

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, JANUARY 9, 1978, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton
Gerald Cohen
Robert Epting
Jonathan Howes
Beverly Kawalec
R. D. Smith
Bill Thorpe
Edward Vickery

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

Resolution of Appreciation

Mayor Wallace read a resolution of appreciation to Ms. Jamescina Degraffenreidt. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 1A.)

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Minutes

On motion by Alderman Smith, seconded by Alderman Boulton, the minutes of December 12, 1977, were approved.

Petitions and Requests

Mr. Page, Mr. Levine and Ms. Filley asked to be allowed to speak when the Filley Subdivision was considered. The Board agreed to hear comments.

Resolution Granting a Portable Building Special Use Permit to the University of North Carolina at Chapel Hill for the Frank Porter Graham Child Development Center Located on Smith Level Road

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

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Granting a Unified Business Special Use Permit to University Motor Lodge, Inc. for the University Motor Inn

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

Alderman Epting asked Mr. Jenne of Mr. Jennings if any further development was planned for this property in the future. They knew of none. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Granting a Nursing Home Special Use Permit to the Baptist Children's Home for a Children's Residence-Nursing Facility

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

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Granting a Modification of the Special Use Permit for the Northside School Property to Construct a Housing Authority Office Building

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

Alderman Smith asked if any stipulations with regard to erosion were placed on the project. Mr. Denny answered that they would be subject to the County erosion control ordinance, and he was sure that they were aware of this. Alderman Smith also questioned the extension of Caldwell Street Extension to Gomains instead of the extension of McMasters Street. Mr. Jennings responded that in the approval of the Orange-Person-Chatham Mental Health Center the Board has approved the reservation of the right-of-way for the extension of Caldwell Street to Gomains Street. This was a result of having studied the traffic patterns. This was a

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Board of Aldermen

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*Town of Chapel Hill
North Carolina 27514*

OFFICE OF THE MAYOR

RESOLUTION

WHEREAS, Mrs. Jamescina Degraffenreidt served as a member of the Library Board from November 1970 until July 1972, in completing the term of Miss Cornelis S. Love, and was then reappointed and served until her resignation in September of 1977, and

WHEREAS, Mrs. Degraffenreidt did give long hours of dedicated service as Vice-Chairman of the Board and as a member of the Grounds Committee, did work toward the development of the Bookmobile program and the expansion of services to young adults while, at the same time, she was making invaluable contributions in the creation of the processes of policy-making and goal-setting for the Library;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and members of the Board of Aldermen of the Town of Chapel Hill, on behalf of all of the citizens, express sincere appreciation to Mrs. Degraffenreidt; 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 ninth day of January, 1978.



Alderman Marilyn Boulton

Alderman Gerald Cohen

Alderman Robert Epting

Alderman Jonathan Howes

Alderman Beverly Kawalec

Alderman R. D. Smith

Alderman William Thorpe

Mayor James C. Wallace

Alderman Edward Vickery

Board of Aldermen

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A RESOLUTION GRANTING A PORTABLE BUILDING SPECIAL USE PERMIT UNDER THE PROVISION OF SECTION 4-C-23 OF THE ZONING ORDINANCE TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR THE FRANK PORTER GRAHAM CHILD DEVELOPMENT CENTER LOCATED ON SMITH LEVEL ROAD, IDENTIFIED AS PART OF TAX MAP 122, BLOCK B, LOT 1

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the portable buildings to be located at the Frank Porter Graham Child Development Center proposed by the University of North Carolina at Chapel Hill if developed in accordance with the plans submitted September 9, 1977 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. That all new utilities (electric and telephone) be placed underground.
2. That the three temporary structures be removed from the Frank Porter Graham site by January 31, 1983.
3. That construction begin by January 31, 1979 and be completed by July 30, 1979.

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

This the 9th day of January, 1978.

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A RESOLUTION GRANTING A UNIFIED BUSINESS SPECIAL USE PERMIT TO UNIVERSITY MOTOR LODGE, INC. FOR THE UNIVERSITY MOTOR INN LOCATED ON NC 54, PROPERTY IDENTIFIED AS MAP 65, BLOCK C, LOT 3.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the University Motor Inn owned by University Motor Lodge, Inc. as presently developed and in accordance with the stipulation 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 stipulation upon which the above findings are based is as follows:

1. That the existing landscaping, the existing sign, the existing site plans, the existing lighting, and the existing building elevations comprise the adopted development, and shall be the adopted landscape plan, sign plan, site plan, lighting plan, and building design plans respectively. That the applicant supplement the submitted photographs and plans as necessary to adequately document the above existing improvements.

BE IT FURTHER RESOLVED that the Board hereby grants a Unified Business Special Use Permit in accordance with the current development and the stipulation above.

This the 9th day of January, 1978.

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Board of Aldermen

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A RESOLUTION GRANTING A NURSING HOME SPECIAL USE PERMIT UNDER THE PROVISIONS OF SECTION 4-C-4 OF THE ZONING ORDINANCE TO THE BAPTIST CHILDREN'S HOME FOR A CHILDREN'S RESIDENCE-NURSING FACILITY TO BE LOCATED ON OLD LYSTRA ROAD ON PROPERTY IDENTIFIED AS MAP 128, BLOCK B, LOT 2.

BE IT RESOLVED BY THE Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Greer-Burris Children's Home proposed by the Children's Home of North Carolina if developed in accordance with the plans submitted October 14, 1977 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. Stipulations relating to Safety and Health:
 - A. That the access drive be realigned to provide acceptable sight distances for both directions. The plan for such realignment shall be approved by the Town Manager prior to issuance of a certificate of occupancy for phase 1. The intersection of the access drive with Old Lystra Road shall be at a 90 degree angle.
 - B. That the access drive be cleared to a minimum width of 10 feet for emergency and service vehicles.
 - C. That an additional 15 feet of right-of-way be dedicated along the property's frontage with Old Lystra Road. Such right-of-way to be recorded in the Register of Deeds office prior to issuance of a building permit for phase 1.
 - D. That prior to issuance of a building permit for phase 1 the applicant shall submit a letter from the Health Department stating that adequate water quality and quantity is available for the proposed use and that soils are suitable for septic tank filter fields.

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- E. That an evacuation plan approved by the Fire Chief of Chapel Hill be posted in each structure.
 - F. That a minimum of two fire hydrants be located on the property at such time as the Town Manager determines that OWASA water is available to the property or is reasonable to extend to the property. The location and installation of such hydrants shall be approved by the Town Manager.
2. Stipulations Relating to Appearance:
- A. That the architectural design of the cottages be revised to reflect the residential character of the area and be approved by the Appearance Commission prior to issuance of a building permit.
 - B. That a landscape plan, sign plan, and lighting plan be approved by the Appearance Commission prior to issuance of a building permit. Such plan shall show the location and screening of trash containers.
 - C. 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.
 - D. That electric and telephone lines be placed underground.
3. Stipulations Relating to Drainage:
- A. That a drainage plan be approved by the Town Manager prior to issuance of a building permit.
 - B. That sewer easements, storm drainage easements and utility easements as required by the Department of Public Works and OWASA be recorded prior to issuance of a building permit.
4. Other stipulations:
- A. That each future addition of "cottages" shall require a separate modification of the special use permit. Permits from the Health Department for water and sewer improvements shall be submitted as part of the application for such modification.
 - B. That construction of phase 1 begin by January 31, 1979 and be completed by January 31, 1980.

BE IT FURTHER RESOLVED that the Board hereby grants a Nursing Home Special Use Permit under the provisions of Section 4-C-4 of the Zoning Ordinance in accordance with the plans as submitted and approved and the stipulations above.

This the 9th day of January, 1978.

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR THE NORTHSIDE SCHOOL PROPERTY TO CONSTRUCT A HOUSING AUTHORITY OFFICE BUILDING

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to Orange County December 13, 1976, for the Orange-Person-Chatham Mental Health Clinic and Chapel Hill-Carrboro Multi-Purpose Center at the Northside School Property is hereby modified to allow the construction of a 4,000 square foot Chapel Hill Housing Authority office building as shown on plans submitted with the application and subject to the following:

1. Stipulations Relating to Public Health and Safety:

- A. That the portion of Caldwell Street to be used by the Housing Authority for access to its parking lot shall be paved to Town standards 27 back to back of curb with curb and gutter provided. That the parking lot shall be paved with curb and gutter. Such paving shall include paving of the portion of Caldwell Street between point A and point B as marked on the site plan dated October 31, 1977. That the roadway design be approved by the Town Manager prior to construction. The improved section of street shall be to the line and grade of the overall design for Caldwell Street extension from Church Street to Gomains Avenue. The construction of the driveway connecting the existing and proposed sections of Caldwell Street (marked as point C on the approved site plan) shall be paved to Town standards and approved by the Town Manager.
- B. That a drainage plan including drainage easements shall be approved by the Town Manager prior to issuance of a building permit. Utility easements shall be provided as required by the Town Manager.
- C. That a pedestrian and utility easement, having a minimum width of 30 feet, be dedicated so as to provide a connection between Cotton Street and Caldwell Street Extension.
- D. That the proposed sewer line be designed so as not to conflict with the future extension of Caldwell Street to Gomains Avenue.
- E. That a fire lane be provided between the parking lot located on the west side of the Orange-Person-Chatham building and the extension of Caldwell Street. Such fire lane shall maintain emergency access only to the Housing Authority building and shall prohibit normal vehicular access by means of a barricade.

2. Stipulations Relating to Appearance

- A. That the landscape plan, sign plan, and lighting plan be reviewed and approved by the Appearance Commission prior to issuance of a building permit. Such plan to include screening of mechanical equipment and screening of the parking lot from abutting residential properties and Caldwell Street Extension.

- B. That the location and screening of any trash containers be shown on the landscape plan. The location of such containers shall be approved by the Town Manager.
 - C. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size during the next planting season.
 - D. That the detailed architectural elevations of the building be approved by the Community Appearance Commission prior to issuance of a building permit.
3. Other Stipulations
- A. That construction of the office building begin by January 31, 1979 and be completed by July 30, 1981.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted and approved and the above conditions continues to meet the four findings made by the Board of Aldermen on December 13, 1976.

This the 9th day of January, 1978.

result of having studied the traffic patterns. This did not preclude McMasters Street extension in the future. Mr. Jenne pointed out that the purpose of the modification was to allow the Housing Authority to take advantage of a federal grant to put in an office facility to consolidate its public housing and redevelopment activities as well as to accommodate a portion of the town's Human Services Department. The Housing Authority Director had informed Mr. Jenne that certain portions of the project would not be allowed by HUD. Additional financing might be needed, such as a loan, until HUD funds are available. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Approving a Preliminary Sketch for the Alston Subdivision Phase 2, a Portion of Lot 13, Block A, Tax Map 123.

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

Alderman Smith questioned the necessity of reserving the 60 foot right-of-way along the lot at this time. Mr. Jennings explained that this 60 foot reservation would in the future providing a loop drive to the property behind the subject lot. The right-of-way would be a private drive. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Granting the Villages of Chapel Hill Associates a Non-Exclusive Franchise to Operate a Limited Tenant Transportation Service Within the Corporate Limits of the Town - Second Reading

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

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Amending the "Ordinance Establishing a Position Classification and Pay Plan"

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

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution to Appoint a Deputy Clerk

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

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Amending the Ordinance Establishing a Position Classification and Pay Plan"

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING ORDINANCE. (See page 2E.)

Alderman Smith objected to going further with the public safety officer program without having received the study on the program. In response to Alderman Thorpe, Mr. Jenne stated that until the policy of the Board to convert to the public safety officer program was changed, he would probably recommend that positions becoming vacant in the police department be changed to public safety officer programs. He reminded the Board of the assignment flexibility in classifying the position as PSO and training the new employee as such. In the future if the town abandoned the PSO program, it would have well-trained police officers. ALDERMAN VICKERY MOVED THAT THE MATTER BE TABLED UNTIL AFTER THE REPORT WAS RECEIVED. As the report was due this month, he did not feel the delay would cause any difficulty whereas reclassifying the position would be bad for morale. ALDERMAN SMITH SECONDED THE MOTION. Alderman Epting disagreed because the only impact would be better policemen. The report would be dealing mostly with the placement of the firefighters. Alderman Boulton asked if there would be a problem in hiring a police officer and then training him as a public safety officer. Mr. Jenne believed it better to make clear the job functions to the individual when hiring him, rather than changing the duties after the job has been accepted. Mr. Jenne was anxious that no delay occur in filling the position because of current scheduling difficulties. THE SUBSTITUTE MOTION FAILED BY A VOTE OF FIVE TO THREE WITH ALDERMEN SMITH, THORPE AND VICKERY SUPPORTING ALDERMEN

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A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR THE ALSTON SUBDIVISION PHASE 2, A PORTION OF LOT 13, BLOCK A, TAX MAP 123, LOCATED ON ALSTON DRIVE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch dated November 21, 1977, for the Alston Subdivision, a portion of Lot 13, Block A, Tax Map 123 subject to the following requirements:

1. That a 60 foot wide private right-of-way be dedicated between the proposed new lot and the lot to its west identified as Tax Map 126, Block A, Lot 14. This is required to provide access to undeveloped property on the same tract to the south.
2. That the proposed new lot be extended to the south to bring the lot into compliance with the 1 acre minimum area requirement for lots on septic tank.
3. That a 15 foot wide easement be dedicated along the existing driveway to the residence of Roscoe Alston until other more permanent access is available.

This the 9th day of January, 1978.

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 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 9th day of January, 1978.

AN ORDINANCE AMENDING THE "ORDINANCE ESTABLISHING A POSITION CLASSIFICATION AND PAY PLAN"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the "Ordinance Establishing a Position Classification and Pay Plan for the Employees of the Town of Chapel Hill, etc., for the period July 1, 1977 through June 30, 1978" is hereby amended as follows:

SECTION I

In Section III, Grade 10, ADD "Deputy Clerk"

SECTION II

In Section IV C., Clerk and Collection, DELETE

| <u>Position</u> | <u>No.</u> | <u>Hrs.</u> | <u>Grade No.</u> |
|-----------------|------------|-------------|------------------|
| Secretary II | 1 | 37½ | 10 |
| and ADD | | | |
| Deputy Clerk | 1 | 37½ | 10 |

SECTION III

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

This the 9th day of January, 1978.

Board of Aldermen

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A RESOLUTION TO APPOINT A DEPUTY CLERK

WHEREAS, Section 172 of Chapter 160A of the General Statutes of North Carolina authorizes the Board of Aldermen to provide for a Deputy Clerk to have full authority, and to exercise and perform any of the powers and duties of the Town Clerk that may be specified by the Council.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that Marian E. Harkins be, and Marian E. Harkins is hereby appointed Deputy Town Clerk with full authority to exercise and perform any of the powers and duties of the Town Clerk that may be specified by law or by the Board of Aldermen from time to time.

This the 9th day of January, 1978.

Board of Aldermen

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January 9, 1978

AN ORDINANCE AMENDING THE "ORDINANCE ESTABLISHING A POSITION CLASSIFICATION AND PAY PLAN, ETC"

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:

In Section IV C, Public Safety, DELETE

| <u>Position</u> | <u>No.</u> | <u>Hrs.</u> | <u>Grade No.</u> |
|-----------------------|------------|-------------|------------------|
| Police Officer I | 21 | 42 | 12 |
| Public Safety Officer | 20 | 42 | 12 |
| and ADD | | | |
| Police Officer I | 20 | 42 | 12 |
| Public Safety Officer | 21 | 42 | 12 |

This the 9th day of January, 1978.

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BOULTON, COHEN, EPTING, HOWES AND KAWALEC SUPPORTING. THE ORDINANCE WAS ADOPTED BY A VOTE OF FIVE TO THREE WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES AND KAWALEC SUPPORTING AND ALDERMEN SMITH, THORPE AND VICKERY OPPOSING.

Resolution Approving a Preliminary Sketch for a Subdivision of Property Located at 417 Lakeshore Lane

ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 3A.)

Mr. Jennings stated the applicant wished to subdivide a 3.1 acre tract into two lots, one 1.6 acres and the other 1.5 acres. He pointed out the location of the lot on Eastwood Lake. Access to the property is by existing 15 foot easement across two other properties. The driveway to the house now on the property is approximately 420 feet long; to the probable construction site it would be approximately 770 feet long. The property is apparently neither a part of Lake Forest or Clark Hills Subdivisions. The recommendation for approval of the subdivision recognized that subdivision is a right provided the applicant meets all ordinances. Traffic safety along the easement was a concern. Pedestrian traffic does use the drive to get to the recreation area. The Planning Board recommended the town become involved in the maintenance of the private drive, but the Manager did not think the town should become involved in this. Alderman Boulton asked if the town had any responsibility for the maintenance of the drive when it allowed more traffic to use the drive. Mr. Denny stated that each succeeding owner had an interest and assumed the burden of the private driveway along with the acquisition of the property interest. Unless the ordinances were amended to have private road standards, the town would be undertaking to enforce private property rights.

Mr. Page represented Doctors Hanby and McLeod, adjacent property owners to the subdivision. They opposed the subdivision on three grounds: (1) the site distance at the intersection of the drive and Lakeshore Lane; (2) that the access granted to Ms. Filley would become an access for children and increase the liability of Doctors Hanby and McLeod; and (3) the enlargement of the easement, including perhaps water and power utilities. Mr. Page presented a petition with 17 names opposing the subdivision on the first ground. Mr. Levine stated that Ms. Filley had allowed children to use the drive to reach the recreation area. If this became a safety hazard Ms. Filley would refuse her permission to use the drive. Ms. Filley had underground electricity and the property had a sewer easement. Water could be extended from the existing houses to the new construction site.

Dr. McLeod said there had been accidents, a large oak had been hit several times. Dr. Hanby thought the drive a long way for garbage men to have to walk. Alderman Smith asked if there was any alternate route for access. Mr. Jennings stated that at one time a right-of-way from the east has been platted in the original sketch of Lake Forest Estates but had been dropped on the final sketch. Mr. Page thought the original easement still existed. Although Alderman Epting thought this subdivision a bad precedent he did not believe the Board had the right to turn down the request and asked Mr. Denny's opinion on the matter. Mr. Denny stated that the Courts have uniformly held that upon a showing that all requirements of the subdivision ordinance have been complied with, approval is more an administrative matter than legislative matter. He did not know of any legal authority for denying the request. Alderman Smith asked if there were small trucks which could be taken up the drive for garbage pickup. Mr. Jenne said the garbage pickup would be worked out. Mr. Parsons stated that Mr. Filley had originally bought the property with subdivision in mind. Further, the Lake Forest Association had no objection to the subdivision. Alderman Howes suggested the zoning might be inappropriate. Alderman Smith asked about a turnaround for fire trucks. Mr. Jennings answered that the owner had been advised that for fire protection, she would need a drive 12' wide and with 12' clearance. The fire chief had reviewed the situation and felt the problem could be solved. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR A SUBDIVISION OF PROPERTY LOCATED AT 417 LAKESHORE LANE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for the subdivision of property located at 417 Lakeshore Lane dated October 7, 1977 subject to the following requirements:

- 1. That a 30 foot wide pedestrian easement be dedicated along the south side of Booker Creek. Such easement shall be measured from the centerline of the creek and shall fulfill the requirement for open space. Such easement is consistent with the proposed land use plan which shows a greenway connecting the Lake Forest Recreation Association land with the Booker Creek Apartments' open space.
- 2. That any connection onto the sanitary sewer system shall be by gravity flow.
- 3. Water lines shall be extended as required by and to the standards of OWASA.

This the 9th day of January, 1978.

Resolution Authorizing Execution of a Project Completion Agreement for the Northside-Knolls NDP Area

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

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Creating the Chapel Hill-Carrboro Parks & Recreation Study Commission

Alderman Cohen stated that both Chapel Hill and Carrboro were expanding their recreation programs. In trying to find a method for maximum cooperation between towns and maximum use for facilities, several alternatives had been suggested. He was presenting a format for dealing with these alternatives. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 4B.)

Alderman Smith had suggested the committee members come from the Recreation Commission. Alderman Howes was in favor of the resolution. He thought it would help allay the fears of Carrboro that the agreement with the schools would be exclusionary. Alderman Epting agreed with Alderman Howes, but suggested the language in Section 4 calling for proportional funding to be paid be stricken. Alderman Cohen thought this necessary because of the state statute. Mr. Denny's interpretation was that the statute did not require this. Alderman Boulton wanted the Commission referred to as a study commission for distinction. THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE OF 8 TO 0. (See page 4C.)

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN, THAT THE THREE MEMBERS FROM CHAPEL HILL BE NOMINATED BY AND APPOINTED FROM THE RECREATION COMMISSION. Alderman Howes was concerned that the new members of the Commission would not be knowledgeable about the town's programs. Alderman Boulton suggested two members from the Recreation Commission and one member from the community. Mayor Wallace requested the Board name the member from the community. Alderman Smith agreed to amend his motion. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Committees and Commissions

Nominations to fill 4 vacancies on the Parks and Recreation Commission for terms ending December 1980 were: W. Woodrow Burns, Jr., Juanita Floyd, Bob Foster, Fred Mueller, Judith Parker, Frances Jane Seymore, Judith Tulchin, Chick White and Donnie Tuck. Mr. Foster received 8 votes, Ms. White 6, Ms. Seymore 5, Mr. Tuck 5, Mr. Burns 4, Mr. Mueller 4, Ms. Floyd 2 and Ms. Parker 2. Mr. Foster, Ms. White, Ms. Seymore and Mr. Tuck were appointed.

Nominations to fill 4 vacancies on the Historic District Commission for terms ending December 1980 were: Joseph Herzenberg, Lynn Obrist, Jim Webb, Myrick Howard, Bob Bryan, Leigh Cameron, Diane Lea, Bruce Tindall and Him Peace. Mr. Herzenberg received 7 votes, Ms. Obrist 6, Mr. Webb 6, Mr. Howard 5, Mr. Bryan 3, Mr. Tindall 3, Mr. Peace 3, Ms. Cameron 2 and Ms. Lea 1. Mr. Herzenberg, Ms. Obrist, Mr. Webb and Mr. Howard were appointed.

Nominations to fill 2 vacancies on the Appearance Commission for terms ending December 1980 were: Sherri Ontjes, Jean Stewart, Bob Bryan and Jim Leutze. Ms. Ontjes received 5 votes, Ms. Stewart 7, Mr. Bryan 2 and Mr. Leutze 4. Ms. Ontjes and Ms. Stewart were appointed.

The Board was notified that the University wished to submit the name of Gordon Rutherford for its appointee to the Appearance Commission. Alderman Howes said that since Mr. Rutherford did not reside within the planning area, he was not eligible for appointment and requested the Mayor to ask Chancellor Taylor for another nominee. Alderman Boulton suggested that Mr. Leutze's name be given to Chancellor Taylor as he was a member of the faculty.

Board of Aldermen

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January 9, 1978

A RESOLUTION AUTHORIZING EXECUTION OF A PROJECT COMPLETION AGREEMENT FOR THE NORTHSIDE - KNOLLS NDP AREA

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Mayor, James C. Wallace, to execute a project completion agreement for the Northside - Knolls NDP Area with the Department of Housing and Urban Development and the Chapel Hill Housing Authority.

This the 9th day of January, 1978.

A RESOLUTION CREATING THE CHAPEL HILL-CARRBORO PARKS AND RECREATION STUDY COMMISSION

WHEREAS, considerable interest has been expressed in sharing of recreational facilities and maximum use of the tax dollar; and

WHEREAS, the towns of Carrboro and Chapel Hill are close to each other and facilities owned by each of them and by other governmental units are easily accessible to residents of both towns; and

WHEREAS, the two towns wish to avoid duplication of services and unnecessary administrative expense; and

WHEREAS, such goals may be achieved by combining the parks and recreation programs of the two towns.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL RESOLVES THAT:

Section 1. There is hereby established the Chapel Hill-Carrboro Parks and Recreation Study Commission (hereinafter referred to as the Commission").

Section 2. In accordance with General Statute 153-A-402, the Commission shall have the following powers:

1. To study the powers, duties, functions, responsibilities, and organizational structure to park and recreation programs of the towns of Carrboro and Chapel Hill. Such study shall include discussion with county and public school agencies, and may consider a county or special district recreation program as well as a joint recreation department or cooperative program between the two towns.
2. To prepare a report on its studies and findings.
3. If it deems it desireable, to prepare a plan for consolidating the park and recreation programs, facilities, and functions of the towns of Carrboro and Chapel Hill.
4. To prepare drafts of any agreements necessary to effect such consolidation.

Section 3. The Commission shall have six (6) members, three (3) to be appointed by the Board of Aldermen of Carrboro and three (3) to be appointed by the Board of Aldermen of Chapel Hill. The Commission shall choose from among its membership a Chairman and Vice-Chairman, who shall not both be residents of the same town. The Commission shall also choose a Secretary. The Mayors of Carrboro and Chapel Hill shall jointly choose the time and place for the organizational meeting of the Commission.

Section 4. If the Commission needs any financial assistance, it may make a budget request to the two towns. Any budget shall be paid by the two towns in proportion to their population according to the most recent population estimate of the Department of Administration.

Section 5. The Commission shall continue in existence until it completes its work, or until December 31, 1978, whichever occurs sooner. The Commission may make interim reports or recommendations, which may be considered in advance of the final report, if desirable. The life of the Commission may be extended by joint resolution of the governing bodies of Carrboro and Chapel Hill.

Section 6. This resolution shall take effect upon adoption of a similar concurrent resolution by the Board of Aldermen of the Town of Carrboro.

This the 9th day of January, 1978.

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WHEREAS, considerable interest has been expressed in sharing of recreational facilities and maximum use of the tax dollar; and

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Section 1. There is hereby established the Chapel Hill-Carrboro Parks and Recreation Study Commission (hereinafter referred to as the Commission").

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1. To study the powers, duties, functions, responsibilities, and organizational structure to park and recreation programs of the towns of Carrboro and Chapel Hill. Such study shall include discussion with county and public school agencies, and may consider a county or special district recreation program as well as a joint recreation department or cooperative program between the two towns.
2. To prepare a report on its studies and findings.
3. If it deems it desirable, to prepare a plan for consolidating the park and recreation programs, facilities, and functions of the towns of Carrboro and Chapel Hill.
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Section 4. If the Commission needs any financial assistance, it may make a budget request to the two towns.

Board of Aldermen

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January 9, 1978

Section 5. The Commission shall continue in existence until it completes its work, or until December 31, 1978, whichever occurs sooner. The Commission may make interim reports or recommendations, which may be considered in advance of the final report, if desirable. The life of the Commission may be extended by joint resolution of the governing bodies of Carrboro and Chapel Hill.

Section 6. This resolution shall take effect upon adoption of a similar concurrent resolution by the Board of Aldermen of the Town of Carrboro.

This the 9th day of January, 1978.

January 9, 1978

The Board was notified that the Transportation Board wished to submit the names of Paul Morris, Marcie Dean, and Bill Boone for reappointment to the Transportation Board. ALDERMAN THORPE MOVED THAT THE THREE NAMES BE ACCEPTED. ALDERMAN EPTING SECONDED THE MOTION. Alderman Smith objected because there were not two names for each vacancy. Alderman Boulton asked that the appointment policy for commissions be reviewed in a worksession. Alderman Thorpe thought it the Board of Aldermen's responsibility to find more nominations. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, TO TABLE THE MOTION TO RECEIVE THE THREE NAMES FROM THE TRANSPORTATION BOARD. THE MOTION WAS CARRIED BY A VOTE OF 7 TO 1 WITH ALDERMAN BOULTON OPPOSING AND MAYOR WALLACE NOT VOTING. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER BACK TO THE TRANSPORTATION BOARD. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Future Agenda Items

Alderman Cohen asked for a discussion on the fringe benefits for part-time employees. Alderman Epting asked that the Streets Committee review the towing policy because of the recent confusion to citizens over towing.

January 24, 1978, 4:00 p.m., was the date tentatively set for the work-session on the budget.

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

James C. Wallace

David B. Roberts