

Alderman Howes wanted the Committee to consider as well how the history of the community should be memorialized.

Discussion of Possible Intervention as Defendants in the Orange County Voter Registration Suit

Alderman Cohen stated that plaintiff's evidence had been heard in the voter registration suit. The judge had indicated that he would like an order signed in which the parties agreed that students living in dormitories and fraternity houses would be questioned more than persons living in apartments or houses. Federal census figures included dormitory students as residents of Chapel Hill and based some revenue funds on these figures. Alderman Cohen suggested the attorney present these facts to the judge. Mr. Denny suggested the only appropriate way to present this evidence would be to work with the attorneys for the county. Alderman Cohen was concerned that the County would agree to sign the order.

Mr. Steve Rose stated he would be willing to start a fund to retain private council to defend private intervenors to assure that this case was argued. Alderman Vickery asked if town funds could be used. Mr. Denny did not recommend using town funds to support one side or the other. He explained the town's position, and why the town could enter into the B. Everett Jordan dam case, but should not enter into the voter registration suit as a defendant. It was agreed that Mr. Denny would proffer information to the County Board of Elections' attorneys that might be used as evidence.

The worksession with OWASA was tentatively set for March 29.

Future Agenda Items

Alderman Howes asked for a report on the designation of sled routes. He also asked for a report on the designation of truck routes.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

After the Board met in Executive Session, the meeting was adjourned.

MINUTES OF A PUBLIC HEARING AND MEETING  
OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL,  
MUNICIPAL BUILDING, MONDAY, MARCH 13, 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. There was a quorum of the Planning Board present.

Holy Trinity Lutheran Church Parking Lot Special Use Permit - Public Hearing

All those wishing to offer evidence were sworn in by the Clerk. Mr. Jennings pointed out the location for the parking lot for the Lutheran Church. The site is surrounded by R-10A zoning. To the west, south and east are sororities. The two existing residential structures on the property will be removed. The applicant is also requesting a certificate of appropriateness from the Historic District Commission. There were no special concerns brought out at the informal public hearing.

Mr. O'Brien submitted the statement of justification for inclusion in the record.

HOLY TRINITY LUTHERAN CHURCH  
CHAPEL HILL, NORTH CAROLINA

STATEMENT OF JUSTIFICATION FOR A SPECIAL USE PERMIT:

HISTORY: THE HOLY TRINITY LUTHERAN CHURCH WAS CONSTRUCTED SOME TWENTY EIGHT YEARS AGO AT THE CORNER OF ROSEMARY STREET AND PICKARD LANE. IT HAS A NAVE WITH A SEATING CAPACITY OF 200 AND VARIOUS CLASSROOMS AND MEETING ROOMS ON THE LOWER FLOOR. PRESENTLY THERE EXISTS A PARKING LOT WITH TWENTY FIVE (25) SPACES. THE PROPERTY NOW CONTAINS TWO OTHER STRUCTURES--THE LUTHERAN CAMPUS CENTER AND A LARGE HOUSE WHICH IS BEING USED FOR SUNDAY SCHOOL CLASSROOMS.

PROPOSED DEVELOPMENT: THE CHURCH PROPOSES TO CONSTRUCT A TWO-STORY ADDITION TO ITS PRESENT BUILDING. THE TWO EXISTING STRUCTURES WILL BE REMOVED AND THE PRESENT PARKING AREA RELOCATED AND EXPANDED. THE SEATING CAPACITY OF THE NAVE WILL REMAIN UNCHANGED. THE CHURCH STRUCTURE WILL BE REVIEWED BY THE HISTORIC DISTRICT COMMISSION. THE PARKING LOT REQUIRES A SPECIAL USE PERMIT, THE JUSTIFICATION FOR WHICH IS PRESENTED BELOW.

FINDING NO. 1 - PUBLIC HEALTH OR SAFETY

THE PARKING IS PROPOSED TO BE EXPANDED FROM 25 TO 34 CARS AS SHOWN ON THE ATTACHED SITE PLAN. THIS PARKING LOT WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY. TRAFFIC, WHICH HAS A PEAK PERIOD ON SUNDAY MORNINGS, WILL ONLY BE SLIGHTLY INCREASED FROM THE PRESENT LEVEL. SIGHT LINES FROM THE TWO PARKING LOT ENTRANCES WILL NOT BE MATERIALLY ALTERED FROM THEIR PRESENT CONFIGURATION. NO UTILITIES, EXCEPT ELECTRICITY FOR LIGHTING, WILL BE REQUIRED. ALL REQUIRED EROSION AND SEDIMENTATION CONTROL REGULATIONS WILL BE FOLLOWED DURING CONSTRUCTION. STORM WATER WILL BE PIPED FROM THE FINISHED PARKING AREA AS SHOWN. THE SITE IS NOT IN THE FLOOD PLAIN.

FINDING NO. 2 - COMPLIANCE WITH TOWN'S ORDINANCE

THIS PARKING LOT WILL BE CONSTRUCTED IN ACCORDANCE WITH ALL TOWN ZONING ORDINANCES AND LAND DEVELOPMENT REGULATIONS AND STANDARDS. THE REQUIRED BUFFER (10 FEET) ALONG THE PROPERTY LINES AND RIGHT-OF-WAYS HAS BEEN PROVIDED.

FINDING NO. 3 - PROPERTY VALUE

THE PROPOSED USE IS IN CONFORMANCE WITH THE ZONING IN THIS DISTRICT. THIS PROPOSAL RELOCATES AN EXISTING PARKING LOT, ENLARGES IT BY 9 CARS AND PLACES A 10 FOOT WIDE PLANTED BUFFER BETWEEN IT AND THE ADJOINING USES. THESE CONDITIONS WILL NOT HAVE AN ADVERSE AFFECT ON SURROUNDING PROPERTY VALUES.

FINDING NO. 4 - HARMONY WITH THE AREA

THE EXISTING HARMONY OF THIS AREA WILL NOT BE CHANGED BY THIS PARKING LOT. IT WILL BE IN CONFORMANCE WITH THE ZONING MAP, CHAPEL HILL'S PLAN OF DEVELOPMENT AND ITS THOROUGHFARE AND GREENWAY PLANS. THE SITE IS NOT IN THE FLOOD PLAIN.

He stated the church had purchased the property for the purpose of expansion. The church was working with the Historic District Commission in securing someone to remove the houses so that they might not be torn down. They were realigning the driveway so that existing trees might be saved. Mr. O'Brien said a paved sidewalk was not being proposed as they did not believe it would be in character with the rest of the Historic District. Mr. O'Brien suggested changing Pickard Lane to one-way traffic going toward Franklin Street. There would be no heavy traffic as the peak hour for the church would be Sunday morning. The parking lot would be asphalt. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE REQUEST TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Kennedy Apartments Special Use Permit - Public Hearing

Mr. Jennings stated the request was for a unified housing special use permit for a 106 unit apartment complex on 27 acres of land. He pointed out the location of the property. The property is zoned R-10 and R-15, off of Old Oxford Road. Uses surrounding the property include a church, apartments and single family residences. The units would be clustered at the lower section of the property. The units would be one story and two story. The proposal would be within the land use classification of low-density residential. Issues raised at the informal public hearing were traffic, the paving of Old Oxford Road, the large portion of the tract left undeveloped, the belief that R-15 zoning indicated single-family housing.

Mr. O'Brien stated there would be less units than would be allowed if the property were developed in duplexes. The complex would be served by one drive. The developer would not oppose the realignment of Old Oxford Drive where the drive enters it. Mr. O'Brien submitted the statement of justification for inclusion in the record.

STATEMENT OF JUSTIFICATION

KENNEDY APARTMENTS  
LOT 3A, BLOCK A, MAP 27 CHAPEL HILL TOWNSHIP  
SPECIAL USE PERMIT

THE FOLLOWING OUTLINE RESPONSE COINCIDES WITH THE OUTLINE OF ITEM 2 G. OF "PROCEDURES FOR SPECIAL USE PERMITS", TOWN OF CHAPEL HILL, NORTH CAROLINA.

1. THE USE OF THE PROPERTY AND PROPOSED UNIFIED HOUSING DEVELOPMENT SHOWN ON THE ATTACHED PLANS WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY.
  - A. AT THE PRESENT TIME, THE TRAFFIC LOAD ON OLD OXFORD ROAD IS LIGHT. REFER TO THE TRAFFIC COUNT INCLUDED IN THIS APPLICATION. IT STANDS TO REASON THAT THE TRAFFIC LOAD WILL INCREASE AS A RESULT OF THE REALIZATION OF THE PROJECT, BUT THIS SHOULD NOT BE DETRIMENTAL TO OXFORD ROAD. THE PROJECT, HOWEVER DOES NOT INCLUDE ANY ADDITIONAL UNITS ABOVE THE NUMBER PRESENTLY ZONED FOR OLD OXFORD ROAD.  
  
THE PROJECT PROPOSES ONE NEW CURB CUT AS SHOWN ON THE SITE PLAN. THIS CURB CUT IS NOT ANTICIPATED TO ENDANGER THE PUBLIC HEALTH IN THE AREA.
  - B. PROVISIONS WILL BE MADE FOR ALL SERVICES AND UTILITIES INCLUDING SEWER, WATER, ELECTRIC, TELEPHONE, GARBAGE COLLECTION, AND FIRE PROTECTION ON THE SAME BASIS AS THESE SERVICES ALREADY EXIST TO THE NEIGHBORING RESIDENTIAL PROPERTY OWNERS. ELECTRIC AND TELEPHONE WILL BE UNDERGROUND.
  - C. THE DEVELOPMENT INTENDS TO COMPLY WITH ALL SOIL EROSION AND SEDIMENTATION CONTROL REQUIREMENTS DURING SITE GRADING AND CONSTRUCTION AS SET FORTH BY THE STATE OF NORTH CAROLINA AND ORANGE COUNTY.
  - D. THE SITE IS LOCATED PARTIALLY IN THE CHAPEL HILL FLOOD PLAIN AS NOTED ON THE SKETCH MAP. NONE OF THE PROPOSED BUILDINGS, PARKING AREAS OR DRIVES ARE LOCATED IN THE FLOOD PLAIN AREA.
2. THE KENNEDY APARTMENT DEVELOPMENT INTENDS TO COMPLY WITH ALL APPLICABLE ORDINANCES RELATING TO THE DEVELOPMENT OF THIS PROJECT. THE ATTACHED DRAWINGS, TO THE BEST OF OUR KNOWLEDGE, COMPLY WITH ALL OF THE TOWN'S REQUIREMENTS.
  - A. THE DEVELOPMENT WILL BE IN COMPLIANCE WITH THE ZONING ORDINANCE AND THE LAND DEVELOPMENT REGULATIONS AND STANDARDS. THE UNIFIED APARTMENT DEVELOPMENT IS LOCATED IN A R-10 AND A R-15 ZONE.

O'Brien/A, Associate Planner  
10 EASTOWNE DRIVE  
R.O. BOX 2656  
CHAPEL HILL N.C. 27514 919/913

- B. THE DEVELOPMENT PROPOSES 1200 SQ. FT. OF OPEN AREA PER DWELLING UNIT AS REQUIRED BY THE ZONING ORDINANCE FOR A TOTAL AREA OF 168,000 SQ. FT. FOR THE COMPLEX. THE DEVELOPMENT ALSO PROPOSES TO HAVE A COMMUNITY BUILDING WITH A POOL.
- 3. THE KENNEDY APARTMENT DEVELOPMENT WILL NOT INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY.
  - A. THERE IS NO CONFLICT BETWEEN THE PROPOSED USE AND THE SURROUNDING USES. ON THE EAST SIDE OF THE PROPERTY, THE LAND IS ZONED R-3; ON THE SOUTH AND NORTHWEST, THE LAND IS ZONED R-5 AND R-15; ON THE SOUTHEAST AND WEST, THE PROPERTY IS ZONED R-20.
  - B. THE PROPOSED USE IS IN CONFORMANCE WITH THE R-10 AND R-15 ZONE, WHICH IS THE EXISTING ZONE SHOWN ON THE TOWN'S ZONING MAP.
  - C. THE PROPOSED USE IS NOT A PUBLIC NECESSITY.
- 4. IF THE PROPOSED PLAN IS APPROVED IT WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS LOCATED AND WILL BE IN GENERAL CONFORMANCE WITH THE PLAN AND DEVELOPMENT OF CHAPEL HILL AND ITS ENVIRONS.
  - A. SEE 3 B ABOVE.
  - B. THE SITE HAS NO RELATIONSHIP TO THE CHAPEL HILL THOROUGHFARE PLAN, OR THE GREENWAY PLAN. WITH RESPECT TO THE CHAPEL HILL FLOOD PLAIN, SEE 1D ABOVE.

In response to Alderman Epting, Mr. O'Brien said the developer had considered solar heating elements, but they were not economically feasible.

Mr. John Martin, representative of the Lake Forest Association, submitted the following statement (See page 2B.) in opposition to the project as planned. Ms. Olga Eyre submitted the following affidavit concerning property values in the area of the project.(See page 2C.)

IN THE MATTER OF  
APPLICATION FOR SPECIAL USE PERMIT,  
KENNEDY APPARTMENTS,  
LOT 3A, BLOCK A, MAP 27,  
CHAPEL HILL TOWNSHIP

STATEMENT OF LAKE FOREST  
ASSOCIATION IN OPPOSITION TO  
DEVELOPMENT AS PROPOSED

Lake Forest Association is a North Carolina non-profit corporation, consisting of some 315 single family residential units. The geographical area represented by Lake Forest Association is immediately to the north of the parcel for which the special use permit is requested.

This Statement is divided into four portions, corresponding to the four findings which must be made by the Board of Aldermen prior to issuance of a special use permit. This Statement is made with reference to the following facts:

- 1. A primary entrance to the south side of Lake Forest is via Old Oxford Road and Ridgecrest Drive, two streets adjacent to the proposed development.
- 2. The properties to the north of the proposed development, particularly those properties in the Lake Forest area, are zoned R-20 and are substantially developed as a single family residential area.
- 3. The only recreational facilities in the immediate vicinity are the two lakefront parcels (at both ends of South Lake Shore Drive) owned by Lake Forest Association for the use of residents of the Lake Forest area.

Additional facts pertinent to the four points in issue are set out below just prior to the matters to which those facts directly pertain.

I. WHETHER THERE IS A MATERIAL EFFECT ON PUBLIC SAFETY

Facts:

- 1. The paved portion of Old Oxford Road is narrow - being some 20 or 21 feet in width - and is without curb or gutters.

23. 2. There are no sidewalks or pedestrian facilities on either side of Old Oxford Road.

3. The portion of Old Oxford Road east of the intersection with Ridgecrest Drive is not paved.

4. Ridgecrest Drive which intersects Old Oxford Road and runs north from it is an extremely steep grade. Traffic coming south on Ridgecrest Drive, being traffic from the Lake Forest area, necessarily comes down this steep grade onto Old Oxford Road.

5. Problems of traffic volume, control, and safety are primary concerns of residents in this section of Chapel Hill - as stated on pages 14 through 17 of Appendix C to the "Land Use Report of the Land Use Plan For Chapel Hill and Its Environs" adopted by the Board of Aldermen on December 12, 1977.

6. The proposed development borders on Booker Creek, and is only a short distance downstream from the dam owned by Lake Forest Association which impounds the waters of Eastwood Lake.

7. The following statements relative to use and development of the floodway plain and floodway fringe are made in the "Land Use Report of the Land Use Plan For Chapel Hill and Its Environs," at pages 6 and 7:

"Critical environmental areas constitute the land which is considered undevelopable and which should be protected.

"The natural features in these areas make the land extremely sensitive to any type of urban development. Building in critical environmental areas should be prohibited and development on adjacent land should be carefully controlled to minimize the adverse effects on the critical land.

Based on an analysis of the natural environmental characteristics of the Chapel Hill area . . . three environmentally critical areas were designated: (1) all land within 100-year floodways . . ."

"The 100-year floodway is that land within the adjacent to streams in Chapel Hill which would be required to carry off the waters of the 100-year flood without increasing the level of the flood by more than one foot. An existing ordinance in Chapel Hill already prohibits placement of any obstruction in or alteration of the channel of designated 100-year floodways.

"The discussions concerning critical environmental areas also included the floodway fringe zones, stream buffers and areas characterized by steep slopes. It was determined that these areas would not be designated as critical areas, but would be considered as sensitive areas."

These statements reflect current Town policy inasmuch as they were adopted by the Board of Aldermen just 3 months ago.

#### Objections and Argument:

a. Old Oxford Road is too narrow and dangerous and is, therefore, inadequate for the increased volume of traffic which would be generated by the proposed development.

b. The location of the proposed entrance and exit is dangerous and unwise because:

1) The location is on a curve on the existing roadway. Due to the steep grades, visibility in several directions would be poor.

2) The location would force all the increased traffic volume to travel the length of Old Oxford Road which would

-create traffic problems at Ridgecrest Drive, a bad intersection because of the steep grade of Ridgecrest.

-channel the increased volume of traffic down a road which is primarily a single family residential street

-be hazardous to pedestrians along Old Oxford Road.

c. Since Old Oxford empties into Elliott Road there will be increased traffic on that residential street which itself is rapidly becoming a major traffic artery.

d. Even if it is legal, it is unwise to permit location of buildings in the floodway plain of the floodway fringe; the reasons being:

- 1) There must be concern for the so-called 100 year flood;
- 2) There is a dam immediately upstream from the parcel in question; and
- 3) The floodway is an environmentally critical area while the floodway fringe officially is designated as a sensitive area.

Requests:

a. As a minimum condition Lake Forest Association requests the traffic problems be alleviated by requiring the primary entrance and exit to be located at the far western end of the developer's parcel along Old Oxford Road.

This would keep traffic away from the intersection of Ridgecrest and Old Oxford and would minimize the traffic along the portion of Old Oxford that is primarily single family residential in character.

b. It is further requested that no buildings or any portion be permitted in the floodway or floodway fringe.

II. WHETHER PROPOSAL IS IN COMPLIANCE WITH APPLICABLE CONDITIONS AND SPECIFICATIONS

Facts:

1. The zoning for the parcel in question shows a classification of R-15 for the strip along Old Oxford Road; south of this R-15 strip, the balance of the parcel is zoned R-10.

2. The developer has used the combination of both the R-15 and the R-10 areas to support the proposal for 106 apartment units.

3. While the developer is in compliance with the density factor of the present zoning of this parcel, the density proposed is at the highest end of the density range permitted.

4. Objectives and policies found in the section of the "Comprehensive Plan to Manage Growth In Chapel Hill and Its Environs" which is entitled "Land Use, Urban Form and Environment" include,

- buffer incompatible land uses
- provide scenic views
- prevent conflicts between incompatible land uses
- encourage high standards for appearance.

5. Another general policy found in the same "Comprehensive Plan" is to "provide sufficient neighborhood recreational facilities."

Objections, Argument and Requests:

a. The strip of R-15 zone along the south side of Old Oxford Road is quite clearly a buffer zone between the R-20 classification to the north and north west and the R-10 classification to the south. It is submitted that the proposed development removes the effect of a buffer between zones, and, hence, it is not in keeping with the spirit or intent of the present zoning.

b. Quite clearly this parcel could be divided into separate lots rather than apartment buildings. It is submitted that separate lots, particularly in the R-15 portion of the parcel, would be more compatible with the R-20 uses immediately adjacent to this parcel.

Separate lots on the whole or part of this parcel would be more appropriate because

1) Such development would be more compatible with the single family residential area

2) Total density would be less inasmuch as a significant portion of the parcel (up to 20%) could not be put into lots but would go for roads and other improvements

3) The lower density would lower the adjacent traffic impact.

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c. If some form of this proposal for apartment units is approved, it should be conditioned upon the retention of the natural vegetation along Old Oxford Road for a depth of several hundred feet to act as a buffer.

d. If some form of this proposal is approved, it should be conditioned upon the developer providing adequate recreational facilities including a proper size pool. If such facilities are not provided, there surely will be attempts by persons living there to use the nearby Lake Forest private facilities, resulting in hard feelings, frustrations and noise for all concerned. It is unfair for the Town to permit high density development where there are no public recreation areas, particularly when it would place a burden on adjacent neighbors who are provided such areas at their private expense.

e. The configuration of the proposed development shows all of the buildings located to one side of the parcel. The balance of the parcel is used solely to justify the density of the proposed development.

It is submitted that:

- 1) The plan appears to be only a partial development;
- 2) An obvious implication of such a plan is the strong likelihood of a subsequent request for re-zoning.
- 3) Re-zoning would mean higher density, worse traffic problems, and even less compatibility with the adjacent neighborhood.

Consequently, if approval is given to this proposal or any form of it, it should be only with the express understanding and clear condition that the open space and buffer area is not for future development.

### III. WHETHER THERE IS INJURY TO VALUE OF ADJOINING PROPERTY

#### Facts:

The affidavit testimony of Olga Eyre is incorporated at this point.

#### Objections and Argument:

- a. A substantial buffer of natural vegetation should be required in order to preserve the value of the adjoining properties already developed as a single family residential neighborhood.
- b. The Town policies of separating incompatible land uses and of providing scenic views require a substantial buffer of natural vegetation.

### IV. WHETHER CHARACTER OF USE IS IN HARMONY WITH AREA AND WITH PLAN OF DEVELOPMENT OF CHAPEL HILL.

#### Facts:

1. The area in which the proposed development is located is the Old Oxford Road - Ridgecrest Drive area. It is here that the impact of traffic and other effects will be felt.
2. The portion of the parcel nearest Booker Creek is fully visible from East Franklin Street near WCHL radio, making that portion of the parcel a visible part of the entry to Chapel Hill.
3. The facts stated above at I.6 and 7, relative to the floodway are incorporated at this point.

#### Objections and Argument:

- a. The appearance will have a direct effect both on the visual impact of entry into Chapel Hill and on the neighboring properties. Consequently,

- b. The proposal to build within the floodway fringe is unwise and contrary to the designation of the floodway fringe as a sensitive area.

For the above reasons and based on the facts indicated, Lake Forest Association respectfully requests that the application for a special use permit be denied unless and until the particular objections noted here have been corrected and the conditions requested here have been agreed to by the developer as stipulations and requirements of such a special use permit.

Dated: March 10, 1978

Respectfully submitted,  
LAKE FOREST ASSOCIATION

By John H. Martin  
John H. Martin  
Its President

COUNTY OF ORANGE  
STATE OF NORTH CAROLINA

On March 10, 1978 before me, a notary public in and for said county, appeared John H. Martin, who being duly sworn, signed the foregoing statement and stated that he is the current president of Lake Forest Association, Inc. and acknowledged that he signed on behalf of and as duly authorized by the Board of Directors of Lake Forest Association.

Ruth D. Strong

AFFIDAVIT

COUNTY OF ORANGE  
STATE OF NORTH CAROLINA

I, Olga Eyre, being duly sworn, depose and say that:

1. This affidavit is made in connection with the application for a special use permit for Kennedy Apartments, proposed for Lot 3A, Block A, Map 27, Chapel Hill Township.
2. I am a realtor licensed by the State of North Carolina and actively engaged in real estate and appraisal work in Chapel Hill and its environs.
3. I have been engaged in real estate appraisal work for years and have previously served as President of The Chapel Hill Board of Realtors.
4. I have examined the drawings of the proposed Kennedy Apartments proposed for a parcel abutting Old Oxford Road.
5. The values of the homes presently located on the north side of Old Oxford Road as well as those on Ridgecrest Drive near the intersection of Old Oxford Road could be adversely affected by:
  - A. A definite increase in traffic and traffic problems on Old Oxford Road. In other parts of Chapel Hill the value of a home on a busy street is likely to be \$5,000 or \$6,000 less than the value of a comparable home located a block or more off the busy street.
  - B. The failure to require a substantial buffer of natural vegetation. The values can best be preserved by maintaining a scenic view.
6. The values of the homes on Old Oxford Road opposite the parcel in question and on Ridgecrest Drive are not adversely affected by Foxcroft Apartments or by Elliott Woods because:
  - A. Foxcroft Apartments is wholly oriented to the 15-501 by-pass corridor where its entrance and exit is located; it simply is not thought of or viewed as being next to or any part of a single family residential community.



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B. Elliott Woods which has its sole entrance and exit onto Elliott Road near Franklin Street is well shielded from view by a considerable buffer of natural vegetation. Moreover, the traffic flow is diverted away from the adjacent residential areas.

Olga Eyre  
Olga Eyre

The foregoing affidavit was signed and sworn to before me this 13<sup>th</sup> day of March 1978.

Dorothy C. Key  
Notary Public  
Orange County, North Carolina

Rev. S. Edward Young opposed the apartment project as being incompatible with the surrounding area. The project would cause increased traffic on Old Oxford Road, reduce the value of adjacent real estate, and create noise, congestion and litter in the neighborhood.

Mr. Bill Graves submitted the following statement against the project.

To: Board of Aldermen,  
Planning Board, and planning staff

From: William H. and Vonna K. Graves  
2022 Markham Court  
Chapel Hill

We wish to register our opposition to the special use permit sought by Carrol Kennedy for the purpose of constructing 106 apartments on his land along Old Oxford Road. We have lived on Markham Court since 1970 when we built our home there. Our property is contiguous with the Kennedy property and is identified on the roughly drawn map included here in the hope that the issues we raise below will be presented as clearly as possible.

Almost surely, advocates of the special use permit will argue that the proposed use of the Kennedy land is consistent with current land use in the general neighborhood, for the Kennedy land is indeed the only undeveloped parcel in a semi-circle of apartment developments bounding our neighborhood (from north to south clockwise: Booker Creek Apartments, Foxcroft Apartments, the Kennedy land, Elliott Woods Apartments). However, does fair play allow a dog to be kicked for the fourth time only because it has already been kicked three times? Our neighborhood is already bearing more than its share of the burden of multi-family development. It doesn't seem fair to ask it to bear still more.

Because our property shares a border with Kennedy's and because the proposed apartments would be visible through our glass living room wall, the value of our property would decrease considerably were this or any similar special use permit approved. More generally, property values throughout the neighborhood would suffer from construction of apartments on the Kennedy land.

Noise pollution is a major concern in our neighborhood. The noise from Booker Creek and Foxcroft Apartments is constant and, at times, unbearable. Warm weather brings a series of all night, amplified rock concerts to our bedroom windows. Although the Kennedy Apartments, unlike Booker Creek and Foxcroft Apartments, would lie within jurisdiction of the City's noise ordinance, the general din in the neighborhood would be drastically increased by student renters in the Kennedy complex.

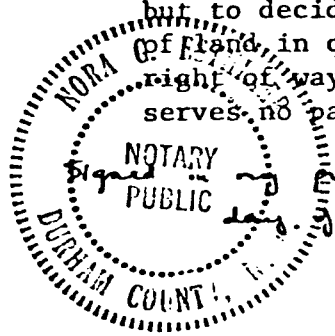
Conservatively assuming three student renters per Kennedy apartment and considering the attendant increase in traffic both along narrow, hilly, and twisting Old Oxford Road and at the already congested intersection of Elliott Road and Franklin Street, we conclude that the proposed apartments would very adversely affect traffic and safety conditions in our neighborhood. The already dangerous, nearly 180° curve where Old Oxford Road becomes Markham Drive would be rendered even more dangerous by the addition of multi-car-per-unit apartments along Old Oxford Road.

We also call attention to an issue not unrelated to the Kennedy proposal. The Old Oxford Road under discussion here was at one time but a small section of a road between Chapel Hill and Oxford. About thirty years ago the bridge over Booker Creek on that road was washed out in a flood. Subsequently, falling

into disuse was that part of the road which begins where the existing Old Oxford Road and Markham Drive meet and which, moving north, ends where the existing Old Oxford Road in the County begins. This missing link is in the flood plain and is overgrown in hardwoods and pines. We urge the City to take steps to insure that this right of way is never used to construct the missing link between the two Old Oxford Roads now in use, for such a link would convert these two residential roads into a major thoroughfare giving the many residents of Booker Creek and Foxcroft Apartments access to Franklin Street via Old Oxford Road and Elliott Road. There are other reasons for our plea. Any clearing along the old road bed would shatter our modest version of the good life, for our glass-walled living room is but 50 feet from and parallel to the road bed. As this letter is being written no rain has fallen in two days, yet the old road bed and the nearby sewer line right of way are standing in water as is frequently the case since the run off from Markham Court, soon to be compounded by the City's questionable decision to pave and provide gutters for Markham Court, settles along these low reaches of the flood way. A road could only be constructed by raising it very considerably, thereby compounding the run off problem and increasing the threat of flooding of adjacent property such as ours and Mr. Kennedy's. In fact, any clearing in the general area of the old road bed will compound the drainage problem and in our opinion should not be undertaken. The apartments proposed by Mr. Kennedy would not be free from the threat of flood. The flood which washed out the bridge over Booker Creek would have carried some of the proposed apartments down the creek also had they existed at the time.

Finally, we note that two promises were extracted from the City in these matters. When a special use permit was granted for the Booker Creek Apartments, residents of Clark Hills were promised there would be no access to that development through Clark Hills. When the Elliott Woods project was approved, nearby residents were promised there would be no further apartment developments in the adjacent neighborhood. This promise was reaffirmed a few years later when the Board of Aldermen refused to rezone for higher density use the very parcel of land now under consideration. Whether these promises were more than demonstrations of good faith we do not know. Perhaps the 200 feet wide R15 strip of Kennedy's land along its Old Oxford Road boundary is a partial redemption of the latter promise. It does seem clear to us that this strip was zoned R15 to insure that its eventual development would be in single family residences, or at worst in duplexes, in order to preserve the residential character of our neighborhood. Property rights, especially when equated with the right to make money as is the case here, are not inviolable. We suggest that Mr. Kennedy could make money, that the residential character of our neighborhood would be preserved, and that the general good and safety of the City would be served were the Board of Aldermen to insist that the property in question be developed by subdivision into individual residential lots.

We urge the City, not simply to deny the requested special use permit, but to decide and legally define both the limits of development of the parcel of land in question and the related question of potential uses of the City's right of way along the old road bed. The repeated emergence of these issues serves no party well.

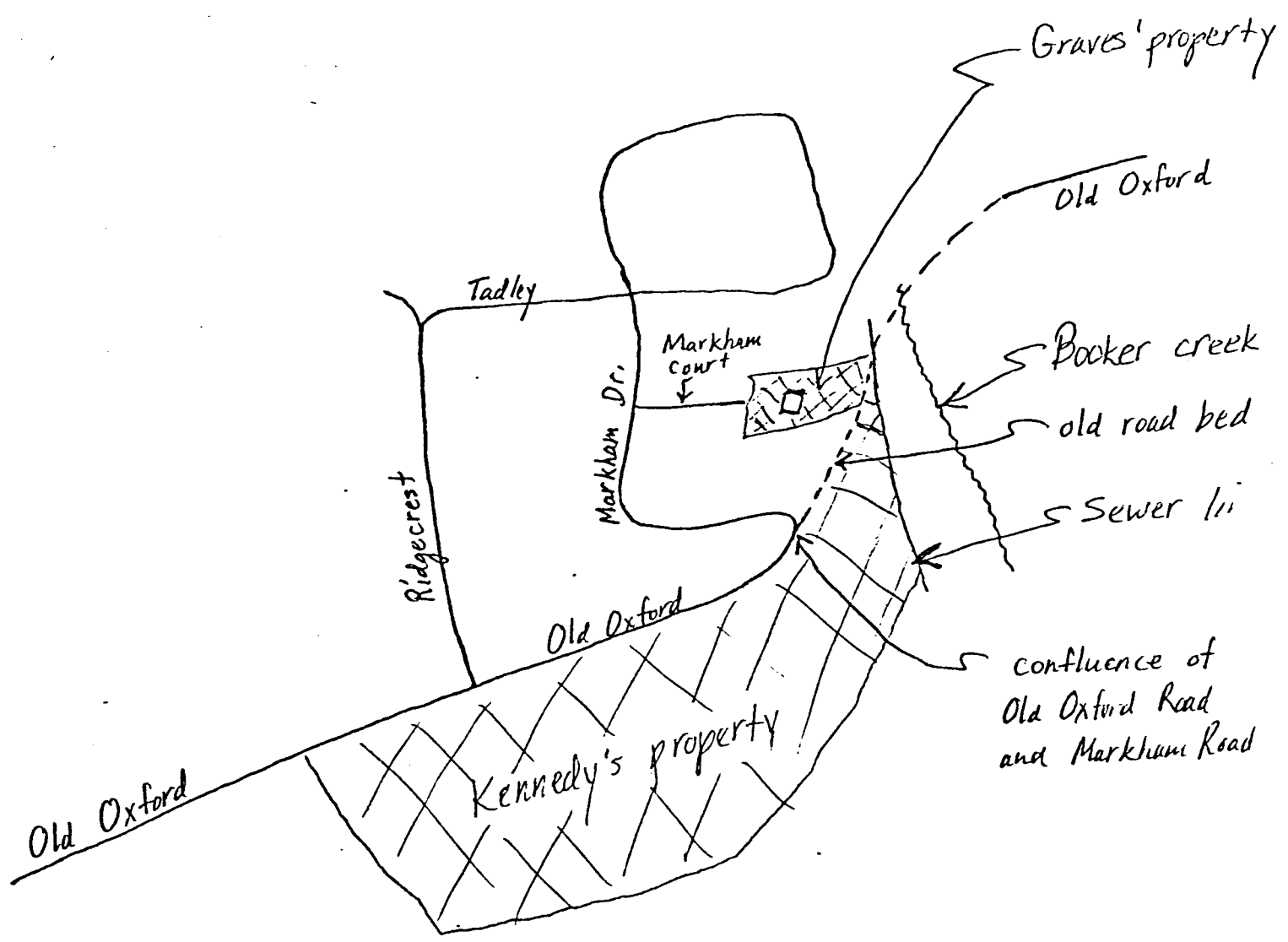


Witness my presence this 13th  
March, 1978.  
Nora G. Esthine  
Notary Public

William H. Graves  
William H. Graves

Vonna K. Graves  
Vonna K. Graves

My Commission Expires April 5, 1981



Mr. Morris Shiffman submitted the following statement against the project.

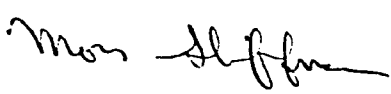
Statement to the Board of Alderman, Chapel Hill, N. C.  
Meeting of March 13, 1978

My name is Morris Shiffman and I have resided at and owned the house and property at 201 Ridgecrest Drive for the last thirteen years. This property faces Old Oxford Road at Ridgecrest Drive and is affected directly by the apartments which are proposed at Old Oxford Road and for which a special use permit is being requested. The building of these apartments will diminish the value of my property and constitute a non-compatible use since these apartments will directly adjoin single-family residences zoned R-20. However, this is of personal import, while the major problem relates to questions of traffic, safety, parking and noise which are detrimental to all the residents of the area adjacent to the proposed apartments.

The proposed 106 apartments are not provided with sufficient parking spaces to accomodate the future residents and guests. There is every reason to predict that the apartments will be occupied by students resulting in multiple car ownership for most of the apartments. Lack of apartment parking space will result in parking on the street and resultant safety and nuisance problems. Further, traffic problems will be created since Old Oxford Road is already heavily used.

The traffic problems will be magnified if any consideration is given to providing an access road to the apartments at Old Oxford Road and Ridgecrest Drive. The creation of cross traffic patterns and increase of cars will create a severe hazard at a location where traffic flow and visibility are already poor.

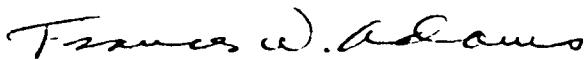
I would request that the Board of Alderman and the Planning Board carefully consider these questions of traffic safety before issuing the special use permit for the proposed Kennedy apartments.



Sworn and subscribed to before me this 13th day of March, 1978 at

Chapel Hill, N. C.

My commission expires Sept. 29, 1979



Notary Public

Mr. Wilbur Morris submitted the following statement in opposition to the project.



STATE OF NORTH CAROLINA, )  
 ) ss. Affidavit In Opposition  
 ORANGE COUNTY. )

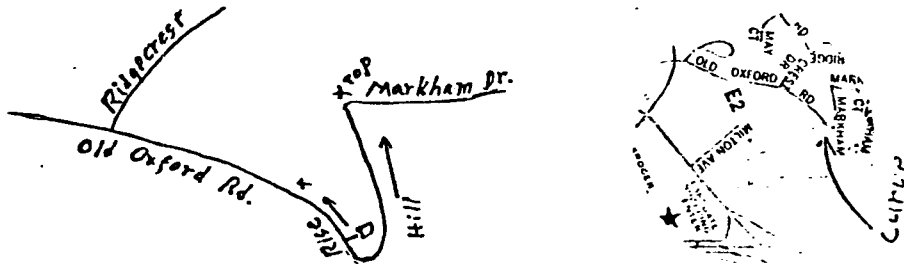
The undersigned, being duly sworn depose and say as follows:

We own property at 2023 Markham Drive, Chapel Hill, N.C. and reside thereon. This property is one block from the land of K. Carrol Kennedy on Old Oxford Road, which land he proposes to be the site of an apartment complex. Application has been made to the Board of Aldermen of Chapel Hill for a Special Use Permit to allow the proposed construction and use.

We oppose the issuance of the Special Use Permit under consideration by the Board of Aldermen, and we urge that it be denied. The basis of our opposition is as follows:

1. The construction will aggravate an already hazardous traffic condition.

The developer proposes the location of an entrance, with intensive use, at the foot of Markham Drive Hill. This hill already is a serious safety hazard due to the curve of unbelievable sharpness (at least 300' 1) at the foot of the hill where Markham Drive merges with Old Oxford Road. Not only does this curve have the acuteness of a "switch-back" but once a driver coming down the hill on Markham Drive negotiates the curve he is immediately confronted with a reverse curve and a slight rise. Between the rise and the sharp curve is a driveway opening on Old Oxford Road. A person backing out of the driveway must watch cars coming from Both directions but cannot see very far either direction.... and cars coming from either direction cannot see cars coming from the other direction... nor can they see a car backing out of the driveway until upon it. A drawing of this hazardous curve follows:



From an examination of this drawing it is apparent that the serious hazard is inherent in the double curve at the foot of both a hill and a rise. It should not be further complicated by an entrance near the curve that serves 106 apartments with at least 150 cars... all moving in or out twice a day, concentrated during two rush hours.

The installation of three-way stop signs would not eliminate the hazard. Cars coming from either direction cannot see around the curve. Safety lies in staying on your side of a banked curve. Cars coming from the proposed entrance could not see around either of the curves. There is no practical place to locate the signs. With ice or snow on the hill, stopping at the bottom coming down would be dangerous; stopping at the bottom going up would make ascent difficult if not dangerous due to stalled cars.

Further, with the limited parking facilities proposed for the apartment complex, cars will be parked on Old Oxford Road at night. This parking will be concentrated near the entrance. The parked cars will constitute an additional hazard, particularly at night, as cars using the street will be denied the safety of being permitted to stay in their respective lanes while approaching a curve around which they cannot see. For that reason, any entrance to a concentration of residences in the subject area should be located as near Elliot Road as feasible.

2. The proposed construction and use is not in conformity with the surrounding area.

The surrounding area comprises primarily single family residences, most of which are owner occupied. The streets are designed and laid out for slow light traffic. Even tho the streets were to be widened, curbed and the paving thickened, there would remain the hazards that accompany the imposition of heavy and fast traffic and concentrated parking on a built-up residential area. Aside from the traffic hazards, the construction of a non-conforming apartment complex within a residential area of single-family houses is unfair to others owners. The proposed use of the Kennedy tract will reduce the value of neighboring property for some distance around. It will cause those residents who value the existing peace and quiet to move elsewhere to escape the traffic hazards that jeopardize their families and the inevitable noise that accompanies any large apartment complex.

*Wilbur L. Morse*  
WILBUR L. MORSE

*Edna R. Morse*  
EDNA R. MORSE.

Subscribed and sworn to before me this 12<sup>th</sup> day of March, 1978.

*Lon J. Bates*  
NOTARY PUBLIC.

My commission expires May 30, 1981

Ms. Betty Lou Smith submitted the following statement opposing the apartment project.

TO: Chapel Hill Board of Aldermen

The following statement is submitted in opposition to the proposed Kennedy Apartments to be located on Old Oxford Road.

The property for the proposed apartments adjoins our home on Milton Avenue, and I oppose the building of these apartments for the following reasons:

1. The apartments will not be in harmony with the single family homes on our relatively quiet street. The quality of our neighborhood has already been compromised by permitting the building of office buildings on the corner of Milton Avenue and Franklin Street and also by the building of Elliott Woods Apartments. Additional apartments would totally destroy the character of our street.
2. The apartments will have an adverse effect on adjoining property, and I believe that it will seriously devalue our property since the proposed plans show the apartments as being built very close to our property line.

*Betty Lou M. Smith*  
3-13-78

Sworn to and subscribed before me this 13 day of March, 19 78  
Witness my hand and official seal.  
(Signed) *Brenda K. Johnson*  
Notary Public

My Commission Expires July 24, 1978

Mr. Alan Rhodes, of Markham Drive, objected to the project as proposed because of the heavy traffic which would be created. He agreed with other statements made.

Ms. Sara Mack submitted the following statement (See page 2H.) saying that the project would devalue other property in the area.

I feel that the site proposed for the Kennedy apartments is unsuitable for several reasons. The complex would, in my opinion, have a decidedly adverse effect on what is, at present, a very attractive residential area, Milton Avenue. The apartment cluster would border the property line of the last house on a very short street and would certainly affect property values of the whole street. It seems to me that one of the chief attractions of Chapel Hill is its quiet residential neighborhoods; once they are gone, they cannot be restored, as many towns have realized too late. I hope that Chapel Hill will have the foresight to preserve the charm it still has.

I also believe that the site is unsuitable because of the difficulty of appropriate and safe access. Old Oxford Way would have to carry an amount of traffic for which it was not designed and is, I think, unsuited unless very elaborate and expensive changes were made. I worry about the safety of pedestrians, particularly school children, if the proposed 106 apartments (plus any future development of the areas, which are now to be left open) are built.

Sara Mack

*Sara Mack*

State of North Carolina

Linda F. Campbell Notary Public

do hereby certify that SARA MACK personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 13 day of March 19 78

Linda F. Campbell Notary Public  
Chapel Hill N.C.

*1/19/78*



Mr. Robert Phillips agreed with other statements made in opposition to the project. He felt a buffer was needed between the apartments and Old Oxford Road.

Mr. O'Brien stated the tract would be developed in accordance with all ordinances. The developer would try to minimize the impact by retaining as much natural vegetation as possible. A drainage plan was on file with the planning staff. Further development of the land would require a rezoning and a modification to the special use permit.

Alderman Cohen stated the area did not have good transit service, so that multi-family housing would result in a higher use of cars.

Alderman Smith stated the R-15 zoning was to buffer the residents of this area from apartments. He did not believe it should be used for anything but single family housing. ALDERMAN EPTING MOVED, SECONDED THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

#### Harder Office Building Special Use Permit - Public Hearing

Mr. Jennings pointed out the location of the project on the northwest corner of Couch Street and 15-501. Brendle's will be on the northeast corner and scattered residential property is along Couch Road and 15-501 to the west. The existing house and trailer on the property would be removed. The parking requirement for the office building would be 82 spaces, but the applicant had requested a reduction to 59 spaces so that he might have more land for landscaping. The property was designated as low density residential in the land use plan. The impact on residential properties on Dobins Drive and conformity with the land use plan were questioned at the informal public hearing. The project had been before the Board approximately one year ago.

Mr. Hausler stated the Planning Board had not recommended approval of this project when it was before the Board in December, 1976, stating that affirmative findings regarding traffic safety and conformance with the comprehensive plan could not be made. The applicant now felt that conditions had changed. He was making reapplication for the special use permit. The project would consist of 2-8,000 sq. ft. buildings on a site zoned R-20 and agricultural. The buildings would be two-story wood frame structures. Brendle's had dedicated 15 ft. on the east side of Couch Street, and the applicant would dedicate an additional 15 ft. on the west side. Extensive landscaping would be done. Traffic circulation improvements were now being made by Brendle's. Deceleration lanes and turning lanes would be constructed along 15-501; Couch Street would be paved; and Brendle's would assist the town in sending a letter to the State DOT asking for a traffic signal at this intersection. Water and sewer services are available to the property. Electric service will be underground. The buildings would be heated with solar hot water heating. County soil erosion standards would be adhered to. The use would meet all required conditions and specifications. Mr. Hausler did not believe the use would substantially injure the value of adjoining or abutting property. The applicant felt the project would form a buffer between the commercial use by Brendle's and the residential properties. Mr. Hausler submitted the following statement of justification for the record.

#### Statement of Justification by the Applicant

#### 1. THE USE WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED AND DEVELOPED ACCORDING TO THE PLAN AS SUBMITTED.

- a) Traffic Conditions: The proposed project will create a small incremental traffic demand on a high-capacity highway, a highway which maintains stable traffic flow conditions even during peak hours. The maximum incremental traffic demand created by the project will not exceed 200 vehicles per hour. This is 1.25% of the theoretical capacity of the highway and less than 2.5% of the road's service volume. The project will be located on, and accessed by an existing intersection, and a peak-hour turning demand volume created by the project will not exceed the designed turning capacity of the intersection. Currently planned improvements will augment the turn capacity to a level equalling or exceeding that of nearby intersections on the same highway which carry far higher turn demands.

- b) Public service utilities: Project 3 is located in an area where

- c) Soil Erosion and Sedimentation: During construction applicable standards will be strictly adhered to. The entire site and frontage of adjacent rights-of-way will be seeded and landscaped so that no waterborne material will leave the vicinity of the site.
- d) Flooding and Flood Protection: The project site is not near any flood plain or floodway.

2. THE USE MEETS ALL REQUIRED CONDITIONS AND SPECIFICATIONS.

3. THE USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY.

- a) Relationship of the proposed use and the character of development to surrounding areas: The proposed project will create a small scale, self-contained, and unobtrusive activity center adjacent to a major highway intersection and a major retail commercial center. Abutting the project on two sides away from the intersection is low-density residential use, but the project is so located that the external and potentially nuisance-creating traffic generated by the project will be kept away from this use. The proposed building will be situated in the center of the lot and will be extensively shielded and screened from the neighboring residential use and from the highway. Opposite the project, across 15-501, is a variety of unrelated commercial uses which can only be enhanced by an attractive, well-landscaped professional office building.
- b) Conformance with the zoning map and development plan of Chapel Hill and its environs: The project site is zoned R-20 and Agricultural. A professional office building is permitted conditional use in these zones, and would be more appropriate to the highway location than low-density residential uses. The project is situated on the fourth corner of an intersection, at which the other three corners are currently zoned and developed as Regional Commercial. The proposed use will be consistent with the surrounding zoning pattern and with established zoning principles. The particular use proposed will be more compatible with surrounding uses than other regional commercial uses might be, and more in keeping with a desirable pattern of development.

4. LOCATION AND CHARACTER OF THE USE 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 FOR THE TOWN OF CHAPEL HILL AND ITS ENVIRONS.

- a) Conditions: The location of the project proposed is a prime site for many kinds of commercial development, and the pressure for this development is steadily increasing. The particular project and development scheme proposed is consistent with previously approved plans for other projects on the Durham-Chapel Hill Boulevard, and will preclude development on the site of a less desirable nature. The proposed structure and site plan have been carefully designed to be unobtrusive and to blend in with the surrounding environmental uses. A major part of the required off-street parking will be placed and hidden on the interior of the site. Natural materials and colors will be used throughout the building and site improvements, and a landscaped buffer will be created between the project and the boulevard. This will form a continuation of the buffer that already exists in many locations along the Boulevard.

36  
Alderman Cohen asked what the differences were between this proposal and the previous one. Mr. Hausler thought the highway improvements were the most substantial changes. Alderman Smith was concerned that the Board was getting pressure to develop this low density area in another way. Mr. Hausler responded that the use was allowed by zoning, and that the use must have access to a major thoroughfare. Further, the property was along a major highway and would not be approved for federal housing projects. Mr. Harder stated the 1969 land use plan was in effect when he acquired the property and planned for the office building. The land use plan had changed since that time. Alderman Epting agreed that the Brendle's development would make a difference in the development of this area. The office building might serve as a buffer. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN THORPE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Zoning Map Amendment from R10A to University A - Public Hearing

Mr. Jennings stated the property subject to the request was presently used by the Tri-Delta Sorority. University A zoning is to the south and east of the property. To the north is a fraternity house. The land is designated as high density and institutional on the land use plan. Mr. Rutherford said the traffic for the project under new zoning would be no greater than that of the present use. The university intended to use the building for offices for the medical complex. There would be no increase in employment of the university for the use of the property. Mr. Rutherford submitted the statement of justification for the record.

STATEMENT OF JUSTIFICATION FOR  
ZONING MAP AMENDMENT

Prepared by the Applicant

This request to rezone the property at 210 Pittsboro Street (currently owned and occupied by the Alpha Sigma Chapter of Delta Delta Delta Sorority) from R-10A to University A is made because of the desire of the University of North Carolina at Chapel Hill to purchase this property with the intent of renovating the existing structure for office use. Present zoning of the property will not permit office use.

The use proposed for this property is in general conformance with the Town of Chapel Hill Land Use Map. The property at 210 Pittsboro Street is classified on the land use map as residential high density as is the land which bounds the property on the north side. The property to the north is occupied by fraternities. Land use on the east side (across Pittsboro Street) is classified as retail and is occupied by the University's Carolina Inn. Land use on the south and west sides is classified as institutional. Land to the south is occupied by two church-related student centers and a University building and parking lot. Land to the west is occupied by a residence.

The character of the entire 200 block of Pittsboro Street is related to the University because of the functions which occupy the property along this street. The change in use of 210 Pittsboro Street from a sorority house to an office building will not increase the amount of automobile traffic and will not significantly change the external appearance of the structure. Indeed there are no adverse impacts which can be attributed to this proposed change in use.

The requested rezoning of 210 Pittsboro Street to University A, which will allow the proposed use for this property, represents a logical extension of existing University A zoning from the east side of Pittsboro Street and from the southwest corner of the property in question.

Alderman Epting asked how long the University had planned to use this property for institutional use and if the funds would be university revenues. Mr. Rutherford answered that the University had not been planning to use the building, and had not budgeted for its acquisition.

Mr. Watts Hill, Jr. asked that the request be denied, that University A and B zoning be re-examined in other places. When the property had first been

offered for sale, the medical school had proposed buying it for office space. Mr. Hill had been interested in the property as well, but found that it would need rezoning and renovation to be used as offices or efficiency apartments. Mr. Hill believed that the property could be economically feasible to the University only if it could have the property rezoned, and if the property were to be given to the University. Mr. Hill had heard that the University had found a donor to give the property to them. If the rezoning was granted, the University could use the property for almost anything it wanted, such as retail stores, coliseums or carnivals. The rezoning would permit construction of the continuing education building and garage in this area. Alderman Vickery asked if the University was required to have University A zoning for its projects or could it operate under other zoning. Mr. Denny explained that for many years the zoning ordinance permitted university colleges in any zoning. However, University offices started filling residential areas. The University A and B zoning were created to restrict university offices from residential areas, but not to make uses on the central campus non-conforming. The university could operate under other zoning as long as it complied with the zoning.

Mr. Whitfield objected to allowing the University to removing more property from the tax rolls until they released some of the property that they now had.

Mr. Myrick Howard objected to the rezoning because it would reduce R10A zoning which is the only zoning allowing fraternities. It would also remove one of the houses that had already been converted to fraternity or sorority use. He believed it likely that the University would eventually tear down the building as it could only use 2/3 of the building. He asked that the Board consider each of the uses to which the property might be put under the new zoning. Office use of this building would also add to peak hour traffic in this residential neighborhood. Mr. Page stated the new sorority house would allow more parking and easier access. The move would allow the Town to get rid of a non-conforming use. Ms. Ann Allen stated the medical school had never intended any use other than offices for the building. To her knowledge, the state fire marshall had not restricted to use of the building. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

#### Minutes

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, APPROVAL OF THE MINUTES AS AMENDED. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

#### Petitions and Requests

Mr. Levine presented the following petition (See page 5A.) to the Board on behalf of Mr. and Mrs. Miketa. Alderman Kawalec did not want so much of the park land sold to the Miketas. She asked if the town could agree not to sue the Miketas for the encroachment and keep the land. Alderman Cohen disagreed, saying that the Miketas should pay for the land since they were using it. Mr. Levine noted that HUD would have to be a co-signer to any agreement. Alderman Howes thought the title should be cleared for the Miketas to sell the land, but that the town might exact an easement for access to the park in payment. He also thought the town should be paid fair market value for residential property not open space. The funds derived from the sale could be used to acquire a piece of property somewhere else. Alderman Vickery thought an exchange of land would fill the requirements.

Alderman Boulton did not want the town to capitalize on a mistake. SHE MOVED, SECONDED BY ALDERMAN EPTING, THAT THE BOARD FOLLOW THE STEPS OUTLINED BY MR. LEVINE IN HIS PETITION. Mr. Herman- Giddens stated the architect's master plan for the park included a maintenance road. He thought the town should consult the architect before making any decision. The piece of land requested was the size of a mini-park and could be exchanged for a mini-park in some other area. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN THORPE, TO REFER THE MATTER TO THE MANAGER, ATTORNEY AND RECREATION COMMISSION, FOR RECOMMENDATION. THE MOTION TO SUBSTITUTE WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0. THE MOTION WAS SUBSTITUTED WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0. Alderman Cohen asked that the Manager try to make his report to the Board on March 30, after the worksession.

PETITION BY DR. AND MRS. ANDREW MIKETA  
TO PURCHASE REAL PROPERTY FROM TOWN OF  
CHAPEL HILL

BACKGROUND: The petitioners purchased Lot 1, Block L of Section VI, Lake Forest Estates, during March of 1970. In January of 1972, they obtained a building permit from the Town of Chapel Hill (Permit number 4988) after they had contracted with Paige Accoustical Inc. to make an estimated \$18,000.00 worth of improvements to the premises. These improvements included building an addition onto the existing dwelling located at 604 Lakeshore Lane.

The construction of the addition, during 1972 was in violation of the restrictions of the Lake Forest Subdivision, and it also resulted in an encroachment of approximately three (3) feet onto the property which was acquired by the Town of Chapel Hill from the State of North Carolina by deed in February of 1969. The violation and encroachment went virtually unnoticed for about five (5) years, until such time as the Miketas decided to sell their house, and a contract has been executed to that effect, with a proposed closing date in April of 1978. The property or parcel of land upon which the addition or improvement encroaches consists of approximately forty nine (49) acres, and was purchased for \$61,200.00, under the auspices of the Open Space Program, as administered by the Urban Renewal Administration, Housing and Home Finance Agency. A survey of the Miketas house and encroachment have been attached, together with the tax map showing the relationship between the property owned by the Town of Chapel Hill and the property owned by the Miketas. Under the present facts and circumstances, it will be impossible for the Miketas to convey their house, together with the improvement or addition, to anyone. In order for such a sale to take place, the petitioners would have to obtain, ideally from the Town of Chapel Hill a strip of land approximately 260 feet in length, and approximately 25 feet in width, to the immediate North of their lot.

PRESENT STATUS: Counsel for the Miketas has consulted with the Town Attorney's Office, and with the acting area counsel for the Urban Renewal Administration in Greensboro, North Carolina. Said counsel has been advised by the Administration that in the

event that the Town of Chapel Hill would consider the sale of any of the property obtained by it, out of the forty nine acre tract, in the dimensions described above, there must first be a waiver obtained of Section 108(F) of the Contract or Open Space Agreement which now exists with the Town of Chapel Hill and the Urban Renewal Administration. The Administration has indicated that the normal requirements and rules, i.e. that property of equal value and nature be substituted for the land conveyed, would not apply in this particular case, since the size of the property involved, in relation to the total land area is relatively minute.

In the event that the Town of Chapel Hill should decide to sell the necessary strip of land to the Miketas, in order to enable them to transfer title to their property, the following procedural steps are necessary:

1. The Town of Chapel Hill must decide, by vote of the Board of Aldermen, to sell to the Miketas the property in question;

2. The Town of Chapel Hill must then write a letter to the acting area director of the Urban Renewal Administration, Ledford L. Austin (to the attention of Robert Ennis, program manager), and request that the Town be permitted to convey the property in question, and that the Administration waive section 108(F) of the existing Open Space Grant Contract;

3. The Urban and Renewal Administration would issue the waiver to the Town of Chapel Hill, allowing it to convey the property in question, at fair market value.

4. The proceeds of the sale would be divided, if required, between the Town of Chapel Hill and the Administration as agreed between the Administration and the Town of Chapel Hill.

TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED,  
THIS SURVEY WAS MADE ON THE GROUND AS PER BOUNDARY INFORMATION FROM RECORDS OF THE COUNTY REGISTRY THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.

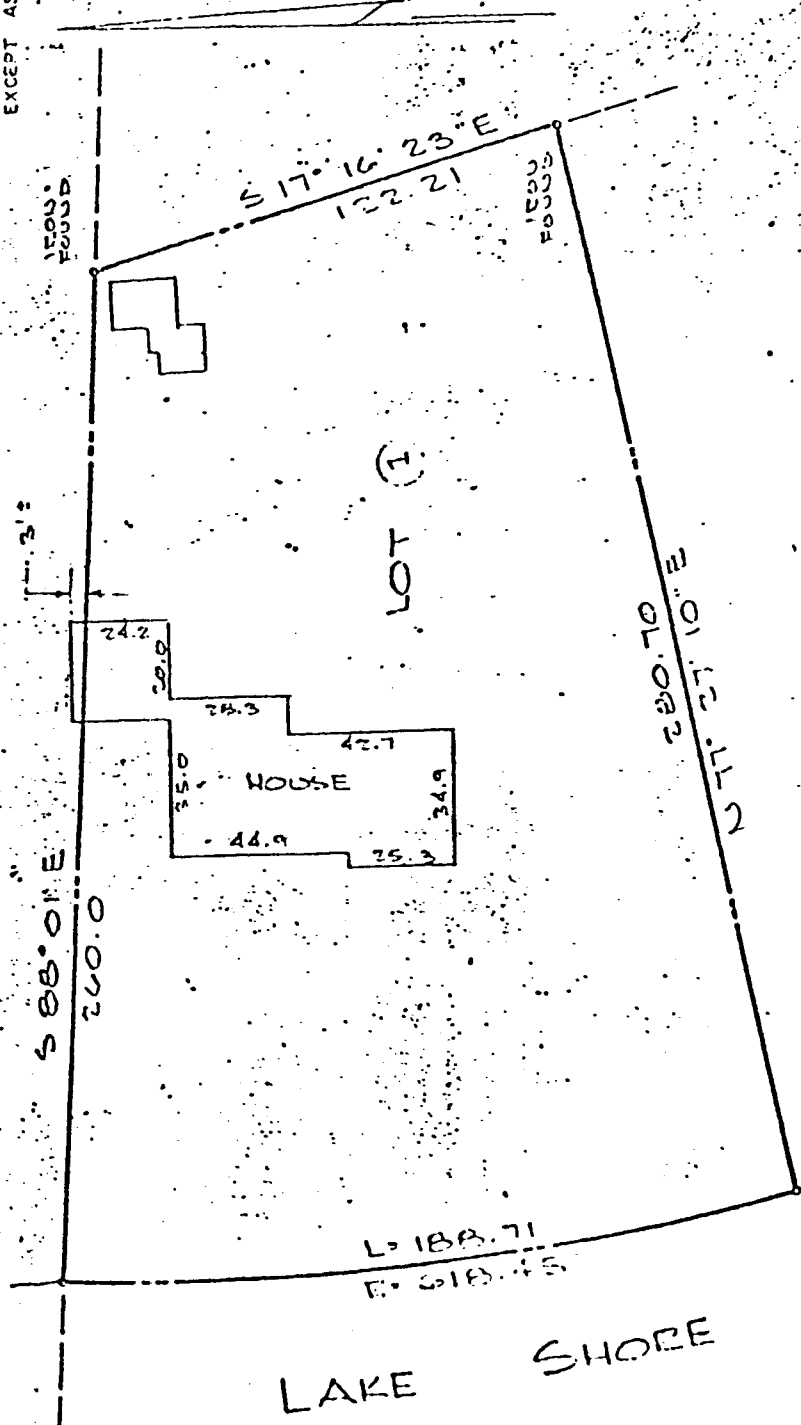
*Stephen E. Wilson*  
STEPHEN E. WILSON, R.L.S. L-1370

X  
NOT TO SCALE UNLESS OTHERWISE INDICATED BY 100'

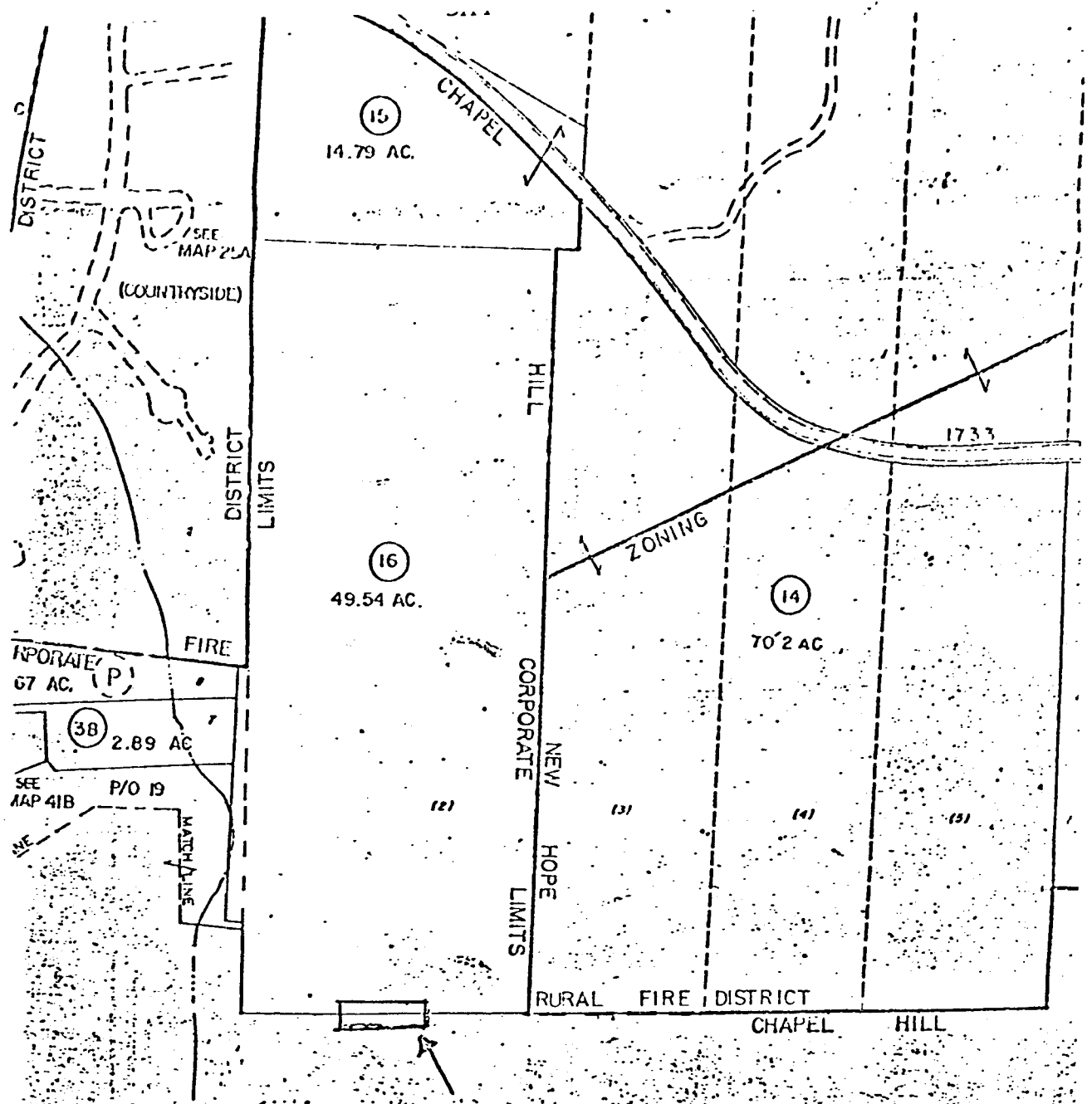


LOT 1, BLOCK "L", SECTION 6  
LAKE FOREST ESTATES  
CHAPEL HILL TOWNSHIP  
ORANGE COUNTY, N.C.  
SCALE 1" = 40' FEB. 10, 1918  
STEPHEN E. WILSON, R.L.S. L-1370  
FREEHOLD LAND SURVEYS, INC.  
CARRYSBORO

C.M. TILLMAN LANDS



LAKE SHORE LANE



28

TAX MAP #25  
CHAPEL HILL TWP.

1990

1992

		LEGEND	
SECTIONS 1-5	21 - 68	COUNTY LINE	-----
TOWNSHIP	19 - 91	TOWNSHIP LINE	-----
SECTION	21 - 30	CORPORATE LIMIT	-----
"	22 - 142	DISTRICT LINE	-----
ROUTE	16-127	RIGHT OF WAY LINE (STREET, ROAD, RAILROAD)	=====
		ORIGINAL LOT LINE	-----
		EDGE OF ROADWAY	-----
		RAILROAD	-----
		STREAM	~~~~~
		SCALED DIMENSION	8
		DEED DIMENSION	8
		ORIGINAL BLOCK DESIGNATION	(15)



Citizens from Colony Woods asked to speak when that matter was considered by the Board.

Mr. Sloane, member of the Historic District Commission, had petitioned the Board to grant him a six months leave of absence from the Commission. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE BOARD GRANT MR. SLOANE LEAVE OF ABSENCE AND REQUEST TWO NAMES FROM THE HISTORIC DISTRICT COMMISSION FOR FILLING THIS VACANCY TEMPORARILY. Alderman Boulton objected to granting leaves of absence to commission members, but agreed to discuss this matter at a later work session. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Alderman Howes petitioned the Board to add appointment of the OWASA member to the agenda which was inadvertently omitted. The Board agreed to this. Alderman Thorpe objected.

Mayor Wallace read a draft of letter addressed to HUD regarding Section 312, Loan Program Authorization, and asked for authorization to send the letter to our Congressional delegation. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

#### A RESOLUTION REGARDING THE FEDERAL 312 LOAN PROGRAM

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes Mayor James C. Wallace to write the Department of Housing and Urban Development expressing the support of the Town for increased funding of the 312 Loan Program, with copies to the Districts Congressional delegation.

This the 13th day of March, 1978.

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

The Animal Protection Society petitioned the Board to consider the bid for the animal shelter without any of the changes made to the first proposal.

Resolution Granting a Residential Parking Lot Special Use Permit to the Chapel Hill Bible Church for a Church Located on the Southeast Corner of the Intersection of Purefoy and Mason Farm Road

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

#### A RESOLUTION GRANTING A RESIDENTIAL PARKING LOT SPECIAL USE PERMIT TO THE CHAPEL HILL BIBLE CHURCH FOR A CHURCH LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF PUREFOY ROAD AND MASON FARM ROAD

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the residential parking lot proposed by the Chapel Hill Bible Church if developed in accordance with the plans submitted December 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,

- 43  
MAR 13 1
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. Drainage

- A. That a detailed drainage plan be reviewed and approved by the Town Manager prior to issuance of a grading permit, building permit, and start of construction of improvements.
- B. That a detailed erosion control plan be approved by the Orange County Erosion Control Officer prior to issuance of a grading permit, building permit, and start of construction of improvements. A copy of such plan shall be filed with the Town Engineer.
- C. If at such time the church chooses to pave the parking lot, a modification of the special use permit shall be required to ensure adequate drainage measures are incorporated within the paving plan.

2. Traffic and Safety

- A. That the existing trees and vegetation along the property's frontage with Purefoy Road be cut back to improve the sight line looking west from the proposed Purefoy Road driveway cut, and that such work be approved by the Town Manager.
- B. That both Purefoy Road and Mason Farm Road be graded and grassed to provide a walkway for pedestrians. Plans for such grading shall be to Town standards and approved by the Town Manager.
- C. That 15 feet of public right-of-way along Purefoy Road and 10 feet of public right-of-way along Mason Farm Road be dedicated and recorded with the Register of Deeds Office prior to issuance of a grading permit.

3. Appearance

- A. That a landscape plan and lighting plan for the parking lot be approved by the Appearance Commission prior to issuance of a grading permit and building permit.
- B. That any and all planting which dies during the life of the special use permit shall be replaced with planting of the same size during the next planting season.

4. Other

- A. That construction of the parking lot begin by March 31, 1979 and be completed by March 31, 1980.

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

This the 13th day of March, 1978.

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

Resolution Approving a Preliminary Sketch for the Colony Woods North Sub-division Located on Property Identified as Chapel Hill Township Tax Map 27, Block D, Lots 8 and 9

Mr. Jennings stated the major issues regarding the Colony Woods North Subdivision were the connection of Burlington Boulevard, sidewalks, open space, and the storm water detention problem. The cross connector first proposed by the developer would be in conflict with the land use plan. A temporary connection would in the staff's opinion have same problems as a permanent connection and would be difficult to close. The residents were concerned for the safety of children who frequently play in the streets because there are no sidewalks. The staff had understood that the applicant first proposed to provide sidewalks, but the applicant denied this. The

Planning Board had suggested the zoning ordinance be changed to require sidewalks in certain situations. Two types of open space would be required for the subdivision. Three and one-half acres of active open space would be required as well as the greenway easements. The applicant proposed two means of access y means of Burlington Boulevard and Legion Road. The staff and Planning Board recommended that other means of access than Burlington Boulevard be attained. This could be obtained by connection to Williams Drive. This access would need to be barricaded from normal traffic until the roads were paved. The staff and Planning Board recommended approval of the project with stipulations.

Mr. Jennings explained in response to Alderman Smith that the water ran under Fountain Ridge Road, along the alignment for Burlington Boulevard. Alderman Smith wanted to be sure the severe flooding problem in this area was not increased. Mr. Jennings stated the ordinance only required that the rate of water runoff from the development not be increased, but be at the same rate as before the development. In the city engineer's opinion, the rate of water runoff could be controlled. Alderman Vickery was concerned about the potential danger of the detention areas to children, in addition to the eye sore they would create. He recommended that the preliminary sketch resulted in forcing the existing residents of Colony Woods to absorb the visual and safety costs of the new development. He recommended that a new sketch be prepared which would move the retention basin more into the center of the new development, thereby holding harmless the welfare of the existing residents. His other concern was for the sidewalks and traffic safety.

Alderman Kawalec wanted the open space to be available to all residents of Colony Woods.

The representative from Colony Woods stated the residents had tried to eliminate some of their drainage problems and were afraid that the new development would hamper their efforts. The runoff would empty into drainage ditches which were on private property. There was concern that these detention areas would become a breeding ground for mosquitoes and would be a hazard for children.

They asked that the Board insure that the proposed development would have no adverse effect on the downstream drainage, and that some landscaping and trees be left on the property.

Mr. Hakan assured the residents that the developers would adhere to the law. They would try to keep the impact of the development negligible.

Mr. Fluellen said he was having to repour his foundation to keep water out of his home. He had a pump in his yard.

Alderman Vickery asked if the drainage areas could not be relocated in the new development rather than near the existing residences. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER BACK TO THE PLANNING BOARD FOR FURTHER CONSIDERATION. Mr. Whitfield asked about storm drainage and sewerage for University Heights. Mr. Jennings reponced that utilities easements were being extended to University Heights.

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

#### Proposed UNC Press Building

Mr. Jenne stated the Planning Board, Historic District Commission and staff had done some preliminary investigation into the matter of the UNC Press Building. He suggested that staff continue to work with the University. Alderman Howes suggested th Mayor also speak to the appropriate officials of the University on this matter. The Board agreed.

#### Resolution Setting a Public Hearing to Consider an Amendment to the Zoning Ordinance to Revise the Off-Street Parking Requirements for Fraternities and Sororities

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE ZONING ORDINANCE TO REVISE THE OFF-STREET PARKING REQUIREMENTS FOR FRATERNITIES AND SORORITIES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby calls a Public Hearing at 7:30 P. M. on April 10, 1978 in the Meeting Room of the Municipal Building, 306 North Columbia Street, to consider the request John S. Curry that the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be amended to revise the off-street parking requirements for fraternities and sororities.

This, the 13th day of March, 1978.

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

Resolution Approving the Block Grant Entitlement Application

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

RESOLUTION APPROVING THE CD BLOCK GRANT ENTITLEMENT APPLICATION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager, Kurt J. Jenne, to submit an application to the Department of Housing and Urban Development for \$319,320 in Community Development Block Grant Entitlement funds to be expended in accordance with the attached Fourth Year (1978-79) Community Development Program Budget as prepared by the staff and recommended by the Planning Board; and

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

This the 13th day of March, 1978.

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

Ordinance to Implement the Enforcement of the Housing Code, Chapter 9 of the Code of Ordinances

Mr. Denny stated the proposed ordinances ordering the demolition and removal of dwellings at 417 and 415 West Franklin Street had some incorrect dates. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, TO DEFER CONSIDERATION OF THE ORDINANCE UNTIL THE NEXT MEETING. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Report on Service Standards Plan for the Chapel Hill Transportation System

The service standards plan had been distributed. Mr. Lathrop stated the plan could be used during budgeting for the transportation system.

Ordinance Amending Section 21-13

Alderman Kawalec stated there was an opinion among some of the residents in the area of Rosemary and Boundary Streets that rather than taking away a stop sign, one should be added. SHE MOVED, SECONDED BY ALDERMAN HOWES, THAT THE ORDINANCE BE CHANGED TO MAKE THE STOP A 4-WAY STOP. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN THORPE, THAT THE MATTER BE REFERRED TO THE STREETS AND PUBLIC SAFETY COMMITTEE FOR REVIEW. Alderman Smith said the policy of the Board was that there be no 4-way stops in the town. THE MOTION TO SUBSTITUTE WAS CARRIED BY A VOTE OF 7 TO 1 WITH ALDERMAN SMITH OPPOSING. THE MOTION AS SUBSTITUTED WAS CARRIED BY A VOTE OF 7 TO 1 WITH ALDERMAN SMITH OPPOSING.

Ordinance Creating a New Section 21-7.2

Mr. Jenne noted that he had not conferred with the attorney on this ordinance creating snow streets before the meeting. The attorney had raised some questions, and he would like to defer consideration of the ordinance until a later date. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE MATTER BE DEFERRED. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution of Intent to Permanently Close an Unopened Spur Off Wesley Drive

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING ORDINANCE.

## A RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED SPUR OFF WESLEY DRIVE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill intends to close the following street within the corporate limits of the Town and not under the jurisdiction of the North Carolina Board of Transportation: an unnamed, unopened, spur off Wesley Drive, connecting with an unopened portion of Weiner Street; said spur located between lots 31-H-5-6, Chapel Hill Township Tax Map.

and, BE IT FURTHER RESOLVED that on April 24, 1978, the Board of Aldermen of the Town of Chapel Hill will hold a public hearing at which any person may speak on the question of whether or not the above closing would be detrimental to the public interest or to the property rights of any individual, and whether any individual owning property in the vicinity of said street or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property.

This the 13th day of March, 1978.

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

Selection of Town Auditor

Alderman Vickery asked if this report could be delayed until the work session on March 30. A short meeting could be held at that time to appoint the auditor. The Board agreed.

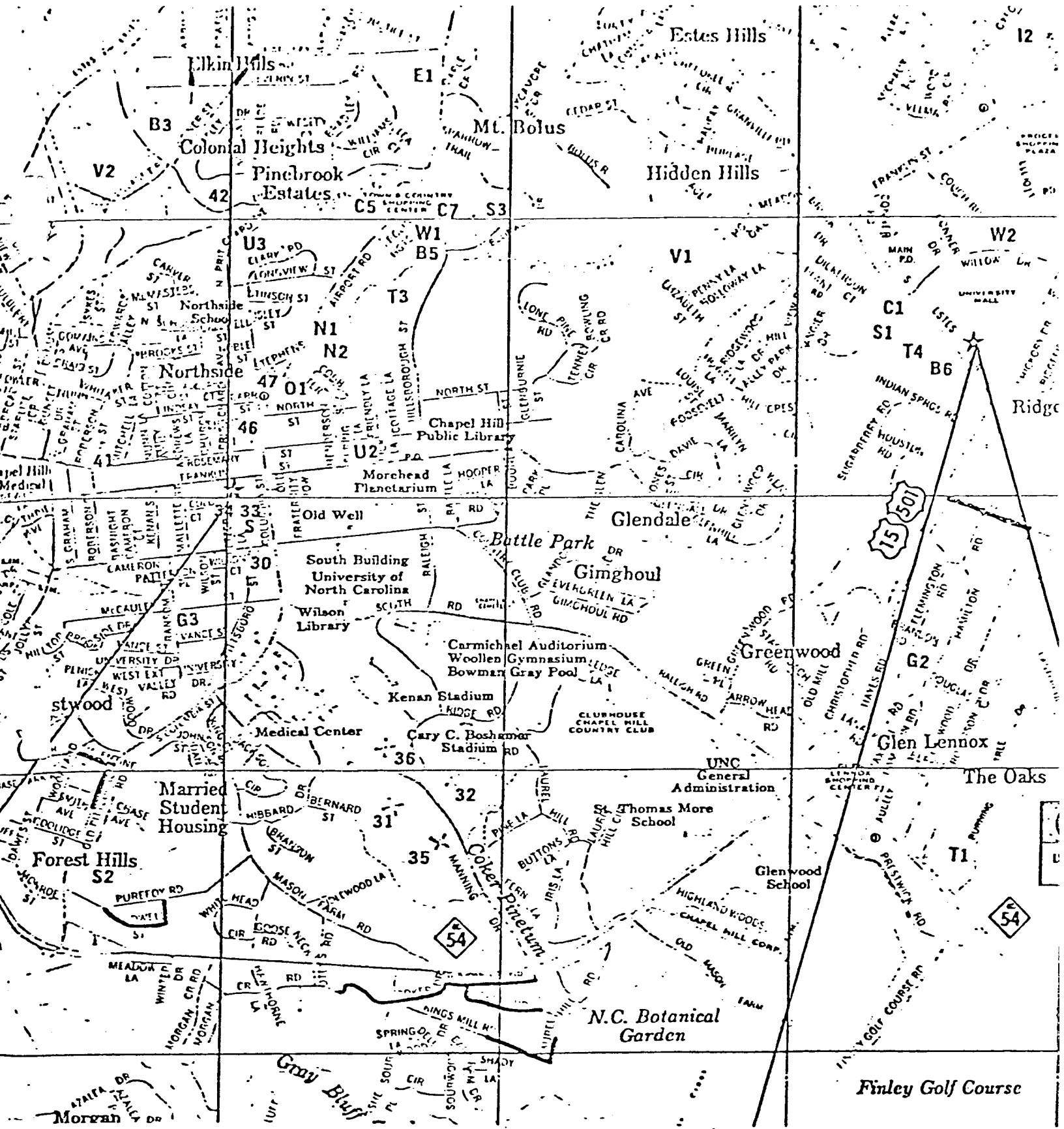
Resolution Setting a Public Hearing on Assessment Roll for Paving Portions of Certain Streets

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

## A RESOLUTION SETTING A PUBLIC HEARING ON ASSESSMENT ROLL FOR PAVING PORTIONS OF CERTAIN STREETS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that a public hearing is hereby called on the proposed assessment roll for the paving of: Ward Street, Weiner Street, Valentine Lane, Old Pittsboro Road, Coker Drive, Woodbine Drive, Howell Street, Laurel Hill Road, Kings Mill Road, Cleland Road; for 7:30 p.m. on April 10, 1978 in the Municipal Building of the Town of Chapel Hill. A copy of said assessment roll shall be filed in the Offices of the Town Clerk where it shall be available for public inspection, and a copy of the Notice of the Public Hearing shall be published at least ten (10) days before the date set for said hearing, and a copy thereof together with Notice of the public hearing shall be mailed to all property owners.

This the 13th day of March, 1978.



Location of Street Improvements

Ward Street  
 Valentine Lane  
 Woodbine Drive  
 Coker Drive  
 Howell Street

Weiner Street  
 Old Pittsboro Road  
 Kings Mill Road  
 Laurel Hill Road  
 Cleland Road

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

Resolution Setting a Work Session on the Growth Management Program and Community Facilities Report

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

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

A RESOLUTION SETTING A WORK SESSION ON THE GROWTH MANAGEMENT PROGRAM AND COMMUNITY FACILITIES REPORT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby sets a work session for April 21, 1978, at 7:30 P. M. to discuss the Growth Management Program and Community Facilities Report.

This, the 13th day of March, 1978.

Motion Setting a Date for a Work Session to Consider Fringe Benefits

ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN COHEN, THAT THE WORK SESSION TO CONSIDER FRINGE BENEFITS BE HELD ON MARCH 30, 1978, AT 4:00 P.M. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Accepting Bids and Awarding of Contract for One Industrial Tractor Equipped with One Bar Mower

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

A RESOLUTION ACCEPTING BIDS AND AWARDDING OF CONTRACT FOR ONE INDUSTRIAL TRACTOR EQUIPPED WITH ONE BAR MOWER

WHEREAS the Town of Chapel Hill has solicited formal bids on One Industrial Tractor Equipped with One Bar Mower and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
Andrews-Riggsbee Tractor Co., Carrboro, North Carolina	\$6,966.59
E. & T. Equipment Co., Roxboro, North Carolina	\$6,671.00
Senter-Sanders Tractor Corp., Raleigh, North Carolina	\$7,850.00

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Andrews-Riggsbee Tractor Company for One Industrial Tractor Equipped with One Bar Mower for the amount of \$6,966.59.

This the 14th day of March, 1978.

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

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

Mr. Rice explained that when funds had been requested from the County for the animal shelter, the Animal Protection Society had felt the design presented by Gary Giles minimum. Bids had come in high and Mr. Giles had been asked to cut some things out of the project. The County had been asked to appropriate extra money for the air conditioning and accoustical tiles. Mr. Rice asked that the Town vote to include these in the bid. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR THE CONSTRUCTION OF AN ANIMAL SHELTER

WHEREAS the Town of Chapel Hill has solicited formal bids on the construction of an Animal Shelter and the following bids have been received:

General Construction

<u>Bidder</u>	<u>Base Bid</u>	<u>Bid</u>			
		<u>Alt. 1</u>	<u>Alt. 2</u>	<u>Alt. 3</u>	<u>Alt. 4</u>
Bordeaux Construction Co., Durham, N.C.	\$102,095	\$- 575	-\$2,173	\$ +124	+\$1,510
C.C. Woods Construction Co., Durham, N.C.	106,285	- 500	- 2,250	+100	+ 2,000
Delta Construction Co., Inc., Durham, North Carolina	97,735	- 858	- 750	+838	+ 1,660
Dominion Construction Co. of Md., Inc. Research Triangle Park, N.C.	145,000	+3,000	-1,000	+1,000	+ 2,400
Nello L. Teer Co. Durham, North Carolina	115,500	+450	-2,200	+800	+ 1,400
Promac, Inc. Raleigh, North Carolina	102,674	-	- 2,800	+ 1,300	+ 2,000
Security Building Co., Inc., Chapel Hill, North Carolina	103,317	-550	- 2,000	-	+ 1,900
Steven-Brooks, Inc., Greensboro, N.C.	104,286	-271	- 1,100	+ 25	+ 7,500
Triad, Inc., Durham, North Carolina	101,900	-870	- 1,175	+415	+ 1,460

Electrical Construction

<u>Bidder</u>	<u>Base Bid</u>	<u>Alt E-1</u>
Bitting Electric Inc., Cary, North Carolina	\$ 9,750	+\$ 600
Modern Electric Co., Inc. Durham, North Carolina	12,725	-
Pendergraph & Thomerson Electric Co. Durham, North Carolina	11,189	+ 250
Steven-Brooks, Inc., Greensboro, North Carolina	10,000	-
Watson Electrical Construction, Co., Wilson, North Carolina	14,490	+ 280



50  
Heating Ventilation and Air Conditioning

<u>Bidder</u>	<u>Base Bid</u>	<u>Bid</u>	
		<u>Alt. H-1</u>	<u>Alt. H-2</u>
Carolina Air Conditioning Co., Inc., Durham, North Carolina	\$ 15,470	\$- 3,300	\$- 470
Coggin Heating & Air Conditioning, Inc., Sanford, North Carolina	17,790	- 4,556	- 63
Comfort Engineers, Inc., Durham, North Carolina	14,664	- 4,134	- 897
Cooper Oil Co., Inc., Sanford, North Carolina	14,800	- 3,000	-
CWJ. Heating & Air Conditioning, Inc., Durham, North Carolina	15,623	- 3,820	- 976
Hockaday Heating & Air Conditioning Co., Durham, North Carolina	21,400	- 4,000	- 600
Lee Air Conditioners, Inc., Durham, North Carolina	15,923	- 4,085	- 913
Peele Mechanical Contractors, Inc. Raleigh, North Carolina	17,484	- 4,042	- 730

Plumbing Construction

<u>Bidder</u>	<u>Bid</u>
Acme Plumbing & Heating Company, Inc. Durham, North Carolina	\$ 21,178
Boykin & Long Plumbing Company Raleigh, North Carolina	\$ 21,413
Brown Brothers Plumbing & Heating Co., Durham, North Carolina	\$ 22,222
Condor Mechanical Contractors, Inc. Burlington, North Carolina	\$ 23 400

General Construction

Base Bid - Delta Construction Co.	\$97,735
Less Alt. 1	- 858
Negotiations re: window and door material	- 401
Total	<u>\$96,476</u>

Electrical

Base Bid - Bitting Electric, Inc. \$ 9,750

Heating Ventilation & Air Conditioning

Base Bid - Comfort Engineers, Inc.	\$14,664
Less Alt. H-2	- 897
Total	<u>\$13,767</u>

Plumbing

Base Bid - Acme Plumb. & Heat. Co. Inc.	\$21,178
Less Negotiations re: Plumbing materials, electric water cooler & style of bath tub	- 1,407
Total	<u>\$19,771</u>

Recommended Award Total \$139,764

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the negotiated base bid and deduct alternate 1 by Delta Construction Company for general construction in the amount of \$96,476, the bid by Bitting Electric Inc. for the electrical construction in the amount of \$9,750; the base bid and the deduct alternate H-2 by Comfort Engineers, Inc. for the Heating, Ventilation and Air Conditioning Construction in the amount of 13,767; the negotiated base bid by Acme Plumbing and Heating Company, Inc. for the plumbing construction in the amount of \$19,771

This the 13th day of March, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE.

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

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

Expenditure	Current Budget	Increase	Decrease	Revised Budget
Capital Projects	3 044 475	148 095	-	3 192 570
Revenue Sharing	437 125	47 095		484 220

ARTICLE II

Revenues

Capital Projects	3 044 475	148 095		3 192 570
Revenue Sharing	437 125	47 095		484 220

ARTICLE III

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

This the 13th day of March, 1978.

Resolution - Tax Releases

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

RESOLUTION - TAX RELEASES

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

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
Hilder L. Alston	9841	\$ 29.26	Assessed by county; property located in Carrboro on 1-1-77.
Lloyd C. Brinkley & Margaret	684 (1971)	62.73	Property was picked-up in error; not in town in 1971.
Priscilla T. Byrd	9936	15.40	Assessed by county; double listed - same as a/c 217310.

Tommy H. Dean 52	10021	38.81	Assessed by county; no mail box on route, so he uses an in-town mailing address.
James Henry Dixon	9464	92.77	Released by county; on active duty - here on orders
Letsy P. Gallagher	10115	44.35	Assessed by county; double listed - same as Letsy P. Preslar.
Donald L. Hargrove	3068	77.73	Listed late in error; was in Maryland on 1-1-77.
Linda L. Marco	10336	12.32	County released 1,000. from total valuation. Personal property was listed in Va. on 1-1-77. Only had car here on 1-1-77.
ary A. Miller	10364	10.47	Assessed by county; double listed - same as a/c 1030550.
Sandra M. Murray	10397	29.26	Assessed by county; had already listed in Chatham County.
Carolyn M. Ray	10479	51.74	Assessed by county; double listed - under Carolyn R. Merritt.
Catherine Reid	10483	32.03	Assessed by county; double listed - under John T. Kennedy a/c 308000.
Reika K. Robertson T. L. Robertson, Jr.	10502	59.99	Assessed by county; not liable for taxes - in service.
Daisy Bell Sanders	10524	54.21	Assessed by county; double listed - same as a/c 1316650.
William D. Thorpe	10629	19.10	Assessed by county; double listed - same as a/c 1492291.
Warner L. Wells, III	10680	15.40	Assessed by county; double listed - same as bill #9384.
Elizabeth L. Woodward	10724	15.40	Assessed by county; double listed - under Halbert & Elizabeth Woodward.
avanau Management	10756	6.78	Assessed by county; double listed - same as Arlen Rlty, Inc. (car sold but title had not been changed).
Mark J. Moldenhauer	10367	12.32	Release 1,000 from valuation on a/c 1047650. Personal property double listed on a/c 1047651.
Mark J. Moldenhauer	10368	72.07	Assessed by county; living in Carrboro on 1-1-77 at Greenbelt Apts.

WHEREAS, the above list of persons have made application for release of said taxes:

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

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

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

Resolution - Tax Refunds

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING RESOLUTION.

RESOLUTION - TAX REFUNDS

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

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
Hewett Rose	6453	\$ 41.72	Overpayment of 1977 taxes a/c 1298050.

WHEREAS, the above listed person has made application for refund of said taxes;

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

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

This the 13th day of March, 1978.

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

Committees and Commissions

The Transportation Board had submitted ten names for the five positions: Marcia Dean, Rich Eisenstadt, John P. Evans, Joseph A. Fearrington, Cameron P. Hargraves, Arnold F. Harris, Jean Anne Hemmens, Paul Morris, Glenn S. Orlin, and Bruce M. Tindall. Alderman Cohen placed these names in nomination. Alderman Thorpe nominated Wes Egan.

The two nominations to fill the vacancy created by the resignation of Shirley Marshall from OWASA were David Moreau and Betty Sanders. Alderman Epting suggested when Alderman Howes term was ended, the Board delay replacing him until his term as Chairman has also ended. Mr. Moreau received seven votes to Ms. Sanders' two votes and was appointed to the position.

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

*James C. Wallace*

*David B. Roberts*