

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING
OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, APRIL 10, 1978

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. A quorum of the Planning Board was present for the public hearings.

Special Use Request for Kappa Kappa Gamma - Public Hearing

Mayor Wallace asked that all persons who wished to offer evidence come forward and be sworn in. Mr. Jennings submitted the project fact sheet for inclusion in the record.

NAME OF PROJECT Kappa Kappa Gamma Fraternity

TYPE OF SPECIAL USE REQUEST Sorority House

LOCATION (STREET ADDRESS) 302 Pittsboro Street

TAX MAP, BLOCK, AND LOT REFERENCE Tax Map 87, Block D, Lots 9 and 10

NAME AND ADDRESS OF APPLICANT Epsilon Gamma Corporation
1308 Briar Patch Lane, Raleigh, N. C.

TOTAL AREA OF PROPERTY 33,070 sq. ft. (total lots 9 and 10)

TOTAL AREA OF THIS SECTION OR PHASE 33,070 sq. ft.

ZONING DISTRICT(S) AND AREA OF EACH University A

REQUIRED MINIMUM LOT SIZE 20,000 sq. ft. or two times enclosed floor area

REQUIRED YARDS: _____ PROPOSED YARDS: (24,578 sq. ft.)

FRONT 50' from center line of street FRONT 53' from center line of stre

REAR 5' REAR 8'

SIDES 5' on south side, 50' from center line of street on north side. SIDES 52' on south side, 46' from center line of street on north side

MAXIMUM BUILDING HEIGHT - no limit PROPOSED BUILDING HEIGHT 39' - 6"

PROPOSED # PARKING SPACES 28 REQUIRED # PARKING SPACES 35

UNIFIED HOUSING: NA Note: Two alternative site plans submitted - one plan with 35 parking spaces one plan with 28 parking spaces

.NUMBER OF UNITS PERMITTED _____ NUMBER OF UNITS PROPOSED _____

UNIFIED BUSINESS OR OTHER COMMERCIAL DEVELOPMENT NA

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

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

57

UTILITIES: WATER:

OWASA X

INDIVIDUAL WELL(S) _____

COMMUNITY WELL(S) _____

ELECTRIC SERVICE* _____

UNDERGROUND _____

ABOVE GROUND X

SEWER:

OWASA X

INDIVIDUAL SEPTIC TANK(S) _____

COMMUNITY PACKAGE PLANT _____

OTHER _____

TELEPHONE SERVICE:

UNDERGROUND _____

ABOVE GROUND X

* existing situation

ESTIMATED WASTEWATER DISCHARGE (GALLONS/DAY) 3,500

FIRE PROTECTION PROVIDED BY: Town of Chapel Hill

SOLID WASTE COLLECTION PROVIDED BY: Town of Chapel Hill

TOTAL AREA OF RECREATION AREA OR OPEN SPACE NA

TOTAL AREA WITHIN FLOOD PLAIN none

SOIL TYPE(S) Urban and applying urban land complex

GENERALIZED SLOPE OF SITE 0-5%

HISTORIC/CULTURAL FEATURES OF VALUE none

FOREST/WILDLIFE FEATURES OF VALUE none

WATER FEATURES none

ADJOINING OR CONNECTING STREETS:

	STREET NAME	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH	NUMBER OF LANES
	Pittsboro Street	50'	30'	2
	McCauley Street	50'	29'	2
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

ADJOINING OR CONNECTING STREETS:

	STREET NAME	AVERAGE DAILY TRAFFIC COUNT	SPEED LIMIT	PAVED OR UNPAVED	DESIGNATION (T) THOROUGHFARE (C) COLLECTOR (L) LOCAL
1.	McCauley Street	2,000*	25	paved	T
2.	Pittsboro Street	3,920*	25	paved	T
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____

* Estimate based upon survey prepared by the applicant.

He pointed out the location of the property on the corner of McCauley and Pittsboro Streets. There are four existing structures on the property. The surrounding uses are residential to the north, and institutional or sororities and fraternities. The applicant proposes to expand the main structure for a more comfortable living and use of the house, and to remodel the rental unit to the side. The other two structures will be removed. The applicant has requested a reduction in the parking required. This would require a zoning amendment which would also be considered at a later time. The applicant had requested a variance from the Board of Adjustment for the parking, but it had been denied, the Board of Adjustment feeling that this was not within their jurisdiction.

Mr. Anderson stated the improvements would not increase the number of people living in the house; they would remodel the kitchen and modernize the interior of the house. The sum of the improvements would exceed 60 per cent of the value of the property. Because of the amount, the parking requirements would increase from one space for every four residents to one space per resident. They presented two parking schemes, one meeting the requirements, and the other with a reduction which would allow the applicants to save some of the trees and the landscaping between adjacent properties. The architecture would match existing architecture.

Alderman Smith objected to considering a reduction in parking which was not allowed by present ordinances. Mr. Denny stated that the zoning ordinance change might be considered simultaneously; so long as the ordinance was amended before the special use request was granted. Alderman Smith wanted the ordinance amendment considered when there were no projects requesting that change before the Board. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Amendments to the Zoning Ordinance - Public Hearing

Mr. Jennings submitted the legal notice of the public hearing for the record.

LEGAL NOTICE OF PUBLIC HEARING

The Board of Aldermen and the Planning Board of the Town of Chapel Hill will meet at 7:30 p.m., Monday, April 10, 1978 in the Meeting Room of the Municipal Building, 306 North Columbia Street to hear the following:

ZONING TEXT AMENDMENTS

Amend Section 6-B-2-k of the Zoning Ordinance to add the following:

For fraternity and sorority houses, where the Board of Aldermen finds that full compliance with the stated parking requirement of one off-street parking space for each resident member would require such off-street parking to occupy so much of the property as to 1) be inharmonious with the character of the area in which it is to be located; or 2) require the removal or threaten the continued existence of significant trees located on or near the property; or 3) substantially injure the value of adjoining property; or 4) require the parking to be located in the front yard of the property, the off-street parking requirement may be reduced by up to 50% provided the Board of Aldermen finds that 1) such a reduction will not adversely affect the development by causing traffic congestion or other safety hazards, and 2) that the area derived by the application of this provision (i.e. the area which represents the difference between the amount of land area which would be developed for parking by strict application of the normally required ratio and the land area proposed to be used for parking) be used for the provision of additional landscaping, which shall be located either within or contiguous to the parking area.

Amend Section 6-A to add the following:

7. Where full compliance with the off-street parking requirements of the Zoning Ordinance would require the removal or threaten the continued existence of significant trees located on or near the subject property, the Board of Adjustment upon making the above finding may by issuance of a variance reduce the off-street parking requirement by up to 35% of that required by the Zoning Ordinance.

59 Amend Section 4-C-4-d of the Zoning Ordinance to delete the present parking requirement of one (1) space for each three hundred (300) gross square feet of building area in favor of the parking requirements of Section 6 of the Zoning Ordinance, and amend Section 6 of the Zoning Ordinance to establish a new parking requirement for convalescent or nursing homes. The restriction on placing such parking in the required side yard of the principal structure will also be deleted.

Kurt J. Jenne
Town Manager

Advertise: March 22, 1978 and March 29, 1978

Three amendments were being proposed. The first would retain the one space per resident member, requirement, but allow the Board to reduce that requirement by up to 50 per cent if the Board made certain findings dealing with whether the amount of parking would make the use harmonious with the area in which it is located, whether it would require removal or endanger existing trees, whether it would substantially injure the value of the adjoining property, or whether it would require parking in the front yard of a property. The second amendment would allow the Board of Adjustment to grant a variance in the parking requirement when significant trees were endangered. The third amendment would delete the present parking requirement of one space for each three hundred gross square feet of building area in favor of the parking requirements of Section 6 of the Zoning Ordinance. It would also establish a new parking requirement for convalescent or nursing homes. Alderman Boulton asked if there would be parking elsewhere for the fraternities and sororities for the members who drove to the house but did not live there. Mr. Jennings responded that the town wanted to insure that the density was not increased by a reduction in parking, insure that there is adequate landscaping, and that if it become obvious there is not enough parking, the landscaping can be removed for more parking. Mr. Lamar Cecil stated that on some projects before the Appearance Commission, he would welcome the change in zoning which would allow them to require less parking and more landscaping. Mr. Ogler agreed that the landscaping put in place of parking would help to preserve the residential character of the neighborhood around the Kappa Kappa Gamma house. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN COHEN, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

Street Assessment - Public Hearing

Mr. Ballentine stated the construction of improvements to the streets had been authorized by the Board of Aldermen in July, 1976. The construction was completed in October 1977. The assessment roll had been prepared in accordance with town ordinances and sent to property owners. Two written disagreements with the roll had been received. The first, submitted by the Glen Lennox Corporation, concerned Cleland Road. After researching the matter, the Public Works department agreed with the Corporation and recommended a reduction in the assessment. The second was a letter from Mrs. Jackson of Ward Street. Shrubbery located in the town right-of-way had been removed and placed on Mrs. Jackson's property by the contractor. This was in conformance with town policy. It was apparently some time before the renters on the property called the matter to her attention and the shrubbery died. The staff did not recommend a reduction.

Mr. Jack Haggerty presented a petition signed by seven property owners on Ward and Weiner Streets, objecting to the assessment because they had not requested the paving; they had objected to the paving before it was done; and because they felt they were being requested to pay a disproportionately high share of a project done for the public good. Mr. Haggerty asked that the Board consider reducing the assessment, or not assessing at all.

Ms. Merle Sykes stated the town had taken part of her property while paving the road, moving the ditch 3' onto her property, and tearing up her lawn. She said the town attorney had first offered her \$169 and then \$500 for the taking of her property. She would not accept this but would exchange the property for the amount of the assessment and for having the lawn fixed.

Mr. George Wheelless of Coker Drive stated the street had been paved because it was a bus route. Part of Coker that was paved was in the intersection, and he did not think he should have to pay for this portion.

Mr. Moyer Smith stated that no culverts had been put in on Laurel Hill Road, and less of the road had been paved than originally stated; yet the cost had been higher. He asked if there had been some mistake.

Mr. J. O. Bailey said that the paving on Valentine Lane would be saving the Town in maintenance. Therefore, the assessment should be reduced for the property owners.

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Mr. Rudolph Steinberger had a triangular shaped lot on the corner of Kings Mill Road and Coker Drive. He had no vehicular access to Coker Drive nor did he use the road. He asked that his assessment be reduced.

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Alderman Vickery stated that the citizens had raised some important points. He thought that if the town paved a road because of a town project, such as the bus system, then it was unfair to ask the residents to pay for the paving. He suggested the assessments should be considered on a case by case basis. He asked for some guidance from Mr. Denny on the limits to which the Board could go on deciding on a case by case basis. Alderman Howes was not sure that property owners should have to pay for the town's inability to estimate the cost of improvements. Alderman Smith thought the owner should be notified if the town removed shrubbery, and that since the town had not notified Mrs. Jackson, the town should pay for the shrubbery. Mr. Harris stated he had talked with several owners about shrubbery. There were people in this house when the shrubbery had been removed, and the contractor had removed it as carefully as possible to allow replanting. The town does not replant the shrubbery but leaves it for the property owner. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, TO REFER THE ASSESSMENT ROLL TO THE TOWN MANAGER FOR CONSIDERATION AND REPORT ON APRIL 24. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Revenue Sharing Planned Use - Public Hearing

Mr. Hooper anticipated that \$518,000 would be available during the year from revenue sharing program. In the past these funds had been used for capital improvements, services, or for the bus system. The public hearing was being held in advance of the manager's recommended budget to hear citizens views on how the funds should be used. There would be two other public hearings after the manager submitted his budget on April 26. Mr. David Freeman asked that more of the revenue sharing money be used on the bus system. He stated that the system saved wear and tear on the roads, cut down on traffic and parking problems and pollution. The revenue sharing funds were based on the population, including students, and he thought part of the money should be used to benefit the students who used the system extensively. With no further comments, the public hearing was adjourned.

Minutes

On motion by Aldermen Smith, seconded by Alderman Howes, the minutes of February 20, 1978, were approved as amended. On motion by Alderman Cohen, seconded by Alderman Vickery, the minutes of March 13, 1978, were approved as amended.

Petitions and Requests

Mr. Lamar Crawford, representing the Pine Knolls and Northside Communities, had been informed that the budget for the Hargraves Center had been cut from \$680,000 to \$325,000. The residents wanted to know what aspects of the plans would be omitted. They asked if there would be room for growth and expansion? They asked the Board of Aldermen to carefully consider any changes.

Mrs. Rebecca Clark stated the Hargraves Center had never been completed. It needed repairs and maintenance. She wanted it completed so the town could go onto another project. Alderman Smith said he would like to examine the changes at the budget worksession.

Dr. Godschalk asked to speak when the Board considered the UNC parking deck.

Ms. Heather Wier asked to speak on the parking deck.

Mr. Jim Hughes, representing groups concerned with handicapped citizens, asked the Board to consider a proposal for expanded recreational programs for the handicapped. The groups would be making a presentation to the Recreation Commission at its next meeting. Alderman Smith asked that such proposals be presented to Commissions earlier in the year so that they might be considered for the budget.

Mr. Larry Kerher reminded the Board that he had presented a proposal at an earlier meeting for recycling for the County. ECOS had asked for funds from the landfill funds so that they could start immediately and not have to go through the budget process. He asked the Board to give its approval to the proposal at this meeting. Mr. Jenne responded that he and the Director of Public Works had looked at the proposal in conjunction with the present recycling program. They had some budget proposals for both programs and wanted to bring them before the Board when considering the budget. He felt there might be some problems with using landfill funds and preferred to use general funds for the proposal.

Alderman Howes asked the Board to add to the agenda consideration of a resolution in connection with OWASA's hearing on Cane Creek. The item was

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Resolution Approving a Parking Deck Special Use Permit for the University of North Carolina at Chapel Hill

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

A RESOLUTION GRANTING A PARKING DECK SPECIAL USE PERMIT TO THE UNIVERSITY OF NORTH CAROLINA FOR AN ADDITION TO THE HEALTH AFFAIRS PARKING DECK.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Parking Deck addition proposed by the University of North Carolina if developed in accordance with the plans submitted November 11, 1977 and the stipulations and conditions set forth below:

1. will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
2. meets all required conditions and specifications,
3. will not substantially injure the value of adjoining or abutting property, and
4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

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

1. That the existing deck and the proposed parking deck addition be completely assigned to serve the parking needs of patients and visitors by June 30, 1988, with the exception that after June 30, 1988 employees may use the existing parking deck and proposed parking deck for off-peak hour shifts which generally run between 2:30 p.m. and 8:45 a.m.
2. That detailed plans and designs for the following street and traffic improvements be submitted to and approved by the Town Manager prior to the start of construction of such improvements. These improvements shall be completed prior to opening the deck addition and shall be approved by the North Carolina Department of Transportation if such improvements fall under the jurisdiction of the North Carolina Department of Transportation.
 - A. That the one-way access to the hospital entrance be reversed to match with the one-way pattern encircling the parking deck.
 - B. That the on-street parking on East and West Drives be removed.
 - C. That marked crosswalks be placed from the hospital entrance to all walkways.
 - D. That a paved sidewalk be constructed along the south side of Manning Drive from West Drive to South Columbia Street.
 - E. That a marked crosswalk be placed across Manning Drive from Brauer Hall to the front of the New Faculty Laboratory Office Building.
 - F. That the on-street parking spaces on Manning Drive in front of Brauer Hall be removed.
 - G. That Manning Drive be widened to accommodate an additional lane on the north side of the existing street. Such additional lane to extend from near Brauer Hall to the intersection of Columbia Street and Manning Drive. The additional lane to provide a separate right turn lane for traffic headed northbound on Columbia Street.
 - H. That King Street be made one-way south bound from Manning Drive and that the connection of King Street with Mason Farm Road extension be either closed or relocated to the west of Medical Lab A. The service drive located off Manning Drive

- I. That the additional pedestrian overpass across Manning Drive as shown on the submitted site plan be constructed.
 - J. That Mason Farm Road be extended to Pittsboro Street with a paved cross-section of 48 feet with curb and gutter.
 - K. That Pittsboro Road be widened to accommodate three lanes at the proposed intersection of Mason Farm Road extension and Pittsboro Street. The center lane formed by the addition of the third lane shall be designated for left turns by southbound traffic into Mason Farm Road extension and left turns for northbound traffic into Westwood Drive.
 - L. That the intersection of Pittsboro Road and Mason Farm Road extension be signalized.
 - M. That the parking areas located west of Swing Building have direct access to the Mason Farm Road extension.
 - N. That improvements be implemented for discouraging the use of Mason Farm Road as an access-egress road to the Health Affairs area including but not limited to proposed signage, narrowing of the cross-section design near East Road, and improvements to the Pittsboro Road-Bypass interchange and Manning Dr.-Bypass intersection (Refer to Mason Farm Rd.-Purefoy Rd. traffic recommendations dated 4/4/78).
3. That no parking within the parking deck addition be permitted unless and until Mason Farm Road is closed to automobile traffic as discussed in Alternate 2 of the Mason Farm Road-Purefoy Road traffic recommendations dated 4/4/78.
 4. That construction begin by April 30, 1977 and be completed by April 30, 1980.

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

This the 10th day of April, 1978.

ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN SMITH, THAT THE FOLLOWING be substituted for the motion to adopt. Alderman Vickery stated that in May 1977 a report from the transportation evaluation committee

MOTION:

(a) That the UNC request for a special use permit to construct a Health Affairs Parking Deck be referred to a Task Force on Transportation Planning that would be requested to present a report to the Mayor and Board of Aldermen not later than August 31, 1978, which report would evaluate the proposed parking deck within the context of the total transportation system of Chapel Hill including (but not necessarily limited to) the following items:

Perceived Problems

- i. congestion from automobile traffic during a.m./p.m. peaks
- ii. dangers of parking on streets in neighborhoods near UNC
- iii. inadequate parking on campus and downtown
- iv. low utilization of park-and-ride lots
- v. inadequate frequency of bus service during a.m./p.m. peaks
- vi. inadequate contributions by UNC to financing public transit
- vii. lack of collaborative planning between UNC and Town

Potential Solutions

- i. reduce demand for automobile use on campus by means of:
 - towing of violators of no parking zones
 - publicity campaigns
 - increasing fees for parking permits
 - restrictions on students' use of automobiles on campus

- ii. increase quantity and quality of public transit service
 - higher fees for student bus passes
 - increased contribution from UNC Traffic and Parking Fund
- iii. initiate collaborative transportation planning on a regular basis between Town and UNC

(b) That the Mayor and Board of Aldermen appoint this Task Force on April 24, 1978, the composition of which would include appropriate representatives from the UNC student government, the UNC faculty, the Town staff, and the Transportation Board; and

(c) That this Task Force be requested to work with appropriate representatives of the UNC administration to determine the extent to which the proposed parking deck impacts favorably or unfavorably on other components of the total transportation system; with special attention being given to whether it tends to promote or discourage the use of public transit in conformance with the Town's Comprehensive Plan, and to recommend more appropriate alternatives if that seems desirable.

was presented to the Board of Aldermen. The Board had accepted the report and endorsed it. The committee had recommended that additional park-ride lots be constructed, that the town and university should share the cost for these lots, and that the university reexamine its decision to build a parking deck. Shortly after receiving the report, Alderman Vickery had sent a letter to University officials asking that the university and town initiate negotiations for higher contributions to the bus system; that two additional members be added to the Transportation Board, one from the university and one from Carrboro; that the university work with the Transportation Board to develop a transportation system impact statement on its proposed parking deck; that the university petition the General Assembly to delay final action on the parking deck until the Board of Aldermen made their evaluation of the requested impact statement. The impact statement submitted by the university had contained nothing on the impact of the parking deck on the transportation system of the town. Alderman Vickery felt there was inadequate information to make a finding that the proposed deck would be in conformance with the comprehensive plan.

Ms. Heather Weir, representative of the student government, presented a letter opposing the parking deck. They stated it was in direct opposition to the long range planning for development as stated in the comprehensive plan; they were opposed to the method of financing the deck because it would lessen the University's contributions to the town's bus system and a fringe lot system. The student government proposed that the Town and the University investigate the feasibility of instituting a fringe lot system for the University. Alderman Thorpe suggested that a member of the Planning Board be added to the task force. Alderman Howes agreed that the town and university should be cooperating more closely on transportation planning. He also agreed that the university's proposal did not account for the relationship to the comprehensive plan at the public hearing. However, to call for another study would be postponing a decision on the request. The Planning Board, Transportation Board and staff all recommended the request be granted. Alderman Boulton stated the parking deck would not exclude the study of fringe lots. She suggested that the deck be approved and then a study of the fringe lots begun. Alderman Smith said a study had been done a year ago and approved. He wanted the university to implement portions of the study now. Alderman Vickery argued that the task force would not hold up the university unreasonably.

Alderman Boulton felt the need for the parking deck was imperative for the medical complex. The substitute motion was defeated by a vote of five to four with Aldermen Kawalec, Smith, Thorpe and Vickery supporting and Aldermen Boulton, Cohen, Epting, Howes and Wallace opposing. Alderman Cohen stated that he was against the request for the parking deck, and did not feel another study would change his mind; therefore, he had voted against the substitute motion.

Ms. Weir stated that in her opinion the University would not financially be in a position to institute a fringe lot system if it built the parking deck. She felt the needs of the hospital could be met by rezoning staff parking to patients and visitors, and setting up fringe lots for the staff.

Mr. Temple answered Mayor Wallace's question on parking fees that the University was requesting a rate increase from the Board of Trustees so that there would be no operating deficit. The University was not opposed to the concept of fringe lots. They were prepared to work with the Town on alternatives. He said the town had not requested the university to take part in any study recommended by Alderman Vickery's letter.

Alderman Vickery asked to reintroduce his substitute motion with the addition of the words "including neighborhood safety". However, Mr. Denny stated this would be substantially the same motion with the scope of the inquiry enlarged and the chair ruled that it would have to be introduced by someone who voted on the prevailing side.

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Mr. Arne stated that for approximately the same cost of the deck, twice as many spaces in fringe lots could be constructed.

Alderman Howes stated that fringe lots would not work well for patients and visitors to the hospital. Alderman Cohen felt the decision should be made now so that the University could make its plans. Alderman Thorpe said the parking deck would not fit the comprehensive plan and he would vote against it.

Alderman Smith commented that he hoped the university would not wait for an invitation from the town to solve the traffic problems which they generated. Alderman Boulton thought some of the staff such as doctors needed parking close to the hospital to have free use of their cars. Alderman Cohen disagreed.

Mr. Lathrop pointed out that the Transportatin Board had not concurred with all of the stipulations recommended by the Planning Board. They had recommended that steps be taken to ameliorate the traffic on Otey's Road and Mason Farm Road, but not that Otey's Road be closed.

In response to Alderman Vickery, Mr. Reeve stated that the Planning Board had discussed the project many times. They had found that in addressing the deck to patients and visitors, they were agreeing to a necessary requirement to the development of the area in relationship to the overall problems created of parking and traffic. This led to the decision to recommend approval of the deck with recommendations for improving traffic on Mason Farm Road and Otey's Road.

Ms. Maria Edminson asked if the Board had doubts about the project, why they did not refuse the permit until something else was offered.

Alderman Epting asked Mr. Temple what effect the delay of the decision until September would have on the University's plans for building. Mr. Temple explained that it would take approximately one year to complete the deck, and when the library was built 450 spaces would be lost. If the deck was delayed for 6 months, they would be constructing it in mid-year and would have to wait until the following summer to complete it. The University anticipated the growth of the hospital would be such that patients and visitors would be using the entire deck. They did not believe it would be cost effective to build as the hospital grew each year. The University was willing to work with the town on evaluating the use of fringe lots. The motion failed by a yote of five to four with Aldermen Boulton, Epting and Howes and Mayor Wallace supporting and Aldermen Cohen, Kawalec, Smith, Thorpe and Vickery opposing. Mr. Denny pointed out that the special use permit request had not been denied, although the motion to grant had failed.

ALDERMAN EPTING MOVED THE MOTION PREVIOUSLY OFFERED BY ALDERMAN VICKERY WITH THE AMENDMENT. ALDERMAN BOULTON SECONDED. Alderman Smith suggested the task force also look at the possibility of the University's instituting park-ride lots and their effect on traffic before constructing the parking deck. Mr. Jenne asked that the town staff serve as advisory rather than as a member of the task force. Alderman Boulton asked if faculty included the administration. Alderman Vickery answered that he had excluded the administration so there would be a more collaborative effort among the task force. Alderman Epting responded he would not exclude the administration from serving on the task force in whatever capacity they felt appropriate. Alderman Howes objected to the appointing of another task force when the Planning Board and Transportation Board, which included faculty members, students and townspeople, had already studied the matter. He felt this would discredit these two boards. Alderman Cohen suggested the Planning Board and Transportation Board be charged with the tasks outlined in the motion rather than appointing another group. Alderman Vickery argued that the report from the task force should be presented to the Planning Board and Transportation Board for their review. Alderman Epting amended his motion to define the task force as the joint efforts of the Planning Board and Transportation Board. The seconded accepted the amendment. THE FOLLOWING MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

(a) That the UNC request for a special use permit to construct a Health Affairs Parking Deck be referred to a Task Force on Transportation Planning that would be requested to present a report to the Mayor and Board of Aldermen not later than August 31, 1978, which report would evaluate the proposed parking deck within the context of the total transportation system of Chapel Hill including (but not necessarily limited to) the following items:

Perceived Problems

- i. congestion from automobile traffic during a.m./p.m. peaks
- ii. dangers of parking on streets in neighborhoods near UNC
- iii. inadequate parking on campus and downtown
- iv. low utilization of park-and-ride lots
- v. inadequate frequency of bus service during a.m./p.m. peaks
- vi. inadequate contributions by UNC to financing public transit
- vii. lack of collaborative planning between UNC and Town

Potential Solutions

- i. reduce demand for automobile use on campus by means of:
 - towing of violators of no parking zones
 - publicity campaigns
 - increasing fees for parking permits
 - restrictions on students' use of automobiles on campus
 - ii. increase quantity and quality of public transit service
 - higher fees for student bus passes
 - increased contribution from UNC Traffic and Parking Fund
 - iii. initiate collaborative transportation planning on a regular basis between Town and UNC
- (b) That the task force be composed of the members of the Planning Board and Transportation Board.

(c) That this Task Force be requested to work with appropriate representatives of the UNC administration to determine the extent to which the proposed parking deck impacts favorably or unfavorably on other components of the total transportation system including neighborhood safety with special attention being given to whether it tends to promote or discourage the use of public transit in conformance with the Town's Comprehensive Plan, and to recommend more appropriate alternatives if that seems desirable.

Mr. Jennings explained that the residents' petition to close Otey's and Mason Farm Roads at the by-pass, had been presented to the Planning Board and Board of Aldermen in response to concerns over the traffic in the area and the parking deck addition. The Planning Board had considered these traffic concerns independent of the parking deck. The Transportation Board had recommended approval of the parking deck on March 21, and did not attend the public hearing on Otey's Road and Mason Farm Road concerns. The Planning Board and staff had considered two means of discouraging traffic in this area. The first was to improve signalization of the intersection of the by-pass and Hwy 54 and construct storage lanes at Manning Road/by-pass intersection. They had considered closing Otey's Road at the by-pass; extending Mason Farm Road; the prohibition of left-turns onto Mason Farm Road and cutting Mason Farm at Purefoy. These alternatives would not preclude the provision of town services, but would increase their cost. The bus would need to be rerouted. Mr. Lathrop did not object to the resolution requesting the state to turn over the maintenance of Mason Farm Road to the town, but asked that the Transportation Board be allowed to review any resolution which would result in the rerouting of the bus system.

Alderman Smith objected to closing any road without first having a public hearing to consider comments from other citizens of the town who might use these roads for access to town. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, TO DEFER MORE DISCUSSION ON THIS MATTER UNTIL A PUBLIC HEARING COULD BE HELD. THE MOTION WAS DEFEATED BY A VOTE OF 5 TO 4 WITH ALDERMEN EPTING, KAWALEC, SMITH AND VICKERY SUPPORTING AND ALDERMEN BOULTON, COHEN, HOWES, THORPE AND MAYOR WALLACE OPPOSING.

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

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A RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REMOVE MASON FARM ROAD (SR 1904) FROM THE STATE SYSTEM AND ADDING IT TO THE TOWN SYSTEM.

APR 14

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town hereby requests of the State Department of Transportation that the State turn over maintenance and control of the full length of Mason Farm Road (SR 1904) to the Town of Chapel Hill.

This the 10th day of April, 1978.

THE MOTION WAS CARRIED BY VOTE OF 7 TO 1 WITH ALDERMEN BOULTON, COHEN, EPTING, KAWALEC, THORPE AND VICKERY SUPPORTING AND ALDERMAN SMITH OPPOSING. ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE MATTER OF CLOSING THE ROADS BE REFERRED TO THE TRANSPORTATION BOARD FOR RECOMMENDATION. THE MOTION WAS CARRIED BY VOTE OF 7 TO 1 WITH ALDERMEN BOULTON, COHEN, EPTING, KAWALEC, THORPE AND VICKERY SUPPORTING AND ALDERMAN SMITH OPPOSING. Mr. Richard Wolfenden wanted the town to take over maintenance of Mason Farm Road because of a problem with a culvert over which no seemed to have jurisdiction.

Resolution Approving a Preliminary Sketch for the Colony Woods North

ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN VICKERY, THAT ACTION ON THE PRELIMINARY SKETCH BE DEFERRED AND THAT THE MATTER BE REFERRED BACK TO THE PLANNING BOARD FOR FURTHER CONSIDERATION. She had been contacted by several residents who had raised serious questions about the development. Alderman Smith stated the 3.5 acres did not meet the requirements for active open space. He wanted to know the plans for space around the Pine Knolls Stables when he voted on the development. Mr. Reeves asked that the Planning Board be given the objections of the residents. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Granting an Extension to the Planning Board for Its Review of the Items Heard at the March 13, 1978, Public Hearing

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

A RESOLUTION GRANTING AN EXTENSION TO THE PLANNING BOARD FOR ITS REVIEW OF THE ITEMS HEARD AT THE MARCH 13, 1978 PUBLIC HEARING.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby grants an extension to the Planning Board for its review of the Kennedy Apartments, Harder Office and Trinity Lutheran Church Special Use Permit requests and the 210 Pittsboro Street zoning map amendment request to the Planning Board's May 2, 1978 meeting.

This the 10th day of April, 1978.

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

Resolution of Intent to Consider Annexation of Certain Areas Bordering the Town of Chapel Hill, North Carolina

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

RESOLUTION OF INTENT TO CONSIDER ANNEXATION OF CERTAIN AREAS BORDERING THE TOWN OF CHAPEL HILL, NORTH CAROLINA

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill, pursuant to the provisions of Part 3, Article 4A of Chapter 160A of the North Carolina General Statutes, intends to consider annexation of the following areas:

Area 1
Includes Countryside Subdivision

Beginning at a point 1 foot north of the northern right-of-way line of Weaver Dairy Road at its intersection with the extended western line of Chapel Hill Township lot 25-15; thence west parallel and 1 foot north of said right-of-way line approximately 628 feet to its intersection with the extended eastern line of lot 25-4; thence south approximately 1,362 feet with said extended eastern line and the eastern line of lots 25-4 and 4B; thence west approximately 505 feet

67 with the southern line of lot 25-4 to the southwest corner of said lot; thence south approximately 571 feet, east approximately 70 feet, and south approximately 298 feet with the eastern line of lot 25-23; thence east approximately 1,218 feet with the southern lines of lots 25A-B-1 and 25A-A-3 through 5 and 11 to a point in the western line of lot 25-16; thence north approximately 2,208 feet with said western line and the western line and extended western line of lot 25-15 to the point of beginning 1 foot north of the northern right-of-way of Weaver Dairy Road.

Area 2
Includes Argonne Hills Subdivision

Beginning at a point one foot south of the southern right-of-way line of Eastwood Road, at its intersection with the extended southern lot line of Chapel Hill Township lot 28C-B-15 and proceeding northeast approximately 920 feet with said extended southern line of lot 28C-B-15 and the southern lines of lots 28C-B-12 through 8 to the southeast corner of lot 28C-B-8; thence northwest approximately 315 feet with the eastern line of lots 28C-B-8 through 6 to the northeast corner of lot 28C-B-6; thence southwest approximately 282 feet with the northern lines of lots 28C-B-6 through 4 to a point in the northern line of lot 28C-B-4; thence west approximately 527 feet with the northern lines of lots 28C-B-4, 3, and 1, and 28C-A-5 and 6, crossing the right-of-way of Shadylawn Road, to a point in the northern line of lot 28C-A-6; thence west approximately 182 feet to the northern corner of lot 28C-A-6; thence south approximately 362 feet to the southwest corner of said lot; thence southeast approximately 189 and 144 feet to the southern corner of said lot; thence south approximately 311 feet with the line and extended western line of lots 28C-A-2 and 1 across the right-of-way of Eastwood Road to a point 1 foot south of the southern right-of-way line of said road; thence parallel to said right-of-way line and 1 foot south thereof approximately 98 feet to the point of beginning.

Area 3
Includes Chapel Hill High School and Seawell Elementary School

Located in Chapel Hill Township, Orange County, North Carolina, beginning at an old iron stake, a control corner, located at a southeastern corner of property now or formerly belonging to John Duncan, at a point S. $3^{\circ}19'37''$ E. 655.99 feet from a point in the southern line of property now or formerly belonging to Henry Burch, said beginning corner having North Carolina co-ordinates Y-799,685.29 and X-1,976,223.70; running thence from said beginning point N. $3^{\circ}19'37''$ W. 655.99 feet to a point in the southern line of Henry Burch property; thence south $89^{\circ}09'24''$ E. along the southern lines of property now or formerly belonging to Henry Burch and Vernon Burch 1,334.18 feet; thence N. $0^{\circ}21'36''$ E. 1,045.15 feet to a point 1 foot north of the northern right of way line of said Homestead Road; thence S. $88^{\circ}30'$ E. 100.02 feet to a point; thence S. $0^{\circ}21'36''$ W. 61 feet to a concrete marker or monument located approximately 200 feet west of the northeastern corner of the Vernon Burch property; running thence from said point, S. $0^{\circ}21'36''$ W. 983 feet more or less to a control corner, witnessed by a concrete monument; thence S. $0^{\circ}21'36''$ W. along the western lines of property now or formerly belonging to Mrs. Lacy D. Burch and Mrs. John W. Link 1,509.64 feet; thence S. $4^{\circ}22'39''$ W. 1,827.12 feet to a concrete monument located at a common corner of the property herein described and the property belonging to the University of North Carolina; running thence S. $89^{\circ}20'$ W. 1,329.90 feet with the property of the University of North Carolina to a concrete monument having North Carolina co-ordinates Y-796,972.23 and X-1,976,140.89; thence N. $19^{\circ}09'24''$ W. 1,100 feet to a stake; thence N. $0^{\circ}50'36''$ E. 825 feet to a stake along the line of T. E. Hogan Estate Property; thence N. $0^{\circ}50'36''$ E. along the T. E. Hogan Estate eastern line 747.55 feet; thence S. $89^{\circ}47'$ W. 541.79 feet to a point 1 foot north of the northern right of way line of Homestead Road; running thence along the northern right of way line of said road, N. $16^{\circ}49'$ E. 104.59 feet; running thence from said point N. $89^{\circ}47'$ E. 513 feet to a control corner, witnessed by a concrete monument; thence S. $89^{\circ}09'24''$ E. 419.10 feet to the beginning, containing 130.33 acres, more or less, being the same property described in the deeds conveying this land to the Chapel Hill City Board of Education, the predecessor of petitioner: Book 198, Page 759; Book 200, Page 438; Book 200, Page 957; Book 202, Page 280; Book 208, Page 15, Orange County Registry.

Area 4

Includes Amity Methodist Church, YMCA and a few single family residences

Beginning at a point one foot east of the eastern right-of-way line of NC 86 and 1 foot north of the northern right-of-way line of Estes Drive and proceeding thence east parallel to the northern right-of-way line of Estes Drive approximately 2,075 feet to its intersection with the eastern line of lot 29-3, Chapel Hill Township Tax Map; thence south with the extended eastern line of said lot approximately 61 feet to the southern right-of-way line of Estes Drive; thence west approximately 490 feet with said right-of-way line to its intersection with the eastern line of lot 29-4; thence south approximately 410 feet with said lot line to a point in the northern line of lot 29-8; thence east approximately 125 feet with said northern line to the northeast corner of lot 29-8; thence south approximately 425 feet with the eastern line of lot 29-8 to the southeast corner of said lot; thence east approximately 440 feet with the northern line of lot 29-10A to the northeastern corner of said lot; thence south approximately 750 feet with the eastern lines of lots 29-10A and 10B to the south eastern corner of lot 29-10B; thence west approximately 1,725 feet with the southern line of lot 29-10B to a point in the eastern line of lot 34-B-1; thence north approximately 118 feet with said eastern line to the northeastern corner of said lot; thence west approximately 249 feet with the northern line of lot 34-B-1 to a point 1 foot east of the eastern right-of-way line of NC 86; thence parallel to said right-of-way line approximately 1,363 feet to the point of beginning.

Area 5

Includes Brendles Department Store

Beginning at a point 1 foot north of the northern right-of-way line of US 15-501 at a point 1 foot west of the western right-of-way line of Henderson Street (AKA Couch) and proceeding thence north approximately 800 feet parallel to the western right-of-way of Henderson Street to a point in the extended northern line of lot 27-B-2, Chapel Hill Township Tax Map, thence east approximately 905 feet crossing the right-of-way of Henderson Street with the northern lines of lots 27-B-2 and 2B to the northeastern corner of lot 27-B-2B; thence south with the eastern line of lot 27-B-2B, approximately 407 feet to a point 1 foot north of the northern right-of-way line of US 15-501; and proceeding thence west parallel to said right-of-way line approximately 615 feet to the point of beginning.

Area 6

Includes Eastowne Office Park

Beginning at a point 1 foot north of the northern right-of-way line of US 15-501 and 1 foot east of the eastern right-of-way line of Eastowne Drive and proceeding north and east parallel to the eastern right-of-way line of Eastowne Drive approximately 1,075 feet to its intersection with the extended western line of lot 27B-D-1, Chapel Hill Township Tax Map; thence east and south with the western and southern lines of lots 27B-D-1 through 4 approximately 176, 181, 162, 120, 121, 121, and 203 feet to a point 1 foot north of the northern right-of-way line of US 15-501; thence west parallel to said right-of-way line approximately 905 feet to the point of beginning.

Area 7

Includes A & P Supermarket, a nursing home, American Legion Property, a few single family residences, Marlboro Meadows (an approved unified housing development) and Legion Road Office Park (an approved office park)

Beginning at a point 1 foot south of the southern right-of-way line of US 15-501 at its intersection with the western line of lot 27-E-1, Chapel Hill Township Tax Map; and proceeding south with said western line approximately 858 feet to a point 1 foot south of the southern right-of-way line of SR 1741 (American Legion Road); thence northeast parallel to said right-of-way approximately 97 feet to the northeastern corner of lot 27-D-21A; thence south approximately 976 feet with the eastern line of lot 27-D-21A to the southeastern corner of said lot; thence southeast approximately 365 feet with the northern line of lot 27-D-20 to the northeastern corner of said lot; thence south approximately 888 feet with the eastern line to the southeastern corner, and 880 feet with the southern line to the southwest corner of said lot; west thence approximately 295, 65, 200, and 1,087 feet with the southern lines 27-D-17A and 15 to a point in the southern right-of-way line of SR 1741

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and 200 feet east of the eastern right-of-way line of SR 1742; thence north, parallel to SR 1742, approximately 803 feet to a point 1 foot south of the southern right-of-way line of US 15-501; thence north and east parallel to the southern right-of-way line of US 15-501 approximately 1,425 feet to a point in the western line of lot 27-E-4; thence southeast, east, and north with the western, southern, and eastern lines of said lot approximately 242, 5, and 291 feet to a point 1 foot south of the southern right-of-way line of US 15-501; thence northeast, parallel to said right-of-way line, approximately 672 feet to the point of beginning.

BE IT FURTHER RESOLVED that a public hearing on the question of annexing the above described areas will be held in the Meeting Room of the Municipal Building, 306 North Columbia Street, at 7:30 p.m., on May 22, 1978, at which time plans for extending services to said areas will be explained and all persons desiring to speak on the matter will be given an opportunity to be heard; and

BE IT FURTHER RESOLVED that a report of plans for extending services to the above-described areas will be on file in the office of the Town Clerk for public inspection at least fourteen (14) days prior to the date of said public hearing; and

BE IT FURTHER RESOLVED that notice of said public hearing shall be given by publication as required by statute.

This the 10th day of April, 1978.

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

Resolution Setting a Public Hearing on April 24, 1978, at 7:30 P.M. to Consider Pre-Application for a Community Development Small Cities Program Grant

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

A RESOLUTION SETTING A PUBLIC HEARING ON APRIL 24, 1978 AT 7:30 P.M. TO CONSIDER PRE-APPLICATION FOR A COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM GRANT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board will hold a public hearing at 7:30 p.m. on April 24, 1978 to consider the pre-application of the Town of Chapel Hill for a Community Development Small Cities Program Grant.

This the 10th day of April, 1978.

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

Ordinance to Rewrite Article IV of Chapter 5, "Floodway Ordinance"

Mr. Jenne stated that changes in the Floodway Ordinance needed to be made to remain eligible for federal flood insurance. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

FLOOD DAMAGE PREVENTION ORDINANCE

- 5-50. Findings of Fact
- 5-51. Statement of Purpose
- 5-52. Objectives
- 5-53. Definitions
- 5-54. Application of Ordinance
- 5-55. Duties and Responsibilities of the Administrator
- 5-56. Basis for Establishing the Areas of Special Flood Hazard
- 5-57. Amendment of the Official Maps and Profiles
- 5-58. Abrogation and Greater Restrictions
- 5-59. Interpretation
- 5-60. Warning and Disclaimer of Liability
- 5-61. Other Approvals Required
- 5-62. Permit Procedures
- 5-63. Procedures for Appeals and Variances
- 5-64. Uses Permitted in Areas of Special Flood Hazard
- 5-65. Standards for Floodways
- 5-66. Standards for Floodway Fringes
- 5-67. Standards for Areas of Shallow Flooding
- 5-68. Standards for Subdivisions in Areas of Special Flood Hazard
- 5-69. Violations and Penalties

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BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Article IV of Chapter 5 of the Code of Ordinances, Town of Chapel Hill, is hereby revised as follows:

Section I

CHANGE title of Article IV to "Flood Damage Prevention Ordinance" and DELETE all of current Sections 5-50 through 5-58.

Section II

ADD the following new sections:

Section 5-50. Findings of Fact.

- (1) The flood hazard areas of the Town of Chapel Hill and surrounding areas within its zoning jurisdiction are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of alterations in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.
- (3) Minimizing construction within the flood hazard areas of the Town of Chapel Hill and surrounding areas within its zoning jurisdiction has been identified as an effective means for furthering environmental goals as expressed in the Comprehensive Plan for Chapel Hill and its Environs.

Section 5-51. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare, to minimize public and private losses due to flood conditions in specific areas and to further environmental goals by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or flood heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.
- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage.
- (5) Prevent or regulate the construction of obstructions which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 5-52. Objectives.

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize property loss and damage;
- (3) to minimize expenditure of public money for costly flood control projects;
- (4) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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- (6) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
 - (7) to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas, and,
 - (8) to help protect potential buyers of property in flood prone areas.

Section 5-53. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Appeal means a request for a review of the Building Inspector's interpretation of any provision of this ordinance.
2. Area of shallow flooding means a designated zone on the official Base Floodway and Floodplain Boundary Map with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
3. Area of special flood hazard means the channel of a watercourse and the adjacent land areas that are subject to inundation by the base flood, usually made up of a floodway and a floodway fringe.
4. Artificial obstruction means any obstruction which is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream.
5. Base flood is the 100-year flood, which means the flood having a one percent chance of being equalled or exceeded in any given year.
6. Base flood elevation is the elevation, expressed in feet above mean sea level, of the water surface of the base flood.
7. Base flood protection elevation is one foot above the base flood elevation, which is the elevation required to protect against the base flood if the floodway fringe were completely filled.
8. Base Floodway and Floodplain Boundary Maps means the official maps for the Town of Chapel Hill based on (a) the Federal Insurance Administration's scientific and engineering report entitled The Flood Insurance Study for the Town of Chapel Hill, N. C. and accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and (b) maps drawn and certified by a registered professional engineer and approved by the Administrator for streams not covered in said Insurance Study.
9. Development means any man-made change to improved or unimproved real estate, including but not limited to construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
10. Existing mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.
11. Expansion to an existing mobile home park or mobile home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
12. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) the overflow of inland or tidal waters;
 - (b) the unusual and rapid accumulation or runoff of surface waters

13. Flood Boundary and Floodway Map (FBFM) means an official map of a community, on which the Federal Insurance Administration has delineated the floodway and floodway fringe within areas of special flood hazard.
14. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
15. Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
16. Flood Insurance Report is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary and Floodway Map and the water surface elevation of the base flood.
17. Floodway means the channel of a stream or other watercourse and the adjacent land areas that are required to carry and discharge the base flood without cumulatively increasing the base flood elevation more than one foot.
18. Floodway fringe is the portion of the area of special flood hazard outside the floodway, which is subject to inundation by the base flood.
19. Mean sea level means the average height of the sea for all stages of the tide, referenced to the National Geodetic Vertical Datum (NGVD).
20. Mobile home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
21. Natural obstruction includes any rock, tree, gravel, or other natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.
22. New construction means structures for which the start of construction commenced on or after the effective date of this ordinance.
23. New mobile home park or mobile home subdivision means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.
24. Start of construction means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within mobile home parks or mobile home subdivisions, start of construction means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, start of construction is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
25. Structure means a walled and roofed building that is principally above ground, as well as a mobile home.

26. Substantial improvement means any repair, replacement, reconstruction, or improvement of a structure, within any calendar year, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

27. Variance is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Section 5-54. Application of Ordinance.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Chapel Hill. No land shall be disturbed and no structure shall be constructed, located, extended, converted, or structurally altered within a designated area of special flood hazard without full compliance with the terms of this ordinance and other applicable regulations.

Section 5-55. Duties and Responsibilities of the Administrator.

The Town Manager or his designee is hereby appointed to administer and implement the provisions of this ordinance. The duties of the Administrator shall include, but not be limited to:

1. Reviewing all building and grading permits to assure that the requirements of this ordinance have been satisfied.
2. Reviewing permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
3. Reviewing all proposals to relocate or alter the channels of watercourses to assure that the requirements of this ordinance have been satisfied.
4. Notifying appropriate jurisdictions and the North Carolina Department of Natural Resources and Community Development prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Insurance Administration.
5. Assuring that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
6. Verifying and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
7. Verifying and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
8. When floodproofing is utilized for a particular structure obtaining certification from a registered professional engineer or architect.
9. Where interpretation is needed as to the exact location of the boundaries of the floodways or areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) making the necessary interpretation.
10. When base flood elevation data has not been provided in accordance with Section 5-56, obtaining, reviewing, and reasonably utilizing any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this ordinance.

11. Maintaining and making available for public inspection all records pertaining to the provisions of this ordinance, consistent with normal procedures for retaining records.

12. Notifying appropriate jurisdictions of an amendment to the official Maps and Profiles.

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13. Notifying the Federal Insurance Administration of variances issued.

Section 5-56. Basis for Establishing the Areas of Special Flood Hazard.

There shall be maintained in the office of the Building Inspector of the Town of Chapel Hill official Base Floodway and Floodplain Boundary Maps and official Base Flood Profiles, which designate and delineate areas of special flood hazard, floodways, and base flood elevations for all reaches of watercourses subject to this article. The official Base Floodway and Floodplain Boundary Maps and Base Flood Profiles and any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. The referenced Maps and Profiles shall be based on the Federal Insurance Administration's scientific and engineering report entitled The Flood Insurance Study for the Town of Chapel Hill, North Carolina, and accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated April 17, 1978, and any revision thereto; and for streams not covered in said Insurance Study, maps drawn and certified by a registered professional engineer and approved by the Administrator.

The Base Floodway and Floodplain Boundary Maps and Base Flood Profiles and any revision thereto shall be filed with the Clerk of Superior Court and with the Register of Deeds in Orange County.

Interpretations of the official Maps and Profiles shall be made by the Administrator. The limits of the area of special flood hazard and the floodway shall be determined by scaling distances on the official Base Floodway and Floodplain Boundary Maps. Where interpretation is needed as to the exact location of the limits of the area of special flood hazards or the floodway, as for example where there appears to be a conflict between a mapped limit and actual field conditions, the Administrator shall make the necessary interpretation. The base flood elevation for the point in question, as shown on the official Base Flood Profiles, shall be the governing factor in locating the limit of the area of special flood hazard on the land.

Section 5-57. Amendment of the Official Maps and Profiles.

Any base flood elevation or location of any area of special flood hazard or floodway may be amended by the Administrator in cases where:

- (1) A flood control project by a federal, state, county, or town government has substantially altered the flood hazard;
- (2) Flood data compiled subsequent to the enactment of this article indicates that the base flood elevations or boundaries as shown on the official Profiles or Maps are no longer correct;
- (3) A private individual, corporation or firm, or a public agency has submitted plans to the Administrator for a channel improvement or relocation which would alter the base flood elevation or the location of the boundaries as shown on the official Profiles or Maps. A channel alteration requiring an amendment to the official Profiles or Maps shall not be allowed until the Board of Aldermen has determined that the effects of such an alteration will not be detrimental to other land and to the public health, safety, and welfare, and has approved the amendment to the official Profiles or Maps.

Where such amendment would alter an established boundary on a Flood Insurance Rate Map and Flood Boundary and Floodway Map, the amendment shall be contingent on approval by the Federal Insurance Administration.

Adjacent jurisdictions that may be affected by an amendment and the Federal Insurance Administration shall be notified of the amendment.

Section 5-58. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15 Section 5-59. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section 5-60. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Chapel Hill or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 5-61. Other Approvals Required.

The granting of a permit under the provisions of this Article shall in no way affect any other type of approval required by any other ordinance or statute of the Town, State, or United States, but shall be construed as an added requirement.

Section 5-62. Permit Procedures.

Application for a permit to disturb land, alter a watercourse, or undertake any development within a designated area of special flood hazard shall be made to the Administrator according to requirements set forth by the Administrator. The Administrator may require information including, but not limited to:

1. Nature, location, and topography of the area in question;
2. Nature, location, dimensions, and elevations of existing structures on the site and in the immediate area;
3. Nature, location, dimensions, and elevations of all proposed development, including the elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures and/or the elevation in relation to mean sea level to which any nonresidential structure is proposed to be floodproofed;
4. Certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the flood-proofing criteria of this ordinance;
5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and the expected effects of such alteration or relocation on flood conditions upstream and downstream of the proposed development;
6. Description of proposed fill, storage of materials, drainage provisions, water supply and wastewater collection and disposal facilities;
7. Description of evacuation plan;
8. Certificate from a registered professional engineer for maps of areas not previously mapped.

Section 5-63. Procedures for Appeals and Variances.

1. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this ordinance. The procedure for such appeals shall follow the appeals procedure as provided in Section 10.E. of "The Ordinance Providing for the Zoning of Chapel Hill and Surrounding Area."

3. In the event of circumstances peculiar to a particular piece of property, a variance may be issued when it is found that denial of the variance will result in extreme hardship to an individual which is not justified by the extent or probability of hazards and other negative impacts of the proposed development on the individual and on the rest of the community. Specifically:

- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances shall not be issued within a designated floodway unless it is shown that:
 - (i) the proposed development would not result in any increase in flood levels during the base flood discharge;
 - (ii) the proposed development would not increase the velocity of flow, or the amount of sediment transported, downstream of the site;
 - (iii) the proposed development would not result in a substantially higher risk of blockage of the floodway during a flood;
 - (iv) any disturbed land or deposition of fill would be protected from erosion;
 - (v) any proposed fill or alteration of a watercourse is the minimum necessary to achieve the purpose desired;
 - (vi) any relocated or altered channel would not be more vulnerable to erosion than before the relocation or alteration;
 - (vii) the proposed development would meet all the standards set forth in Section 5-66; and
 - (viii) the proposed development has received all necessary approvals from county, state, and federal agencies.

4. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section. However, every practicable effort should be made to relocate a historic structure out of an area of special flood hazard.

5. In passing upon appeals or requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (a) the danger to life and property due to flooding or erosion damage at the site;
- (b) the danger that structures or materials may be swept onto other lands to the injury of others;
- (c) the danger to life and property from flood waters backed up or diverted by any obstruction or by debris collected by the obstruction.
- (d) the susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner;
- (e) the importance of the services provided by the proposed development to the community;

- (f) the necessity to the facility of a waterfront location, where applicable;
 - (g) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (h) the compatibility of the proposed use with existing and anticipated development;
 - (i) the relationship of the proposed use to the comprehensive plan and any flood plain management program for that area;
 - (j) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (k) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;
 - (l) the effects of the proposed development on the heights, velocity, duration, and rate of rise of the flood waters upstream and downstream of the proposed site;
 - (m) the costs of maintaining or restoring public services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
 - (n) the susceptibility of water supply and sanitation systems to contamination and unsanitary conditions during and after floods; and
 - (o) the danger that the issuance of the variance will set a precedent for future development in areas of special flood hazard which cumulatively may increase the flood hazard.
6. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. Such conditions may include, but are not limited to:
- (a) Modification of waste disposal and water-supply facilities.
 - (b) Limitations on periods of use and operation.
 - (c) Imposition of operational controls, sureties, and deed restrictions.
 - (d) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
 - (e) Flood-proofing measures designed consistent with the base flood elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The Board of Adjustment may require that the applicant submit a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the base flood elevation and associated flood factors for the particular area.
 - (f) Plans for evacuation of the premises in case of flooding, including provisions for alternate vehicular access and warning systems.
 - (g) Requirements for pilings or columns rather than fill for elevation to maintain storage capacity or to minimize impacts to sensitive ecological areas.
 - (h) Requirements for additional elevation above the base flood protection elevation to protect against wave wash, floating debris, and to provide an added margin of safety for floods of greater magnitude or to compensate for future urban development.
7. The Administrator shall maintain the records of all actions on appeals and variances. Variances granted for the alteration or relocation of watercourses shall be reported to adjacent jurisdictions that may be affected by the action and to the North Carolina Department of Natural Resources and Community Development. The Administrator shall report any variances to the Federal Insurance

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8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation the permitted number of feet below the base flood protection elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevations.
 9. The variance shall be filed with the Orange County Register of Deeds.
 10. Any person aggrieved by the decision of the Board of Adjustment, or any taxpayer or resident may appeal such decision as provided in Section 10.E. of "The Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas."

Section 5-64. Uses Permitted In Areas of Special Flood Hazard.

The following open space uses shall be permitted by right within areas of special flood hazard to the extent that they are not prohibited by any other ordinance and provided that they do not require structures, fences, fill, or storage of materials or equipment except as specified herein:

- (a) Agricultural and wildlife uses such as: general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary.
- (b) Industrial and commercial uses such as: loading areas, parking areas, rotary aircraft ports.
- (c) Private and public recreational uses such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking, horseback riding trails. Fences, as required for recreational use, shall be aligned approximately parallel to the flood encroachment lines.
- (d) Residential accessory uses not including structures such as: lawns, garden, parking, play areas. However, vegetation including forestry so aligned as to impede water flow shall not be permitted.
- (e) Public utilities and storm drainage facilities so constructed as not to impede water flows.
- (f) Storage of material or equipment on a temporary basis necessary or site preparation necessary or incidental to a permitted use.
- (g) Streets, bridges, overhead utility lines, railway lines and rights of way, creek and storm drainage facilities, sewage or waste treatment plant outlets, water supply intake structures, and other similar public, community or utility uses.
- (h) Boat docks, ramps, piers or similar structures.
- (i) Dams.
- (j) Temporary facilities (for a specified number of days), such as displays, circuses, carnivals, or similar transient amusement enterprises.

Section 5-65. Standards for Floodways.

1. The relocation, alteration, or filling of the channel of a water-course in a designated area of special flood hazard shall be prohibited unless such proposed relocation, alteration, or filling:
 - (a) has received all necessary approvals from county, state and federal agencies; and
 - (b) is part of an overall drainage basin plan adopted by the Town or is granted a variance by the Board of Adjustment as provided in Section 5-63.
2. The placement of any artificial obstruction or any other encroachment, including fill, new construction, substantial improvements to existing structures, and other development within the floodway shall be prohibited with the following exceptions:
 - (a) Artificial obstructions existing in a floodway on the effective date of this article, unless any such obstruction was illegal

79 at the time of placement. Such obstructions shall not be enlarged, replaced in part or in whole, or have substantial improvements made to them, except according to a variance issued by the Board of Adjustment as provided in Section 5-63.

- (b) Artificial obstructions incidental to the uses permitted in Section 5-64 and specified therein.
- (c) Mobile homes may be placed in an existing mobile home park or existing mobile home subdivision, provided that there is no expansion to such mobile home park or subdivision.
- (d) Artificial obstructions granted a variance by the Board of Adjustment as provided in Section 5-63.

Section 5-66. Standards for Floodway Fringes

In all designated areas of special flood hazards outside floodways, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1 foot above base flood elevation.
2. Non-residential Construction. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least 1 foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood protection elevation the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify to the Administrator that the standards of this subsection are satisfied. Flood proofing measures shall be designed consistent with the base flood protection elevation, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood, and may include, but are not limited to:
 - (a) Anchorage to resist flotation and lateral movement.
 - (b) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
 - (c) Reinforcement of walls to resist water pressures.
 - (d) Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - (e) Addition of mass or weight to structures to resist flotation.
 - (f) Installation of pumps to lower water levels in structures.
 - (g) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
 - (h) Construction to resist rupture or collapse caused by water pressure or floating debris
3. Mobile Homes
 - (a) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
 - (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;

(iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,

(iv) any additions to the mobile home be similarly anchored.

(b) For new mobile home parks and subdivisions; for expansion to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision, the following requirements shall apply:

(i) stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at least 1 foot above the base flood level;

(ii) adequate surface drainage and access for a hauler shall be provided; and,

(iii) in the instance of elevation on pilings: (1) lots shall be large enough to permit steps, (2) piling foundations shall be placed in stable soil no more than ten feet apart, and (3) reinforcement shall be provided for pilings more than six feet above the ground level.

4. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

5. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

6. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

7. All electrical equipment, circuits, and installed electrical appliances shall be located and installed in a manner which will assure they are not subject to inundation by the base flood or are resistant to damage from the base flood.

8. On site water supply and waste disposal systems shall not be placed in locations subject to inundation by the base flood.

9. Water supply and sewage collection equipment and lines shall be located in a manner which will assure that they either are not subject to inundation by the base flood or are resistant to flood damage. Storm drains subject to back-up of storm waters during the base flood shall be equipped with valves or controls which will permit the drains to be closed to prevent backup of storm waters into structures.

10. Structural storage facilities for chemicals, explosives, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare shall not be located in areas subject to inundation by the base flood, unless such facilities are adequately flood proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

11. For all new public or quasi-public buildings, subdivisions, mobile home parks, mobile home subdivisions, or expansion or substantial improvements thereto, located in areas of special flood hazard, evacuation plans indicating alternate vehicular access and escape routes shall be filed with the Building Inspector, and provided to each resident of such subdivision or park.

Section 5-67. Standards for Areas of Shallow Flooding

In areas of shallow flooding which may be located within the areas of special flood hazard established in Section 5-56, the following provisions shall apply:

- 8/ 1. All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official Maps and Profiles.
2. All new construction and substantial improvements of non-residential structures shall:
- (i) have the lowest floor, including basement, elevated above the crown of the nearest street or to above the depth number specified on the official Maps and Profiles, or
 - (ii) together with attendant utility and sanitary facilities be completely floodproofed to or above level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

Section 5-68. Standards for Subdivisions In Areas of Special Flood Hazard.

1. All proposed subdivisions shall be consistent with the need to minimize flood damage.
2. All proposed subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
3. All proposed subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for proposed subdivisions.

Section 5-69. Violations and Penalties

1. Any violation of this Article shall constitute a misdemeanor.
2. The owner of the property shall be responsible for any violation of this Article committed on his property. In addition, any other person found in violation of this Article shall be liable to penalties.
3. On his initiative or upon report by any resident, the Administrator shall determine, on the basis of the Official Maps and Profiles provided in Section 5-55, available topographic mapping, and investigation of field conditions, whether there has been a violation of this Article. If the Administrator determines that there has been a violation, he shall notify the owner of the subject property and other appropriate parties. The property owner shall have 10 days to appeal the determination of the Administrator to the Board of Adjustment. If no appeal has been filed within 10 days, the Administrator shall order the owner to remove the artificial obstruction or enlargement or replacement thereof which violates this Article and to restore the conditions existing before the placement of the obstruction.
4. Failure to remove any artificial obstruction or enlargement or replacement thereof which violates this Article, or to restore the conditions existing before the placement of the obstruction, shall constitute a separate violation of the Article for each ten (10) days that such failure continues after the Administrator orders removal or restoration.

This the 10th day of April, 1978.

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

Ordinance Amending Section 11 of the Code of Ordinances of the Town of Chapel Hill "Noise"

Mr. Silver stated the committee on noise control had met several times and was now making its recommendations. The decibel levels were slightly higher than in many towns because of the nature of this community. The main

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feature of the recommendations made provision for a special permit to exceed the decibel levels by 20 on special occasions. The resolution providing for this permit was not ready but the committee was asking for commitment on the part of the Board that one would be passed. Dr. Barrens stated the recommendations from the committee were a result of compromise. The committee was aware that there might be problems, but felt these could be resolved after some experience with the ordinance. It had unanimously endorsed the recommendations. Alderman Epting asked if there was a maximum hour for the special permits to terminate. Mr. Silver responded that in discussion, the committee had recommended 1:00 a.m. for weekends. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Article III of Chapter 11, Code of Ordinances, Town of Chapel Hill, is hereby amended to read as follows;

SECTION I

Article III. Noise

Section 11-37. Article Designated Noise Control Code.

This article shall be known as the "Noise Control Code for the Town of Chapel Hill."

Section 11-38. Unnecessary Noise.

It shall be unlawful for any person to create or assist in creating, permit, continue, or permit the continuance of, any unreasonably loud, disturbing and unnecessary noise or noise of such character, intensity or duration as to be detrimental to the life or health of any individual in the Town of Chapel Hill.

11-39. (Repealed).

11-40. Presumption - Sound Levels

(a) Except as otherwise provided, the following sound levels measured 75' from the source of the sound or the edge of the structure in which the sound originated are the maximum levels permitted.

- (1) from 11 p.m. to 7 a.m. 55 decibels on the A weighing scale Sunday, Monday, Tuesday, Wednesday, and Thursday.
- (2) from 1 a.m. to 7 a.m. 55 decibels on the A weighing scale Saturday.
- (3) from 1 a.m. to 9 a.m. 55 decibels on the A weighing scale Sunday.
- (4) from 7 a.m. to 11 p.m. 65 decibels on the A weighing scale Monday, Tuesday, Wednesday, and Thursday.
- (5) from 7 a.m. to 1 a.m. 65 decibels on the A weighing scale Friday.
- (6) from 7 a.m. to 1 a.m. 65 decibels on the A weighing scale Saturday.
- (7) from 9 a.m. to 11 p.m. 65 decibels on the A weighing scale Sunday.

(b) For purposes of measurement in 11-40 (a) and 11-41 if 75' from the source is on the private property of the source the law enforcement officer shall not measure the noise level on this private property which is the source of the noise to be measured unless the property owner or his agent

83 expressly allows it to be so measured. If the private property owner or his agent does not allow measurement on the property, the noise level shall be measured from the property line closest to the sources of the noise.

- (c) Any sound (other than sounds covered in subsection (d)) which when combined with the ambient noise level, exceeds the levels permitted in subsection (a) is prohibited.

Provided, however, that if the ambient noise level exceeds the sound level indicated in subsection (a), then such presumption shall apply only when such sound exceeds the ambient noise level by five (5) decibels.

Provided, further, that the ambient noise level shall be measured immediately after cessation of any sound which, when combined with the ambient noise, exceeds any sound level in subsection (a). It shall be unlawful for any person to refuse to cease making, permitting, allowing to be made any sound when ordered to do so by a law enforcement officer for purposes of measuring the ambient noise level.

- (d) Any sound which neither serves nor is incidental to a public or emergency purpose, and which is produced on any public street right-of-way, other than by a moving vehicle, which when combined with the ambient noise level exceeds 65 decibels on the A weighing scale measured at a distance of 15 feet or more is prohibited.

Provided, however, that if the ambient noise level exceeds sixty-five (65) decibels on the "A" weighing scale then such presumption shall apply only when such sound exceeds the ambient noise level by five (5) decibels.

Provided, further, that the ambient noise level shall be measured immediately after cessation of any sound which, when combined with the ambient noise, exceeds sixty-five (65) decibels on the "A" weighing scale. It shall be unlawful for any person to refuse to cease making, permitting, or allowing to be made, any sound when ordered to do so by any law enforcement officer for the purposes of measuring the ambient noise level.

(e) Definitions

- (1) "A" weighing scale (as defined in Standard 1.4, of the Standard Specifications for Sound Level Meters, American National Standards Institute, 1971): One of three (3) frequency response networks included in sound level meters. The "A" scale is designed to give an approximate evaluation of subjective response in terms of both loudness and annoyance.

- (2) Ambient Noise. Ambient noise is the all-encompassing noise associated with a given environment, being usually a composite of sounds from any sources, near and far, but not including noise from the source being evaluated.

- (3) Decibel. A unit of level used to measure sound intensity, equal to ten times the logarithm of the ratio of the intensity of the sound to the reference intensity as described in the standards referred to in Def. (1).

- (4) Sound level meter. An instrument which includes a microphone, an amplifier, an output meter, and frequency weighing networks for the measurement of noise and sound level in a specific manner. The frequency weighing network to be used gives the A weighing scale.

Permits allowing the holders thereof to exceed the sound levels specified in Section 11-40 (a) and (d) by 20 decibels may be issued by the Chief of Police upon application. Before issuing such permits, the Chief shall consider hardship to the applicant, the community, and other persons of not granting the permit against adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property, and any other adverse impacts of granting the permit. All such permits shall be issued upon timely application and shall specify the date, hours and location for which it is valid. Any denial for issuance on any grounds may be appealed to the Town Manager.

If at any time the noise levels, for which the permit is issued exceeds the levels specified in Section 11-40 by more than 20 decibels, the Chief of Police or his delegate shall first warn the permit holder against continued operation in such manner. If the operation continues in the manner warned against, the Chief of Police or his delegate shall revoke the permit and the general provision of Section 11-40 shall apply.

This the 10th day of April, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0. Alderman Howes asked that the committee continue to meet to draft the resolution for special permits.

Resolution to Authorize the Filing of a Petition for Intervention

Alderman Howes explained that OWASA was in a set of procedures which would lead to the augmentation of the water supply by construction of a reservoir at Cane Creek. One of the steps is securing the permit from the Environmental Management Commission to permit OWASA to condemn land for that purpose. A public hearing would be held on the matter on April 26 and 27. OWASA would present its case to the Environmental Management Commission. The opponents were seeking to cause other parties to enter the case. Counsel for the Authority felt that intervention by those bodies made necessary the intervention of the town, university and other parties. The petitions to intervene must be filed by the end of the week. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION TO AUTHORIZE THE FILING OF A
PETITION FOR INTERVENTION BY THE TOWN OF
CHAPEL HILL IN THE PROCEEDING PENDING BEFORE
THE ENVIRONMENTAL MANAGEMENT COMMISSION WHEREIN
ORANGE WATER AND SEWER AUTHORITY SEEKS TO ACQUIRE
A CERTIFICATE PURSUANT TO THE PROVISIONS OF
G. S. §162A-7

THAT WHEREAS, the Orange Water and Sewer Authority is charged with the responsibility of providing adequate water to the citizens of Chapel Hill and surrounding areas, and

WHEREAS, an augmented raw water supply is essential in order to meet said needs, and to alleviate the drought conditions which have heretofore existed during the spring and summer months, and

WHEREAS, the Orange Water and Sewer Authority has filed a Petition pursuant to the provisions of G. S. §162A-7 before the Environmental Management Commission to acquire a certificate authorizing the acquisition of lands for the purpose of constructing the Cane Creek Dam and reservoir.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that the Town Attorney be, and he is hereby authorized and directed to prepare and file such petitions and notices as may be necessary or proper to enable the Town of Chapel Hill to intervene on behalf of the petitioner in the proceedings now pending before the Environmental Management Commission wherein the Orange Water and Sewer Authority seeks

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to acquire the authority to acquire lands for the construction of the dam at Cane Creek Reservoir, and BE IT FURTHER RESOLVED that the Town Attorney is authorized and directed to prepare all documents pursuant to orders of intervention as may be required, and the appropriate officials of the Town of Chapel Hill be, and the same are hereby authorized to execute all documents as may be necessary or desirable to carry out the provisions of this Resolution.

This the 10th day of April, 1978.

Alderman Vickery pointed out that though the resolution would authorize intervention on behalf of OWASA, this was not a vote for Cane Creek. This was one of several alternatives being explored. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Amending Section 21-13

Alderman Boulton asked if the Streets and Safety Committee had met and decided to present the same proposal as was presented at the last meeting. She had received calls from residents tht they would rather have a 4-way stop than a 2-way stop. Even though there were no other 4-way stops in town, Alderman Vickery thought this might be a situation calling for one. Mr. Jenne explained tht after examination the Streets and Traffic Committee had felt this location did not meet the criteria for a 4-way stop. Alderman Smith pointed out that it was town policy not to erect 4-way stops, and one would open the doors to others. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 21-13 (stop sign at Rosemary and Boundary)

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Section 21-13 of the Code of Ordinances of the Town of Chapel Hill to DELETE the line:

Through Street

Stop Street

Rosemary Street
(eastbound traffic only)

Rosemary Street
(westbound traffic only)

the 10th day of April, 1978.

Alderman Howes wanted an ordinance drafted making the intersection a 4-way stop. Alderman Epting stated he lived nearby and thought a 4-way stop would create even more confusion than the current 3-way stop. Alderman Kawalec asked for the national criteria for a 4-way stop. Mr. Shipman gave the criteria and stated that there had been 2 accidents at the intersection in the last 1½ years; neither of these would have been prevented by a 4-way stop. THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN EPTING, SMITH, THORPE AND MAYOR WALLACE SUPPORTING AND ALDERMEN BOULTON, COHEN, HOWES, KAWALEC AND VICKERY OPPOSING. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN BOULTON, THAT THE MATTER BE DEFERRED UNTIL THE NEXT MEETING. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance to Implement the Enforcement of the Housing Code

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

APR 10 1978

AN ORDINANCE TO IMPLEMENT THE ENFORCEMENT OF THE HOUSING CODE, CHAPTER 9 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL AND PROVIDING FOR THE CONDEMNATION AND DEMOLITION OF ALL BUILDINGS AND STRUCTURES DEEMED UNFIT FOR HUMAN HABITATION AND USE

WHEREAS, Chapter 9 of the Code of Ordinances of the Town of Chapel Hill establishes minimum standards for housing and provides for condemnation of all buildings and structures deemed unfit for human habitation and use; and

WHEREAS, Sections 9-25 and 9-33 provide that in the event the owner fails to comply, the Building Inspector shall submit to the governing body an Ordinance ordering and directing the Inspector to proceed to effectuate the purposes of this Ordinance with respect to the particular property, which the Inspector shall have found to be unfit for human habitation.

WHEREAS, the Building Inspector of the Town of Chapel Hill is designated and appointed to exercise the powers and duties of the public office therein provided, and

WHEREAS, the Building Inspector has filed with the governing body a report finding certain properties described therein and hereinafter designated as unfit for human habitation, dilapidated and deteriorated to such an extent that repair is impractical and should be demolished.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That the Building Inspector of the Town of Chapel Hill be, and he is hereby authorized, empowered, and directed to proceed with all of the duties and procedures described in the Ordinance recorded in Chapter 9 of the Code of Ordinances of the Town of Chapel Hill with respect to the demolition of the dwelling unit situated on the following property:

417 W. Franklin Street

SECTION II

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

This the 10th day of April, 1978.

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

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

AN ORDINANCE TO IMPLEMENT THE ENFORCEMENT OF THE HOUSING CODE, CHAPTER 9 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL AND PROVIDING FOR THE CONDEMNATION AND DEMOLITION OF ALL BUILDINGS AND STRUCTURES DEEMED UNFIT FOR HUMAN HABITATION AND USE

WHEREAS, Chapter 9 of the Code of Ordinances of the Town of Chapel Hill establishes minimum standards for housing and provides for condemnation of all buildings and structures deemed unfit for human habitation and use; and

WHEREAS, Sections 9-25 and 9-33 provide that in the event the owner fails to comply, the Building Inspector shall submit to the governing body an Ordinance ordering and directing the Inspector to proceed to effectuate the purposes of this Ordinance with respect to the particular property, which the Inspector shall have found to be unfit for human habitation.

WHEREAS, the Building Inspector of the Town of Chapel Hill is designated and appointed to exercise the powers and duties of the public office therein provided, and

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WHEREAS, the Building Inspector has filed with the governing body a report finding certain properties described therein and hereinafter designated as unfit for human habitation, dilapidated and deteriorated to such an extent that repair is impractical and should be demolished.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That the Building Inspector of the Town of Chapel Hill be, and he is hereby authorized, empowered, and directed to proceed with all of the duties and procedures described in the Ordinance recorded in Chapter 9 of the Code of Ordinances of the Town of Chapel Hill with respect to the demolition of the dwelling unit situated on the following property:

415 W. Franklin Street

SECTION II

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

This the 10th day of April, 1978.

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

Resolution Authorizing a Contract for a Transit Marketing Grant

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

A RESOLUTION AUTHORIZING A CONTRACT FOR A TRANSIT MARKETING GRANT

WHEREAS, the Board of Aldermen of the Town of Chapel Hill has requested the North Carolina Department of Commerce to provide Federal Energy Administration Funds for the following energy conservation projects:

Transit Promotion
Schedule Information
Bus Cards

at an estimated total cost of \$8,000;

WHEREAS, the Town of Chapel Hill desires to provide the necessary non-federal cost of the above-described energy conservation projects;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor and Clerk of the Town of Chapel Hill be and they hereby are authorized and empowered to enter into a contract with the N.C. Department of Commerce as may be necessary to effectuate the aforesaid expressed purpose, thereby binding the said Town to the fulfillment of its obligations incurred under said contract and this resolution.

This the 10th day of April, 1978.

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

Resolution Supporting Proposed Changes in the Local Governmental Employees' Retirement System

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

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town hereby expresses its support for proposed changes to the Local Governmental Employees' Retirement System to bring said system parallel to the existing State Employees Retirement System; and

BE IT FURTHER RESOLVED that the Town Manager, Kurt J. Jenne, is hereby authorized to communicate this support to the North Carolina League of Municipalities.

This the 10th day of April, 1978.

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

Resolution Authorizing the Town Manager to Develop Plans and Specifications to Conver the Public Works Building and Grounds Structure at Plant Road to Parks and Recreation Department Office Space

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO DEFER THIS ITEM TO THE NEXT MEETING. Mr. Jenne explained that this would cause problems with the contract on Airport Road and the moving of the building. Alderman Howes withdrew his motion. Alderman Howes was reluctant to approve the expenditure of funds. Mr. Jenne explained tht this move had been proposed in the feasibility study done on the Plant Road site. Mr. Jenne responded tht this was not a temporary building, although it was a metal one. Alderman Vickery agreed with Alderman Howes and asked if it was possible to rent some space for recreation offices temporarily. Mr. Jenne stated the decision to move the building or leave it on the site must be made. The opportunity for savings would be lost if the building were moved. Alderman Smith stated the town had anticipated using the Lincoln Shop building as office space. That building had separated heating and would not take \$60,000 to renovate it.

Alderman Cohen suggested recessing the meeting until April 12, 4:00 p.m. ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE MEETING BE RECESSD UNTIL APRIL 12, 4:00 P.M. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Mayor Wallace reconvened the meeting of April 10 on April 12th, at 4:00 p.m. The Board continued its discussion of the resolution authorizing the Town Manager to develop plans and specifications to convert the public works buildings and grounds structure at plant road to parks and recreation department office space. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 11A.)

RESOLUTION AUTHORIZING THE TOWN MANAGER TO DEVELOPE PLANS AND SPECIFICATIONS TO CONVERT THE PUBLIC WORKS BUILDINGS AND GROUNDS STRUCTURE AT PLANT ROAD TO PARKS AND RECREATION DEPARTMENT OFFICE SPACE

BE IT RESOLVED by the Board of Aldermen that the Town Manager is hereby authorized to develop plans and prepare bid specifications to convert the Public Works Buildings and Grounds structure at Plant Road to Administrative Offices for the Parks and Recreation Department.

This the 10th day of April, 1978.

Mr. Jenne explained that the consultants had recommended that administration and maintenance space be included on the Plant Road site at the location occupied by the Public Works Building. At that time the town had anticipated using the Lincoln Shop building and told the consultant to take out administration and maintenance space at Plant Road. Since then two developments had occurred. The Recreation Department had not felt the Lincoln Shop building suitable for administrative offices because of location and nature of the building. And, in looking at the Public Works Building, the staff had found that for approximately the same cost of renovating the Shop building plus \$20,000 to purchase a new building at the Airport Road site, the offices could be established in the central location at Plant Road. This was considered a more pleasant facility.

Alderman Vickery stated the cost would favor Lincoln. And, the Shop building would be centrally located if Carrboro and Chapel Hill Recreation Departments merged. Mr. Scott Herman-Giddens stated that the Recreation Commission had looked at the building at Plant Road and favored the recommendation. Also, the Lincoln site was restricted to recreation, whereas the Plant Road building could be used for other things. This would leave the Lincoln building free for extra space. Alderman Smith suggested leaving the

building at Plant Road to be used for other purposes such as senior citizens' activities and move the offices to Lincoln. Mr. Jenne stated this proposal would accomplish the same thing spacially but would cost more. Alderman Howes objected to the use of the metal building at Plant Road site but agreed that this location was more suitable for offices. Alderman Vickery stated he would pay more for the option to be closer to Carrboro, but in this case did not have to. Using the Lincoln Shop Building would leave an architecturally clean site at Plant Road. THE MOTION WAS CARRIED BY VOTE OF 6 TO 2 WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, KAWALEC AND THORPE SUPPORTING AND ALDERMEN VICKERY AND SMITH OPPOSING.

Resolution Authorizing the Town Manager to Enter into a Contract with the Chapel Hill-Carrboro City School System to Provide Heating Provisions to the Lincoln Gymnasium

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH THE CHAPEL HILL-CARRBORO CITY SCHOOL SYSTEM TO PROVIDE HEATING PROVISIONS TO THE LINCOLN GYMNASIUM

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager is hereby authorized to enter into a contractual agreement in the amount of \$7,300 with the Chapel Hill-Carrboro School System to provide heating provisions to the Lincoln Gymnasium.

This the 10th day of April, 1978.

Alderman Boulton asked if the heating system was in the original contract. Mr. Shipman stated that prior to having signed the joint use agreement with the schools, the schools had advised tht they did not have heating for the gym in their plans; therefore it would be necessary for the town to pay for the additional design work for the heating system for the gym. Mr. Jenne further explained that the school was renovating the center and putting in a new heating system. It would be impossible to keep the gym under the old system. THE MOTION WAS CARRIED BY A VOTE OF 7 TO 1 WITH ALDERMEN COHEN, EPTING, HOWES, KAWALEC, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMAN BOULTON OPPOSING.

Resolution Accepting Bids and Awarding of Contract for 12 Bus Shelters

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR TWELVE BUS SHELTERS

WHEREAS the Town of Chapel Hill has solicited formal bids on Twelve Bus Shelters and the following bids have been received:

<u>Bidder</u>	<u>Bid Unit Price</u>	<u>Total</u>
Columbia Equipment Company Jamaica, New York	\$ 1,620	\$19,440
Community Bus Shelters, Inc., Farmingdale, New York	1,560	18,720
Handi-Hut, Inc., Passaic, New Jersey	1,510	18,120

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Handi Hut, Inc. in the amount of \$18,120.

This the 10th day of April, 1978.

In response to Alderman Cohen, Mr. Godding named the locations where shelters had been deleted. He showed the design to the Board. THE MOTION WAS CARRIED BY A VOTE OF 7 TO 2 WITH ALDERMEN BOULTON, COHEN, HOWES, KAWALEC, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMAN EPTING AND MAYOR WALLACE OPPOSING.

Resolution Accepting Bids and Awarding of Contract for Baseball and Softball Uniforms and Equipment

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR BASEBALL AND SOFTBALL UNIFORMS AND EQUIPMENT

WHEREAS the Town of Chapel Hill has solicited formal bids on Baseball and Softball Uniforms and Equipment and the following bids have been received:

	<u>Bid</u>		
	Johnson-Lambe Co. Raleigh, NC	Link-Watson Danville, VA	Oxford Sptg. Goods Oxford, NC
75 Jerseys	\$*363.75	\$411.75	\$438.75
105 pr. Pants	693.00	*691.95	693.00
5 Jerseys	*23.00	27.45	29.25
180 T-Shirts	*347.40	*403.20	410.40
196 Shirts	*546.00	626.55	663.75
40 dz. Baseballs	930.00	*840.00	998.00
15 dz. Baseballs	348.75	*344.10	374.25
74 dz. Baseballs	*1,394.90	1,772.30	1,687.20
24-28", 29", 30", 31" Bats	*170.40	189.36	210.00
6-32" Bats	87.60	*47.34	101.70
-33" Bats	87.60	*83.64	101.70
0 Batting Helmets	*330.00	330.00	417.00
0 Batting Helmets	156.00	*145.00	174.00
6 Chest Protectors	*46.50	58.44	62.70
1 Chest Protector	*20.85	21.00	24.35
4 pr. Shin Guards	*30.60	39.76	43.40
1 pr. Shin Guards	*14.90	21.95	36.25
6 Catchers Masks	*40.50	71.64	42.90
1 Catcher's Mask	*15.25	16.94	18.20
7 Catchers Helmets	*57.05	55.23	85.05
2 Catchers Helmets	*17.00	17.48	20.50
10 Catchers Mitts	*130.00	149.40	173.50
10 Catchers Mitts	*130.00	149.40	173.50
1 Catchers Mitt	*32.50	46.94	22.60
4 sets Bases	*400.00	299.76	408.00
4 Home Plates	*56.00	75.00	71.80
4 Pitching Rubbers	*26.80	45.96	33.20
15 Equipment Bags	*43.50	134.25	47.25

*Recommended for acceptance

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Link-Watson for 105 pairs of pants, 40 dozen baseballs, 15 dozen baseballs, 6-32" bats, 6-33" bats, and 20 batting helmets in the amount of \$2,152.03 and the bid of Johnson Lambe for the remainder of the uniforms and equipment in the amount of \$4,106.90.

This the 10th day of April, 1978.

Alderman Smith asked what was being done to get 20 or 30 items of equipment not returned to the town. Mr. Robinson explained that the families not returning equipment were not being allowed to take part in any other town recreation events. All new equipment was being marked with indelible ink. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Accepting Bids and Awarding of Contract for One Plain Paper Copier

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

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A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE PLAIN PAPER COPIER

WHEREAS the Town of Chapel Hill has solicited formal bids on One Plain Paper Copier and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	<u>Make & Model</u>
Cavin's Inc., Durham, NC	\$3,995.00	3-M 360
Gray & Creech, Inc., Raleigh, NC	2,995.00	A-B Dick 901
Office Machines Co., Inc., Graham, NC	2,400.00	Canon NP50
Xerox Corp., Raleigh, NC	5,225.00	Xerox 3100
Xerox Corp., Raleigh, NC	6,365.00	Xerox 3100 LDP

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Gray and Creech, Inc. in the amount of \$2,995.00.

This the 10th day of April, 1978.

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

Resolution Authorizing the Manager to Prepare to Purchase a FrontLoading Garbage Truck

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

A RESOLUTION AUTHORIZING THE MANAGER TO PREPARE TO PURCHASE A FRONT-LOADING GARBAGE TRUCK

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager is hereby authorized to prepare bid specifications for the purchase of a front-loading garbage truck during the 1977-78 fiscal year.

This the 10th day of April, 1978.

Alderman Boulton asked if this was the type of truck which would allow the town to pick up garbage at the university if an agreement was entered into. Mr. Harris answered that the truck was the correct type, but the town would need another truck for that larger area. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Committees

The Board was notified of two vacancies on the Orange County Emergency Medical Services Council. Mr. Gardner had agreed to serve as the consumer representative and the Board would need to appoint a governmental representative.

The Historic District Commission had submitted the names of Ms. Diane Lea and Mr. Bob Bryan to fill the vacancy created by the resignation of Lynn Obrist. Alderman Howes nominated these persons to fill the vacancy. Alderman Cohen nominated Diane Hubbard.

Nominations for five vacancies on the Transportation Board were Wes Egan, Jean Ann Hemmens, Marcie Dean, Paul Morris, Rick Eisenstadt, John P. Evans, Joseph A. Fearrington, Cameron P. Hargraves, Arnold E. Harris, Glenn S. Orlin, and Bruce M. Tindall. Mr. Morris received 8 votes, Mr. Hargraves 7, Ms. Hemmens 7 and Mr. Evans 5. Other nominees received less than a majority of votes of the Board. Mr. Morris, Mr. Hargraves and Ms. Hemmens were appointed to 3 year terms. Mr. Evans was appointed to a 2 year term filling a vacancy created by resignation. On subsequent voting, Ms. Dean received a majority of votes and was appointed to a 2 year term also filling a vacancy created by resignation.

The Board discussed the dates for budget worksessions. The meeting scheduled for May 31 was changed to May 30 at 4:30 p.m.

Resolution Authorizing Acceptance of a Heritage Conservation and Recreation Service Grant

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE

IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board
thereby authorizes Mayor James C. Wallace to accept on behalf of the Town a Heritage
Conservation and Recreation Service (formerly BOR) Grant for \$137,847; and to sign
any necessary contracts and assurances in conjunction therewith.

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This the 12th day of April, 1978.

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

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

Mayor James C. Wallace _____

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING
OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, MONDAY APRIL 24, 1978, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

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

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

Resolution Commemorating the Life of the late Mr. Bynum Weaver

Alderman Smith read the following resolution and moved that it be adopted.

A RESOLUTION COMMEMORATING THE LIFE OF THE LATE MR. BYNUM WEAVER

WHEREAS, Mr. Bynum Weaver was a native of this community and a
member of one of Chapel Hill's finest families, and

WHEREAS, this benevolent humanitarian, ever mindful of the need
of his fellowman, worked to improve the quality of life, and

WHEREAS, this admired leader became a "Father Image" for several
generations of local youth exerting his influence and always striving
for their happiness, health and welfare, and

WHEREAS, this dedicated person helped to develop better opportunities
for young and old while quietly offering a helping hand when needed,
and

WHEREAS, this civic-minded man made contributions in a variety
of ways including his participation in his Church, as a member
of the United Order of the Odd Fellows, as a member of the Royal
Arch and the Mt. Olive Lodge, and as a member of the N.C. Morticians
Association, and

WHEREAS, this respected and beloved citizen has left his community
a better place and his many friends the richer for his having lived
and worked among us;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen
of the Town of Chapel Hill commemorate the life of the late Mr.
Bynum Weaver, 1906-1978, and pay tribute to the memory of this
noble public servant, and

BE IT FURTHER RESOLVED that a copy of this resolution be entered
into the official minutes of the Town.

This the 24th day of April, 1978.

Alderman Thorpe seconded the motion. The motion was carried by unanimous vote. Alderman Smith presented the resolution to Mrs. Weaver at a later time.

Request to Close an Unopened Spur Off Wesley Drive - Public Hearing

Mr. Drake explained that a short, spur off Wesley Drive have been reserved to connect the Weiner Street extension to Wesley Drive. The Weiner street extension would probably never be opened. The spur would not be opened either. The property by the spur owned by Property Investors was limited in use because of the location of the Wesley Drive sewer line. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE PERMANENTLY CLOSING AN UNOPENED SPUR OFF WESLEY DRIVE

WHEREAS the Board of Aldermen of the Town of Chapel Hill, having held on April 24, 1978, a properly-advertised public hearing on the subject of permanently closing an unopened spur connecting Wesley Drive with the unopened extension of Weiner Street and lying between Lots 31-H-5 and 31-H-6, Chapel Hill Township Tax Map, and having heard all persons interested in speaking on the question of whether said closing would be detrimental to the public interest or the property rights of any individual; and it appear to the Board after such hearing that the closing of said street is not contrary to the public interest and that no person owning property in the vicinity of said street or in the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his property; NOW, THEREFORE,

The Board of Aldermen of the Town of Chapel Hill HEREBY orders the permanent closing of the unopened street above referred to.

This the 24th day of April, 1978.

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

Pre-Application for a Community Development Small Cities Block Grant - Public Hearing

The staff wanted the town to explore new types of housing activities. Their proposed goals for future activities include requiring landlords to upgrade or demolish substandard rental property, providing homeownership for persons who are now renters, continuing to make improvements in the community development area, and insuring that families in the community development area receive necessary intake and referral community organization services. The recommended budget was: (1) rehabilitation for prospective homeowners - \$174,000; (2) provision of new housing sites for prospective homeownerships - \$31,000; (3) intake and referral activities - \$12,000; (4) street construction of Whitaker Street extension - \$25,000; and (5) land acquisition for public housing - \$100,000.

Mr. Roger Manus, of Orange County Group Homes, presented a proposal to the Board asking for funds to buy a home, rehabilitate it, and provide for the use of the Orange County Group Homes. They wanted to move the men's home into Chapel Hill. This move would allow the mentally retarded individuals access to community and generic resources. They estimated the cost to be \$50,000. Mr. Manus believed this proposal added to the Chapel Hill application to HUD would increase the viability of its plan in that it recognized of the needs of the handicapped citizens. In response to Alderman Kawalec, Ms. Aycock stated that their funds came from the state, supplemented by social security income and social services income. The present income provided for rent of a house but would never allow for buying.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, THAT THE BOARD ACCEPT THE PETITION AND REFER THE PETITION AND PRE-APPLICATION TO THE PLANNING BOARD FOR COMMENT. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0. Ms. Weaver asked that if any funds were left from the land acquisition, the town consider using some to correct the drainage problems under her home.

Minutes

On motion by Alderman Smith, seconded by Alderman Vickery, the minutes of April 10, 1978, were approved. On motion by Alderman Vickery, seconded by Alderman Smith, the minutes of March 30, 1978, were approved.

Petitions and Requests

Mr. Levine's petition was delayed until the next meeting.

Mr. Richard Wolfenden asked to speak if the Mason Farm Road traffic problems were considered.

Mr. Richard Kramer presented a petition from users of the bus stop near Estes and 15-501 by-pass requesting sidewalks along Estes.

Representatives from the Holmes Day Care Center petitioned the Board of Aldermen to keep the \$852,000 in the CIP budget for Hargraves. They also affirmed their support for the location of Holmes Day Care Center.

Alderman Cohen withdrew his nomination of Diane Hubbard for the Historic District Commission.

Resolution Approving Annexation Reports

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

A RESOLUTION APPROVING ANNEXATION REPORTS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Annexation Reports on Areas 1-7, describing said areas and plans for provision of services thereto after annexation, is hereby approved.

This the 24th day of April, 1978.

	Area 1 Countryside	Area 2 Argonne Hills	Area 3 Schools	Area 4 YMCA	Area 5 Brendles	Area 6 Eastowne	Area 7 Leclion Road	Total All Areas
<u>First Year</u>								
Revenue	25,812	6,691	2,929	2,869	1,322	18,776	20,100	78,499
Operating Costs	(1,909)	(845)	(31,429)	(671)	(4,131)	(4,131)	(4,363)	(47,479)
Capital Improvements	(1,097)	(97)	(6,768)	(1,097)	(1,870)	(870)	(2,870)	(14,659)
Surplus/Deficit	22,806	5,749	(35,268)	1,101	(4,679)	13,775	12,867	16,351
<u>First Five Years</u>								
Revenue	142,625	36,969	16,183	15,852	31,469	103,747	111,064	457,909
Operating Costs	(10,976)	(4,858)	(180,739)	(3,858)	(23,754)	(23,754)	(25,089)	(273,028)
Capital Improvements	(1,335)	(335)	(30,877)	(1,335)	(4,006)	(3,006)	(5,006)	(45,900)
Surplus/Deficit	130,314	31,776	(195,433)	10,659	3,709	76,987	80,969	138,981
<u>Sixth Year</u>								
Revenue	32,943	8,539	3,738	3,661	8,502	23,963	25,653	106,999
Operating Costs	(2,677)	(1,185)	(44,080)	(941)	(5,793)	(5,793)	(6,119)	(66,588)
Surplus/Deficit	30,266	7,354	(40,342)	2,720	2,709	18,170	19,534	40,411

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Resolution Cancelling the July 24, 1978, Public Hearing

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

A RESOLUTION CANCELLING THE JULY 24, 1978 PUBLIC HEARING.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the regularly scheduled July, 1978 Public Hearing to consider zoning requests is hereby cancelled.

This the 24th day of April, 1978.

Mr. Denny asked if the zoning ordinance was also to be amended as the reasoning appeared year after year. He recommended this step as the resolution was only a temporary measure. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Confirming the Assessment Roll for Improvement to Streets

ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN THORPE, TO POSTPONE DISCUSSION OF THE ASSESSMENT ROLL UNTIL THE NEXT MEETING PENDING RECEIPT OF THE REPORT FROM THE TOWN ATTORNEY REQUESTED AT THE MEETING OF APRIL 10. Mr. Denny responded that the report had been distributed just before the meeting, but the Board had not had time to read it. Alderman Epting was concerned that residents had been asked to come to several meetings and the decision had been postponed each time. Ms. Sykes admitted that she was upset at the delay. Mr. Wheelless agreed with Alderman Cohen that rather than rushing through the item and refusing to reduce any of the assessments, he would wait until the next meeting. Mr. Denny stated that the report had been prepared but rather than have a supplemental delivery to the packets he had waited until the meeting to distribute it. The report reiterated what had been said before. THE MOTION WAS CARRIED BY A VOTE OF 7 TO 1 WITH ALDERMAN SMITH OPPOSING.

Resolution Regarding Implementation of the Chapel Hill Noise Ordinance

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

BE IT ORDAINED by the Board of Alderman of the Town of Chapel Hill that the following resolution be affixed to and become an appendix of Article III of Chapter II, Code of Ordinances, Town of Chapel Hill.

UPON CONSIDERATION of the requirements of Article III of Chapter II, Code of Ordinance, Town of Chapel Hill (Noise Control Code for Town of Chapel Hill) (hereinafter referred to as the Noise Control Ordinance) that special "permits allowing the holders thereof to exceed the sound levels specified in Section 11-40(a) and (d) by 20 decibels may be issued by the Chief of Police" and;

UPON CONSIDERATION of the fact that such special permits "shall consider (the) hardship to the applicant, the community, and other persons of not granting the permit against the adverse impact of health, safety, and welfare of persons affected, (and) the adverse impact on property, and any other adverse impacts of granting the permit" and;

UPON CONSIDERATION of the fact that the granting of such special permits may contribute to the desirable affect of forstering an increased social and cultural awareness and enjoyment on the part of the residents of the Town of Chapel Hill; and

UPON CONSIDERATION of the fact that the granting of such special permits shall be viewed as a permissible exception to the otherwise absolute requirements of the "Noise Control Ordinance", and the fact that this BODY recognizes the existance of annual events of social and cultural importance to the residents of this town, including its business, social and educational components, which, because of their character, might require the sponsors thereof to seek the granting of a special permit (as defined in Section 11-41 of The Noise Control Ordinance), and the fact that this BODY recognizes that the scheduling of such events might dictate multiple request for special permits for the same date or time;

BE IT THEREFORE RESOLVED that it is the considered intent and opinion of this BODY that the privilege of conducting such events of social and cultural significance to the residents and components of the Town of Chapel Hill shall not be abridged by the terms of this Noise Control Ordinance; and that it is the intent of this BODY that the number, frequency and scheduling of such events, be within the sound discretion of the Chief of Police, commensurate with the requirements of section 11-41 of The Noise Control Ordinance and the fostering of a positive atmosphere for the social and cultural enjoyment of the Town of Chapel Hill and its components; and

BE IT FURTHER RESOLVED that it is the understanding of this BODY that annual events which currently fall into the above described category include, but are not limited to:

- (a) The Apple Chill Fair,
- (b) The Fall Festival,
- (c) The Spring Festival,
- (d) social activities of the first three weeks and last three weeks of the academic year of educational institutions.
- (e) events during and surrounding fall supporting events of educational institutions, and
- (f) such events that are able to prove their potential for social or cultural enjoyment to the residents or components of the Town of Chapel Hill, as determined by the Chief of Police.

This the 24th day of April, 1978.

Mr. Denny stated that an ordinance amendment to the Noise Ordinance passed at the last meeting, had been prepared and distributed. This amendment would substitute for the operative portion of the resolution. The resolution would have no legal effect. He recommended the ordinance amendment be adopted instead of the resolution. Alderman Smith withdrew his motion to adopt the resolution. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND SECTION 41, CHAPTER 11, CODE OF ORDINANCES, TOWN OF CHAPEL HILL

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that Section 41, Chapter 11, Code of Ordinances of the Town of Chapel Hill as amended April 10, 1978 effective April 24, 1978 be, and the same is hereby further amended and rewritten to read as follows:

"11-41. Permit to Exceed General Sounds Levels. Permits allowing the holders thereof to exceed the sound levels specified in Section 11-40(a) and (d) by 20 decibels may be issued by the Chief of Police upon application. Before issuing such permits, the Chief shall consider hardship to the applicant, the community, and other persons of not granting the permit against adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property, and any other adverse impacts of granting the permit. In the administration of this Section the Chief of Police shall consider that the privilege of conducting events of social and cultural significance to the residents of the Town of Chapel Hill shall not be unduly abridged; and that it be administered as fostering a positive atmosphere for the social and cultural enjoyment of the residents of the Town."

Annual events which currently fall within the above described category include, but are not limited to:

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- (a) The Apple Chill Fair,
- (b) The Fall Festival,
- (c) The Spring Festival,
- (d) Social activities of the first three weeks and last three weeks of the academic year of educational institutions,
- (e) events during and surrounding fall supporting events of educational institutions.

All such permits shall be issued upon timely application and shall specify the date, hours and location for which it is valid. Any denial for issuance on any grounds may be appealed to the Town Manager.

If at any time the noise levels, for which the permit is issued exceeds the levels specified in Section 11-40 by more than 20 decibels, the Chief of Police or his delegate shall first warn the permit holder against continued operation in such manner. If the operation continues in the manner warned against, the Chief of Police or his delegate shall revoke the permit and the general provision of Section 11-40 shall apply.

This the 24th day of April, 1978.

Mr. Jenne stated he had some reservations about the resolution as had Mr. Denny. He noted that both the resolution and ordinance left much to the discretion of the Chief of Police. If the Board wanted to limit this discretion, they should do so within the ordinance. The ordinance would be put to the test in a week when celebrations for the end of the semester begin at the University. Mr. Silver stated there had been testing done on different noises. He suggested the Board adopt the ordinance and if there were necessary changes, they could be made later. Alderman Epting was concerned that there was too much discretion left to the Police Chief. THE MOTION WAS CARRIED BY A VOTE OF 7 TO 1 WITH ALDERMAN EPTING OPPOSING.

Resolution Approving a Special Use Permit for the University of North Carolina at Chapel Hill for a Parking Deck

Ms. Parker stated the Planning Board had not met, but that using the mail and telephone, she had a report on the parking deck. She spoke to all members of the Planning Board, and they confirmed their previous recommendation to approve the parking deck as a public facility to accommodate patients and visitors to the NC Memorial Hospital. They felt the memorandum from the University reaffirmed previous commitments made by the University in other meetings. It addressed all but four of the potential problems. There was a suggestion there perhaps should be a town representative on the UNC parking and traffic committee to help foster cooperation between the two. There was also a recommendation that restriping of parking spaces in all lots to fit small cars be considered. The Planning Board members emphasized that they could not make the four required findings without implementation of the mason Farm recommendations.

Mr. Lathrop reported that the Transportation Board had met in the afternoon and reaffirmed its vote on the parking deck with two changes. It endorsed the concept of closing Mason Farm Road between Hibbard and Purefoy to all but pedestrians and bicyclists, and they added to the first stipulation, "and that discussion begin immediately regarding establishment of fringe parking lots, particularly near the hospital, by the towns and University." The Board in reconsidering the entire resolution concluded that four findings of the Planning Board and staff did represent their opinion. The Board felt there was a comprehensive transportation planning effort underway which would address the questions raised by the Board of Aldermen. Alderman Cohen asked if the Transportation Board felt the fringe lots should be built near the hospital or further out on the outskirts of the town. Mr. Lathrop responded that the Board had not discussed this. He gave his own opinion which Alderman Cohen disagreed with. Alderman Vickery stated the traffic report by the University and the traffic report of the town submitted approximately a year ago conflicted on the location of these lots. Therefore the study asked for at the last meeting should be completed. Mr. Lathrop responded to the questioning from Alderman Vickery that the Transportation Board was satisfied that the projections of demand for patient and visitor parking were realistic and the University had spoken in good faith regarding its intentions to pursue the plans and studies with the Town of Chapel Hill and Carrboro which are necessary to come to conclusions vis-a-vis other elements of the transportation plan. Alderman Vickery through the University's funding of the transportation system should be looked into more openly and completely. Mr. Lathrop responded that the Transportation Board had discussed this issue, but had limited its decision to the four findings which must be the basis of the Planning Board's and the Board of Aldermen's decision for the special use permit. Alderman Smith was also concerned about the conflict between the two traffic reports. Mr. Temple did not believe there was a conflict. The same consulting firm had written both reports. Alderman Vickery asked if the University would be willing to meet with the Transportation Board and Planning Board to come up with a joint recommendation to resolve any apparent contradictions between the separate reports submitted by the consultants or the park-ride lots. Mr. Temple agreed to this. Mr. Jenne pointed out that the two studies were done a year apart and for different purposes. He and Mr. Temple had discussed the studies and joint cooperation on the park-ride lots. ALDERMAN

A RESOLUTION GRANTING A PARKING DECK SPECIAL USE PERMIT TO THE UNIVERSITY OF NORTH CAROLINA FOR AN ADDITION TO THE HEALTH AFFAIRS PARKING DECK. APR 24 1978

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Parking Deck addition proposed by the University of North Carolina if developed in accordance with the plans submitted November 11, 1977 and the stipulations and conditions set forth below:

1. will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
2. meets all required conditions and specifications,
3. will not substantially injure the value of adjoining or abutting property, and
4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

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

1. That the existing deck and the proposed parking deck addition be completely assigned to serve the parking needs of patients and visitors by June 30, 1988, with the exception that after June 30, 1988 employees may use the existing parking deck and proposed parking deck for off-peak hour shifts which generally run between 2:30 p.m. and 8:45 a.m.
2. That detailed plans and designs for the following street and traffic improvements be submitted to and approved by the Town Manager prior to the start of construction of such improvements. These improvements shall be completed prior to opening the deck addition and shall be approved by the North Carolina Department of Transportation if such improvements fall under the jurisdiction of the North Carolina Department of Transportation.
 - A. That the one-way access to the hospital entrance be reversed to match with the one-way pattern encircling the parking deck.
 - B. That the on-street parking on East and West Drives be removed.
 - C. That marked crosswalks be placed from the hospital entrance to all walkways.
 - D. That a paved sidewalk be constructed along the south side of Manning Drive from West Drive to South Columbia Street.
 - E. That a marked crosswalk be placed across Manning Drive from Brauer Hall to the front of the New Faculty Laboratory Office Building.
 - F. That the on-street parking spaces on Manning Drive in front of Brauer Hall be removed.
 - G. That Manning Drive be widened to accommodate an additional lane on the north side of the existing street. Such additional lane to extend from near Brauer Hall to the intersection of Columbia Street and Manning Drive. The additional lane to provide a separate right turn lane for traffic headed northbound on Columbia Street.
 - H. That King Street be made one-way south bound from Manning Drive and that the connection of King Street with Mason Farm Road extension be either closed or relocated to the west of Medical Lab A. The service drive located off Manning Drive serving the west side of the Faculty Lab/Office Building shall not be used for through traffic to serve parking areas located south of the Faculty Lab/Office Building.
 - I. That the additional pedestrian overpass across Manning Drive, as shown on the submitted site plan be constructed.

99 A RESOLUTION GRANTING A PARKING DECK SPECIAL USE PERMIT TO THE UNIVERSITY OF NORTH CAROLINA FOR AN ADDITION TO THE HEALTH AFFAIRS PARKING DECK.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Parking Deck addition proposed by the University of North Carolina if developed in accordance with the plans submitted November 11, 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,
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3. will not substantially injure the value of adjoining or abutting property, and
4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs.

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

1. That the existing deck and the proposed parking deck addition be completely assigned to serve the parking needs of patients and visitors by June 30, 1988, with the exception that after June 30, 1988 employees may use the existing parking deck and proposed parking deck for off-peak hour shifts which generally run between 2:30 p.m. and 8:45 a.m.
2. That detailed plans and designs for the following street and traffic improvements be submitted to and approved by the Town Manager prior to the start of construction of such improvements. These improvements shall be completed prior to opening the deck addition and shall be approved by the North Carolina Department of Transportation if such improvements fall under the jurisdiction of the North Carolina Department of Transportation.
 - A. That the one-way access to the hospital entrance be reversed to match with the one-way pattern encircling the parking deck.
 - B. That the on-street parking on East and West Drives be removed.
 - C. That marked crosswalks be placed from the hospital entrance to all walkways.
 - D. That a paved sidewalk be constructed along the south side of Manning Drive from West Drive to South Columbia Street.
 - E. That a marked crosswalk be placed across Manning Drive from Brauer Hall to the front of the New Faculty Laboratory Office Building.
 - F. That the on-street parking spaces on Manning Drive in front of Brauer Hall be removed.
 - G. That Manning Drive be widened to accommodate an additional lane on the north side of the existing street. Such additional lane to extend from near Brauer Hall to the intersection of Columbia Street and Manning Drive. The additional lane to provide a separate right turn lane for traffic headed northbound on Columbia Street.
 - H. That King Street be made one-way south bound from Manning Drive and that the connection of King Street with Mason Farm Road extension be either closed or relocated to the west of Medical Lab A. The service drive located off Manning Drive serving the west side of the Faculty Lab/Office Building shall not be used for through traffic to serve parking areas located south of the Faculty Lab/Office Building.
 - I. That the additional pedestrian overpass across Manning Drive as shown on the submitted site plan be constructed.

Alderman Boulton added the \$73000 allocated for the heating of Lincoln Gym to the proposal of the manager. She thought this would be in accord with what the county had done for the Grady Brown School. Mr. Jenne stated that although he had first told Alderman Boulton this addition was possible, he now perceived two problems. The proposal was based on a 70-30% split with Carrboro. Alderman Boulton suggested the community youth theatre be given to Carrboro. Alderman Cohen was concerned that the County's paying for the heating would be in conflict with the lease with the School Board. Mr. Jenne preferred to see the proposal go to the County as he had presented it. The motion was defeated by a vote of seven to one with Alderman Boulton supporting and Alderman Cohen, Epting, Howes, Kawalec, Smith, Thorpe and Vickery opposing. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION REQUESTING RECREATION SUPPORT BY ORANGE COUNTY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager to develop with the Town Manager of Carrboro a joint proposal for \$130,000 of recreation funding by Orange County, said support to be divided 70/30 between the Towns.

This the 24th day of April, 1978.

Alderman Boulton thought maintenance more important than the little contracts recommended. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Consideration of the Chapel Hill-Carrboro Parks and Recreation Study Commission

Alderman Cohen stated that Carrboro had adopted a different resolution than Chapel Hill for the Parks and Recreation Study Commission. Carrboro would be considering changing their resolution on April 25. Alderman Cohen suggested waiting until the worksession on the 26th to discuss this. The Board agreed to this.

Ordinance Amending Section 21-13

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

AN ORDINANCE AMENDING SECTION 21-13 (2-WAY STOP SIGN AT ROSEMARY AND BOUNDARY)

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Section 21-13 of the Code of Ordinances of the Town of Chapel Hill to DELETE the line:

<u>Through Street</u>	<u>Stop Street</u>
Rosemary Street (eastbound traffic only)	Rosemary Street (westbound traffic only)

This the 24th day of April, 1978.

Alderman Howes stated the cars traveled too fast on this portion of Rosemary Street and a 2-way stop would not solve the problem or satisfy the residents. Mr. Lathrop stated that stop signs should not be used for speed control, nor should speed control signs be used to stop signs which allocate right-of-way. Alderman Vickery suggested the Board try the 2-way stop and if it did not work, then change it to a 4-way stop. THE MOTION WAS CARRIED BY A VOTE OF 7 TO 1 WITH ALDERMAN HOWES OPPOSING.

Resolution Authorizing the Filing of an Amended Application with the Department of Transportation

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

A RESOLUTION AUTHORIZING THE FILING OF AN AMENDED APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, AND WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the United States and North Carolina Secretarys of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as Amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services:

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill:

1. That the Mayor and the Town Manager are authorized to execute and file an amended application on behalf of the Town of Chapel Hill, North Carolina with the U.S. Department of Transportation and with the North Carolina Department of Transportation, to aid in the financing of the purchase of transit vehicles and ancillary equipment, the construction of a vehicle maintenance facility and passenger shelters, and purchase of signs and required maintenance equipment;
2. That the Mayor and the Town Manager are authorized to execute and file with such application an assurance or any other document required by the North Carolina Department of Transportation or the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964;
3. That Kurt J. Jenne, Town Manager, is authorized to furnish such additional information as the North Carolina Department of Transportation or the U.S. Department of Transportation may require in connection with the application of the project;
4. That the Mayor and Town Manager are authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

This the 24th day of April, 1978.

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

Discussion of University Payments for Services Provided by the Town

Mr. Jenne had distributed a memorandum summarizing University payment for Town services over the last few years. Alderman Howes said the summary pointed out the need for communication between the Board of Trustees and the Town. Alderman Boulton stated there was a test case in Wilmington as to what the University would contribute to the sixteen town which have branches of the University.

Committees and Commissions

Diane Lea and Bob Bryan were nominated for the vacancy on the Historic District Commission. Ms. Lea received six votes to Mr. Bryan's three votes and was appointed to complete the term of Lynn Obrist.

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

James C. Wallace

Mayor James C. Wallace

Town Clerk, David B. Roberts

David B. Roberts