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MINUTES OF A REGULAR MEETING
OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, JULY 10, 1978
7:30 P.M.

Mayor Pro Tem Epting called the meeting to order. Present were:

Marilyn Boulton
Gerald Cohen
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. Alderman Howes was excused. Mayor pro tem Epting explained that Mayor Wallace could not attend the meeting because of illness in his wife's family.

Resolution of Appreciation for Alvis G. Turner

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

WHEREAS, Mr. Alvis G. Turner served as a member of the Library Board of Trustees from September 1973, until June 1978, and

WHEREAS, Mr. Turner gave long hours of dedicated service as a member of the Library Board, and made the invaluable contribution of his professional knowledge and expertise in long-range planning, goal-setting, and policy-making to provide and define future growth of library service to the community;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill, on behalf of all of the citizens, express deep appreciation to Alvis G. Turner, for the excellent services rendered; and

BE IT FURTHER RESOLVED that this resolution be signed by the Mayor and each member of the Board of Aldermen and a copy be duly filed with the permanent records of the Town of Chapel Hill.

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Minutes

On motion by Alderman Vickery, seconded by Alderman Smith, the minutes of June 26, 1978, were approved subject to later amendments by Alderman Smith because he had not received a copy of the minutes.

Petitions and Requests

Mayor pro tem Epting asked that as Mr. Sharer was attending the meeting in regard to the franchise for Carrboro, that the item be moved up on the agenda. There were no objections.

Mayor pro tem Epting suggested that a special meeting in executive session be held on July 19 to discuss Mr. Jenne's situation. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN BOULTON, THAT A SPECIAL MEETING BE CALLED ON JULY 19 AT 4:00 P.M. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Report on a Request for a Franchise to Operate a Public Transit System in the Town of Chapel Hill

Mr. Lathrop stated that the Transportation Board met in a special meeting to consider the question of a franchise to Carrboro. The Board had voted unanimously 7 to 0 to recommend denying the franchise. Their main reasons were concern about a second public transit system operating in what is essentially a single community, dismay over the lack of communication and cooperation between the two towns, and the possible effect on Chapel Hill's

status of federal eligibility for grants. This has been a problem before with the Raleigh Coach lines. Alderman Cohen asked if Asheboro could sign an agreement giving up their rights under Section 13C. Mr. Denny responded that this could be part of an agreement, but the federal government might not honor such an agreement. There were many questions raised which he could not answer for lack of information. Alderman Cohen asked if it would be useful to give tentative approval tonight then continue discussions over the next two weeks and possibly vote against the franchise at its second reading. Mr. Lathrop answered that he saw no reason to grant the franchise. If the Board of Aldermen wanted to do so, then granting preliminary approval was reasonable. Alderman Cohen asked if chances were good for reaching an agreement with Carrboro. Mr. Lathrop thought negotiations were going well.

Alderman Vickery was concerned that only Carrboro citizens would be able to use the separate system being considered by Carrboro. And, if Chapel Hill continued to grant franchise to separate systems, they would soon be running a system of such small size that it would be uneconomical. Chapel Hill would lose its control over the types of buses in the town with separate systems.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, TO DENY CARRBORO'S PETITION FOR A FRANCHISE TO OPERATE A PUBLIC TRANSIT SYSTEM IN THE TOWN OF CHAPEL HILL. THE MOTION WAS CARRIED BY VOTE OF 6 TO 1 WITH ALDERMEN BOULTON, EPTING, KAWALEC, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMAN COHEN OPPOSING.

Resolution Closing a Portion of McCauley Street on July 15, 1978

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

A RESOLUTION CLOSING A PORTION OF McCAULEY STREET ON JULY 15, 1978

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the closing to vehicular traffic of the portion of McCauley Street between Ransom Street and Pittsboro Street on July 15, 1978, between the hours of 4:00 p.m. and 10:00 p.m. to allow a block party to be held, upon the following stipulations:

1. The residents will man the barricades at either end of the street to allow immediate access by emergency vehicles; and
2. The residents will completely clean up the street by 10:00 p.m.

This the 10th day of July, 1978.

Alderman Smith asked if the petition had been checked. Mr. Ken Bower stated that all residents on the portion of the street to be closed had signed. Some of the apartments were not occupied. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Granting a Unified Housing Development Special Use Permit to Lillyan H. Page for the Construction of Five Condominium Dwelling Units on McCauley Street

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

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO LILLYAN H. PAGE FOR THE CONSTRUCTION OF FIVE CONDOMINIUM DWELLING UNITS ON McCAULEY STREET

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the construction of five condominium dwelling units proposed by Lillyan H. Page if developed in accordance with the plans submitted April 7, 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

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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 APPEARANCE

1. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
2. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
3. 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.
4. That the off-street parking area be screened from the abutting property to the west by a solid six-foot high screen consisting of vegetation and/or fencing. The detailed design of such screen shall be shown on the landscape plan.
5. That as much significant planting as possible 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 protection shall be shown on the landscape plan.
6. That paved areas be set back as far as possible from trees to be retained.
7. That the applicant identify on the landscape plan those trees which require a tree feeder system to ensure the continued provision of proper tree nourishment, including adequate water, air, and nutrients to the root system of said trees. The design specifications for such a tree feeder system and the proposed specifications for its installation shall be shown on the landscape plan, and shall be reviewed and approved as part of the landscape plan.
8. That the site plan be revised to include eight off-street parking spaces rather than the ten spaces originally proposed. That the area "freed-up" by this parking reduction shall be used for additional landscaping.

WITH REGARD TO SAFETY AND HEALTH

9. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
10. That a paved sidewalk be constructed along the property's frontage with McCauley Street. The design of such sidewalk shall be approved by the Town Manager prior to construction.

OTHER STIPULATIONS

11. That provisions for garbage collection be approved by the Town Manager.
12. That an additional five feet of right-of-way be dedicated along the applicant's frontage with McCauley Street. Such dedication shall be recorded prior to issuance of a certificate of occupancy.
13. That construction begin by September 1, 1980 and be completed by September 1, 1982.

Mr. Berger explained that the request was for a unified housing development special use permit for 5 units on 1/2 acre of land located on the north side of McCauley Street near Brookside Drive, zoned R-4. The applicant had stated there would be no significant increase in traffic since there would only be a net increase of two units on the property and because it was within walking distance of the hospital and the central business district. The project was consistent with the zoning of the area and with the comprehensive plan which calls for a mixture of residential housing in the area. The applicant proposed ten parking spaces, but the staff felt 8 would be adequate and would permit more area to be used in landscaping. Alderman Smith asked how the extension of McCauley Street would affect this project. Mr. Berger responded there was enough room for the widening of McCauley Street. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Denying a Special Use Permit for the Chapel Hill Insurance Agency Office Building

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

A RESOLUTION DENYING A SPECIAL USE PERMIT FOR THE CHAPEL HILL INSURANCE AGENCY 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 Chapel Hill Insurance Agency 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.

This the 10th day of July, 1978.

Mr. Berger stated the request was to construct two office buildings on a 1/2 acre site, zoned R-3 and R-4. The project would be located on the east side of Airport Road near the drive for Townhouse Apartments. Access would be by private drive to Airport Road. The applicant had stated the increase in traffic would be slight. The project would upgrade adjacent property values. The staff believed the project to be inconsistent with the comprehensive plan which discourages strip development. They recommended the Board fail to find that the project would be in harmony with the plan of development for Chapel Hill and deny the request for a special use permit.

Mr. Page stated he thought the highest and best use for the property would be an office building. He argued that the Board should not strictly adhere to the land use plan because it was only a guideline. The project would be less of a use than an apartment building. Alderman Kawalec said the land was not appropriate for two buildings; that the second building looked "stuck in". She added that the town should give the land use plan a chance to work. Alderman Vickery agreed.

Mayor pro tem Epting stated this project was similar to the Harder Office Building. The applicant had done a good job with scale for the building. No one had proposed building apartments on the site, and he did not believe that if the Board denied the permit that anyone would propose building apartments. Alderman Thorpe stated that in talking to citizens in town, he had determined that they approved of this project.

The motion failed by a vote of 4 to 3 with Aldermen Kawalec, Smith and Vickery supporting and Aldermen Boulton, Cohen, Epting and Thorpe opposing. ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN THORPE, THE FOLLOWING RESOLUTION.

219. A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO CHAPEL HILL INSURANCE AGENCY FOR THE CONSTRUCTION OF TWO OFFICE BUILDINGS ON AIRPORT ROAD

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the construction of two office buildings proposed by Chapel Hill Insurance Agency if developed in accordance with the plans submitted April 5, 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 APPEARANCE

1. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
2. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
3. 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.
4. That the off-street parking area be screened from properties to the north and south by solid evergreen planting a minimum of six (6) feet in height, and screened from the public right-of-way by a solid screen a minimum of three feet in height. Such screening shall be shown on the landscape plan.
5. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provision for such protection shall be shown on the landscape plan.

WITH REGARD TO SAFETY AND HEALTH

6. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
7. That the off-street parking area be paved.
8. That any abandoned curb cuts be replaced by curb and gutter to Town standards.
9. That a paved sidewalk be constructed along the frontage of the property with Airport Road.

OTHER STIPULATIONS

10. That provision for trash collection be approved by the Town Manager.
11. That both buildings one and two be constructed simultaneously. That a building permit be issued only upon submission of detailed construction plans for both buildings and that a certificate of occupancy be issued only upon completion of construction of both

12. That construction begin by September 1, 1980 and be completed by September 1, 1982.

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 10th day of July, 1978.

Alderman Smith said the Board had asked the Planning Board and staff for guidelines, and they were worth nothing if not used. Mayor pro tem Epting argued that the land use plan was not a concrete zoning ordinance, and if there were occasions where it was felt to be inappropriate to the circumstances, the Board should not abiccate its responsibility to decide on those circumstances by refusing to deviate from the land use plan. Alderman Vickery thought there should be deviations when there were good reasons. THE VOTE WAS FOUR TO THREE WITH ALDERMEN BOULTON, COHEN, EPTING AND THORPE SUPPORTING AND ALDERMEN KAWALEC, SMITH AND VICKERY SUPPORTING AND ALDERMEN KAWALEC, SMITH AND VICKERY OPPOSING; HOWEVER THE RESOLUTION WAS NOT ADOPTED BECAUSE IT DID NOT RECIEVE THE NECESSARY FIVE VOTES. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN THORPE, TO PLACE THE MATTER ON THE AGENDA FOR THE NEXT MEETING. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO TWO WITH ALDERMEN BOULTON, COHEN, EPTING, THORPE AND VICKERY SUPPORTING AND ALDERMEN KAWALEC AND SMITH OPPOSING.

Resolution Granting a Modification of the Special Use Permit for Delta Delta Delta Sorority House to Delta Delta Sorority.

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

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR DELTA DELTA DELTA SORORITY HOUSE TO DELTA DELTA DELTA SORORITY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to Delta Delta Delta Sorority on November 22, 1976 for a Fraternity/Sorority House at 407 East Franklin Street is hereby modified to allow the removal of a shed and alteration of the layout of off-street parking as shown on plans submitted June 20, 1978 subject to the following:

1. That the parking spaces to be located in the northeast corner of the property be screened from the adjoining property to the north by a solid screen a minimum of 6 feet in height, such screen shall be shown on the landscape plan and shall be approved by the Historic District Commission.
2. That parking space #6 on the submitted site plan dated June 6, 1978 be deleted and moved to point "A" as marked on the site plan. That parking spaces 1 through 5 and 15 through 18 be moved south a distance of 9 feet thus increasing the landscape buffer along Rosemary Street from 6 feet to 15 feet.
3. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Board finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial special use permit.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted June 20, 1978 continues to meet the four findings made by the Board of Aldermen on November 22, 1976 (and subsequently modified).

This the 10th day of July, 1978.

Mr. Berger stated the project was located at the intersection of E. Franklin Street and Hillsborough Street. The modification request was to remove a shed and replace it with two parking spaces. The applicant also wished to alter the design of the parking and reduce the buffers along Rosemary Street and Hillsborough Street to 6' and 12' respectively to save a Victorian garden and some existing trees. The bulk trash container would be moved 20' north but would have more landscaping around it. The staff felt the removal of the shed would be acceptable, provided the parking was screened; however, with slight alteration, the buffers along Rosemary Street and Hillsborough Street could be 15' and 12' respectively. Mayor protem Epting was concerned that moving the trash container closer to the adjoining property would increase the noise for the adjacent property owner. Alderman Smith believed another

public hearing should be called to allow citizens input into the modifications as this was originally a controversial project. In response to Mr. Shipman, Mr. Berger stated that residents of the area had not been notified of proposed changes, that the town had no policy for notification of residents when a modification to a special use permit was requested. However, the Planning Board and Historic District Commission felt the modifications as outlined by the staff were acceptable. Alderman Vickery agreed with Alderman Smith that there should be another public hearing. Alderman Cohen asked if there had been any residents at the Planning Board meeting. Mr. Berger said there had not been. Alderman Kawalec was against holding another public hearing as most of the changes were to save landscaping and were major improvements. She did not believe a public hearing needed to be held for a detail such as moving the trash container 10'. Alderman Cohen stated that five of the neighbors were on the Historic District Commission and the neighborhood would have known if the changes had been objectionable. Alderman Boulton agreed.

Mayor pro tem Epting suggested delaying voting on the matter until the next meeting and notifying neighbors that the Board would be voting on the matter then. The applicant objected to this because of the time schedule with construction. Alderman Smith stated that the applicant could go on with construction on the house, but that the residents should be notified of the changes to be made in the landscaping and parking. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN SMITH, THAT THE MATTER BE TABLED UNTIL JULY 19, AND THAT RESIDENTS BE NOTIFIED THAT THE BOARD WOULD BE CONSIDERING IT AT THAT TIME. The applicant stated Mr. Breck was aware that the dumpster would be moved. She asked that the dumpster issue be isolated and a modification issued for the rest of the project. Mr. Breck had no objection to any of the changes being made. Alderman Vickery stated he was arguing for the principle of notifying neighbors of modifications. He withdrew his motion to substitute. Ms. Rooks explained that the detailed landscape plan still had to be approved by the Historic District Commission. This could be advertised for the neighbors. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ordinance Amending Chapter 18, Code of Ordinances, Town of Chapel Hill

Alderman Vickery stated he did not believe enough consideration had been given to the visual blight the transformers would cause. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING CHAPTER 18, CODE OF ORDINANCES, TOWN OF CHAPEL HILL (SUBDIVISION ORDINANCE)

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Chapter 18 (the Subdivision Ordinance) of the Code of Ordinances, Town of Chapel Hill is hereby amended as follows:

Section I

In Section 18-50, AMEND subsections (1) and (2) to read:

- (1) All distribution lines, feeder lines, and house connections (not to include transformers or enclosures containing electrical equipment including but not limited to switches, meters, or capacitors which may be padmounted) in subdivisions for which preliminary sketches are submitted for approval on or after June 12, 1972 shall be placed underground.
- (2) It is the intent of this section that all new feeder lines and combined feeder and distribution lines (not to include transformers or enclosures containing electrical equipment including but not limited to switches, meters, or capacitors which may be padmounted) shall be placed underground. The Board of Aldermen, on recommendation by the Planning Board, based on a finding of hardship, may grant exemptions to this provision.

Section II

- (3) The following requirements shall apply to the use of padmounted transformers.

- A. The location and installation of padmounted transformers within subdivisions shall be coordinated with the Town to ensure that the installation of such transformers is not in conflict with projected street and sidewalk improvements.
- B. Within areas of special flood hazard, padmounted transformers shall be protected against flood damage from a 100-year flood. Padmounted transformers located within areas of special flood hazard shall be located, installed and designed so as not to be hazardous to the public health and safety in the event of a 100 year flood.
- C. Pads shall be installed so as to appear level to the eye.
- D. The proposed location of distribution lines, feeder lines, easements and padmounted transformers shall be shown on the preliminary sketch.
- E. Electric utility companies shall permit the screening and painting of residential pad-mounted transformers by the owner of the property on which the transformer is located or the owner of the property abutting the public right-of-way on which the transformer is located. Guidelines for such screening and painting may be developed by the utility company for distribution to the public to ensure that accessibility for service by utility personnel is available. When such guidelines are developed customers who desire to screen or paint pad-mounted equipment shall contact the electric company to obtain guidelines which are in compliance with that utility's underground installation plan.

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and RENUMBER present subsections (3) and (4) as numbers (4) and (5).

Section III

In Section 18-89, in the first sentence, SUBSTITUTE for the words "and other recreational areas," the following:

other recreational areas, electric distribution lines, electric feeder lines, electric transformers,

Section IV

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

This the 10th day of July, 1978.

Alderman Smith asked about the safety of the transformers. Mr. Martin stated that the transformers had been in use by the University since 1973. They were used because of the problems with the reliability of the underground transformers. This request was for a change in the ordinance to speak to the existing situation. The pad-mounted transformer is an industry accepted standard. Duke Power has a double locking system on the transformers. Mr. Martin added that the Planning Board had provided for screening of the transformers. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ordinance Amending Chapter 18, Code of Ordinances, Town of Chapel Hill

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

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Chapter 18 (the Subdivision Ordinance) of the Code of Ordinances, Town of Chapel Hill is hereby amended as follows:

SECTION I

In Section 18-68, in the first sentence of the third paragraph, SUBSTITUTE for the clause "if it meets all of the following standards:" the clause:

"upon consideration of the following:"

SECTION II

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

This the 10th day of July, 1978.

Alderman Smith stated this would be a deviation from the standards, and would be removing the requirements for those streets. Mr. Drake read the standards. Mr. Denny explained that this amendment was to add flexibility in permitting a reduction in the width of the streets as the Board had wanted to do in some cases recently. THE MOTION WAS CARRIED BY A VOTE OF SIX TO ONE WITH ALDERMEN BOULTON, COHEN, EPTING, KAWALEC, THORPE AND VICKERY SUPPORTING AND ALDERMAN SMITH OPPOSING.

Ordinance to Amend Article VIII, Chapter II, Code of Ordinances, Town of Chapel Hill

Mr. Lathrop stated the amendment would bring under the Transportation Board pervue several areas related to transportation. This would be putting into policy a practice which has been followed for the last five to six months. Alderman Cohen asked if the Streets and Traffic Committee would also be looking at matters involving on-street parking. He was concerned that with both advisory committees considering these matters, it would take a longer time for them to come before the Board of Aldermen. Mr. Shipman suggested the procedure could be changed to expedite matters. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN KAWALEC, ADOPTION OF THE FOLLOWING ORDINANCE.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

AN ORDINANCE TO AMEND ARTICLE VIII, CHAPTER II, CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Section 2-134 of Article VIII, Chapter II, Code of Ordinances, Town of Chapel Hill entitled "Transportation Board" be amended by re-writing subparagraph e and f thereof, and adding new subparagraphs to read as follows:

- e. Advise the Board of Aldermen on all matters pertaining to transportation planning for the community;
- f. Advise the Town Manager and the Board of Aldermen regarding the operation of on-street and off-street parking facilities, which are under the control of the Town, including but not limited to the hours of operation, fees, and use of tokens;
- g. Advise with respect to planning for parking facilities within and without the central business district including peripheral parking lots for park ride operations;
- h. Advise the Town Manager and the Board of Aldermen with respect to the implementation of recommendations concerning transportation policy and facilities within the planning district;
- i. Advise the Town Manager and the Board of Aldermen with respect to taxi and other franchise carrier operations within the Town;
- j. Advise the Town Manager and the Board of Aldermen with respect to transportation planning, both short and long range, and specifically advise with respect to the continued updating of the five (5) year capital improvement plan as it applies to transportation facilities.

SECTION II

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

This the 10th day of July, 1978.

Mr. Lathrop explained that the rate changes would be regularizing prices. Mr. Shipman stated that this had been considered by the Board at the budget sessions but was inadvertently left out of the budget ordinances and resolution. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SETTING BUS FARES AND BUS PASS RATES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby sets the following rates for Chapel Hill Transportation System fares and pass rates:

<u>AGE</u>	<u>FARE</u>	<u>PASS PRICE</u>
0-5	Free	N/A
6-12	15¢	\$16
13-17	15¢	\$16
18-64	25¢	\$22/\$40*
65-	15¢	\$16
Handicapped	15¢	\$16

*Six Month pass @ \$22/Full Year Pass @ \$40

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This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ordinance Amending the Zoning Ordinance

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

AN ORDINANCE AMENDING THE ZONING ORDINANCE (PARKING REQUIREMENTS FOR NURSING HOMES)

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" as follows:

In Section 6-B-2, ADD a new subsection e. to read:

- e. Convalescent and nursing homes: one space for each two bed capacity in such institution.

and RELETTER present subsections e-k as new subsections f-l.

Section II

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

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ordinance Amending the "Flood Damage Protection Ordinance"

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

AN ORDINANCE AMENDING THE "FLOOD DAMAGE PROTECTION ORDINANCE".

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends subsection 5-57 (3) of the Code of Ordinances, Town of Chapel Hill, by REPLACING the word "Aldermen" in the second sentence with the word "Adjustment".

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Authorizing Application for a Preservation Press Grant

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

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager to apply for a 50% matching grant from the Publications Grant Program of the Preservation Press to cover a portion of the \$1,000 cost of publishing a design guidelines handbook for the Chapel Hill Historic District; and

BE IT FURTHER RESOLVED that the Board understands the Town will not enter into this project without matching funding of 25% of the total project cost by the Chapel Hill Preservation Society.

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Authorizing the Town Manager to Execute a Community Development Block Grant Entitlement Agreement

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT AGREEMENT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that Kurt J. Jenne, Town Manager, is hereby authorized to sign on behalf of the Town of Chapel Hill the Grant Agreement for \$302,000 in Community Development Block Grant Entitlement funds for the program year beginning July 1, 1978.

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Ordinance Amending Chapter 21

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

AN ORDINANCE AMENDING CHAPTER 21 (LOADING ZONE)

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

SECTION I

In Section 21-35(d) REPLACE the figures "410 feet" and "500 feet" with the figures "494 feet" and "558 feet" respectively.

SECTION II

AMEND

Section 21-36(1) to read:

- (1) The metered parking space located on E. Franklin Street 434 ft. east of the E curb line of S. Columbia St., approximately 42 ft. east of the crosswalk.

SECTION III

AMEND the second sentence of Section 21-29(b) to read:

Two-hour parking from a point 403 ft. east of the E curb line of S. Columbia St. to a point 425 ft. east of said curblines, for the parking only of motor scooters, motorcycles, and two-wheeled self-prepelled vehicles.

SECTION IV

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

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Setting a Public Hearing for Resale of NDP Property

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

A RESOLUTION SETTING A PUBLIC HEARING FOR RESALE OF NDP PROPERTY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby sets a public hearing as previously advertised, on July 24, 1978 at 7:30 P.M. in the Meeting Room of the Municipal Building, 306 N. Columbia Street, to consider private sale by the Housing Authority of two parcels of land located at the corner of Brooks and Cotton Street, to Albert Washington in furtherance of the purposes of the Community Development program.

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Certifying the Roster of Town of Chapel Hill Firemen

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

A RESOLUTION AUTHORIZING CERTIFICATION OF FIREMEN

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that Mayor James C. Wallace is hereby authorized to certify to the N.C. Firemen's Pension Fund the attached roster of firemen and public safety officers employed by the Town of Chapel Hill on June 30, 1978.

This the 10th day of July, 1978.

CHAPEL HILL FIRE DEPARTMENT

Officers:

Chici Everette L. Lloyd
Assistant Chief Robert B. Williams
Fire Marshal Joseph H. Robertson
Assistant Fire Marshal Randall L. Easter
Captain Frederick Merricks
Captain Currie Maynor
Captain Marvin Morris
Captain Bobby Pendergraph
Lieutenant Harold Horne
Lieutenant Rodney Murray
Lieutenant Grover Brinkley
Lieutenant Albert Williams
Lieutenant C. Williams
Lieutenant Myrle Smith
Lieutenant James Hollowell
Lieutenant Phil Thomas

Firemen:

Jerry Morris
Lewis Atwater
Arnold Fletcher
Tim Jordan
Jennings Dail
Larry Honeycutt
Jimmy Tapp
Larry Johnson
Dwight Price
Michael Elliott
Dale Swiggett
Michael Tapp
Ray Crabtree
Lemuel Henderson
Wayne Williamson
Don Knight
Ricky Whitfield
Reginald Farrow
Odell Hewett
Bernard Farrington
DeLeon Bynum
Billy Breeden
Jimmy Carver
Claude Neville
Lamont Durham
Sam Price
David Lewis
Billy Thompson
Billy Terry

Public Safety Officers:

Chesley T. Austin
Jerry Harris
Gregg Jarvis
Marvin Clark
David Hobbs
Robert Frick
James C. Hester
David Woody
Dale Parks
William E. Rounds

Ronald R. Downey
Joseph Jackson
John Butler
James DeCatsye
Michael Lane
Ricky Butler
Bobby Smith
Lola Pearson
Steve Talmadge

Cross-Trained Policemen:

Sally Jordan
Gregg Roper
Alvin Allen
Barry Thompson
Charlie Farrington

Call Firemen:

John J. Keller
Norman F. Jackson
Charles Durham
Charles A. Roberson
Archie W. Creef
Albert W. Brinkley
Lee C. Sudia

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THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Report by the Attorney on the Open Meetings Law

Mr. Denny had distributed his report. He stated that the intent of the material was to give the Board members a copy of the new law. However, he had found that a couple of pages were missing from the report and it would have to be corrected later. The Board had decided at its last meeting that two of its regular meetings would conflict with other meetings. An ordinance needed to be adopted to change the date of these two meetings to avoid waiver of notice and the problem with notice of the meeting. He further explained the new open meetings law. Alderman Cohen asked that a resolution be drawn for the Board's consideration, providing that request for a special meeting notice be made annually, but that there be no fee. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND SECTION 2-3, CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Section 2-3, Code of Ordinances, Town of Chapel Hill be and the same is hereby amended by adding the following sentence at the end thereof:

"The regular meeting scheduled for the 4th Monday in October shall be held on the 30th day of October, and the meeting scheduled for the 4th Monday in November shall be held on the 20th day of November, 1978.

SECTION II

All Ordinances and portions of Ordinances in conflict are herewith repealed.

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Accepting a Donation for Dog-Run Doors

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

A RESOLUTION ACCEPTING A DONATION FOR DOG-RUN DOORS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby agrees to accept the donation of \$1,364.00 from Mrs. Friedrich Solmsen, said donation being conditioned upon its use by the Town to install sliding gates on the interior kennel runs of the Animal Shelter in place of the swinging gates originally specified.

This the 10th day of July, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Future Agenda Items

Alderman Vickery asked that a post-mortum budget session be scheduled for September. Alderman Cohen asked if the bikeways use ordinance would be at the next meeting. Mr. Shipman responded that it would.

Executive Session

ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN COHEN, THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO CONSIDER PROPERTY ACQUISITION.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

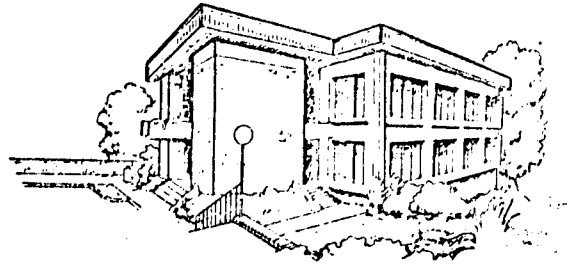
There being no further business after the executive session to come before the Board, the meeting was adjourned

Mayor James C. Wallace

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

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Conference Room, at 4:00 p.m. on July 19, 19 78, to adjourn to executive session to discuss personnel matters and property acquisition.

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 James C. Wallace, Mayor, to be held in the Conference Room, on July 19, 1978, at 4:00 p.m.

James C. Wallace
MAYOR

Bill Thorpe
Marilyn Boulton
R. D. Smith
Edward Vickery
Gerald Cohen
Beverly Kawalec

Left Copy at Jonathan Howes residence 7-18-78 at 2:10 P.M.
DAB

