

MINUTES OF A PUBLIC HEARING AND MEETING  
OF THE MAYOR AND BOARD OF ALDERMEN,  
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
MONDAY, MAY 22, 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 (late)

Also present were Town Manager K. Jenne, Town Attorney E. Denny, and Town Clerk D. Roberts. A quorum of the Planning Board was present.

Special Use Request for Georgetown Row - Public Hearing

All witnesses were sworn in by Mr. Roberts. Mr. Jennings stated the request was for a unified housing development of five units on .5 acres of land, zoned R-4 located at 318 McCauley Street. There was one existing structure with three units on the property which would be removed. There were no comments at the informal public hearing of the Planning Board. The land use plan shows a mixture of density in this area.

Mr. John Atkins, representing the owner, submitted the statement of justification for inclusion in the record. He said the existing drive would be used in an effort to save existing trees. The developer would be providing two parking spaces per unit. They had met the open space requirements. All utilities are available to the property. A traffic count had shown approximately 51 cars per hour during peak hour traffic on this street. The project would comply with all ordinances. The owner felt the surrounding property values would be enhanced by the improvements to this property.

Mr. Whitfield asked if McCauley Street was to be widened. Mr. Jenne responded that the state thoroughfare plan called for McCauley Street to be widened to four lanes; however, there was strong opposition in the town to this. He hoped for this to be resolved in the revision of the thoroughfare plan. There were some residents of the area who objected to the old houses being torn down and wanted them preserved.

GEORGETOWN ROW  
318 MCCAULEY STREET  
CHAPEL HILL, N.C.

STATEMENT OF JUSTIFICATION - APRIL 7, 1978

THE FOLLOWING POINTS ARE IN RESPONSE TO THE FOUR FINDINGS REQUIRED FOR APPROVAL OF THE REQUESTED SPECIAL USE PERMIT AS DEFINED IN SECTION 4-B-1-G. OF THE CHAPEL HILL ZONING ORDINANCE.

1. WITH REGARD TO SAFETY AND HEALTH: THE PROJECT IS LOCATED WITHIN THE CHAPEL HILL CORPORATE LIMITS. WATER, SEWER, ELECTRICITY, MUNICIPAL GARBAGE COLLECTION, POLICE AND FIRE PROTECTION ARE ALL NOW EXISTING ON THE PROPERTY. THE TRAFFIC ON MCCAULEY STREET DURING THE PEAK PERIOD FROM 4:00 TO 6:00 PM AVERAGES 51 CARS PER HOUR. THE ISSUANCE OF THE SPECIAL USE PERMIT WILL NOT SIGNIFICANTLY INCREASE THIS FLOW ON MCCAULEY STREET DUE TO THE FACT THAT 1) THREE APARTMENTS NOW EXIST ON THE PROPERTY - THIS STRUCTURE WILL BE REMOVED PRIOR TO ANY NEW CONSTRUCTION AND 2) THE LOCATION OF THE PROPERTY MAKES

CENTRAL BUSINESS DISTRICT VERY CONVENIENT. THE DRIVEWAY ENTRANCE FROM THE PROPERTY INTO McCAULEY STREET WILL REMAIN AS IT NOW EXISTS. OFF-STREET PARKING HAS BEEN PROVIDED IN A RATIO OF 2 PER DWELLING UNIT, WHICH IS IN EXCESS OF THE 1-1/2 PER UNIT SPECIFIED IN THE CODE. DEVELOPMENT WILL BE IN ACCORDANCE WITH ALL APPLICABLE SOIL EROSION AND SEDIMENT CONTROL REQUIREMENTS DURING THE SITE GRADING AND CONSTRUCTION. THE PROPERTY IS NOT LOCATED IN THE CHAPEL HILL FLOOD WAY OR FRINGE. MAY 22

2. WITH REGARD TO CONDITIONS AND SPECIFICATIONS: THE PROPOSED PROJECT WILL BE PLANNED AND CONSTRUCTED IN COMPLIANCE WITH ALL APPLICABLE ORDINANCES, CODES, REGULATIONS AND STANDARDS. ALSO EACH UNIT WILL BE PROVIDED WITH A PATIO AREA. THE REMAINING OPEN SPACE ON THE SITE WILL BE OWNED IN COMMON BY ALL THE UNIT DWELLERS.

3. WITH REGARDS TO PROPERTY VALUES: THE PROPERTY IS ZONED R-4 AND IS BORDERED ON THREE SIDES WITH R-4 ZONING. TO THE NORTH, ACROSS AN EXISTING RAILROAD SPUR, THE ZONING IS R-6. EXISTING LAND USES INCLUDE APARTMENTS, RENTAL DWELLINGS AND SINGLE-FAMILY UNITS. THE PROPOSED GEORGETOWN ROW IS IN CONFORMANCE WITH THE R-4 ZONING REGULATIONS AND DOES NOT INCREASE THE DENSITY ALLOWED OR ALTER THE PRESENT LAND USE IN THIS AREA, NAMELY A MIX OF MULTI AND SINGLE-FAMILY DWELLING UNITS. THE FACT THAT THESE UNITS WILL BE SOLD AS CONDOMINIUMS IN LIEU OF RENTING SHOULD STRENGTHEN PROPERTY VALUES. THE NEED FOR AN INCREASE IN AVAILABLE DWELLING UNITS IN CHAPEL HILL IS VERY CRITICAL. THE PROJECT WILL SUPPLY 5 UNITS WITHIN WALKING DISTANCE OF CHAPEL HILL'S GREATEST EMPLOYMENT CENTER.

4. WITH REGARD TO GENERAL CONFORMITY WITH THE PLAN OF DEVELOPMENT OF CHAPEL HILL AND ITS ENVIRONS: THE PROPOSED DEVELOPMENT IS PERMITTED WITHIN THE R-4 ZONE UPON ISSUANCE OF THE REQUESTED SPECIAL USE PERMIT. THE COMPREHENSIVE PLAN GOALS AND OBJECTIVES ENCOURAGES A MIX OF DIFFERENT TYPES OF RESIDENTIAL USES WITHIN VARIOUS SECTIONS. THIS PROJECT WILL PROVIDE THIS DESIGNED MIX. THE PROPOSED PROJECT IS NOT IN CONFLICT WITH THE THOROUGHFARE PLAN, GREENWAY PLAN OR FLOOD PLAIN REGULATIONS.

ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

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

Unified Business Special Use Permit for Chapel Hill Insurance Agency - Public Hearing

The developer proposed to construct two office buildings, comprising 3,620 sq. ft. of floor area, on 26,500 sq. ft. of land located at 620 Airport Road, zoned R-3. The property is south of the entrance to Townhouse Apartments and north of a property with three mobile homes and one residential structure.

Alderman Howes pointed out that the zoning ordinance forced the developer to provide more parking than was probably necessary in this location. Mr. Jennings responded that the parking area could be reduced.

Mr. Page stated the project would add approximately 15 vehicles to the site per day. All services and utilities are available to the site. The developer would meet all ordinances and specifications. Mr. Page felt the project would upgrade surrounding property values and was in harmony with the area. The private drive to Townhouse Apartments could be used for access. Mr. Troy Herring, the architect, stated the buildings would be wood stucco. They would try to save the existing trees and all possible vegetation. He submitted that statement of justification.

STATEMENT OF JUSTIFICATION  
FOR SPECIAL USE PERMIT FOR  
THE CHAPEL HILL INSURANCE AGENCY'S  
PROPOSED OFFICE BUILDINGS  
(Prepared by the Applicant)

The Chapel Hill Insurance Agency is planning to construct two office buildings on a site located on the east side of Airport Road, Chapel Hill, North Carolina, and the following provides factual information to support the four required findings which must be made by the Board of Aldermen in order to grant a special use permit for construction of the two buildings:

119 I. The use of this site as proposed on the plans submitted will not materially endanger the public health and safety.

a. Traffic.

These facilities will add a maximum 150 vehicles per day, which will not greatly affect traffic conditions. Airport Road has 1,000 feet plus line of sight at the proposed office complex entrance, which is well within the safe stopping distance requirements. There is also a possibility of alleviating traffic by using private road on the north side of said tract. Parking will be provided on asphalt paving for one space per 200 square feet, or 18 spaces.

b. Services. [Sewer, water, electric, garbage collection and fire protection]

(1) OWASA.

(2) OWASA - Connect to Airport Road and rear building in outfall line near creek. The required sewer capacity for the project will be smaller for office use than if it was developed as high density residential. We estimate the capacity to be 860 gallons per day for both buildings.

(3) Electric Power - Connect to existing Duke Power Company distribution on Airport Road.

(4) Garbage Collection - front-end loading containers for each building to be picked up by the Town of Chapel Hill.

c. Soil Erosion and Sedimentation Control Plans.

Plans will be prepared in accordance with the Orange County requirements.

d. Flood Plain.

The easternmost part of this property is located in the Flood Plain, however, no structures are designated in that area.

II. The use meets all required conditions and specifications.

a. The Chapel Hill Zoning Ordinance and land development regulations and standards will be met. Section 4-C-21, "Unified Business Developments" has been adhered to for this submission.

b. Recreation areas and open space provision are not required for this zoning.

III. The use will not substantially injure the value of adjoining or abutting property.

a. The proposed use of this site is compatible with the surrounding use of multi-family, shopping center, Town of Chapel Hill office complex and Thomas Heffner Real Estate Office (Old Burns Dental Office). This complex will upgrade the adjoining property value and will enhance the area.

b. The property is zoned R-3 and conforms to the unified business district requirements.

IV. The location and character of the use, if developed according to the plans as submitted and approved, will be in harmony with the area in which it is, and in general conformity with the plan of development of Chapel Hill and its environs.

a. These office buildings have been designed to conform to the existing conditions of the sloping site. The trees on the site will remain around the building. The use of the style of architecture used by other office buildings will complement the setting into a unifying and aesthetically pleasing project.

b. The property is located thirty-five (35) feet into Chapel Hill Flood Plain, and is not located in the thoroughfare plan or greenway plan.

BY: John Garrison

Alderman Cohen thought it better to have high density residential use here because it was close enough to campus to walk or bicycle. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

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

#### Annexation - Public Hearing

Mr. Jennings stated a resolution of intent to consider annexation had been adopted on April 10, and an annexation report approved by the Board. The public hearing being held had been advertised. The seven areas under consideration met state standards for urban development. Alderman Kawalec requested the Planning Board, in its consideration of the annexation, to look at the private roads in these areas, particularly whether these roads should be made public. Mr. Whitfield asked if curb and gutter would be provided in the areas to be annexed along Ephesus Road. There is much traffic in this area. Mr. Jenne answered that curb and guttering was not normally done except by petition. The areas were being developed according to the zoning ordinance.

Alderman Cohen pointed out that the Amity Church, YMCA, and the area nearby did not have fire protection since it was not in a fire district. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

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

#### Highway Improvements Program - Public Hearing

Mayor Wallace called the Board's attention to a letter from Transportation Board Chairman, Terry Lathrop, on the Highway Improvements Program.

Mr. Jennings stated the state was seeking projects to add to the seven year improvements program. Requests and suggestions from the public would be reviewed and evaluated by the staff, then the Planning Board and the Board of Aldermen in preparation for a public hearing for this district, on June 15, 1978, in Wentworth, North Carolina. In past years, the town had requested improvements to NC 86 and NC 54; McCauley Street extension; widening of the by-pass.

Mr. Rutherford expressed the university's support for some improvements, widening of Pittsboro Street and improvements to Pittsboro Street and 15-501 intersection, widening of the by-pass, widening of Manning Drive.

Mr. Lamar Crawford, represented the Pine Knolls community, supported the extension of McCauley Street, but wanted it limited to two lanes. They also wanted the curve on Merritt Mill Road straightened for better sight lines.

Ms. Margaret Taylor requested pavement of the portion of Laurel Hill Road which was under state maintenance.

Alderman Howes had received a request from a citizen that the portion of Estes Drive to be annexed at Airport Road be improved.

Mr. Reeve stated that many residents of the east side of town were concerned that widening 15-501 by-pass to four lanes might encourage more traffic instead of solving traffic problems. Alderman Smith reminded the Board that the County had agreed to widen NC86 to four lanes to I-85. He asked that this be put on the improvements program. Mayor Wallace stated the town needed a southern loop. Alderman Smith said traffic needed to be routed around the town. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, TO REFER THE MATTER TO THE PLANNING BOARD AND THE TRANSPORTATION BOARD FOR CONSIDERATION AND RECOMMENDATION.

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

On motion by Alderman Smith, seconded by Alderman Cohen, the minutes of May 8, 1978, were approved.

Ordinance Amending Section 6 of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas "Parking"

Mr. Jennings explained that when the reduction for parking for unified business special use requests was passed, the staff monitored the usefulness of this reduction. They were now suggesting other reductions, supported by the Board of Adjustment. The Appearance Commission was recommending a higher ratio of reduction than that recommended by the staff and Planning Board. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 6 OF THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that, after duly-advertised public hearing and recommendation by the Planning Board, the Board of Aldermen hereby amends the "Ordinance providing for the zoning of Chapel Hill and surrounding areas" as follows:

Section I

In Section 6-B-2-k, ADD a new second paragraph to read:

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 35% 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.

Section II

In Section 6-A, ADD a new subsection 7 to read:

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 20% of that required by the Zoning Ordinance.

Section III

AMEND Section 4-C-4-d to read:

d. Parking and Loading: Off-street parking shall be provided in accordance with the standards of Section 6, below.

Section IV

In Section 6-B-1-c, ADD a new subsection (3) to read:

(3) Convalescent and nursing homes: one space per two beds.

and RENUMBER present subsections (3) through (12) as numbers (4) through (13).

Section V

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

This the 22nd day of May, 1978.

CC581

Resolution Granting a Fraternity/Sorority House Special Use Permit to Epsilon Gamma Corporation for the Kappa Kappa Gamma Fraternity

Mr. Jennings stated there were two alternative site plans, one showing the required number of parking spaces, and one showing a reduction allowed under the ordinance just adopted. The Appearance Commission felt the reduction would present a better appearance and would be sufficient parking. Another issue was the height of the house and the side yard requirement, both of which were non-conforming. The non-conformity was believed to be acceptable as the property was made non-conforming by a change in the ordinance. The third issue was the widening of McCauley Street in the thoroughfare plan. The dedication of 5' required by the town would increase the non-conformity of side yard. The Appearance Commission did not agree with this dedication. The fourth issue was that of sidewalks along McCauley and Pittsboro. The staff believed they were necessary for the high level of pedestrian traffic in the area. The Planning Board and Appearance Commission felt the sidewalks would be out of character with the area and would possibly damage the root system of the trees. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Epting and Alderman Cohen agreed that a sidewalk here would be out of character.

A RESOLUTION GRANTING A FRATERNITY/SORORITY HOUSE SPECIAL USE PERMIT TO EPSILON GAMMA CORPORATION FOR THE KAPPA KAPPA GAMMA FRATERNITY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Fraternity/Sorority House proposed by Epsilon Gamma Corporation if developed in accordance with the plans submitted February 10, 1978 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 special use permit with exemptions from the following sections of the Zoning Ordinance: University A zoning district minimum setbacks and University A zoning district maximum building height regulations, is subject to the following stipulations which are a basis for the above findings:

WITH REGARD TO SAFETY AND HEALTH.

1. That any abandoned curb cuts be replaced by curb and gutter to Town standards.
2. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a certificate of occupancy. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.

WITH REGARD TO APPEARANCE.

3. That detailed architectural elevations, a landscape plan, sign plan and lighting plan be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy and prior to the removal of any trees having a six (6) inch or greater diameter.

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4. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
5. That the parking area be screened from abutting properties by a solid evergreen hedge to grow to a minimum of 6 ft. in height within 3 years where comparable screening is not presently provided. Such planting and its location to be included in the review of the landscape plan.
6. That all significant planting be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protections shall be shown on the landscape plan.

OTHER STIPULATIONS:

7. That provisions for trash collection be approved by the Town Manager.
8. That the applicant be permitted to reduce the number of required parking spaces by up to 20% as provided for in Section 6-B-2-k of the Zoning Ordinance on the findings that such a reduction is justified on the basis that no adverse increase in traffic congestion is expected because of the reduction and the area to be freed from parking will be used for additional landscaping.
9. That the applicant be permitted to have either a paved or gravel surface for the off-street parking area.
10. That construction begin by July 1, 1979 and be completed by July 1, 1980.

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

This the 22nd day of May, 1978.

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

Resolution Denying a Special Use Permit for the Harder Office Building

Mr. Jennings stated the main concern over the Harder Office Building was compliance with the Comprehensive Plan. Although located next to a commercial property along 15-501, the intent of the plan was to discourage commercial areas along thoroughfares from expanding. The Appearance Commission, Planning Board and staff recommended denial of the special use permit. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION DENYING A SPECIAL USE PERMIT FOR THE HARDER OFFICE BUILDING

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby fails to find that:

the location and character of the Unified Business Development Special Use requested for the Harder Office Building would 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; and, therefore,

BE IT FURTHER RESOLVED that the Board hereby denies the Special Use Permit requested for said development.

698 This the 22nd day of May, 1978.

CCES81

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN BOULTON, TO SUBSTITUTE THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO JON S. HARDER FOR THE HARDER OFFICE BUILDING

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the unified business development proposed by Jon S. Harder if developed in accordance with the plans submitted February 10, 1978 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:

WITH REGARD TO HEALTH AND SAFETY:

1. That prior to issuance of a certificate of occupancy for any building, Couch Street shall be paved to N. C. State Department of Transportation standards for the length of its frontage with the project. Paving plans shall be approved by the Town Manager prior to construction if such construction is by the applicant.
2. That the 15-501 frontage road be paved to N. C. State Department of Transportation standards for the length of its frontage with the project. Paving plans to be approved by the Town Manager prior to construction.
3. That 27½ feet of additional public right-of-way be dedicated along the project's frontage with Couch Street. Such dedication to be recorded prior to issuance of a building permit. That a revised site plan reflecting this dedication and the required alteration to the location of the buildings on the site be reviewed and approved by the Appearance Commission prior to issuance of a building permit.
4. That the installation of deceleration and turning lanes serving west bound traffic making right turns into Couch Street and east bound traffic making left turns into Couch Street be completed prior to issuance of a certificate of occupancy for any building. That plans for such improvements be approved by the Town Manager prior to construction if such construction is by the applicant.
5. That the location and installation of fire hydrants be approved by the Town Manager

WITH REGARD TO APPEARANCE

8. That detailed architectural elevations, a landscape plan, sign plan and lighting plan be submitted to and approved by the Appearance Commission prior to issuance of a building permit. That said landscaping plan shall provide for dense screening between the subject property and properties to the west, north and south.
9. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.



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10. That the parking areas be screened from abutting properties and public rights-of-way by a solid evergreen hedge a minimum of six (6) feet in height. Such planting to be included on the landscape plan.
  11. That significant planting be retained and protected where possible and that such planting be shown on the landscape plan.
  12. That a 75 foot wide permanent buffer strip be dedicated along the project's frontage with the U.S. 15-501 right-of-way. Such buffer shall be planted with appropriate trees and planting to achieve a solid appearing screen. Such planting to be included on the landscape plan.
  13. That the applicant be permitted to reduce the number of required parking spaces by up to 50% as provided for in Section 4-C-21-a of the Zoning Ordinance on the findings that such a reduction is justified on the basis of the type of use, that the office is not expected to need parking in the normally required ratio, no adverse increase in traffic congestion is expected because of the reduction, and the area to be freed from parking will be used for additional landscaping.

OTHER STIPULATIONS.

14. That provisions for trash collection be approved by the Town Manager. Upon annexation to the Town the owner shall provide trash collection facilities and screening meeting the standards of the Public Works Department. Provisions of such facilities shall not be a modification to the approved permit.
15. That a storm water drainage plan be approved by the Town Manager prior to issuance of a grading permit or building permit.
16. That construction begin by June 1, 1979 and be completed by June 1, 1981.

BE IT FURTHER RESOLVED that the Board hereby grants a unified business development special use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 22nd day of May, 1978.

He stated that he had changed his mind on this project. The area is not residential with the other commercial uses around, and the office building would not be out of character with the area. The office building would buffer residential uses to the west. Alderman Howes stated that he agreed with much of Alderman Epting's reasons, but he would vote against the project because he was opposed to outlying office locations. He wanted to move developers closer into town, with more compact development. Mayor Wallace said he felt denial of the permit would be arbitrary, that the project would serve as a buffer. Alderman Smith thought the comprehensive plan should stand. The residential area should be preserved. Alderman Vickery agreed with Alderman Epting. He worked in this area, thought it a pleasant area, and felt the project was screened well from the highway. It would provide encouragement for residential development as it provided a good buffer. THE MOTION TO SUBSTITUTE WAS DEFEATED BY A VOTE OF FOUR TO FIVE WITH ALDERMEN EPTING, BOULTON, VICKERY AND MAYOR WALLACE SUPPORTING AND ALDERMEN COHEN, HOWES, KAWALEC, SMITH AND THORPE OPPOSING. THE MOTION TO ADOPT WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN COHEN, HOWES, KAWALEC, SMITH AND THORPE SUPPORTING AND ALDERMEN BOULTON, EPTING, VICKERY AND MAYOR WALLACE OPPOSING.

CCER81

Resolution Denying A Zoning Map Amendment Requested by the University.

Mr. Jennings explained that in rezoning an area, the suitability of the requested zoning for the land had to be considered. The staff considered that the present zoning was consistent with the land use plan and policies. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING RESOLUTION.

MAY 21 1978

A RESOLUTION DENYING A ZONING MAP AMENDMENT REQUESTED BY THE UNIVERSITY OF NORTH CAROLINA

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby denies the request of the University of North Carolina for a zoning map amendment to change the zoning of approximately 15,240 square feet of land located on the west side of Pittsboro Street and identified as Chapel Hill Township Tax Map 86, Block E, Lot 10 from the existing R-10A zoning to University A zoning.

This the 22nd day of May, 1978.

Alderman Boulton and Alderman Howes felt the university might better be served with a buffer where the U-A zoning was tempered. The town should look at the fringe areas of the university altogether.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN COHEN OPPOSING.

Resolution Extending the Review Period for the Kennedy Apartments Special Use Permit Request

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

A RESOLUTION EXTENDING THE REVIEW PERIOD FOR THE KENNEDY APARTMENTS SPECIAL USE PERMIT REQUEST

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby grants an extension of the Planning Board's review period for the Kennedy Apartments special use permit to June 6, 1978.

This the 22nd day of May, 1978.

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

Resolution Declaring Davie Electric Company in Default

ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN BOULTON, TO DEFER THE ITEM UNTIL MR. DENNY COULD REVIEW SOME CORRESPONDENCE FROM THE OWASA ATTORNEY.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ordinance Closing Willow Drive/Booker Creek Bridge to Heavy Vehicles

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

AN ORDINANCE CLOSING WILLOW DRIVE/BOOKER CREEK BRIDGE TO HEAVY VEHICLES

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board of Aldermen hereby amends Section 21-6 of the Code of Ordinances, Town of Chapel Hill, by the addition of a new subsection (f) to read as follows:

Section 21-6(f) It shall be unlawful to operate a vehicle with a weight per axle of three (3) tons or more on the bridge on Willow Drive crossing Booker Creek approximately 1000 feet south of U.S. 15-501 By-Pass.

This the 22nd day of May, 1978.

Alderman Smith asked if this would eliminate school buses. Mr. Jenne responded that it would, but that the schools were making alternatives, there are other routes in and out of the area.

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

Ordinance to Implement the Enforcement of the Housing Code, Chapter 9 of the Code of Ordinances of the Town of Chapel Hill and Providing for the Condemnation and Demolition of All Buildings and Structures Deemed

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN, 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

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:

403 Sunset Drive (Mrs. Betty Atwater)

SECTION II

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

This the 22nd day of May, 1978.

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

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, 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

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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:

407 Lindsay Street (Heirs of Connie Barbee)

#### SECTION II

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

This the 22nd day of May, 1978.

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

Ordinance to Amend Chapter 8, "Garbage, Trash and Refuse"

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

AN ORDINANCE TO AMEND CHAPTER 8, "GARBAGE, TRASH AND REFUSE"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Chapter 8 of the Code of Ordinances, Town of Chapel Hill, as follows:

#### Section I

REWRITE Section 8-24 to read as follows:

#### Section 8-24. Rubbish Disposal

Shrubbery trimmings, tree trimmings and lawn clippings shall be placed by the occupant at the front of the premises or immediately adjacent to that portion of the street right-of-way normally used by vehicles. Shrubbery trimmings, tree trimmings and other similar materials for collection which are securely tied in bundles not heavier than seventy-five (75) pounds nor more than four (4) feet in length and twenty-four (24) inches in diameter, so that they can be handled by one man, will be picked up along with household refuse on a scheduled basis. For such scheduled pickup, limbs and boles over four inches in diameter shall have all projecting twigs and branches trimmed flush with the main cylinder. Cardboard, corrugated board, kraft board, wooden crates, lawn clippings or other rubbish shall be flattened and tied in bundles of such size that they can be handled by one man or placed in either plastic bags, heavy paper bags or refuse receptacles.

Rubbish which is not trimmed to length and bundled or bagged may be placed out for collection on an unscheduled basis whenever the Town may have available personnel. However, the Town will not pick up stumps and logs weighing over 75 pounds, or stones, or single accumulations of over five (5) cubic yards of rubbish.

Furniture and appliances may be placed behind the curb for special pickup after the Public Works Department has been notified.

Section II

In Section 8-25, ADD a new subsection (d) to read as follows:

8-25(d) No stumps or logs weighing seventy-five (75) pounds or more, and no stones will be picked up by the Town or be set out by citizens for Town pickup.

Section III

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

This the 22nd day of May, 1978.

Alderman Howes asked what the schedule would be for pick-up. Mr. Jenne responded that the Public Works Department estimated they could pick-up from each house once a month.

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

Resolution Declaring Davie Electric Company in Default

Mr. Denny stated the project involved was contracted prior to the transfer of the utilities. At the time of the transfer, some contracts were retained by the town and some were assigned to OWASA. Davie Electric Company had not been doing any work on their contracts. OWASA had already declared Davie Electric Company in default and called in the bonding company to complete the electrical work on the capacity enlargement of the treatment plant. The town had sought to work with Davie Electric Company on the vaccum filter building, but Davie Electric Company had refused to do any work on this since they were not completing the larger contract assigned to OWASA. The town engineer recommended the town declare Davie Electric Company in default of the other contract. ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION DECLARING DAVIE ELECTRIC COMPANY IN DEFAULT

BE IT RESOLVED by the Board of Alderman of the Town of Chapel Hill that the Board hereby declares the Davie Electric Company in default on its contract of February 15, 1977, with the Town for construction of improvements to the Mason Farm Wastewater Treatment Plant, and directs the Town Manager to inform Davie and the bonding company for the project of said Declaration of Default.

This the 22nd of May, 1978.

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

Resolution Declaring Eleven Articles of Personal Property Surplus and Authorizing the Sale of Said Property by Public Auction and Directing the Sale of Said Property

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

A RESOLUTION DECLARING ELEVEN ARTICLES OF PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTY BY PUBLIC AUCTION AND DIRECTING THE SALE OF SAID PROPERTY

WHEREAS, Article 12 of General Statutes 160A and Section 4:144 of the Charter of the Town of Chapel Hill authorize the Town to dispose of surplus personal property, and

WHEREAS, the Town desires to dispose of certain articles of personal property, no longer needed for Town purposes, NOW THEREFORE,

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

SECTION I

That the following articles of personal property are hereby declared surplus property:

1976 Plymouth Fury Sedans	3
1975 Plymouth Fury Sedans	3
1974 Plymouth Fury Sedan	1
1970 Plymouth Duster	1
1968 Volkswagon	1
1971 GMC Garbage Truck	1
1965 Chevrolet 1/2 Ton Truck	1

SECTION II

That the Town Purchasing Agent be, and is hereby authorized to dispose of any and all articles according to the applicable procedures by Public Auction thereof, with sales made to the highest bidder and designated final on the day of the auction.

SECTION III

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill that if any of the above surplus property is not sold at auction, the Purchasing Agent is hereby authorized to sell such surplus property either by advertisement for sealed bids under the provisions of General Statute 160-268, or by private sale under the provisions of General Statute 160A-267, choice of method to be determined by the value and sales potential of the left over items.

This the 22nd day of May, 1978.

In answer to Alderman Boulton, Mr. Jenne explained that the town had not been in position to auction the vehicles when they held their regular auction in April. Now Durham was holding an auction and for a fee of \$50 plus the usual cut to the auctioneer, the town could have the vehicles auctioned.

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

Ordinance Amending Section 14-100, "Compulsory Retirement"

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

AN ORDINANCE AMENDING SECTION 14-100, "COMPULSORY RETIREMENT"

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

Section 14-100 Compulsory Retirement

With the exception of disability or voluntary retirement, each full-time permanent employee shall be retired on December 31 following the employee's seventieth (70th) birthday.

SECTION II

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

This the 22nd day of May, 1978.

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

Preliminary Consideration of Report from Mayor's Committee for Public Safety

The Board agreed to take up the report at a special meeting on May 31, 1978, at 7:30 P.M. The Mayor had asked the Manager to prepare a response to this report.

Audit Committee Report

Alderman Vickery reported that the Committee had met with Peat, Marwick and Mitchell representatives to discuss a proposal for the Board in which the selected auditor would work with the consultants on the performance auditing of the Police Department. The proposal was now being evaluated.

Committees and Commissions

The Historic District Commission had forwarded the names of Diane Hubbard and Virginia Hiday for nominations. Alderman Epting nominated Art Housman.

The Recreation Commission had forwarded the names of Linda Mews and Dell Little for nominations.

Alderman Cohen was appointed as the aldermanic representative to JOCCA.

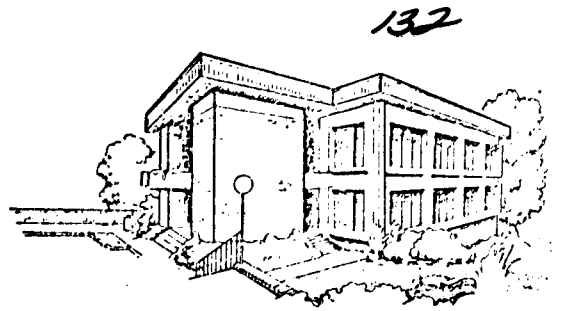
There being no further business to come before the Board, the meeting was adjourned.

Mayor James C. Wallace 

Town Clerk, David B. Roberts 

# TOWN OF CHAPEL HILL

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



## NOTICE OF SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL

TO:

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the \_\_\_\_\_, at 7:30pm on May 31, 1978, \_\_\_\_\_

James C. Wallace  
MAYOR

### ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable \_\_\_\_\_, Mayor, to be held in the \_\_\_\_\_.

James C. Wallace  
MAYOR

Beverly Kawase  
Jonathan R. Hovs  
R. D. Smith  
Paul E. ...  
Marion Britton  
Bill ...  
Edward Victory



