situation, and a committee to study the revision of the noise ordinance, chaired by Alderman Silver. He hoped to have a report from the fire and public safety committee by January.

Ordinance Granting the Villages of Chapel Hill Associates, a Partnership, a Non-Exclusive Franchise to Operate a Limited Tenant Transportation Service within the Corporate Limits of the Town

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE. (See page 1A.)

Mr. Jenne explained that there were two minor changes, one to move a stop and layover point at University Square which was causing sight problems, and the other to close the left side door for safety. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Resolution Reapproving the Preliminary Sketch for Laurel Hill Subdivision, Section 2, Phase 2

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 1B.)

Mr. Jennings stated that the only change was in the requiring of curb and gutter on Bayberry Drive because it is a thoroughfare on the thoroughfare plan.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Resolution Setting Policy for Cooperation Between Law Enforcement Agencies

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 1C.)

Chief Stone said this resolution would specifically cover policemen with workmen's compensation and insurance. Nothing would be done without the Manager's prior knowledge. THE MOTION WAS CARRIED BY A UNANIMOUS VOTE OF 7 TO 0.

Resolution Affirming Intention to Re-Allocate Funds to the Capital Improvements Program

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 1D.)

Alderman Smith wanted to stipulate where the money was coming from to replace the \$150,000. He moved to amend the resolution by adding the following sentence: "The first monies from any BOR grant shall be applied

Board of Aldermen

-1A-

November 28, 1977

AN ORDINANCE GRANTING THE VILLAGES OF CHAPEL HILL ASSOCIATES, A PARTNERSHIP, A NON EXCLUSIVE FRANCHISE TO OPERATE A LIMITED TENANT TRANSPORTATION SERVICE WITHIN THE CORPORATE LIMITS OF THE TOWN

WHEREAS, it appears to the Board of Aldermen, and the Board finds as a fact, that it would be in the public interest, and that public convenience and necessity requires that the Town grant to the Villages of Chapel Hill Associates, a partnership, a non exclusive franchise to render limited motor bus transportation service as hereinafter provided between points and places within the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

That consent and permission be, and the same is hereby given and granted to Villages of Chapel Hill, Inc., a partnership, to engage in the furnishing of passenger transportation service as hereinafter provided over present and future streets in the Town, along the routes established from time to time as herein provided with the equipment and for the purposes as herein set forth, and to that end it is hereby authorized to operate over, along, and across the streets and highways within the Town, buses subject to the following terms and conditions:

1. Services to be rendered. The operation of buses over streets and highways within the Town shall be as to provide limited motor bus transportation service from the Village Apartments, located off Smith Level Road within the corporate limits of Carrboro, for the purpose of transporting its tenants from said apartments complex to the University of North Carolina at Chapel Hill, North Carolina Memorial Hospital, and to the Central Business District of the Town. It is the sole intent and purpose of this franchise to grant to the Villages of Chapel Hill Associates the authority and permission to operate over the streets of the Town for the purpose of providing such motor bus transportation to said points along the routes as hereinafter defined, with stops as herein set forth, and with passengers limited as herein provided.
2. Routes. Routes along streets of the Town shall be as provided on the attached map marked Exhibit "A". Any change in the route of the buses shall be subject to prior written approval of the Town Manager of Town and the Director of Transportation, and will be shown on a map affixed to a copy of this franchise.
3. Bus stops. Buses operated pursuant to this franchise shall stop for the purpose of loading and unloading passengers or to layover only at points designated on said map attached hereto as Exhibit "A" as may be modified from time to time with agreement to the Town Manager and the Director of Transportation. Except for emergency purposes, said buses shall not pick up or discharge passengers at other stops along said route.

4. Passengers. Passengers on said buses shall be limited to bona fide tenants of the apartment complex known as Village Apartments located off Smith Level Road in Carrboro, North Carolina, and their bona fide guests, when accompanied by a tenant.
5. Charges. No charges will be made for persons riding any of the buses operated pursuant to this franchise.
6. Number and Type of Buses. Permission is herewith granted for the operation of one double decker English bus of a height not to exceed 14 feet, and with no working passenger door on the left side.
7. Insurance. The Villages of Chapel Hill Associates agree to carry at times when operated over the public streets of the Town pursuant to this franchise insurance to as to indemnify and save harmless Town from any claims, liability, damages, occasioned by the operation of said buses on streets of Town, and the Villages of Chapel Hill Association agrees to indemnify and save harmless Town from any and all such claims, demands, liabilities, actions and causes of actions, occasioned by the operation under this franchise.
8. Duration of Franchise. This franchise shall exist and continue for a period of one year after final action by the Board of Aldermen thereon, and may be renewed for mutually acceptable periods thereafter upon application to and approval by the Town.
9. The franchise granted herein to The Villages of Chapel Hill Associates by the Board of Aldermen shall in no way prohibit or prevent the Board of Aldermen of the Town of Chapel Hill from granting other franchises, or from the operations of any mass transportation system within or into Town.
10. Assignment. This franchise and the right contained hereunder shall not be sold or assigned, or in any manner transferred without the prior expressed approval of the Board of Aldermen.

This the 28th day of November, 1977.

Board of Aldermen

-1B-

November 28, 1977

A RESOLUTION RE-APPROVING THE PRELIMINARY SKETCH FOR LAUREL HILL
SUBDIVISION, SECTION 2, PHASE 2

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for the Laurel Hill Subdivision, Section 2, Phase 2 submitted with the application, subject to the following requirements:

1. That a surety bond or a letter of credit, in type and amount to be determined by the Town Manager to be sufficient to cover the total estimated cost of all uncompleted improvements shown on the approved preliminary sketch and described within the conditions approved on December 12, 1977 shall be submitted to the Town Manager prior to recordation of the final plat.
2. That the applicant supply the Town with a letter from the Department of Transportation prior to release of the bond stating that all road improvements comply with State standards applicable for determining if a street is acceptable for maintenance.
3. Prior to paving streets, utility service laterals shall be stubbed out to the front property line of each lot. Sanitary sewer laterals shall be capped-off above ground.
4. All lots connecting onto the sanitary sewer system shall be served by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
5. That the pavement and base design for Bayberry Drive conform to Town standards. Such design shall be approved by the Town Manager prior to construction and shall include a paved cul-de-sac at the western end of Bayberry Drive. Curb and gutter will not be required for the cul-de-sac since it is temporary. The paved cross-section of Bayberry Drive shall be 33 feet back to back of curb with curb and gutter provided.
6. That a drainage plan be approved by the Town Manager prior to issuance of a grading permit.
7. That the sewer line be extended along Arboretum Drive to the Bayberry Drive-Arboretum Drive intersection rather than between lots 44 and 45. That lots 42 and 43 be served by the existing easement between lots 46 and 47.

This the 28th day of November, 1977.

A RESOLUTION SETTING POLICY FOR COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board, in accordance with the directives of North Carolina General Statutes Section 160A-288, hereby sets the following policy of the Town of Chapel Hill for cooperation between law enforcement agencies:

1. The Chief of Police is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency requests assistance in writing in accordance with North Carolina General Statutes 160A-288.
2. The Chief of Police is hereby authorized to permit officers of the Chapel Hill Police Department to work temporarily with officers of the requesting agencies including in an undercover capacity, and, to this extent may lend equipment and supplies.
3. While working with the requesting agency, a Chapel Hill police officer shall have the same jurisdiction, powers, rights, privileges and immunities as the officers of the requesting agency.
4. The Chief of Police is hereby further authorized to request mutual aid assistance from other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

This the 28th day of November, 1977.

Board of Aldermen

-1D-

November 28, 1977

A RESOLUTION AFFIRMING INTENTION TO RE-ALLOCATE FUNDS TO THE CAPITAL IMPROVEMENTS PROGRAM

WHEREAS the Board of Aldermen on June 13, 1977, approved a 5-year Capital Improvements Program for the Town of Chapel Hill; and

WHEREAS the opportunity later arose to enter into cooperative agreements with the Chapel Hill-Carrboro School Board, increasing the benefit to the citizens of the Town; and

WHEREAS the Board of Aldermen therefore augmented the Capital Improvements Program by the amount of \$150,000 in order to enter into such agreements with the School Board; and

WHEREAS this augmentation resulted in a temporary re-allocation of funds from the fourth year of Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby affirms its intention to return to the fourth year of the Capital Improvements Program said \$150,000 allocation from other funds as such may become available.

This the 28th day of November, 1977.

towards this \$150,000." ALDERMAN COHEN SECONDED THE MOTION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0. THE RESOLUTION AS AMENDED WAS ADOPTED BY UNANIMOUS VOTE OF 7 TO 0. (See page 2A.)

Ordinance Amending the Traffic Code

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING ORDINANCE. (See page 2B.)

Chief Stone stated the right-turn lane would be marked far enough back from the intersection that cyclists would have time to get into the left lane to go straight.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Resolution Accepting the Certification of the Results of the November 8, 1977, Municipal Election

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 2C.)

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Resolution Approving the 1976-77 Audit Report

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 2D.)

Mr. Hooper reviewed the report. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Request for a Special Use Permit for the Frank Porter Graham Child Development Center - Public Hearing

As a quorum of the Planning Board was now present, Mayor Wallace called the public hearing to order.

Witnesses were sworn. The University of North Carolina was requesting a special use permit to relocate three temporary, mobile buildings from Cameron Avenue to the Frank Porter Graham Child Development Center. The tract consists of 6.48 acres, 4 of which are in the floodway. The property is zoned R-5. Mr. Jennings submitted the project fact sheet to be included in the record. (See page 2E.)

In response to Alderman Smith, Mr. Rutherford stated that although the buildings would have a staff of approximately 21, only one-half of these were an increase. The other half were already working at the site. Mr. Rutherford submitted a statement of justification for the record. (See page 2F.)

Parking is to be on the university property and on property leased to the University by the school board. Very little grading would need to be done for the buildings. The buildings would be located in the floodway fringe, but the floors would be two feet above the ground. The playground equipment would be relocated. The area from which the trailers were being moved would be restored. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Request for a Special Use Permit for the Greer-Burris Childrens Home - Public Hearing

Witnesses were sworn in. Mr. Jennings stated the property was located on Old Lystra Road. The 20.23 acres were zoned agricultural and R-20. The facility was to be used as a children's home/nursing facility for outpatients at UNC. The existing residence on the property would be the caretaker's home. One dorm would be built with the special use permit, and the proposed four future dorms would require modifications to the permit. The sight distance at the driveway was the subject of concern at the public hearing. Mr. Webb read portions of a letter from Mr. Wagner, President of the Baptist Children's Home of N.C. stating that the age of the children would

Board of Aldermen

-2A-

November 28, 1977

A RESOLUTION AFFIRMING INTENTION TO RE-ALLOCATE FUNDS TO THE CAPITAL IMPROVEMENTS PROGRAM

WHEREAS the Board of Aldermen on June 13, 1977, approved a 5-year Capital Improvements Program for the Town of Chapel Hill; and

WHEREAS the opportunity later arose to enter into cooperative agreements with the Chapel Hill-Carrboro School Board, increasing the benefit to the citizens of the Town; and

WHEREAS the Board of Aldermen therefore augmented the Capital Improvements Program by the amount of \$150,000 in order to enter into such agreements with the School Board; and

WHEREAS this augmentation resulted in a temporary re-allocation of funds from the fourth year of Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby affirms its intention to return to the fourth year of the Capital Improvements Program said \$150,000 allocation from other funds as such may become available. The first monies from any BOR grant shall be applied towards this \$150,000.

This the 28th day of November, 1977.

Board of Aldermen

-2B-

November 28, 1977

AN ORDINANCE AMENDING THE TRAFFIC CODE (77-0-71)

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

Section I

In Section 21-28.1, DELETE the line:

<u>Street</u>	<u>At</u>	<u>Direction</u>	<u>Feet</u>	
			<u>From</u>	<u>To</u>
W. Franklin St.	Mallette St.	E-F	145	185
and ADD				
W. Franklin St.	Mallette St.	E-F	240	280

Section II

In Section 21-27, ADD the lines

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
W. Cameron Ave.	S	Ransom St.	150 ft. W. of Ransom St.
W. Cameron Ave.	S	UNC Laundry Driveway	40 ft. E. of UNC Laundry Driveway
W. Cameron Ave.	N	Graham St.	40 ft. W. of Graham Street.
W. Cameron Ave.	S	40 ft. E. of Pittsboro St.	60 ft. W. of Pittsboro St.
W. Franklin St.	Either	Roberson St.	40 ft. W. of Roberson St.
W. Franklin St.	S	30 ft. E. of E. MacDonald's Dr.	60 Ft. W. of W. MacDonald's Dr.

Section II

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

This the 28th day of November, 1977.

Board of Aldermen

-2C-

November 28, 1977

A RESOLUTION ACCEPTING THE CERTIFICATION OF THE RESULTS OF THE NOVEMBER 8, 1977 MUNICIPAL ELECTION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby accepts the following, as certified by the Orange County Board of Elections, as the abstract of votes cast at an election for members of the Board of Aldermen, Town of Chapel Hill, in the Chapel Hill Township, County of Orange, State of North Carolina on Tuesday, November 8, 1977 at the places appointed by law for holding such election.

TOTAL NUMBER VOTED	PRECINCTS	MARILYN MYERS BOULTON	GERRY COHEN	BEVERLY (BEV) KAWALEC	WILLIAM GILBERT LINDSAY	JAMES E. MERKEL	MARVIN SILVER	BILL THORPE
501	BATTLE PARK	263	259	279	89	230	239	304
556	COKER HILLS	338	247	305	121	294	246	344
385	COLONIAL HEIGHTS	191	225	224	59	176	173	236
171	COUNTRY CLUB	94	90	77	29	86	97	95
337	EAST FRANKLIN	141	237	226	40	104	188	241
568	EASTSIDE	366	258	250	105	299	210	342
517	ESTES HILLS	307	253	282	94	287	232	286
539	GLENWOOD	322	236	266	114	327	223	296
290	GREENWOOD	164	129	155	61	145	144	174
179	KINGS MILL	100	76	99	45	94	93	110
274	LINCOLN	91	164	134	29	100	150	192
337	MASON FARM	143	244	218	44	99	205	238
403	NORTHSIDE	92	291	235	28	100	256	316
625	RIDGEFIELD	384	267	360	115	351	254	396
386	WESTWOOD	187	211	222	58	163	196	239
34	DURHAM - P - 33	25	9	21	8	29	9	17
60	ABSENTEE	26	31	34	12	24	30	34
6162	TOTAL	3234	3204	3481	1051	2108	2145	2810

This the 28th day of November, 1977.

Board of Aldermen

-2D-

November 28, 1977

A RESOLUTION APPROVING THE 1976-77 AUDIT REPORT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the Audit Report submitted by the John C. Muse Company covering the various funds and accounts of the Town of Chapel Hill for the period July 1, 1976, through June 30, 1977.

This the 28th day of November, 1977.

PROJECT FACT SHEET
SPECIAL USE PERMIT

Board of Aldermen

-2E-

November 28, 1977

NAME OF PROJECT Frank Porter Graham Child Development Center

TYPE OF SPECIAL USE REQUEST 4-C-23 Use (Portable Buildings)

LOCATION (STREET ADDRESS) NC 54 By-Pass

TAX MAP, BLOCK, AND LOT REFERENCE Part of Tax Map 122, Block B, Lot 1

NAME AND ADDRESS OF APPLICANT The University of North Carolina at Chapel Hill
South Building, 005-A, Chapel Hill, North Carolina 27514

TOTAL AREA OF PROPERTY 6.48 acres

TOTAL AREA OF THIS SECTION OR PHASE 6.48 acres

ZONING DISTRICT(S) AND AREA OF EACH R-5 6.48 acres

REQUIRED MINIMUM LOT SIZE 5,000 sq. ft.

REQUIRED YARDS:

PROPOSED YARDS:

FRONT 35 ft.

REAR 25 ft.

SIDES 12 ft.

FRONT 65 ft. minimum

REAR 65 ft. minimum

SIDES 65 ft. minimum

MAXIMUM BUILDING HEIGHT 35 ft. (2.5 stories) PROPOSED BUILDING HEIGHT 14 ft.
 EXISTING Existing Center Offices & 3 temporary bui
 # PARKING SPACES 68 REQUIRED # PARKING SPACES 37 in.
 UNIFIED HOUSING: not applicable Based upon gross available office space
 10,176 sq. ft. + 980 sq. ft. = 11,156 sq.

NUMBER OF UNITS PERMITTED _____ NUMBER OF UNITS PROPOSED _____

UNIFIED BUSINESS OR OTHER COMMERCIAL DEVELOPMENT (Portable building)

NUMBER OF BUILDINGS 4 TOTAL FLOOR AREA (SQ.FT.) 39,973

FLOOR/AREA RATIO (GROSS FLOOR AREA/TOTAL LAND AREA) .14

UTILITIES: WATER:

OWASA X

INDIVIDUAL WELL(S) _____

COMMUNITY WELL(S) _____

SEWER:

OWASA X

INDIVIDUAL SEPTIC TANK(S) _____

COMMUNITY PACKAGE PLANT _____

OTHER _____

ELECTRIC SERVICE:

UNDERGROUND 130 ft.

ABOVE GROUND 280 ft.

TELEPHONE SERVICE:

UNDERGROUND X

ABOVE GROUND _____

Board of Aldermen

-2E1-

November 28, 1977

ESTIMATED WASTEWATER DISCHARGE (GALLONS/DAY) 150 (3 temporary buildings)

FIRE PROTECTION PROVIDED BY: Chapel Hill Fire Department

SOLID WASTE COLLECTION PROVIDED BY: Town of Chapel Hill

TOTAL AREA OF RECREATION AREA OR OPEN SPACE not applicable

TOTAL AREA WITHIN FLOOD PLAIN 4 acres approximately

SOIL TYPE(S) Urban Land, Tatum Silt Loam, and Congaree fine sandy loam

GENERALIZED SLOPE OF SITE 5 - 8%

HISTORIC/CULTURAL FEATURES OF VALUE none

FOREST/WILDLIFE FEATURES OF VALUE 200 sq. ft. of brush removed. No trees over 12" in diameter to be removed

WATER FEATURES Morgan Creek

ADJOINING OR CONNECTING STREETS:

STREET NAME	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH	NUMBER OF LANES
1. <u>Highway 54 By-Pass</u>	<u>150 ft.</u>	<u>24 ft.</u>	<u>2</u>
2. <u>Smith Level Road</u>	<u>60 ft.</u>	<u>24 ft.</u>	<u>2</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____

ADJOINING OR CONNECTING STREETS:

STREET NAME	AVERAGE DAILY TRAFFIC COUNT	SPEED LIMIT	PAVED OR UNPAVED	DESIGNATION (T) THOROUGHFARE (C) COLLECTOR (L) LOCAL
1. <u>Highway 54 By-Pass Access</u>	<u>9,800 ('76)</u>	<u>35</u>	<u>paved</u>	<u>T</u>
2. <u>Smith Level Road</u>	<u>5,700 ('75)</u>	<u>35</u>	<u>paved</u>	<u>T</u>
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____

Board of Aldermen

-2F-

November 28, 1977

STATEMENT OF JUSTIFICATION
Temporary Buildings
Frank Porter Graham Child Development Center
The University of North Carolina at Chapel Hill

1. The proposed use will not materially endanger the public health or safety if located according to the plan submitted.
 - a. Only a slight increase in the number of vehicles entering the Center will occur because the majority of the occupants of these temporary buildings already work at the Center. The primary purpose of these buildings is to alleviate overcrowding in the Research Building. Adequate parking is available (either on University owned land or on land which has been leased until year 2019). There will be no changes in street intersections, site lines or curb cuts.
 - b. Utilities will be provided as shown on the site plan. Electric and telephone lines will be underground. Fire protection is available from existing hydrants. Garbage collection will be from existing dumpster units behind the Research Building.
 - c. The site will be planted to minimize soil erosion. Very little grading is required.
 - d. The buildings will be located in the Morgan Creek floodway fringe. The building floors will be at least one foot higher than the maximum flood elevation.
2. The use meets all required conditions and specifications.
 - a. The use of the site as proposed will meet all the required conditions of Section 4-C-23 of the Chapel Hill zoning ordinance.
 - b. The location of the buildings has been discussed with officials of the Frank Porter Graham Elementary School and Chapel Hill-Carrboro School Board. There appears to be no conflict with the building locations.

200

Board of Aldermen

-2F1-

November 28, 1977

Statement of Justification cont..

3. The use will not substantially injure the value of adjoining or abutting property.
 - a. The buildings will be utilized for continuing research programs of the Frank Porter Graham Child Development Center. These buildings will be utilized to alleviate existing overcrowding at the center until such time that permanent space can be provided.

4. The location and character of the use if developed according to the plan as submitted 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.
 - a. The location of the buildings as shown on the site plan conform to the proposed development of the Frank Porter Graham Child Development Center.
 - b. There will be no impact on the Chapel Hill Thoroughfare Plan or the Greenway Plan, and no significant impact on the flood plan if the site is developed as shown.
 - c. It is the intent of the University that the three temporary buildings be fully maintained and serviced. These buildings will remain on the site until a proposed addition to the Frank Porter Graham Child Development Center is funded and built.

be between 8 and 15 years. These children would be attending the schools and churches in Chapel Hill. They would be staying at the home for one to six months. The project fact sheet and the statement of justification were submitted for inclusion in the record. (See page 3A.)

In response to Mayor Wallace, Mr. Webb explained that there would be a total of 40 children when the project was completed, but only 8 children in the first phase. At present, the children were being bussed here for treatment. Mr. Reeves asked the mileage to the volunteer fire department. Mr. Webb guessed the mileage to be approximately 3 miles. Alderman Cohen added that the CIP called for a fire station in this area. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN SILVER, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Request for a Special Use Permit for the University Motel - Public Hearing

Witnesses were sworn in. Mr. Jennings stated the property was zoned R-20 and suburban commercial. The property had been bisected when zoned. The proposal was made not to construct any more buildings, but to bring the buildings into conformity with the zoning ordinance. Any addition to the motel would require a modification to the permit. The project fact sheet and statement of justification were submitted for inclusion in the record. (See page 3B.)

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Amendments to Section 6-B-1-C-(5), 6-B-1-C-(7), 6-B-1-C-(18) and 6-B-1-C-(9) of the Zoning Ordinance - Public Hearing

The Appearance Commission had asked for changes to the Zoning Ordinance. (See page 3C.)

The changes would allow hedges as well as fences and walls for screening in the CBD. The amendments would also change the Appearance Commission to an approval organization. Mr. Land explained that this proposal came about when the Appearance Commission was reviewing projects in the CBD. They realized that the CBD was becoming a wall for screening. And, some of the walls were left unkept. The alternative of landscaping would make the area much more attractive. The amendments would not effect existing parking lots; however, Mr. Jennings did not think any of the town parking lots would be out of compliance. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Resolution Granting a Unified Housing Special Use Permit to Dr. Lowell Williams for an Apartment Complex on Howell Street

The project was to be located on property south of Howell Street, abutting 15-501 bypass. Surrounding properties also had apartment complexes. The proposal was reviewed by the Planning Board at two meetings because of concern over traffic safety and site distances at Howell Street intersections. The few homeowners in the area were concerned that more apartments would discourage homeowners. The planning department had surveyed the area for traffic and found that little a.m. peak hour traffic was generated on Purefoy Road. There was a high volume of pedestrian traffic. The Streets and Public Safety Committee had recommended that parking be restricted at the dangerous areas on Howell Street at all times. The staff felt that the project would not be a detriment to the traffic with parking prohibited. The specialuse would not create a higher density than the zoning allows. In answer to a question, Mr. Jennings stated the project would not hook on to the sewer system until 1980. Alderman Howes added that OWASA had signed the contract with Hillsborough to buy water in future years of drought. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 3D.)

THE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH ALDERMEN GARDNER, HOWES, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN COHEN OPPOSING.

Board of Aldermen

-3A-

November 28, 1977

PROJECT FACT SHEET
SPECIAL USE PERMIT

NAME OF PROJECT Greer-Burris Childrens Home
 TYPE OF SPECIAL USE REQUEST "Quasi-Public Buildings for Institutional Organi- zations of an Educational and/or Non-Profit Character"
 LOCATION (STREET ADDRESS) Old Lystra Rd., Chapel Hill, N.C.
 TAX MAP, BLOCK, AND LOT REFERENCE Map 128, Block B, Lot 2
 NAME AND ADDRESS OF APPLICANT Baptist Children's Homes of North Carolina, Inc
P. O. Box 338, Thomasville, N. C. 27360
 TOTAL AREA OF PROPERTY 20.32 acres
 TOTAL AREA OF THIS SECTION OR PHASE 1.5 acres
 ZONING DISTRICT(S) AND AREA OF EACH R-20 (5.6 acres), AG (14.72 acres)

REQUIRED MINIMUM LOT SIZE 20,000 sq. ft. with municipal sewer

REQUIRED YARDS:

PROPOSED YARDS:

FRONT 50 ft.
 REAR 25 ft.
 SIDES 20 ft.

FRONT 265 ft.
 REAR 125 ft. minimum
 SIDES same as rear yard

MAXIMUM BUILDING HEIGHT 35 ft. PROPOSED BUILDING HEIGHT 15 ft.

PROPOSED # PARKING SPACES 33 REQUIRED # PARKING SPACES 33 (by variance granted 1975)

UNIFIED HOUSING: not applicable

NUMBER OF UNITS PERMITTED _____ NUMBER OF UNITS PROPOSED _____

UNIFIED BUSINESS OR OTHER COMMERCIAL DEVELOPMENT: not applicable

NUMBER OF BUILDINGS _____ TOTAL FLOOR AREA (SQ.FT.) _____

FLOOR/AREA RATIO (GROSS FLOOR AREA/TOTAL LAND AREA) _____

UTILITIES: WATER

SEWER

OWASA _____
 INDIVIDUAL WELL(S) X
 COMMUNITY WELL(S) _____

OWASA _____
 INDIVIDUAL SEPTIC TANKS X
 COMMUNITY PACKAGE PLANT _____
 OTHER _____

ELECTRIC SERVICE:

TELEPHONE SERVICE:

UNDERGROUND _____
 ABOVE GROUND Duke Power Co.

UNDERGROUND _____
 ABOVE GROUND Southern Bell

NOV 28

Board of Aldermen

-3A1-

November 28, 1977

ESTIMATED WASTEWATER DISCHARGE (GALLONS/DAY) 72 residents @ 100 gallons/day
7,200 gallons/day

FIRE PROTECTION PROVIDED BY: North Chatham Volunteer Fire Department

SOLID WASTE COLLECTION PROVIDED BY: private contract

TOTAL AREA OF RECREATION AREA OR OPEN SPACE not applicable

TOTAL AREA WITHIN FLOOD PLAIN none

SOIL TYPE(S) Louisburg sandy loam and Appling sandy loam

GENERALIZED SLOPE OF SITE approximately 5-10%

HISTORIC/CULTURAL FEATURES OF VALUE none

FOREST/WILDLIFE FEATURES OF VALUE Hardwood and Softwood forests

WATER FEATURES no surface water courses

ADJOINING OR CONNECTING STREETS:

	STREET NAME	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH	NUMBER OF LANES
1.	Old Lystra Road	60	20	two
2.				
3.				
4.				

ADJOINING OR CONNECTING STREETS:

	STREET NAME	AVERAGE DAILY TRAFFIC COUNT	SPEED LIMIT	PAVED OR UNPAVED	DESIGNATION (T) THOROUGHFARE (C) COLLECTOR (L) LOCAL
1.	Old Lystra Road	1,000 vehicle/ day (1975 count)	45	paved	T
2.					
3.					
4.					

Application by the Baptist Children's Homes of North Carolina, Inc. for a Special Use Permit for the construction of a Residence/Nursing facility at Lot 128-B-2 on Old Lystra Road, currently zoned R-20 Residential District, and AG Agricultural. This application is in accordance with the procedural requirements specified in Section 4-D-4 ("Special Use Permits - Quasi-Public Buildings for Institutional Organizations of an educational and/or non-profit character") of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas.

STATEMENT OF JUSTIFICATION

October 7, 1977

Attachment to Application for
Special Use Permit

Baptist Children's Homes of North Carolina, Inc.

REQUEST

In order to construct a Residence/Nursing facility on the lot owned by Baptist Children's Homes of North Carolina, Inc. on Old Lystra Road, designated 128-B-2 on the Orange County/Chapel Hill Township Tax Map, the owners are requesting a Special Use Permit for this property. This is in accordance with the regulations for special use permits of the "Ordinance Providing For the Zoning of Chapel Hill and Surrounding Areas."

BACKGROUND

The property consists of a 20.32 acre lot of irregular shape fronting on Old Lystra Road, in the Chapel Hill Zoning district. The lot is zoned R-20 Residential from the Old Lystra Road right of way to a line approximately 250 feet west of that right of way. The remainder of the lot (approximately 77% of the total) is zoned AG Agricultural.

A single family brick house with a detached garage is at present located on the site. This house is located at approximately the highest point on the land, at the edge of a one acre clearing. No agriculture or other industry is at present being carried on on this lot. The site is 95% wooded.

The site is to be used for a children's residence/nursing facility, ultimately consisting of a series of five "cottages" plus the existing single family house. The facility will provide dormitory space for children from other communities who are receiving prolonged outpatient care at the N. C. Memorial Hospital. Only the first cottage is proposed for construction. All other units are schematic only. This first unit will accommodate twelve (12) residents, including a caretaker couple and two guests.

EVIDENCE FOR THE REQUIRED FINDINGS BY THE BOARD OF ALDERMEN

Substantial material evidence is presented herein (and will be presented at the public hearing) to support the four findings which must be made by the Board of Aldermen in order to grant a special use permit, as explained in section 4 of the Chapel Hill Zoning Ordinance. These four required findings are: 1) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted; 2) that the use meets all required conditions and specifications; 3) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; 4) that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

FINDING ONE: THE USE WILL NOT ENDANGER PUBLIC HEALTH OR SAFETY

The construction of a five-unit (plus one existing) residence/nursing facility for the Baptist Children's Homes of North Carolina, Inc. on this site will not endanger the public health or safety of the community. Traffic conditions on Old Lystra Road, Farrington Road, U.S. 15-501, and Manning Drive will be slightly affected, since the eventually completed six-unit facility will generate approximately 36 round trips to the N.C. Memorial Hospital per day. In addition, the non-resident staff of approximately 6 will presumably rely on private transportation resulting in a minimum of 6 additional round trips per day. Present traffic volume on 15-501 is 10,900 (1975) passages a day. The fact that the 8 residents of the facility will be below driving age considerably lessens the impact of this project on local traffic

patterns. In addition, the location of the project relative to the hospital mitigates through-city driving - an additional advantage of this site. The intersection of the proposed driveway and Old Lystra Road offers good visibility to the south. Visibility to the north, however, is at present restricted to 90 feet, due to the slope of the road and the underbrush growing along the road. This visibility can be extended for at least 150 feet by trimming the brush. The applicant will arrange for this to be done before occupancy of the project. The nearest other street entering Old Lystra Road is Lystra Lane, 900 feet from the proposed driveway. This poses no traffic problem.

A complete range of modern services including sewage disposal, water, electricity, garbage collection and fire protection, will be provided in the proposed development. Electricity and telephone service will be overhead service. Garbage collection will be by private contract. Fire protection is provided by the North Chatham Volunteer Fire Department. Sewage disposal will be provided by use of septic tanks. The property and its soils have been preliminarily examined by the County Sanitarian, and the initial survey indicates that a substantial portion of the site (40% or more) may be acceptable for drainage field installation. A precise determination by the Sanitarian of the limits of such areas, as well as an approved location for septic field number 1, which will serve the proposed Cottage number 1, is now being undertaken. The applicant, at that time in the future when others of the indicated five cottages may be proposed for construction, will determine with the approval of the County Sanitarian the appropriate drainage field satisfactory for the added load to be handled. Therefore the applicant

is offering the following as evidence in support of Finding One: 1) Certification based on County Sanitarian's approval of septic tank suitability for proposed unit number one, 2) The delineation as confirmed by the County Sanitarian of acceptable areas for septic fields on the site as a whole, and 3) A commitment to provide additional or comparable satisfactory support as required for Finding One at each subsequent stage of development of this project, so long as public piped sewage disposal service and treatment are not available.

Old Lystra Road is not served by O.W.A.S.A. water lines. Property owners in this area rely on individual wells. The existing house on the Greer-Burris site has a private well, located in the clearing. The County Sanitarian is at present examining the existing well to determine its water quality and capacity. If this well is found to have sufficient capacity to serve Proposed Unit No. 1, certification of this capability will be submitted. Further units in the ultimate development will be treated in an identical manner; if piped water is not available at that time the existing well(s) will be examined for quality and capacity, and an official determination of the appropriate safe course of action will be made. The applicant is therefore offering, as evidence in support of Finding One: 1) Certification of well water sufficiency from the existing well or new wells to supply Proposed Unit Number One, and 2) A commitment to offer additional proof of continued satisfaction of Finding One at each stage of development of this project, so long as piped water is not available.

Soil erosion will not be a problem on this site because of the very high percentage of forest land which will be preserved. Approximately 90% of the site will remain wooded.

FINDING TWO: THE USE, AS PROPOSED, MEETS ALL REQUIRED CONDITIONS AND SPECIFICATIONS

The proposed development meets the requirements of section 4 of the Chapel Hill Zoning Ordinance, which defines the regulations for Special Use Permits for quasi-public buildings for institutional organizations of an educational and/or non-profit character.

The proposed development is within zones AG and R-20. All the proposed cottages are within zone AG. The lot is 927,000 square feet in size, exceeding the required "two times the basic lot area," (20,000 square feet). The parking requirement, which would have provided for "one (1) space for each three hundred (300) gross square feet of building area," or 13 spaces per cottage, was modified by the Board of Adjustment, on March 25, 1975. The variance granted required six spaces per cottage. This provision is observed in the proposed design. All parking is distant from and screened from the street and all other properties.

The depths of setbacks, based on the ultimate development of the project are as follows:

- Front 265 feet (fifty feet required)
- Rear 255 feet (twenty-five feet required)
- Sides 125 and 140 feet (twenty feet required)

The building heights are 15 feet and 1 story.

The developer, Baptist Children's Homes of North Carolina, Inc., has prepared a list of all properties within five hundred feet of the property for which the Special Use Permit has been requested, and has provided the Building Inspector with two copies of the list. Copies of the Legal Notice for the Public Hearing have been mailed in stamped, addressed envelopes, as prescribed

In the ordinance. Other supporting material (the area sketch map, site map, and building plans) showing the required neighborhood ownership, land use, zoning, etc., and the proposed development with its circulation, parking and loading, natural elements, and preliminary elevations, all accompany this Statement of Justification.

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

The Greer-Burris Home will not injure the value of adjoining or abutting properties. The more-than-ample site on which this facility will be placed insures that no damage will be done to adjoining land. The project will be virtually invisible from any other property. One may argue, in fact, that the proposed development will potentially enhance property values in the small subdivision which borders the site on the south. To these homeowners the development of the Greer-Burris Home as proposed insures that there will not be another subdivision at their rear lot lines - the wooded character of their back yards is thus insured.

FINDING FOUR: THAT THE LOCATION AND CHARACTER OF THE USE IF DEVELOPED ACCORDING TO THE PLAN AS SUBMITTED AND APPROVED WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED AND IN GENERAL CONFORMITY WITH THE PLAN OF DEVELOPMENT OF CHAPEL HILL AND ITS ENVIRONS

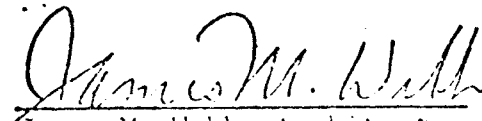
The use of this property for the Greer-Burris Home is in conformity and harmony with the immediate area and the general plan of development of Chapel Hill. The total resident population of 72 approximates in density no more than 20 family units, or about one (1) family unit per acre density. This very low density is in conformity with the low residential density permitted in R-20 and Agricultural Zones. The location of the site relative to the hospital -

Immediately to the south - means that cross-city traffic will not be generated by this development. This will benefit traffic patterns in Chapel Hill.

Again, the virtual invisibility of the project from the road or from surrounding properties, and the high percentage of existing woodlands which will be retained both contribute to the preservation of the rural or low density character of development which predominates south of Route 54-Bypass.

The proposed development is not within the Chapel Hill Flood Plain, and does not interfere or contradict the Chapel Hill Thoroughfare Plan or the Greenway Plan, in any way.

We believe the proposed Greer-Burris Home satisfies the four criteria necessary to qualify for a Special Use Permit in this zoning district on this lot. This request is therefore respectfully submitted.


James M. Webb, Architect

Representative for Baptist Children's Homes of North Carolina, Inc.

Dated: October 7, 1977

Board of Aldermen

-3B-
PROJECT FACT SHEET
SPECIAL USE PERMIT

November 28, 1977

NAME OF PROJECT University Motor Inn

TYPE OF SPECIAL USE REQUEST Unified Business

LOCATION (STREET ADDRESS) Raleigh Road

TAX MAP, BLOCK, AND LOT REFERENCE Map 65, Block C, Lot 3

NAME AND ADDRESS OF APPLICANT University Motor Lodge, Inc.

P. O. Box 2118, Chapel Hill, N. C. 27514

TOTAL AREA OF PROPERTY 8.93 acres

TOTAL AREA OF THIS SECTION OR PHASE 8.93 acres

ZONING DISTRICT(S) AND AREA OF EACH Suburban Commercial, 4.3 acres;

R-20, 4.76 acres

REQUIRED MINIMUM LOT SIZE SC - none; R-20, 20,000 sq. ft.

REQUIRED YARDS: in R-20

PROPOSED YARDS:

FRONT 50 ft.

FRONT 200 ft.

REAR 25 ft.

REAR 50 ft.

SIDES 20 ft.

SIDES 25 ft. and 345 ft.

MAXIMUM BUILDING HEIGHT R-20 35' PROPOSED BUILDING HEIGHT 30 ft.

PROPOSED # PARKING SPACES 95 REQUIRED # PARKING SPACES 71

UNIFIED HOUSING: not applicable

NUMBER OF UNITS PERMITTED _____ NUMBER OF UNITS PROPOSED _____

(71 rooms in the motel)

UNIFIED BUSINESS OR OTHER COMMERCIAL DEVELOPMENT

NUMBER OF BUILDINGS 2 TOTAL FLOOR AREA (SQ.FT.) 32,875

FLOOR/AREA RATIO (GROSS FLOOR AREA/TOTAL LAND AREA) .08

UTILITIES: WATER:

SEWER:

OWASA X

OWASA X

INDIVIDUAL WELL(S) _____

INDIVIDUAL SEPTIC TANK(S) _____

COMMUNITY WELL(S) _____

COMMUNITY PACKAGE PLANT _____

OTHER _____

ELECTRIC SERVICE: *

TELEPHONE SERVICE: *

UNDERGROUND _____

UNDERGROUND X

ABOVE GROUND X

ABOVE GROUND X

* existing above ground service

Board of Aldermen -3B1- November 28, 1977
ESTIMATED WASTEWATER DISCHARGE (GALLONS/DAY) 11,000 based on water bill

FIRE PROTECTION PROVIDED BY: Town of Chapel Hill

SOLID WASTE COLLECTION PROVIDED BY: Town of Chapel Hill

TOTAL AREA OF RECREATION AREA OR OPEN SPACE not applicable

TOTAL AREA WITHIN FLOOD PLAIN none

SOIL TYPE(S) (ww) White store - urban complex

GENERALIZED SLOPE OF SITE gentle slope 3%

HISTORIC/CULTURAL FEATURES OF VALUE none

FOREST/WILDLIFE FEATURES OF VALUE none

WATER FEATURES none

ADJOINING OR CONNECTING STREETS:

	STREET NAME	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH	NUMBER OF LANES
1.	<u>Raleigh Road</u>	<u>150 ft.</u>	<u>110 ft. (includes median)</u>	<u>6</u>
2.	<u>Prestwick Road</u>	<u>60 ft.</u>	<u>12 ft.</u>	<u>1</u>
3.	<u>Finley Golf Course Road</u>	<u>60 ft.</u>	<u>30 ft.</u>	<u>2</u>
4.	<u></u>	<u></u>	<u></u>	<u></u>

ADJOINING OR CONNECTING STREETS:

	STREET NAME	AVERAGE DAILY TRAFFIC COUNT	SPEED LIMIT	PAVED OR UNPAVED	DESIGNATION (T) THOROUGHFARE (C) COLLECTOR (L) LOCAL
1.	<u>Raleigh Road*</u>	<u>12,800</u>	<u>45</u>	<u>paved</u>	<u>T</u>
2.	<u>Prestwick Road</u>	<u>20</u>	<u>35</u>	<u>unpaved</u>	<u>L</u>
3.	<u>Finley Golf Course Road</u>	<u>850</u>	<u>35</u>	<u>paved</u>	<u>L</u>
4.	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>

* has curb and gutter

CHAPEL HILL, N. C.

STATEMENT OF JUSTIFICATION BY THE APPLICANT

The University Motor Inn was constructed in 1952 and at that time was outside of Chapel Hill city limits. During the mid fifties when a zoning ordinance was passed and this property was annexed into the town, the zoning commission zoned a strip suburban commercial 300 feet deep across the north side of the property from the western edge then owned by the company, east to Finley Golf Course Road. The remainder was classified RA-20. The motel building was at that time already on the property and the south edge of the zoning line bisected the building. Therefore, the back half of the motel building is on land zoned RA-20 and the front half is on suburban commercial. A four room cottage used as motel rooms is also on the RA-20 property having been moved to that location in 1954. We are asking for a special use permit to bring this entire building and cottage into conformance.

The buildings are existing structures and no additional traffic will be added to adjoining streets. Current traffic flow situation is judged to be safe. Property is located within corporate limits and has all available services and utilities. Property is not in flood plane.

Property complies with all ordinances and specifications.

The use is an existing structure and proposed subdivision request will have no adverse impact on adjoining properties.

A majority of the property is zoned suburban commercial and will be in conformance with area in which it is located.

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO SECTION 6 OF THE ZONING ORDINANCE, CONCERNING "SCREENING REQUIREMENTS FOR PARKING AREAS IN THE CBD"

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board will consider the following amendments to the Ordinance Providing For The Zoning of Chapel Hill and Surrounding Areas at its regularly scheduled public hearing of November 28, 1977.

Proposed Amancements to Section 6B of the Zoning Ordinance (Proposed additions/revisions are underlined and deletions are scored)

Section 6.B.1(5), (7), and (8):

a. Planting Strip:

The parking area shall be set back from each abutting street right-of-way by a landscaped planting strip at least ten (10) feet wide.

b. Screening Wall:

Between the ten foot wide planting strip and the parking area there shall be a continuous wall, ~~or~~ fence, or hedge of solid appearance a minimum of ~~six (6) feet~~ four feet and a maximum of six (6) feet high. Such walls ~~or~~ fences or hedges shall extend along the entire length of the property lines abutting the public right-of-way, except at driveway entrances and five (5) feet on each side thereof and sidewalk entrances. The height of such wall shall be measured from the level of the sidewalk. There shall be landscaping within the planting strip on the side of the wall or fence facing the abutting street. The plans for the wall or fence and for the landscaping shall specify the wall location and materials, and the location, amounts, and types of planting, means of irrigation, and shall be approved by the Community Appearance Commission. Planting on the side of the wall or fence facing the parking area, though not required, is encouraged. Any and all planting which dies, or is diseased or damaged beyond recovery shall be replaced with planting of the same species and approximately the same size by the end of the next planting season.

Section 6.B. (9)

On any lot with parking as the principal use, the parking area shall be set back from each abutting street right-of-way by a landscaped planting strip at least three (3) feet wide. Between the planting strip and the parking area there shall be either (a) a continuous wall of solid appearance a minimum of three (3) feet high, with landscaping between the wall and the abutting street, or (b) a continuous fence and tight evergreen hedge a minimum of three (3) feet high within two (2) years from the date of planting. Such wall or fence shall extend along the entire length of the property lines abutting the street or sidewalk, except for driveways and five (5) feet of each side thereof, and shall be sufficient to prevent pedestrian or vehicular traffic across the planting strip. The plan for the wall and landscaping, or fence and hedge shall specify the wall or fence location and materials, and the location, amounts, and types of planting, and shall be approved by the Community Appearance Commission. Any and all planting which dies, or is diseased or damaged beyond recovery shall be replaced with planting of the same species and approximately the same size by the end of the next planting season.

This the 28th day of November, 1977.

A RESOLUTION GRANTING A UNIFIED HOUSING SPECIAL USE PERMIT TO
DR. LOWELL WILLIAMS FOR AN APARTMENT COMPLEX ON HOWELL STREET

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the apartment development proposed by Dr. Lowell Williams if developed in accordance with the plans submitted to the Board for approval and the stipulations and conditions set forth below:

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 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.

The stipulations upon which the above findings are based are as follows:

1. Special Terms and Conditions Relating to Appearance:
 - A. That the existing vegetation located in the 35 foot setback abutting Howell Street be retained and be shown on the landscape plan. No grading shall be done within the 35 ft. setback abutting Howell Street. Landscaping located within the proposed curb cut and landscaping that must be removed to provide adequate sight lines is exempted.
 - B. That the detailed architectural design of the buildings be approved by the Appearance Commission prior to issuance of a building permit.
 - C. That the landscape plan, sign plan and lighting plan be reviewed and approved by the Appearance Commission prior to issuance of a building permit.
 - D. That the location of the bulk trash containers be shown on the landscape plan and approved by the Town Manager.
 - E. 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.
2. Special Terms and Conditions Relating to Off-Street Parking:
 - A. That the parking area be paved and that curb and gutter be provided.

Ordinance Amending the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1977"

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING ORDINANCE. (See page 4A.)

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Ordinance Amending the Position Classification and Pay Ordinance to Raise the Minimum Wage

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE. (See page 4B.)

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Ordinance Amending Section 14-42, "Probationary Period--Evaluation"

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE. (See page 4C.)

Alderman Cohen was concerned that a probationary employee could be terminated by oral communication without any written record. Ms. Peddicord stated that there must be a written record of termination in the file. Alderman Cohen thought the ordinance should provide that warnings and counseling should be given unless circumstances required otherwise. Mr. Jenne stated he was trying to cover the inconsistency between the probationary employee and the permanent employee. The ordinance was purposely written to leave something to discretion, as the current one does not. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, THAT THE MATTER BE REFERRED TO THE MANAGER FOR FURTHER STUDY AND REVISION. THE MOTION TO SUBSTITUTE WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0. THE MOTION WAS SUBSTITUTED WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Report on the Mandatory Display of House Numbers

The Manager had distributed a report on the mandatory display of house numbers. Alderman Marshall agreed with the report. Alderman Cohen suggested something also be done to identify apartment buildings within a large complex. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, THAT \$5,000 BE CONSIDERED IN THE 1978-79 BUDGET FOR IMPLEMENTATION OF THE PROGRAM FOR DISPLAYING HOUSE NUMBERS. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Bids

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 4D.)

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 4E.)

Mr. R. V. Strom, of Western Carolina Tractor Co., distributor for Ecolotec Mark IV machinery stated there were several errors in the comparison of his equipment and the Vac-all. He asked the Board to table action on this matter and readvertise so that they might in his opinion receive three competitive bids. Mr. Strom listed what he felt were the errors in the comparison.

Mr. Jenne, in answer to Alderman Cohen, stated the bids would remain open until December 17, or thirty days. Alderman Cohen suggested a committee be set up to discuss bids at an earlier time should there be questions. The committee might look at items at budget time which are to be put in the budget. Alderman Howes proposed the discussion of a committee take place at another time, and the consideration of the bid continue. He objected to Board members being in direct contact with bidders. Alderman Marshall was concerned that the specifications might have been written to describe only one item. Alderman Vickery preferred to table the matter and set up an ad hoc committee to review it and report back to the Board. In Alderman Smith's opinion, no citizens committee or a committee of Board members would have expertise in heavy equipment. Mr. Jenne stated the specifica-

Board of Aldermen

November 28, 1977

AN ORDINANCE AMENDING THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Budget Ordinance entitled, "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1977" as duly adopted on June 13, 1977, be and the same is hereby amended as follows:

ARTICLE I

<u>Expenditure</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Revenue Sharing Fund	403 325	33 800	-	437 125

ARTICLE II

Revenues

Revenue Sharing Fund	403 325	33 800	-	437 125
Transportation Fund	946 125	33 800	33 800	946 125

ARTICLE III

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

This the 28th day of November, 1977.

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY ORDINANCE TO RAISE THE MINIMUM WAGE

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends the "Ordinance Establishing a Position Classification And Pay Plan for Employees of the Town of Chapel Hill, etc, for the Period July 1, 1977, Through June 30, 1978," as follows:

SECTION I

In Section IV D, DELETE the lines

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Salary</u>
Student Intern	3	Varies	\$2.60 - \$3.48/hr.
Athletic Supervisor	Varies	Varies	\$2.50 - \$4.50/hr.
Program Assistant	Varies	Varies	\$2.50 - \$3.00/hr.
Lifeguard	Varies	Varies	\$2.50 - \$3.25/hr.
Playground Counselor	Varies	Varies	\$2.50 - \$3.00/hr.
Playground Spec.	Varies	Varies	\$2.50 - \$3.00/hr.
Pool Assistant	Varies	Varies	\$2.50/hr.
Swim Instructor	Varies	Varies	\$2.50 - \$3.00/hr.
Scorer - Timer	Varies	Varies	\$2.50/game
Game Official	Varies	Varies	\$2.50 - \$5.00/game

and ADD

Student Intern	3	Varies	\$2.65 - \$3.48/hr.
Athletic Supervisor	Varies	Varies	\$2.65 - \$4.50/hr.
Program Assistant	Varies	Varies	\$2.65 - \$3.00/hr.
Lifeguard	Varies	Varies	\$2.65 - \$3.25/hr.
Playground Counselor	Varies	Varies	\$2.65 - \$3.00/hr.
Playground Spec.	Varies	Varies	\$2.65 - \$3.00/hr.
Pool Assistant	Varies	Varies	\$2.65/hr.
Swim Instructor	Varies	Varies	\$2.65 - \$3.00/hr.
Scorer - Timer	Varies	Varies	\$2.65/game
Game Official	Varies	Varies	\$2.65 - \$5.00/game

SECTION II

This amendment shall be effective from and after the first day of January, 1978.

This the 28th day of November, 1977.

220
Board of Aldermen

-4C-

November 28, 1977

AN ORDINANCE AMENDING SECTION 14-42, "PROBATIONARY PERIOD--EVALUATION"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Section 14-42 of the Code of Ordinances, Town of Chapel Hill, to read as follows:

14-42 Probationary Period - Evaluation

A probationary employee whose work is unsatisfactory should normally receive a written warning before being terminated by his department head or the Manager. This warning shall be in writing from the employee's supervisor, stating the deficiency in the employee's performance and designating a reasonable period in which the employee shall display satisfactory performance. If the employee's work is not satisfactory during said designated period, the employee may be terminated.

Where circumstances allow, the written warning may be preceded by one or more oral warnings or counseling sessions, with or without notations in the employee's personnel file; however, such oral warnings are not a pre-requisite of the written warning described above.

In unusual cases, for specific reasons approved by the Manager, the probationary period may be extended for a maximum of three (3) months. In such cases, the employee must be notified orally and in writing of the purpose of the extension, the conditions, and the length of time of the extension. The personnel file of all employees satisfactorily completing the probationary period shall be purged of all unsatisfactory evaluation reports made pursuant to this section.

Section II

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

This the 28th day of November, 1977.

Board of Aldermen

-4D-

November 28, 1977

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FIFTEEN SETS OF FIREFIGHTING "TURN-OUT" GEAR

WHEREAS the Town of Chapel Hill has solicited formal bids on fifteen sets of firefighting "turn-out" gear and the following bids have been received:

<u>Item</u>	<u>Burgess Fire Equipment</u>	<u>Bid Triad Fire & Safety Equip. Co.</u>	<u>Zimmerman Evans, Inc.</u>
15 pr. pants	\$881.10	\$841.50	\$795.00
15 coats	\$1362.90	\$1260.30	\$1215.00
15 pr. boots	\$456.30	\$427.50	\$435.00
15 helmets	\$301.05	-	\$225.00
15 pr. suspenders	\$60.00	-	\$67.50
15 pr. gloves	\$67.50	-	\$56.25

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Zimmerman Evans in the amount of \$2,793.25 and that it be awarded the contract.

The the 28th day of November, 1977.

222

Board of Aldermen

-4E-

November 28, 1977

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE CAB AND CHASSIS EQUIPPED WITH ONE VACUUM SWEEPER BODY

WHEREAS the Town of Chapel Hill has solicited formal bids on One Cab and Chassis equipped with One Vacuum Sweeper Body and the following bids have been received:

<u>Bidder</u>	<u>Alternate A</u>	<u>Bid</u> <u>Alternate B</u>	<u>Alternate C</u>
Central Engineering Company Milwaukee, Wisconsin	\$65,900	\$63,651	\$58,635
J. J. Turner, Inc. Cleveland, Ohio	66,740	65,030	59,810
N. C. Equipment Company Cary, North Carolina	64,624	61,889	56,800

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid on Alternate A by North Carolina Equipment Company in the amount of \$64,624 and that it be awarded the contract.

This the 28th day of November, 1977.

tions were the result of lengthy investigation and work of the Public Works Department, who knew what the equipment was suited for and the job it would have to do. The purchasing agent followed the process prescribed by statute and the policy of the Board. Alderman Vickery thought the process might be rewritten to be sure the town is getting the lowest possible bid. Alderman Gardner wanted the competitive process protected. Alderman Marshall asked if Mr. Strum's charge with regard to the chassis were true.

Mr. Hooper stated that at the time the specifications were developed, the staff had picked the least restrictive set of specifications. Experience had shown that most other manufacturers would take the opportunity to take exception to the specifications.

Mr. Harris said the staff could have written lower specifications, but he was not willing to accept lower equipment for the work to be done. THE MOTION WAS DEFEATED BY A VOTE OF FOUR TO THREE WITH ALDERMEN HOWES, SMITH AND VICKERY SUPPORTING AND ALDERMEN COHEN, GARDNER, MARSHALL AND SILVER OPPOSING. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THE MATTER BE TABLED WITH THE STAFF TO STUDY IT AND BRING BACK A REPORT AND RECOMMENDATION AT THE MEETING OF DECEMBER 12. Alderman Smith objected because the Manager had already given his recommendation. Alderman Cohen withdrew his motion. HE THEN MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE BOARD HEAR FROM THE MANUFACTURER OF VAC-ALL. THE MOTION WAS DEFEATED BY A VOTE OF FOUR TO THREE WITH ALDERMEN COHEN, GARDNER, MARSHALL AND SILVER SUPPORTING AND ALDERMEN HOWES, SMITH AND VICKERY OPPOSING. Alderman Vickery stated he had voted against hearing more information at this meeting because he thought the procedure would be more orderly to have the staff debate the matter and report back to the Board. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, TO RECONSIDER THE ORIGINAL MOTION. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO THREE WITH ALDERMEN COHEN, HOWES, SMITH, VICKERY AND MAYOR WALLACE SUPPORTING AND ALDERMEN GARDNER, MARSHALL AND SILVER OPPOSING. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN HOWES, TO ADOPT THE ORIGINAL RESOLUTION. Alderman Gardner stated he would like several questions raised by Mr. Strum answered. Mr. Jenne stated he was not convinced that only one machine could meet the specifications. From the analysis and background of the investigation, it was apparent to him that Vac-all could meet the requirements, therefore he had recommended the Board accept the bid on Vac-all. THE MOTION WAS DEFEATED BY A VOTE OF FOUR TO THREE WITH ALDERMEN HOWES, SMITH AND VICKERY SUPPORTING AND ALDERMEN COHEN, GARDNER, MARSHALL AND SILVER OPPOSING. Mr. Jenne suggested that the Board let the administration gather the persons involved and try to have the matter resolved. Alderman Smith objected to considering any equipment without a formal bid. ALDERMAN SILVER MOVED THAT THE MATTER BE REFERRED TO THE MANAGER FOR INVESTIGATION AND REPORT TO THE BOARD ON DECEMBER 12. ALDERMAN GARDNER SECONDED THE MOTION. THE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH ALDERMEN COHEN, GARDNER, HOWES, MARSHALL, SILVER AND VICKERY SUPPORTING AND ALDERMAN SMITH OPPOSING.

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 5A.)

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 7 TO 0.

Library Board - Nominations

The Library Board had submitted the names of Francis Hargraves and Mary Ann Buck to fill the position created by the resignation of Jamescina DeGraffenreidt. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, THAT THESE NAMES BE PLACED IN NOMINATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Requests for Future Agenda Items

Alderman Howes asked for a report on the Glen Burnie-Boundary property. Alderman Smith wanted reasons giving for members of Commissions abstaining from voting on a recommendation to be made to the Board.

Mr. Denny stated an ordinance change would take amendments to approximately 15 portions of the Code. He suggested the Commissions be asked to adopt in their Rules of Procedure a requirement for reasons for abstaining.

There being no further business to come before the Board, the meeting was adjourned.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR CONSTRUCTION OF A FIRE TRAINING CENTER

WHEREAS the Town of Chapel Hill has solicited formal bids on construction of a fire training center and the following bids have been received:

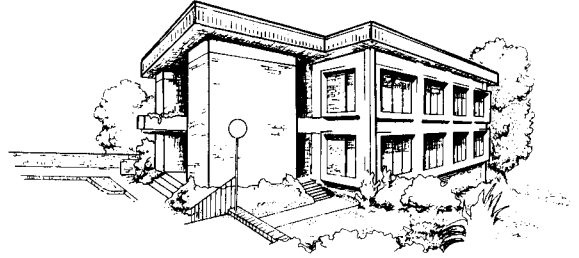
<u>Bidder</u>	<u>Bid</u>								
	<u>Basic Project</u>	<u>Alt. #1</u>	<u>Alt. #2</u>	<u>Alt. #3</u>	<u>Alt. #4</u>	<u>Alt. #5</u>	<u>Alt. #6</u>	<u>Alt. #7</u>	<u>Alt. #8</u>
<u>General Construction Portion</u>									
C.C. Woods Construction Company, Durham, North Carolina	\$116,500	+\$950	+\$275	+\$7,200	+\$850	-\$750	-\$3,250	-\$4,000	+\$3,600
Trout & Riggs Construction Co., Inc., Durham, North Carolina	126,900	+ 938	+ 210	+ 6,800	+1,900	- 775	- 4,100	- 3,700	+ 4,200
Security Building Company, Inc. Chapel Hill, North Carolina	122,000	+ 885	+ 200	+ 6,400	+1,800	- 800	- 4,000	- 4,000	+ 4,000
C. T. Wilson Construction Co., Inc., Durham, North Carolina	129,380	+ 912	+ 300	+ 6,720	+2,000	- 800	- 3,800	- 3,900	+ 4,500
Bordeaux Construction Company Durham, North Carolina	114,070	+ 925	+ 225	+ 6,909	+ 800	- 800	- 3,176	- 3,900	+ 3,450
Nello L. Teer Company Durham, North Carolina	177,000	+ 900	+1,010	+ 6,900	+1,925	no change	- 3,700	- 3,900	+ 1,000
<u>Plumbing Portion</u>	<u>Basic Project</u>	<u>Alt. #1</u>	<u>Cost/ft. for well</u>		<u>Cost/ft. for drainage field</u>				
Acme Plumbing & Heating Company Durham, North Carolina	\$6,696	+\$900							
Brown Brothers Plumbing & Heating Company, Inc., Durham, North Carolina	7,000	+ 800						\$5.00	
Suggs Plumbing & Heating, Inc., Durham, North Carolina	4,370	1,610			7.00			3.75	
Browning & Marco Plumbing, Durham, North Carolina	3,000	1,200			9.50			2.25	
					(price of pump included in this instead of Basic)			(360' of drain field included in Basic instead of here)	

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Bordeaux Construction Company for the general construction including the basic and alternate 3, 4, 5, 7, and 8 in the amount of \$120,529; the bid of Browning and Marco Plumbing for the plumbing construction including the basic and alternate 1 in the amount of \$4,200 and that these firms be awarded the contract.

This the 28th day of November, 1977.

TOWN OF CHAPEL HILL

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



I, Bev Kawalec, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance, to the State of North Carolina, and to the constitutional powers and authorities which are or may be established, for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement, all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

Bev Kawalec

The above oaths were this day, 12 December 1977, subscribed and sworn to before me.

[Signature]
Associate Justice
N.C. Supreme Court

TOWN OF CHAPEL HILL

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



I, Marilyn Boulton, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance, to the State of North Carolina, and to the constitutional powers and authorities which are or may be established, for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement, all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

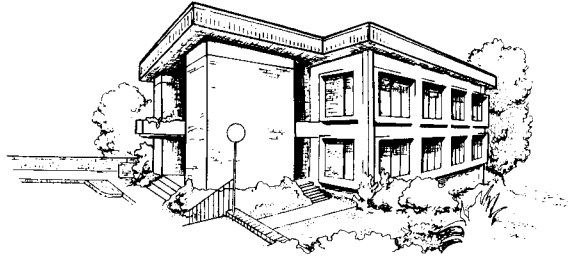
Marilyn W Boulton

The above oaths were this day, 12 December 1977, subscribed and sworn to before me.

[Signature]
ASSOCIATE JUSTICE
N. C. SUPREME COURT

TOWN OF CHAPEL HILL

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



I, Bill Thorpe, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance, to the State of North Carolina, and to the constitutional powers and authorities which are or may be established, for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement, all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

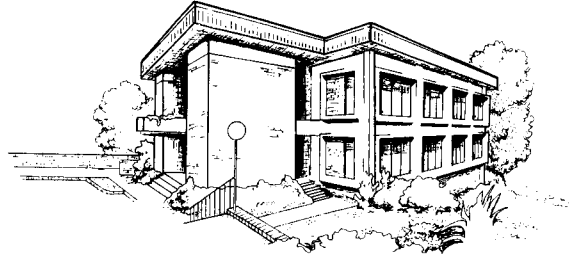
William H. Thorpe

The above oaths were this day, 12 December 1977, subscribed and sworn to before me.

[Signature]
ASSOCIATE JUSTICE
N. C. SUPREME COURT

TOWN OF CHAPEL HILL

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



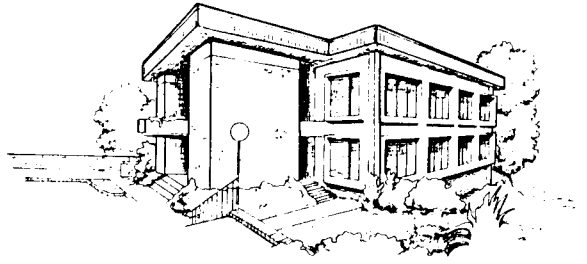
I, Gerry Cohen, do solemnly swear that I will support the Constitution of the United States; and I do solemnly and sincerely swear that I will be faithful and bear true allegiance, to the State of North Carolina, and to the constitutional powers and authorities which are or may be established, for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement, all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

The above oaths were this day, 12 December 1977, subscribed and sworn to before me.

Associate Justice
N. C. Supreme Court

TOWN OF CHAPEL HILL

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



Do you, and each of you, solemnly swear that you will support the Constitution of the United States;

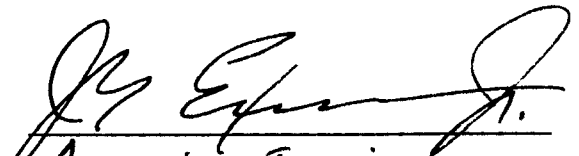
And do you, and each of you, solemnly and sincerely swear that you will be faithful and bear true allegiance, to the State of North Carolina, and to the constitutional powers and authorities which are or may be established, for the government thereof;

And that you will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of your knowledge and ability;

And do you, and each of you, solemnly swear that you will diligently endeavor to perform, faithfully and truly, according to the best of your ability, skill and judgement, all the duties of the office of Alderman of the Town of Chapel Hill while you continue therein, and will cause to be executed as far as in your power lies, all the laws, ordinances and regulations made for the government of the Town;

And in the discharge of your duties you will do equal justice in all cases whatsoever, so help you, God.

The above oaths were this day, December 12, 1977, subscribed and sworn to before me.


Associate Justice
N.C. Supreme Court

