

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE  
MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL,  
MUNICIPAL BUILDING, SEPTEMBER 25, 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 Interim Town manager G. Shipman, Town Attorney E. Denny and Deputy Clerk M. Harkins.

Mayor Wallace asked Mr. Denny to explain the public hearing process. Mr. Denny explained that the public hearing, required both by law and by the zoning ordinance served two purposes. The first was a public hearing where any member of the audience could express an opinion. The second purpose, with respect to the special use process, was to enable the Board of Aldermen to find whether or not certain facts exist with respect to applications. The Courts have held that in considering special use requests, the Board of Aldermen sits as a quasi-judicial body and as such receives evidence as would be received in a court of law. Therefore anyone desiring to present evidence in support of or in dispute of any factual matter with respect to a request must be sworn. This would be the only legal opportunity for members of the public to present evidence as a matter of right. The only action which the Board could take at this time would be to refer the matter to the Planning Board. Mr. Denny then reviewed the four findings which must be made to grant the special use request.

Special Use Request for the Sycamore School - Public Hearing

All persons wishing to give evidence were sworn. Mr. Jennings presented the proposal for a child day care center. The proposal was to use three classrooms and the outdoor play area of the Church of Reconciliation on Elliott and Old Oxford Road. The land use plan does not address the location of day care centers. The church however, is allowed in a residential zone. There is a waiting list for the day care programs serving children under two and a demand for federally certified day care centers which exceeds supply. The program has provisional certification. At the public discussion there were no concerns expressed about the use of the property but were concerns about having to go through the special use process.

Ms. Bazley, Director of the Center, stated the program was set up for 16 children, Monday through Friday. There would be no new construction. Ms. Bazley submitted the statement of justification for the record.

STATEMENT OF JUSTIFICATION

Sycamore School, Inc. proposes to use the facilities at the Church of Reconciliation, 110 Elliot Road, for a child day care center. Specifically, the school would use the three classrooms and attached outdoor play area currently serving the Church's Sunday preschool.

Section 4-B-1-g

(1) The following information justifies the applicant's view that the establishment of Sycamore School, a child care center, in the preschool building at Church of Reconciliation will not materially endanger the public health or safety.

a. Traffic conditions

The school will have an enrollment of 16 children per day and a staff of 3. Additional traffic on the public streets will be minimal. The main roads servicing the area are Franklin Street and Elliot Road. Neither of these routes would be burdened by traffic to the school. Since carpooling will be encouraged, it is unlikely that there would be the maximum possible number of cars, which is 19, using the public roads.

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Because the arrival and departure times for the program are set at 8:30 to 9:00 and 12:00 to 12:30 respectively, the traffic to the facilities will not be continuous.

Parking facilities are more than adequate. There are the required number of spaces, one space to four seats, existing at the location. Since the school will be operating only on weekdays, there will be no conflict with the Church's parking requirements.

b. Provisions of services and utilities

The school will be using services and utilities currently serving Church of Reconciliation. Because of the small enrollment size, there is no need for additional services.

c. Soil erosion and sedimentation control plans

Not applicable since the school will use the existing buildings. There will be no new construction at this location.

d. Relationship of the site to the flood plain

The property is not located within Chapel Hill's designated flood plain.

(2) The following considerations are addressed to support the applicant's contention that the use meets all required conditions and specifications.

a. Compliance with Zoning Ordinance

The facilities will be in compliance with State Licensing and with Federal Certification requirements.

b. Provision of recreational areas

The school will be using the fenced-in playground that currently exists. It is connected to the building that the school proposes to use.

(3) The following information is supportive of the statement that the proposed use will not substantially injure the value of adjoining or abutting property and that the use is a public necessity.

a. Relationship of the proposed use to surrounding use

The proposed use is in conformity with the existing use. The Church of Reconciliation is a facility which has an educational component. Sycamore School is of the same character. The property is bordered on three sides by residential uses and on one side by a commercial use (bank).

b. Conformance with the Zoning Map and the plan of development

Child day care centers are permitted in all districts except Industrial and University B with a special use permit.

c. The use is a public necessity

There is a demonstrated need for additional day care programs in the Chapel Hill-Carrboro area and there especially is a need for federally certified day care. According to a recent report, "Day Care Needs in Orange County," issued by an Orange County Department of Social Services Day Care Coordinator on July 25, 1978:

There is a tremendous need for day care in this community and it is increasing. Statistics from the Department of Human Resources in 1976 for Orange County show:

- 1) of families with children under six--3,606
- 2) of children under six with mothers working--2,341
- 3) of children under six living below the poverty level--728

Additionally, these statistics show an increase in the number of women who work . . .

The Department of Social Services has an average waiting list of 30 children.

The facilities of Church of Reconciliation are so constructed that they will meet state and the more stringent federal regulations for day care with minimal alterations. Having a certified program, the school will be available to low income families who might need assistance in paying for DAY CARE SERVICES.

In addition to providing the community with additional certified day care spaces, the school will offer a mainstreaming program appropriate for handicapped as well as nonhandicapped children. By integrating children of various developmental levels, Sycamore School will provide handicapped children, who historically have been placed in special classes, an educational alternative that is more like the regular school experience.

(4) The following considerations are supportive of the applicant's finding that the location and character of the proposed use is in harmony with the area and in conformity with the plan of development.

a. Conformance with the Zoning Map and the plan of development

Child day care centers are permitted in all districts except Industrial and University B with a special use permit.

b. Relationship to the Chapel Hill Flood Plain, Thoroughfare Plan and the Greenway Plan

The property is not located within the flood plain or greenway plan.

Alderman Smith asked why the center would be operating for only 1/2 day instead of all day. Ms. Bazley indicated they would like to expand into a full day program next year, but wanted to work out the details of a new program before they did so.

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

Special Use Request for the Binkley Child Care Center - Public Hearing

The applicant was not yet present. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO DEFER THE HEARING ON THIS MATTER UNTIL THE APPLICANT WAS PRESENT.

Zoning Text Amendments Regarding Mobile Homes - Public Hearing

Mr. Jennings stated that on June 12, in response to a recommendation from the Planning Board on the planning area extension, the Board of Aldermen had adopted a resolution which included three actions. First, the Board modified the Town's request to the County for its planning area extension. Second it amended the goals and objectives of the Comprehensive Plan to include policies of mobile homes; and third directed the staff to prepare amendments to the zoning ordinance to bring it in line with the County requirements relating to mobile homes. Proposed amendments are as follows:

6. ZONING TEXT AMENDMENTS

A. Amend Section 3 of the Zoning Ordinance (Table of District Regulations - Uses Permitted) to allow mobile homes as a permitted use within agricultural zoning districts.

B. Amend Section 3-A-2-c of the Zoning Ordinance (District Regulations - Agricultural) to read as follows:

c. Minimum Lot Size: The size of any lot shall be not less than 40,000 feet in area for each family for which a dwelling is provided.

C. Amend Section 3 of the Zoning Ordinance (Notes Accompanying Table of District Regulations) to delete Note A-3.

D. Amend Section 4-C-15-c of the Zoning Ordinance (Mobile Home Courts and Parks) to read as follows:

c. Minimum Lot Area: 1) The total area of any Mobile Home Court or Park shall be at least five (5) acres. Individual mobile home lots shall be at least one-hundred and fifty (150) feet in width and shall contain at least 40,000 square feet of area exclusive of common driveways.

2) Where sanitary sewage is to be disposed of by means of a municipal sewerage system and where water is provided by a state approved municipal or community

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water system and the tract for the mobile home park has at least 100 feet of right-of-way frontage on a paved state maintained road, mobile homes may be installed on lots having a minimum area of 5,000 square feet and a minimum lot width of 50 feet provided that a planting strip 100 feet wide be reserved and maintained by the owners of the project along all sides of the tract that do not front on a paved state maintained road and that this area be kept free of parking. Screening along paved state maintained roads shall be as defined in paragraph (e) below. The buffer area may not be included as part of the required square footage for individual mobile home lots.

- E. Amend Section 4-C-15 of the Zoning Ordinance (Mobile Home Courts and Parks) to add the following under (e) and relettering subsequent paragraphs.
  - f. Mobile Homes on individual lots shall be separated by a minimum distance of 30 feet.
- F. Amend the Zoning Ordinance of the Town of Chapel Hill to transfer some or all Special Use Power to the Planning Board.

Mobile homes would be encouraged in the rural transition areas but would not be allowed in the urban transition areas or the city proper. There were no comments from citizens. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

#### Transfer of Special Use Powers to the Planning Board - Public Hearing

In the past there had been discussions about transferring some special use powers to the Planning Board. Before the ratification of House Bill 1602 the Board would have had to assume all of the duties of the Board of Adjustment in order to assume any of the duties of the special use permit. The Bill gave the Planning Board the right to assume some of the duties of the board of Adjustment. Alderman Cohen related the history of the special use permit responsibilities in Chapel Hill. He indicated the intent of the proposal was for the Planning Board to recommend to the Board of Aldermen a scheme for issuing special use permits. The Planning Board could consider the smaller units with the Board of Aldermen considering the larger units. Or it could be separated by location of projects. When the Planning Board gave its recommendation the Board of Aldermen could decide whether another public hearing was necessary. Alderman Howes felt there might be more public interest in specific things than just to the general question of transferring powers. Alderman Thorpe asked why the Planning Board could not continue to make its recommendation on projects to the Board of Aldermen with the Board making the final decision. He asked if this procedure cost more money. Alderman Cohen did not feel the Board of Aldermen had time to consider all requests. The current process causes delay for small projects. Alderman Thorpe argued that the Planning Board was not elected by the citizens and should not be making final decisions. Alderman Cohen said a decision by the Planning Board could be appealed. Alderman Epting suggested this be looked at by the zoning rewrite committee, instead of having a special study. Unless the process was streamlined, giving the Planning Board final authority would not reduce the amount of time needed for approval. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE ZONING REWRITE COMMITTEE AND TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT FOR CONSIDERATION AND RECOMMENDATION. Mr. Denny noted that the Board wanted input from other boards and commissions which would require more time than allowed by the ordinance limitation. He suggested the matter be referred without ordinance limitation as to when the report was due. Alderman Kawalec amended her motion to refer the matter without ordinance limitation.

Alderman Smith stated his concern was with the definition of major and minor projects, and with the deviations allowed from the comprehensive plan. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

#### Special Use Request for the Southern Bell Telephone Exchange Addition - Public Hearing

All persons giving evidence were sworn. Mr. Jennings stated the proposal was for an addition to the existing telephone exchange building on Rosemary

Street for additional switching equipment. The single-family residence now on the property would be demolished or removed. The project is in the Historic District. The applicant had received a certificate of appropriateness for the external appearance of the addition.

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The major issue brought up at a public hearing discussion was the effect of the building construction on the old Methodist Church. Alternative methods of construction and location were discussed. The Historic District Commission had submitted a letter to the Board outlining their concerns on this issue. A reply from the applicant explaining their procedures had been received.

Mr. Ralph Reeves submitted the revised statement of justification for the record.

STATEMENT OF JUSTIFICATION  
BY THE APPLICANT  
ADDITIONS TO THE ROSEMARY STREET EQUIPMENT BUILDING  
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY  
CHAPEL HILL, NORTH CAROLINA

Recently, Southern Bell Telephone and Telegraph Company purchased the University of North Carolina telephone system. To improve telephone service in the community, the proposed expansion of the Rosemary Street equipment building will permit much-needed expansion and upgrading of the system.

It is Southern Bell's desire to provide for "911" emergency dialing, Centrex, call-transfer switching capabilities, and other services provided in other localities. A major provision will consist of ultra-modern switching equipment to meet the sophisticated needs of the highly-advanced research and educational facilities of the area.

Moreover, growth capability is needed to respond to expanded service requested by present customers, as well as service for new customers in an area of population growth.

The proposed facility includes an addition to the present central equipment building. As a central office, the main cables and allied equipment already are located here; therefore, any alternative to expansion of present equipment would be infeasible.

The addition will make space available for new electronic telephone switching equipment and eventual replacement of the equipment now existing in the present building.

The new equipment will provide the latest technology in telephone switching service for the Chapel Hill/Carrboro area; and space in the present structure is completely inadequate for the addition of new equipment.

1 The function and use of this addition will not endanger the public health or safety if located where proposed and developed according to the design which is submitted in separate documents.

a Potential damage to a structure located adjacent to the proposed addition was discussed in an 18 July 1978 Memorandum from the Historic District Commission to the Mayor. (This structure is sometimes referred to as "The Old Methodist Church," presently owned and occupied by Mr James M Webb.)

In essence, it is maintained that such alleged hazard is irrelevant to both the appropriateness in an historic sense and the requested special use. Such a matter would pertain to any structure (such as an office building) being constructed in the same position.

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In view of this subject having been introduced, however, some response is included in this statement.

Southern Bell plans to exercise all precautions necessary to prevent damage to the adjacent structure, including a side-line setback which is not required by the zoning.

Communication has been made with Mr Webb to arrange for monitoring ambient seismic conditions, and it is intended to maintain full seismic monitoring throughout the excavation. Expert soils consultants will recommend construction methods and procedures to insure minimum disturbance. Further, the Company will repair any damage which might result from construction operations.

- b The building will enclose highly-automated electronic switching equipment requiring a minimum staff for maintenance. On this account, addition to the present staff will be minimal; and parking for any added personnel will be accommodated in the parking areas presently located in rear of the existing structure.

Traffic conditions in the vicinity will not be altered to any degree. Neither the sight lines along Rosemary Street nor the nearby street intersection will be affected, and no curb cuts are contemplated.

- c Additional service from existing utilities will not be materially affected. At this time, it is anticipated that water and sewer service will be connected to and extended from the existing telephone building as far as possible, and new service, if required, would be provided for the relatively few personnel toilets. Electric service for the new building will be provided from the present main entry service. Garbage collection would not be materially effected. Fire protection will be required, but will not be a major problem in view of the nature of the new construction (fire resistive construction and non-flammable equipment).

- d Soil erosion and sedimentation control will be effected by erosion control included in construction and later landscaping included in the Contract Documents. Erosion and sedimentation control will be designed in accordance with the requirements of all local and state authorities. Finished landscaping and storm drainage will be provided to insure proper prevention of erosion upon completion.

- e The site is located in downtown Chapel Hill on Rosemary Street, well above any established floodplain.

- 2 The function and use of this addition will meet the required conditions and specifications.

- a The intended use of this facility complies with "permitted uses" within the zoning of "Central Business District;" however, such use requires approval for "special use." In this regard, Special Use Approval will be required, and such approval is requested with this application.

- b The addition will occupy the major portion of the property in question. The front building line will allow a front yard space which will be landscaped, continuing the present facade line along the street. Since the function of the building is to provide electronic switching equipment with a minimum of staff or maintenance, recreational areas are not required for the occupants.

- 3 The function and use of the building will not substantially injure the value of the adjoining and abutting property. The building is a public necessity.

- a The addition, as an equipment building, is an extension of the existing adjacent telephone equipment facility. The character of the design for the addition continues and extends the traditional (colonial) architecture design of the neighboring

buildings. Side yard space will be maintained between the outside wall line of the new addition and the adjacent existing corner historical church building (now used as an office). Extreme care will be taken during construction to prevent damage to the existing building and its landscaping. All possible precautions will be taken, and City and State Code requirements will be enforced with every effort to prevent any injury or danger to that structure. It is the intention of the Architects to provide a design which will harmonize with the surroundings and improve appearance of this side of Rosemary Street. The proposed design is indicated in the accompanying drawings and documents. Every effort will be made to enhance and improve this block of Rosemary Street. 278

- b The property is zoned "Central Business District," and a telephone equipment building is included as a "permitted use," subject to "special use" approval. A Special Use Permit is requested with this application.
- c This facility is a public necessity to meet present and future needs for a desirable quality of telephone service in Chapel Hill, Carrboro, and environs. Such service will require replacement of the existing equipment with ultra-modern switching to provide 911-Emergency dialing, Centrex, call-transfer switching, and other services. This sophisticated electronic equipment will require additional physical space. This cannot be accommodated within the existing building, nor can another floor be added to the present structure. The nature of the new equipment requires contiguous same-level space, resulting in the need for a building addition as indicated in the accompanying drawings.

All calls, local and toll, to and from Chapel Hill/Carrboro and environs will go through this office. In order to provide upgraded and expanded service and capabilities, new equipment is required. The proposed addition is the most feasible and architecturally harmonious means of accomplishing the objective of improved telephone service and added communication capabilities.

- 4 The character and use of the addition as designed and shown in the accompanying drawings and documents will be in harmony with the neighborhood and in conformance with the plan of development of Chapel Hill.

- a The intended use of this facility complies with Permitted Uses in the zoning of its location ("Central Business District") subject to granting of a Special Use Permit. Granting of such a permit would relate to the occupancy of the existing building to which the addition is proposed, the present building now used as a central equipment building for the telephone system.

Every effort has been made, as displayed in the design, to conform with the architectural style and scale of the neighborhood. We believe that this facility, if approved as designed, will improve the facade of this block of Rosemary Street.

- b The site, in downtown Chapel Hill, is removed from and above the floodplain and will not effect the Chapel Hill thoroughfare plan and greenway plan.

The expansion of the building would permit expansion and upgrading of the system. They also wished to respond to a demand for expanded service from residents. The question of expansion to the north (rear) had been studied. The results had shown the expansion to the west to be the most feasible. Mr. Reeves requested the letter of September 20, 1978, regarding the renovations, be included in the record.

20 September 1978

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Planning Department  
Town of Chapel Hill  
306 North Columbia Street  
Chapel Hill, North Carolina 27514  
(Attention: Mr Berger)

SUBJECT: Renovations to the  
Rosemary Street Central Office  
Southern Bell Tel & Tel Co  
Chapel Hill, North Carolina

Dear Mr Berger:

In response to your request, this letter is intended to provide a general analysis of the comparative nature of an addition to the rear (North), versus the proposed addition to the West.

As stated at the pre-hearing meeting on 5 September 1978, a rearward expansion was studied quite seriously at the outset of consideration of expansion of the telephone facilities. Soil tests were made, and a complete study of the arrangement of equipment was executed.

Re-design of the overall program would result in a drastic time loss in meeting the already substantial demand growth for added service in the community, as well as providing ultra-modern switching equipment to meet the sophisticated needs of highly-advanced research and educational facilities located in the area.

For expansion of the rear, rather than to the West, it was determined at the time of the initial study that alteration in the equipment and building configurations would produce a cost penalty in excess of one-and-a-quarter million dollars, attributable to three major factors:

- Building Costs
- Outside Plant Costs
- Equipment Costs

Relevant factors in these three categories are summarized below:

#### Building Costs

The existing parking area in rear of the building is located upon an area indiscriminate fill material which would require special foundations in the form of piling, caissons, or a highly-compacted controlled fill. In any case, the present fill would have to be removed, with new controlled fill for the floor, or an elevated floor with "crawl space".

The area in rear of the existing building includes a substantial amount of utility piping which would require re-location if construction were effected there.

Expansion to the West permits a convenient cable vault arrangement; whereas, rearward expansion would require a cable vault placed below the lowest floor level. Also, the present parking area would be removed, requiring new parking facilities in the property at the West.

New parking would include grading, pavement, screen-walls, and allied construction.

Added cost resulting strictly from increased building costs is estimated at \$325 000 to \$375 000, with an additional increase of \$50 000 to \$75 000 caused by inflation attributable to a postponement in the building program. (This estimate takes into consideration the cost of shoring for expansion to the West.)

#### Outside Plant

Rearward expansion would require substantial re-arrangement of incoming distribution cables which would include manholing and conduit and cable extension for all existing cables.



Added cost for revision of the outside plant facilities is estimated at \$150 000 to \$200 000.

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### Equipment Costs

The proposed expansion to the West would provide a substantially more efficient means of expanding the equipment, both connections to existing and installation of new.

Rearward expansion would create a much more complex and involved equipment installation procedure.

The cost of applicable to such installation procedures is estimated at \$600 000 to \$700 000 in added costs.

resumé of these added costs, therefore, ranges from \$1 125 000 to 1 325 000, a substantial cost increase that would result from rearward expansion.

Moreover, a change in the program at this time would cause a delay of ten months in the schedule, deferring installation of new equipment by a like period. As a result of such a schedule delay, interim equipment would be required to meet the above-described telephone demand, at an additional cost of approximately \$2 500 000. Accordingly, the aggregate cost penalty for rearward expansion would range from \$3 500 000 to \$4 000 000.

In respect to protection of the Webb property to the West, a line of soldier beams is planned about 2-feet beyond the excavation, some 5-1/2-feet to 6-feet from the property line.

These soldier beams, spaced at about 6-foot intervals would be connected by walers and braced with lateral support to prevent horizontal deflection.

Excavation behind the soldier beams would be limited to 4-foot intervals with lagging boards inserted between the soldier beams and the remaining earth.

Devices to measure possible inclination of the soldier beams would warn of tendency of horizontal displacement which might require additional racking.

The Soldier beams would be placed in augured excavations to a depth that concrete anchorage would be provided well below the excavation depth to provide torque support of these beams.

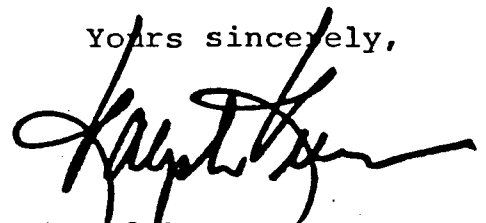
Soil borings indicate no rock deposits above the excavation level adjacent to the Webb property; therefore, excavation in this area can be performed by light-weight grading equipment producing no more seismic effect than the current ambient conditions.

In summary, Southern Bell made detailed study of alternatives in the initial planning phases; and determination of expansion to the West as the most feasible was based upon serious consideration of all factors pertinent to the desired intent to provide modern, up-to-date telephone service for the community.

In this regard, the Telephone Company would be faced with an unfortunate delay in its stated intent to provide expanded, up-to-date, telephone facilities for the communities, with the additional disadvantage of the expenditure of a substantial additional capital outlay.

trust that the above data provides the information which you requested; however, should you desire more information, please do not hesitate to get in touch.

Yours sincerely,



Ralph Reeves

RRJAH

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Changing the location of the expansion now would also result in a loss of approximately ten months.

Alderman Smith asked if soil tests had been made. Mr. Reeves indicated they had been made on both the property to the north and the property to the west.

Alderman Epting asked Mr. Reeves if the steps taken to protect the property to the west would, with certainty, prevent any harm to that building. Mr. Reeves responded that if there was damage, Southern Bell would expect to repair that damage. Alderman Epting questioned whether the danger to the Old Methodist Church would be as great if the construction was further away. Mr. Reeves stated that it would not; but Southern Bell had left a 7' side setback. Mr. Reeves explained the shoring method to be used on the Old Methodist Church and the monitoring measures for damage.

Alderman Epting asked what the most probable damage to the Old Methodist Church would be and how it would be repaired. Dr. Brewer explained that a crack survey would be made, and then the building would be monitored for cracks. At any time that a new crack was noticed, the construction would be stopped, the crack repaired and the system restressed. Mr. Reeves added that no large equipment would be allowed next to the old building. Alderman Epting asked if Mr. Reeves was authorized to say that any damage caused to Mr. Webb's building would be repaired and Mr. Webb reimbursed for any expense. Mr. Reeves stated that any damage caused by the construction would be repaired by Southern Bell. Alderman Smith asked who would be on the site to monitor the equipment. Dr. Brewer stated that engineers familiar with this type of construction would be on the site to monitor the system.

Mr. Myrick Howard questioned the amount extra it would cost Southern Bell to expand to the north. Mr. Reeves explained the costs as set out in the September 20, 1978 letter. Alderman Epting asked how much would be spent to protect Mr. Webb's building. Mr. Reeves estimated the amount to be \$15,000 to \$25,000. If the expansion was to the north, Southern Bell would not save any money in real estate because the parking in the rear of the building would then have to be moved to the west.

Mr. Stipe asked if any additional parking was needed as stated at the Historic District Commission meeting. Mr. Reeves responded that a minimal amount would be needed. If the property to the north was occupied by equipment, then the parking would have to be relocated. Mr. Stipe pointed out that the Board had the right to attach conditions to the special use permit and could refer the matter to the Planning Board and the Historic District Commission to receive recommendation on such conditions to protect Mr. Webb's building.

Mr. Reeves asked the attorney to explain that any entity performing construction was liable for damage to adjacent property. Mr. Denny stated there were provisions in the building code and in general legal principles wherein the duty of lateral support was required and imposed. It was also true that the board could include conditions with respect thereto.

Mr. Roscoe Reeve asked if the basement excavation began 7' from the church wall. Mr. Reeves answered that the excavation began 7' from the property line.

Mr. Webb had obtained separate engineering opinions on the effect of the construction on his building. He asked that these letters be received by the Board.

# C. Page Fisher

CONSULTING ENGINEER

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June 28, 1978

Mr. James M. Webb, AIA  
201 Rosemary Street  
Chapel Hill, North Carolina

RE: Building at 201 Rosemary Street  
Chapel Hill, North Carolina

Dear Mr. Webb:

With you and Mr. W. H. Gardner, I made an inspection on June 28, 1978, of those portions of the building at 201 Rosemary Street in Chapel Hill, where the structural elements of the building were exposed. The building is approximately thirty by fifty feet, and is constructed of brick masonry with wood framed floor, ceiling, and roof, and timber roof trusses. The outside is covered with smooth stucco except for the foundation wall on the east side of the structure. It is my understanding that the building was constructed in the first half of the nineteenth century and the materials and construction techniques appear to be typical of that period. It appears that some restoration work has been done in the not too distant past and that the building is presently being carefully maintained. There is a lean-to addition on the west side of the building that I understand is approximately fifty years old and an addition on the rear that is fairly recent.

We were able, during our tour, to examine the roof structure framing and the interior surface of the gable end walls in the attic space, the exterior stucco surface of the south and east sides (and the upper portion of the west side) and the exterior surface of the east foundation wall. I understand that there is shallow crawl space under the building but I made no attempt to enter this.

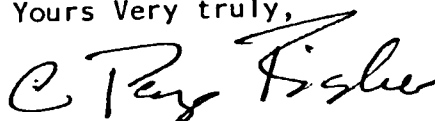
The wooden trusses that support the roof framing and the interior ceiling joists, are hand hewn timbers connected by mortice and tenon joints, wooden tree nails, and a few iron bolts. The truss timbers appear, for the most part, to be in good condition but there are a few vertical members in the area of the old belfry that have been substantially damaged by weathering and/or insect attack. The trusses bear on a timber plate which in turn bears on the exterior masonry wall. The interior surfaces of the gable ends indicate that the walls are composed of soft, rather irregularly shaped, brick laid in a soft lime mortar. There has been a considerable loss of mortar from the surface of the joints, in some places to such a degree that some of the bricks are loose. The exterior of the east foundation wall displays a similar soft brick and lime mortar construction and it seems a reasonable to assume that these surfaces are representative of the entire structure. I understand that the exterior walls are twelve inches thick and there is an approximate four inch projection on the east foundation wall, making it at least sixteen inches thick. There may be a similar projection or ridge for floor joists to bear on the inside of the foundation walls but this has not been determined. We could not at any place see a footing exposed but, on the basis of experience with similar structures, the footing is, if present at all, probably a nominal widening of the base of the foundation wall.

On the basis of the conditions described above, it is my opinion that the structure in its present condition is marginally stable. Experience indicates that old structures can retain this slight margin of safety for a long time, so long as they are in no way disturbed. I believe, however, that any substantial changes in the exterior environment of the building would probably create a hazard to its stability. The structure has endured normal street traffic vibrations for many years and, although they may have contributed to its gradual deterioration, the only obvious sign of masonry damage is a minor crack in the east end of the south wall. An increase in vibration level, such as might be caused by adjacent construction activities or by reduction in soil support by deep excavation near the existing foundation, will substantially increase the possibility of triggering a component failure of a type that could lead, by progressive action, to serious damage to the structure.

To make a detailed investigation of the condition of the building or to suggest protective measures to be employed with adjacent construction will require a much greater investigative effort than has been authorized at this time.

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If I can be of further service in this matter, please call me at your convenience.

Yours Very truly,



C. Page Fisher, Ph.D., P. E.  
Consulting Engineer

CPF:lsd

CC: Mr. W. H. Gardner, Jr., P. E.

W. H. G A R D N E R, J R. A N D A S S O C I A T E S  
CONSULTING ENGINEERS

P. O. BOX 8765 • 2534 1/2 CHAPEL HILL BLVD. • DURHAM, N. C. 27707 • 919/489-0926

July 12, 1978

Mr. James M. Webb, Architect  
201 Rosemary Street  
Chapel Hill, North Carolina 27514

Re: Building at 201 Rosemary Street  
Chapel Hill, North Carolina

Dear Mr. Webb:

On June 28, 1978 I inspected the exposed structural portions of the subject building with you and Mr. C. P. Fisher. I made the following observations:

1. The original portion of the building is a wood frame brick bearing wall structure and is approximately 30 ft x 50 ft.
2. The roof framing is composed of hand hewn rafters and trusses with no center panel diagonals. In general, the truss joints are mortice and tenon anchored with dowels. The timbers appear to be in sound condition.
3. Since the trusses have no center diagonals, it is my opinion the unbalanced attic load is being supported by the partitions below. It is my understanding that these partitions were added by you.
4. The observable portions of the brickwork show that the walls are composed of soft brick laid in lime mortar. The lime mortar has lost its strength and does not bond the bricks properly.
5. The east foundation wall has a brick footing with a projection of approximately 4 inches. The bottom of this footing is only a few inches below the existing exterior grade.
6. There is a structural crack in the southeast corner of the building.

Based on the above observations, it is my opinion that the building, particularly the bearing walls, should not be subjected to any unusual vibrations or change in soil support. I recommend that you consider injecting new mortar in the existing brickwork and that you raise the existing grade along the east wall. Also, in my opinion, construction operations near the east wall will be hazardous and may seriously damage the building.

If I can be of further service, please, let me know.

Very truly yours,

W. H. GARDNER, JR. AND ASSOCIATES



W. H. Gardner, Jr.

WHG/ibp

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Mr. Webb felt that the value of his building would be depreciated because the Southern Bell addition would block the air and light on one side. Moreover, SEP 25 this area of town was predominantly residential. Mr. Webb presented a drawing to show the visual aspects of the addition and its relation to the quality of environment for his building. He asked the town to verify the information on their equipment or building. Mr. Webb presented a letter from Mr. Pendergraft stating that the building would not be as rentable with the wall beside it.



el rashkis and associates, inc. P. O. BOX 231 . CHAPEL HILL, N. C. 27514 . (919) 942-8771

September 25, 1978

Mr. James M. Webb, Architect  
201 E. Rosemary Street  
Chapel Hill, N. C.

Re: Building at 201 E. Rosemary Street, Chapel Hill, N. C.

Dear Mr. Webb:

On Thursday, September 21, I made a tour of your building to see the present layout of rental office spaces, and also to try to arrive at the present value and to determine the detrimental effect the proposed Southern Bell building would have on these rented spaces. Without a greater in-depth study and comparables of like situations (none presently exist), I find it difficult to place a dollar value. I have found that interior offices spaces without exterior exposure are the least desirable and the rental varies considerably.

My chief concern would be the overall effect that a building of this pseudo-colonial design would have on one of the most historical buildings in the area. Also, the excavation and activity within nine feet of your building could cause a structural breakdown; it would be catastrophic and the value of your building would be seriously affected and could result in a total loss of the structure.

I hereby certify that I have no present nor contemplated interest in this property. If I can be of any further service, please let me know.

Yours truly,

  
W. F. Pendergraft

WFP:dmc

Residential  Commercial  
REALTOR

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Mr. Denny noted that these documents could be received, but were not a part of the sworn evidence.

Alderman Epting asked Mr. Webb if in his opinion, the blockage of the sun on one side of the building would effect the rental value of the building. Mr. Webb said it would. Alderman Epting then asked if the rents received would reflect on the value of the building. Mr. Webb thought they would.

Mr. Webb stated that Southern Bell was taking all reasonable precautions for the safety of his building, but these would not be a 100% guarantee of safety.

Mr. Reeves questioned the meaning of "substantial change" mentioned in the letter submitted by Mr. Webb. He did not believe that Southern Bell would be guilty of devaluing Mr. Webb's property merely by building on their own property. He added that there were encroachments on the property to the north which could create the problems if building was expanded in that direction. Alderman Smith asked if the owners were aware of the encroachments. Mr. Reeves did not know if they were aware of them as the encroachments had been indicated by Southern Bell's boundary survey. Alderman Vickery suggested the hearing be continued to enable the Board to receive evidence from outside experts. He did not think some additional cost for this building would affect the utility rates, and suggested that expansion to the north would give more room than would be available to the west. Alderman Howes asked why the company was proposing a substantial expansion on this site rather than acquiring a site away from the center of town. Mr. Griffin stated the company had a substantial investment in cable between residences and the office. To relocate the cable, or wire center, would be a very complicated procedure as well as uneconomical. The company planned to put in enough equipment in the addition to replace all existing equipment. The existing equipment would be removed, the space renovated and expansion for the next forty years would then be possible in the renovated space. This would be possible through the miniturization of equipment. Alderman Howes asked for the forecast of population for the service area. Mr. Griffin indicated their forecast was in terms of main stations. The area now had 30,000 stations and 90,000 are predicted for 2018. Mr. Griffin responded to Alderman Kawalec by saying that the two types of equipment could not be put together because of environmental reasons.

At Alderman Howes request, Mr. Stipe reiterated his suggestion that the Board hold the public hearing open and exercise its authority to request more information. This would include recommendations from the Planning Board and Historic District Commission. Mr. Denny pointed out that a specific date must be set for the continuance of the public hearing. He added that the Board should state from whom they expected the evidence, and what type of evidence was being requested. Alderman Vickery said questions had been raised on the impact of the construction on the Old Methodist Church, the rate structure and how it would be impacted, and the need to examine the cost estimates. He recommended the Board authorize the staff to contact persons with expertise in these areas and have them testify before the Board. Mayor Wallace also suggested the applicant prepare any answers to these questions supportive of its position, and that the persons having written letters to Mr. Webb be present to give evidence on the positions stated in those letters. Mr. Denny pointed out that if the Board wished the staff to get more information, they should authorize expenditures for expert testimony. Alderman Kawalec objected to the town's spending funds for this purpose. She thought the applicant should support its figures. Alderman Vickery suggested the staff look into the matter and come back with a proposal and request for funds. Mr. Shipman suggested October 30 as the date for continuance. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE HEARING BE CONTINUED UNTIL OCTOBER 30, AT WHICH TIME BOTH THE APPLICANT AND THE OPPONENTS WOULD PRESENT INFORMATION FURTHER ADDRESSING THE ISSUES THAT HAD BEEN RAISED, AND DURING WHICH TIME THE STAFF WOULD MAKE INQUIRY AS TO THE FEASIBILITY AND COST OF THE TOWN'S EMPLOYING INDEPENDENT CONSULTANTS TO OBTAIN INFORMATION ON THE ISSUES AND WOULD MAKE A REPORT TO THE

Special Use Request for the Binkley Child Care Center - Public Hearing

All persons wishing to give testimony were sworn. The applicant proposed to relocate a portion of the existing Binkley Child Care Center to a space in the Church of the Holy Family on 15-501. The center serves infants and toddlers, and 80% of the children attending have fees paid through Title XX funds.

Mr. Leo Wagner submitted the statement of justification for inclusion in the record.

STATEMENT OF JUSTIFICATION

Submitted by Wekesa O. Madzimoyo, Director of Binkley Child Care Center

Binkley Child Care Center (BCCC) is requesting a "special use permit" to relocate our four year old class (consisting of 14 children and two teachers) to an existing space in The Episcopal Church of the Holy Family. In this connection it is important to note that BCCC is not proposing any additions to the existing building or grounds. It is equally important to note that the use we propose for the facility is consistent with the church's present use and with past uses -- the Department of Social Services for Orange County has operated a child care facility in the same facility. BCCC's program will only be smaller. This paragraph is here provided as an introduction to our proposed "project", we should now entertain the "four required findings" that will constitute the 'justification' proper.

Finding #1. BCCC's project will have no significant effect on traffic conditions in the vicinity. Our program begins at 7:30 a.m. Parents are required to bring their children between the hours of 7:30 a.m. and 9:15 a.m. There are two important considerations here:

- (1) the increase in traffic will be 14 cars at most and,
- (2) 50% of this influx will occur between 7:30 a.m. and 8:15 a.m. when traffic is lighter in this area.

Parents have the same one hour and forty-five minute span of time in which to pick up their children - 3:30 p.m.-5:30 p.m. The pattern of pick up is that parents trickle in one or two at a time. My point is that at no time (save an unforeseen emergency) will those 14 parents have a concerted impact on the traffic on adjoining streets.

The parking will take place on Hayes Road which is a service road to 15-501 and is seldom used as a thoroughfare.

BCCC's project will use the same utilities and services used by The Church of the Holy Family. These are presently provided for by OWASA and the Town of Chapel Hill.

The nature of BCCC's project will have no significant effect on the soil or sedimentation.

BCCC's project is not located within 500 feet of a creek or lake.

Given these considerations and our respective findings we have concluded that our project will not materially endanger the public health or safety.

Finding #2. BCCC's project if granted a special use permit will comply with all known Zoning Ordinance regulations and standards.

One of the most attractive aspects of this sight is its recreational space for our children - 21,943 feet of outdoor space. Inside the facility each child will have 35 square feet in which to learn and play.

281 Finding #3. BCCC's project will have no substantial impact upon adjoining property. It is understood that we will be operating only on church property. And the nature of our project will not dictate either in the short or long run that adjoining property be damaged.

To argue the necessity of our project is at once a delight and a very disturbing task: a delight because the arguments, the justifications, the statistics are second nature, it is disturbing because the statistics reflect the increasing number of single parent families, the alarming number of area teenage pregnancies, the increasing necessity of both parents to enter into the labor market and the list continues. Attached for your reference is a fact sheet compiled by The United Fund Day Care Service Agency. The information was provided from five Chapel Hill centers receiving assistance from The United Fund. It is important to note that all five of these centers maintain waiting lists of parents and families needing services. BCCC currently maintains a waiting list of 22 persons. None of which we can accommodate. Fourteen additional names will be added to that list if our appeal for a special use permit is denied.

BCCC and other area child care programs has responded to the needs of working parents, parents enrolled in educational institutions. It has responded to the needs of children of abusive parents, of children of unstimulating environments. This effort by the Chapel Hill day care community would have been thwarted were it not for neighborhood community centers and churches. These institutions by and large have provided space rent free and utilities at nominal or no cost to day care programs. Without this service few families could afford the increased cost which would be passed on by way of tuition increases. This site was chosen for our project primarily because this church and community has granted us this rent free/utility free space in order that we continue to serve the community. It is important to note that this "project" is not an expansion of our present program. It is rather an alternative to our having to cut back our services.

Finding #4. In this "justification", I hope to have demonstrated that the location and character of our project will be in harmony with the area in which it is to be located. The accompanying sketches should indicate that there is sufficient right of way and that our proposal is in compliance with the Chapel Hill flood, thoroughfare and greenway plans.

FACT SHEET I

1. Enrollment (as of Dec. 77)		200 children
2. Racial composition:		Black   50.5%
		White   48.5%
		Other   1%
3. Number of people in families with children in day care:		632
4. Type of household:	single parent	51%
	two parent	46%
	other	3%
5. Age distribution:	children under 2 yrs old	3.5%
	2 years old	20.5%
	3 years old	27%
	4 and 5 years old	42.5%
	6-10 years old	6.5%
6. Percentage of families where parents(or parent) are either working, in school or disabled:		100%
7. Area distribution of children in Day Care		
	Chapel-Hill-Carrboro	82.5%
	other Orange County	10%
	outside Orange County	7.5%



8. Occupation of parents of children in day care:

working in C.H.-Carrboro	66%
working outside C.H.-Carr.	11%
attending University	18%
attending high school or technical institute	2.5%
incapacitated	2.5%

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9. Income of families of children in day care:

Below \$6,000	34%	-low
\$6,000-\$9,999	30%	-low middle
\$10,000-\$13,000	14%	-middle
\$14,000-	22%	-high-middle

He explained that there was no more room in the Binkley Church for the center and they would move 14 children and two teachers to the Church of the Holy Family. Alderman Smith asked how the traffic on 15-501 would affect picking up the children and whether allowances would be made for parents getting there late. Mr. Wagner stated that the directory stayed until all parents had arrived. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN THORPE, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Special Use Request for the Hillhaven Nursing Home - Public Hearing

All those giving evidence were sworn. The applicant proposed to construct a 120-bed nursing facility and 74 residential units on 5.1 acres on Franklin Street. The property and surrounding properties were zoned R-3. Surrounding uses are residential in nature. The plans were for 116 parking spaces with access to Elliott Road, although the access would not be open to the public. The land use plan designates the area high density residential. The project was subject to two variances from the Board of Adjustment, the first for a 50% reduction in the residential unit parking requirement and the second was for a 20% reduction for the nursing facility. The Board of Aldermen would need to make the determination to justify the variances. The parking ratio and safety questions were raised at the public discussion.

Alderman Smith asked about the discussion on extending Conner Drive. Mr. Jennings explained that this was an idea of the staff to link Willow Drive with Elliott Drive by Conner Drive. No final dispensation had been made on this.

Mr. Atkins stated that Hillhaven would have a 50-55 minimum age limit. They had requested variances in the parking requirements because they felt much less would be needed than was being required. The variances would also allow the applicant to save some trees on the property 12" in diameter. The access to Elliott would be controlled by a gate so that only residents could use it. Mr. Atkins submitted a letter giving information on the number of employees per shift and the age of residents. He submitted the statement of justification for the record.

HILLHAVEN INC.  
EAST FRANKLIN STREET  
CHAPEL HILL, NORTH CAROLINA

STATEMENT OF JUSTIFICATION FOR A SPECIAL USE PERMIT:

PROPOSED DEVELOPMENT

THE OWNERS PROPOSE TO CONSTRUCT A 120 BED SKILLED AND INTERMEDIATE NURSING FACILITY AND 74 RESIDENTIAL UNITS FOR THE ELDERLY ON A 5.1 ACRE SITE BETWEEN COUCH LANE AND ELLIOTT ROAD ON THE SOUTH SIDE OF EAST FRANKLIN STREET. OCCUPANTS OF THE RESIDENTIAL UNITS WOULD MAKE USE OF THE SERVICES AND CARE FACILITIES OFFERED AT THE SKILLED NURSING FACILITY.

FINDING NO. 1 PUBLIC HEALTH AND SAFETY

THE PROPOSED NURSING FACILITY WOULD BE A ONE STORY BUILDING WITH THE RESIDENTIAL STRUCTURE BEING FOUR STORIES IN HEIGHT. EXISTING STRUCTURES ON THE PROPERTY WILL BE REMOVED. THE EXISTING STRUCTURES CONSIST OF 2 RESIDENCIES AND SEVERAL OUT BUILDINGS OF NO SIGNIFICANT ARCHITECTURAL OR HISTORICAL VALUE. THE PLAN PROPOSES ONE CURB CUT APPROXIMATELY 530 FEET FROM THE INTERSECTION

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BETWEEN EAST FRANKLIN STREET AND ELLIOTT ROAD. AS SHOWN ON THE SITE PLAN THIS CURB CUT IS NOT EXPECTED TO ENDANGER THE PUBLIC HEALTH AND SAFETY. EAST FRANKLIN STREET IS FOR ALL PRACTICAL PURPOSES STRAIGHT AND LEVEL IN THE VICINITY OF THE PROPERTY THEREBY PROVIDING GOOD SIGHT LINES. THE ADDITIONAL ANTICIPATED TRAFFIC ON THE STREET AS A RESULT OF THE SKILLED NURSING FACILITY IS EXPECTED TO BE MINIMAL. IT IS A WELL RECOGNIZED FACT THAT ELDERLY PEOPLE OWN AND USE CARS FAR LESS THAN OTHER AGE GROUPS. ACCESS TO ELLIOTT ROAD THROUGH CONTROL GATES IS ALSO PROPOSED. THIS POINT OF ACCESS ALLOWS FOR AN ALTERNATE MEANS OF INGRESS AND EGRESS OTHER THAN FRANKLIN STREET. THE GATES WOULD PROHIBIT THROUGH TRAFFIC.

THE SITE IS CONVENIENTLY LOCATED WITHIN WALKING DISTANCE OF TWO SHOPPING CENTERS (KROGER PLAZA AND UNIVERSITY MALL), TWO BANKS (FIRST CITIZENS BANK AND NORTHWESTERN BANK) AND ONE OF CHAPEL HILL'S PUBLIC TRANSPORTATION BUS STOPS. A PUBLIC SAFETY STATION IS ACROSS THE STREET FROM THE SITE. THIS CONVENIENT LOCATION SHOULD EASE THE DAILY NUMBER OF TRIPS TO AND FROM THE NURSING FACILITY. ON WEEK-ENDS AND IN THE EVENING, WHEN THE NURSING FACILITY WILL RECEIVE MOST OF ITS VISITORS, IS THE TIME PERIOD IN WHICH FRANKLIN STREET HAS THE LEAST TRAFFIC.

UTILITIES INCLUDING SEWER, WATER, ELECTRIC, TELEPHONE, GARBAGE COLLECTION AND FIRE PROTECTION ARE NOW AVAILABLE TO THE SITE.

SOIL EROSION AND SEDIMENT CONTROL PLANS WILL BE SUBMITTED TO THE ORANGE COUNTY SOIL EROSION OFFICER AS REQUIRED BY THE TOWN OF CHAPEL HILL.

THE SITE IS NOT IN THE CHAPEL HILL FLOOD PLAIN.

#### FINDING NO. 2 CONDITIONS AND SPECIFICATIONS

THE SKILLED NURSING HOME FACILITY WILL BE IN COMPLIANCE WITH THE CHAPEL HILL ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS AND STANDARDS.

THE NURSING FACILITY PROPOSES TO LEAVE 23,000 SQUARE FEET OF LAND FOR OPEN AREA.

#### FINDING NO. 3 ADJOINING PROPERTIES/ZONING

FRANKLIN STREET IS COMMERCIAL IN CHARACTER. A FEW RESIDENCIES, HOWEVER, DO REMAIN. ACCORDING TO THE CHAPEL HILL LAND DEVELOPMENT PLAN THE LAND IN THIS AREA IS PROPOSED TO BECOME HIGH DENSITY RESIDENTIAL SURROUNDED BY COMMUNITY AND COMMERCIAL ACTIVITY CENTERS. THE NURSING HOME FACILITY THEREFORE IS NOT IN CONFLICT WITH THE PRESENT, NOR THE PROPOSED LAND USE IN THE AREA. CARE WILL BE TAKEN TO PRESERVE THE EXISTING VEGETATION TO AS LARGE AN EXTENT AS POSSIBLE. THE VISUAL IMPACT OF THE SKILLED NURSING FACILITY AND THE RESIDENTIAL UNITS FOR THE ELDERLY, THEREFORE, WILL NOT BE DETRIMENTAL.

THE SITE IS LOCATED IN AN R-3 ZONE. R-3 IS A ZONE THAT ALLOWS THE DEVELOPMENT OF NURSING HOMES, CONDITIONAL ON A SPECIAL USE PERMIT. THE SITE IS LOCATED IN CHAPEL HILL'S PROPOSED HIGH DENSITY RESIDENTIAL AREA (7-15 DWELLING UNITS/ACRE) ACCORDING TO CHAPEL HILL'S LAND DEVELOPMENT PLAN, AND IS SURROUNDED BY COMMUNITY AND COMMERCIAL ACTIVITY CENTERS.

#### STATEMENT ON PUBLIC NECESSITY:

HILLHAVEN INC. HAS OBTAINED A CERTIFICATE OF NEED FOR ONE HUNDRED TWENTY (120) NURSING BEDS FROM THE NORTH CAROLINA DEPARTMENT OF HEALTH PLANNING AND DEVELOPMENT. THIS TOTAL REPRESENTS A PORTION OF THE ALLOCATION OF LONG TERM CARE BEDS FOR CHAPEL HILL SPECIFIED WITHIN THE CURRENT STATE PLAN.

#### FINDING NO. 4 HARMONY/CONFORMITY TO CHAPEL HILL PLANS

SEE 3B ABOVE

THE SITE IS NOT IN THE CHAPEL HILL FLOOD PLAIN, NOR THE FLOOD FRINGE. THE SITE BORDERS ONTO EAST FRANKLIN STREET, ONE OF CHAPEL HILL'S THOROUGHFARES. NOR DOES THE SITE BEAR ANY RELATIONSHIP TO CHAPEL HILL'S GREENWAY PLAN.

Alderman Boulton asked about the open space. Mr. Atkins responded that the project had more than 23,000 sq. ft. of open space which would meet requirements.

Alderman Smith asked if nurses and doctors would be on duty at all times in the nursing facility. Mr. Mosca answered that a nurse would be on duty but not a doctor. Alderman Smith asked about other security measures. There would be restricted ingress and egress to the project. The fighting intensity would be taken into account. The doors would be exit only except through the lobby of the nursing home. Attendants would be making rounds in the building and on the grounds at regular intervals. Devices would warn nurses if there was any unauthorized entrance. An intercom unit would be available for attendants to communicate.

Alderman Howes asked if the residential units were housekeeping units. Mr. Mosca responded the residents would do their own housekeeping but there would be a meal facility if the residents wished to use it.

Ms. Julie Jalosy was concerned that the property was not well drained and the project would cause flooding problems. The sewers were not good. The traffic in the area was very heavy. Ms. Jalosy was also concerned that the beauty of the area would be destroyed by new projects being built there. Mr. Atkins responded that the trees exceed the height of the building. A 6' grade drop from Franklin Street also helped to conceal the project from the street. Alderman Howes asked how many dwelling units were on the property. Mr. Atkins stated there were 6 units, but in questionable conditions.

Ms. Cynthia Hampton said she worked with the elderly and did not feel that a needs assessment for the people had been made. The traffic was very heavy. She did not believe the elderly wanted to be so closed in, they wanted more open space.

Ms. Linda Chris asked if there would be enough parking for the visitors with the reduction. Mr. Atkins stated that most visitors came on Sunday or at night. This would not be the normal peak hour traffic times of the day and would not be when the maximum number of employees were present.

In response to Alderman Smith, Mr. Atkins explained that the layout of the building was the responsibility of the Hillhaven architects and was based on extensive research on the needs of the elderly. Alderman Smith asked why there was no swimming pool or other recreation facilities. Mr. Atkins responded that experience had shown that a swimming pool was not used that much. Other types of recreational facilities were being discussed, but not had definitely been decided on. Mr. Mosca stated some of the larger facilities had a swimming pool. However, the concept behind the residential units was to offer opportunities for residents to go outside the site. There would be an activities/social services designee who would help residents plan for activities outside the site. In the nursing facility recreational facilities had been planned for the type of resident. The facility was planned to have an outdoor type of environment. The interior space had been expanded to allow for larger patient rooms where personal belonging could be brought in.

Ms. Evarts asked about fire access. Mr. Atkins stated that the facility was governed by strict fire requirements for nursing homes. The easement to Elliott would provide for a second access.

Mr. Lathrop asked how many beds the state had allocated for this geographic area. Mr. Atkins explained that the state had allocated 120 beds for the area over a year ago. Hillhaven was seeking an extension because of the time required for the variances and the special use request.

Ms. Hampton asked if there was a segregated concept of facilities. Mr. Mosca stated the attempt was to organize the services for the people who would need them and to degree that they would need them. Alderman Smith again questioned the reduction in parking. Mr. Atkins submitted the application for variance into the record. This report showed that the occupants of a nursing home did not usually have cars. The reasonable range for this type of use nationally was one space per three beds. Alderman Cohen pointed out that the Board in April had amended the ordinance to provide for the reduction in parking. Many of the residents would be older than 55. The town could not continue to provide a parking space for everyone. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN KAWALEC, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

#### Zoning Map Amendment for the Baity Property - Public Hearing

The University of North Carolina was requesting the Baity property, on Mason Farm Road, be rezoned from R-20 to U-A. The land use plan designates the land as institutional. Questions raised at the public discussion were on the

291 extension of the 200' buffer along Idlewood Lane, access to Mason Farm Road, uses in U-A, and the advisability of rezoning while the zoning ordinance was being rewritten.

Mr. Rutherford submitted the statement of justification for the record.

STATEMENT OF JUSTIFICATION  
FOR ZONING MAP AMENDMENT

The contiguous central campus area of the University of North Carolina at Chapel Hill comprises approximately 659 acres. With the exception of three parcels of land acquired since the establishment of University A zoning in 1971, the central campus is zoned University A, a zoning classification which permits a wide range of uses appropriate to a large, complex University. The North Campus (that section located north of South Road) contains 230 acres and is utilized for administrative activities, most of the academic functions of the Division of Academic Affairs, Student Housing and other central facilities, including the University Library. The South Campus (that area South of South Road) contains 429 acres and provides facilities for North Carolina Memorial Hospital, the five schools of the Division of Health Affairs, the life sciences building complex, major athletic and physical education facilities, the Institute of Government, School of Law, Student Housing and parking facilities.

Aside from areas which have been reserved as park lands, there are no undeveloped tracts of land on the North Campus. There are two undeveloped areas on the South Campus. The first is a tract in the southwest corner of the campus which has been reserved for expansion of the medical complex. The second is a much larger tract along the southern edge of the campus south of Manning Drive and east of Odum Village (the married student housing complex). A large portion of this second tract (44.9 acres) was purchased by the University in 1974 to supplement existing land holdings to provide land for future major expansion of the University. The present zoning of the land purchased in 1974 is R-20, a zoning classification which will not permit the varied type of development which will be required by the University. In order to make this land fully available for University development, this request is being made to rezone this property from R-20 to University A.

The land in question (as shown on the maps which accompany this rezoning request) is bounded on the North, East and West sides by University property which is zoned University A and on the South side by the residential area along Mason Farm Road which is zoned R-20. The University recognizes the importance of maintaining the residential character of the Mason Farm Road area and plans, with any future development, to protect the area against incompatible institutional development. For this reason, the rezoning request includes only 36.5 acres of the 44.9 acre tract purchased in 1974, excluding a strip of land 200 feet wide along the northern right-of-way of Mason Farm Road. This area, which will continue to be zoned R-20, will remain in its natural state and will serve as a buffer between

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the residential area and University development. Further, the University is committed to isolating this residential area from traffic generated by development of the property. No access to the tract will be provided which will require use of the adjacent residential streets. SEP 25

As the University examines future program needs, additional physical development of the campus appears inevitable if the University is to continue to meet its educational, research and public service responsibilities to the citizens of the state. While the majority of the presently identified capital improvement projects are envisioned as additions to existing facilities, there is a pressing need to identify a future direction of expansion beyond the developed campus and to direct that potential expansion with a comprehensive plan of development that will insure orderly growth. The undeveloped area along the Southern edge of the campus provides the opportunity to develop an orderly growth pattern for the future that is compatible with anticipated needs of the University and with established land use plans for the Town of Chapel Hill.

It is understood that generally, three criteria have been used in evaluating zoning map amendments: a mistake in the existing zoning, changed conditions which would justify a zoning amendment and/or the need to change the zoning to bring it in conformance with the Comprehensive Plan. These three criteria are discussed below:

1. With regard to whether a mistake was made in the establishment of the existing zoning designation: The Town Attorney has explained that the University A & B zoning districts were created (in 1971) to prevent encroachment of the University into established residential areas adjoining the campus and that this zoning accommodated land use patterns at that time. For the most part, and particularly along the south edge of the campus, the University A zoning boundary follows the University property line as it existed in 1971. There is no evidence that an error was in the existing zoning.
2. With regard to changes in conditions which no longer make the existing zoning reasonable: So long as this undeveloped land was privately owned, the R-20 zoning was a reasonable designation to encourage development which would be compatible to both the University and the existing residential area. The proximity of this land to the central campus, lying undeveloped, also marks it as a logical area for University expansion - a fact so noted in the recently adopted Chapel Hill Land Use Plan. Acquisition of this property by the University has changed the conditions under which the zoning designation was considered in 1971. Because of the basis on which the University A zone was created, it is assumed that if the University had owned this property in

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1971, the University A boundary would have been drawn to include this tract of land.

3. With regard to bringing the property into conformance with the Comprehensive Plan: The Land Use Map adopted by the Chapel Hill Board of Aldermen in the Fall of 1977 designates the entire tract of University - owned land along the south edge of campus for institutional use. The re-classification of zoning in this area to University A as requested will result in zoning which is consistent with the indicated land use.

In conclusion, the University believes that it is paramount to plan for future physical growth of the campus in a manner which is both compatible with the needs of the University and with the comprehensive plan for development of the Town of Chapel Hill. This request to rezone 36.5 acres of land on the south campus is consistent with the planning objectives of the University and Town and is, in fact, the only undeveloped tract of land contiguous with the established core of the campus which provides the opportunity to adequately meet these objectives.

Alderman Thorpe asked if the applicant did not have to state the use planned for the property. Mr. Denny answered that any permitted use under the new zoning would be allowed. The Board could not limit the applicant.

Mr. Watts Hill questioned the adequacy of the U-A Zoning. Conditions could not be put on the zoning. Mr. Hill suggested two courses of action. (1) Change the types of uses allowed in U-A zoning. (2) Reconsider U-A and U-B zoning and modify them as needed. He suggested the requests for rezoning be tabled until the zoning ordinance study had been completed. In this manner all of the U-A zoning could be looked at.

Mr. Richard Wolfenden lived next to the property proposed for rezoning. He said the rezoning would remove all restrictions on development in the neighborhood. Setbacks and heights limits would be removed. He asked that 200' buffer be preserved between the residential units and the university property. Mr. Wolfenden had consulted an appraiser about the value of his property with the rezoning, but had been told it would depend on the actual use of the property. Alderman Cohen asked if the Board could rezone less area than was proposed. Mr. Denny stated that it could.

Mr. Francisco asked if other zonings could be considered. Mr. Denny said that any lesser zoning could be considered, but there were no other zonings which would be included in U-A.

Ms. Baitty reviewed the background of the property and its sale to the University. She and her husband had been promised verbally when they sold the property that a coliseum would not be put there. Their intention in selling the property had been to provide land for development in the scientific and academic fields. The only restrictions on the use of the property now were those the town placed on it.

Alderman Smith asked if the University would wait a month or two while the town studied the U-A zoning. Mr. Temple said the University would prefer not to go through such a process in relation to this property. The land was indicated for institutional use. The University owned adjacent land already zoned U-A. He did not think the University's as inconsistent with Ms. Baitty's wishes as it appeared.

Col. Wesley Egan presented a petition from the residents within 500' of the Baitty property.

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During the spring of 1978, 85% of the residents of the Mason Farm Road, Whitehead Road and Otey's Road neighborhood submitted petitions for closure of Mason Farm Road, as a condition for construction by the University of a new parking deck. Majorities of the Planning Board and Transportation Board supported these petitions. Construction of the parking deck has now begun without this action. Nothing has been done to alleviate the traffic problem that existed last year and continues to grow worse.

The University has now submitted a further request for rezoning of land off Mason Farm Road, residential property purchased from Dr. H. G. Baity in 1974. We, the undersigned residents of this neighborhood, petition the Mayor and Board of Aldermen to deny rezoning of the Baity property until adequate steps have been taken to protect our residential neighborhood from encroachment and other institutional developments that might lead to erosion of our property values. We urge, as preconditions to rezoning of the Baity property:

- (1) that a zone 200 feet in width, contiguous to all privately held residential property on Mason Farm Road and Idlewood Lane, be withheld from rezoning and continue to be zoned R-20.
- (2) that Idlewood Lane be closed and the right of way abandoned in such a way that it cannot be used for access from Mason Farm Road to the Baity property, for future construction or other purposes.
- (3) that effective action has been taken to alleviate the existing traffic problem on Mason Farm Road.
- (4) that the use of Mason Farm Road by Parking Deck construction vehicles be prohibited, effective immediately.
- (5) a definite answer be given that access to Mason Farm Road will not be constructed in the future.

This the 25th day of September, 1978.

He did not believe the R-20 zoning was a mistake. It was designated in accordance with the wishes of the residents. They wanted it to stay R-20. This would help insure that the property was not devalued, and that the traffic did not increase. The residents felt the U-A zoning to broad. They asked that the rezoning be denied until adequate steps had been taken to protect the residential neighborhood.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN BOULTON, THAT THE PETITION BE REFERRED TO THE STREETS COMMITTEE. Alderman Kawalec reminded the Board that they could not take action on any recommendations on Mason Farm Road until they controlled the road. Alderman Cohen withdrew his motion.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, THAT THE MEETING BE RECESSED UNTIL SEPTEMBER 29, 1978, AT 4:00, AFTER CONSIDERATION OF ITEM 17. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Provision of Additional Voter Registration

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

A RESOLUTION AUTHORIZING PROVISION OF ADDITIONAL VOTER REGISTRATION

WHEREAS the Orange County Board of Elections proposes to provide voter registration at night only twice a week before the books close for the Senatorial election; and

WHEREAS there is demand for registration among the citizens of Chapel Hill; many of whom are prevented by their jobs from registering during the daytime;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board directs the Town Manager to contract with the Orange County Board of Elections for the provision of two additional voter registrars at the Chapel Hill Municipal Building between the hours of 7:00 and 9:00 p.m. on September 26 and 27, and October 2, 3, and 4, 1978.

This the 29th day of September, 1978.

295 THE MOTION WAS CARRIED UNANIMOUSLY.

The meeting was then recessed until September 29, 1978, at 4:00 p.m.

The meeting was reconvened on September 29, 1978. Mayor Wallace called the meeting to order. Alderman Smith was not present at the first of the meeting.

#### Minutes

On motion by Alderman Boulton, seconded by Alderman Howes, the minutes of September 11, 1978, were approved.

#### Petitions and Requests

The Mayor had received a letter from the Council on Aging announcing that Ms. Lassiter's term would expire this year. The Council requested her reappointment or the appointment of someone else. The meeting was scheduled for October 12, 1978, and they would like to have the new member attend. Ms. Lassiter was appointed by acclamation.

Alderman Howes stated that OWASA had requested the acceleration of the appointment of a member so that the new member could attend the meeting at 7:30 p.m. He asked that the Board consider this matter after the petitions. The Board agreed to do so. Mr. Hinds requested permission to address the Board when it considered the appointment for OWASA.

#### OWASA - Nominations and Appointment

OWASA had submitted the names of Charles Antle and Jake Bryant for nomination. Alderman Thorpe nominated Barbara Booth.

Mr. Hinds was concerned that the five appointees from Chapel Hill were white males. He felt the appointees should better reflect the community. There were women, blacks and students in the community who would like to serve. Alderman Howes stated OWASA had considered this question. This particular appointment was for an unexpired term of a person who had brought administrative expertise to the board. They believed that the two persons submitted for nomination would also bring different areas of expertise to the Board. Alderman Howes pointed out that his term would end shortly and then there would only be two appointees connected with the University. A non-University person could be nominated for that position.

Alderman Thorpe agreed that the Board of Aldermen should be conscious of the makeup of the OWASA board as well as other boards and committees in Chapel Hill.

Alderman Howes said there was a black and a woman on the board. He reminded the Board that working relationship of the OWASA board was very good because the appointees worked for the community rather than each political entity. Alderman Thorpe pointed out that these persons had been appointed by other governments. Chapel Hill must not rely on others for a balanced board. Mr. Antle received 5 votes, Mr. Bryant 1 and Ms. Booth 2 votes. Mr. Antle was appointed to fill the unexpired term of Mr. Waters.

#### Resolution Adopting the Growth Management Report of the Comprehensive Plan

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

#### A RESOLUTION ADOPTING THE GROWTH MANAGEMENT REPORT OF THE COMPREHENSIVE PLAN

WHEREAS the duties of the Planning Board include:

"... to prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area ... to establish principles and policies for guiding action in the development of the area ..."; and

WHEREAS the Planning Board, in carrying out these duties has prepared the Growth Management Report of the Comprehensive Plan; and

WHEREAS the Planning Board feels that adoption of this report by the Board of Aldermen is essential not only for continued progress on the Comprehensive Plan but also for consideration of development requests which are made of the Town;

THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby adopts the Growth Management Report of the Comprehensive Plan.

This the 29th day of September, 1978.



THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting Public Hearings Upon Proposed Amendments to the Zoning Ordinance

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

A-RESOLUTION SETTING PUBLIC HEARINGS UPON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby calls a Public Hearing on October 30, 1978, at 7:30 p.m. in the Meeting Room of the Chapel Hill Municipal Building, 306 North Columbia Street, to consider the following amendments to the Zoning Map and/or the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas (hereinafter Zoning Ordinance):

Section I

AMEND Section 4-B-1-e and paragraph 2 of Section 11-4 of the Zoning Ordinance to delete July as a regular month for hearings on applications for special use permit, zoning text amendments, and zoning map amendments.

Section II

AMEND paragraph 3 of Section 3 - Note G of the Zoning Ordinance (Exemptions to Height Regulations) to read as follows:

The maximum building height for structures located within 500 feet of any aircraft landing field shall be thirty-five (35) feet.

Section III

AMEND Sections 3-A-18-d and 3-A-19-d of the Zoning Ordinance to read as follows:

d. Minimum Setbacks

- (1) The minimum required setback from any controlled street designated by this ordinance shall be fifty (50) feet. Such distance shall be measured from the centerline of the street.
- (2) The minimum required setback for any structure from an abutting lot shall be equal to the height of such structure.

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

RESOLUTION SETTING PUBLIC HEARINGS UPON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby calls a Public Hearing on October 30, 1978, at 7:30 p.m. in the Meeting Room of the Chapel Hill Municipal Building, 306 North Columbia Street, to consider the following amendments to the Zoning Map and/or the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas (hereinafter Zoning Ordinance):

Section I

REZONE from University A to R-10 a tract of approximately 3 acres near the intersections of Hooper Lane, Boundary Street, and Park Place (Tax Map)

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Section II

REZONE from University A to R-10A tract on the southeast corner of Raleigh Street and Franklin Street, containing the President's House, the Hickerson House, and the Spencer House (Tax Map

Section III

REZONE from R-10A to R-10 portions of two lots on Raleigh Street north of Rosemary Street (Tax Map

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing an Agreement with Holmes Day Care, Inc.

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

A RESOLUTION AUTHORIZING AN AGREEMENT WITH HOLMES DAY CARE CENTER, INC.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Mayor to execute an agreement providing space in the Hargraves Center for the Holmes Day Care Center, Inc., at a monthly rental of \$100.00 for 5 years, and may be renewed for an additional 5 years upon the same terms.

This the 29th day of September, 1978.

Alderman Boulton did not feel the \$100 per month for ten years was a wise move. She moved that the agreement be amended to call for renegotiation of the utility payment every two years.

Alderman Cohen asked that a limit be put on the amount it could be increased. Alderman Epting suggested the increase be not more than 10% a year as that was the amount utilities usually increased. (Alderman Smith came in.) The renegotiation would occur in January when a new Board was elected. Alderman Thorpe was concerned that this would make the Holmes Day Care board political.

Alderman Epting asked if the center was available for use by white children. There were no restrictions on the use. Ms. Pendergraft stated the center was full. They were certified to take more children but would have to increase the staff. The children were chosen on a first come first serve basis. The parents filled out both an application for the child and a medical form. Alderman Boulton pointed out that the review of the utilities payment would continue to go through the Recreation Commission for recommendation as fees do for all recreational buildings. Alderman Kawalec questioned whether this amendment would accomplish what the Holmes Day Care Center wanted, an assurance that they would have a place to stay. Alderman Cohen said this amendment would not prejudice their guarantee to stay.

Alderman Epting stated it was his intent that the utility pavement would rise with the inflationary cost of utilities. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES TO CEASE DISCUSSION. THE MOTION WAS CARRIED UNANIMOUSLY. THE MOTION TO AMEND WAS CARRIED BY A VOTE OF FIVE TO THREE WITH ALDERMEN BOULTON, EPTING, HOWES, KAWALEC, AND VICKERY SUPPORTING AND ALDERMEN COHEN, SMITH AND THORPE OPPOSING. THE FOLLOWING RESOLUTION WAS ADOPTED BY A VOTE OF SIX TO TWO WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, KAWALEC, AND VICKERY SUPPORTING AND ALDERMEN SMITH AND THORPE OPPOSING.

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BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Mayor to execute an agreement providing space in the Hargraves Center for the Holmes Day Care Center, Inc., at a monthly rental of \$100.00, said rental to be reviewed every two years during the month of January, for 5 years, and may be renewed for an additional 5 years upon the same terms. SEP 29

This the 29th day of September, 1978.

Resolution Expressing a Commitment to Minority Business Enterprise

Mr. Shipman stated that the next three items were related. Item 14 was authorization for the town to apply for a grant. The other two items were grant requirements the Board was being asked to adopt so that the Town might qualify for the grants.

Alderman Howes asked for an explanation of how the town would affect its commitment to minority business enterprise. Mr. Shipman stated that a list of minority businesses and the services they provided would be made. These businesses would be notified of projects to be bid on. Pre-bid conferences would be held further explaining what would be necessary. The Town would publish a bid guide for preparing bids. Many of the projects would be broken down so that smaller firms could bid on portions.

Mr. Godding would be responsible for preparing reasonable goals of participation by minority businesses, based on the businesses in the area. These goals would be monitored and the town would have to explain to UMTA why they were not met if they were not met. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION EXPRESSING A COMMITMENT TO MINORITY BUSINESS ENTERPRISE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby expresses its commitment to the fostering of minority business enterprise as defined by Federal regulations; and

B. IT FURTHER RESOLVED that the Board hereby directs the Town Manager to undertake the primary responsibility for carrying out the objectives of the Town for minority business enterprise by appointing a Minority Business Liason Officer and by developing and implementing the goals, objectives and timetables of a Minority Business Enterprise Program.

This the 29th day of September, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

Resolution Authorizing the Filing of an Application with the Department of Transportation, United States of America, for a Grant Under the Urban Mass Transportation Act of 1964

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

A RESOLUTION AUTHORIZING THE FILING OF AN 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 Secretaries 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 in connection with this project, and that definitive procedures shall

299 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 Town Manager is authorized to execute and file an 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, and the design and construction of park/ride lots;
2. That the Town Manager is 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 purpose of Title VI of the Civil Rights Act of 1964;
3. That Raymond E. Shipman, Interim Town Manager, is authorized to furnish such additional information as the North Carolina Department of Transportation of the U.S. Department of Transportation may require in connection with the application of the project;
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Stating the Rights of Employees as Protected by Section 13(C) of the Urban Mass Transportation Act of 1964

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

A RESOLUTION STATING THE RIGHTS OF EMPLOYEES AS PROTECTED BY SECTION 13(C) OF THE URBAN MASS TRANSPORTATION ACT OF 1964

WHEREAS the Town of Chapel Hill wishes to submit a Capital Grant Application to the Urban Mass Transportation Administration, under the Urban Mass Transportation Act of 1964, and

WHEREAS the Town of Chapel Hill recognizes that Section 13(c) of said Act requires, as a condition of any assistance thereunder, that fair and equitable arrangements be made as determined by the Secretary of Labor and specified in the Contract of assistance to protect the interests of employees;

NOW, THEREFORE, to implement this requirement, the Board of Aldermen of the Town of Chapel Hill, as a condition of its participation in the Project, hereby agrees to meet the requirements of Section 13(c) of the Act, and in so doing agrees to accept obligations for performance of the following terms and conditions which shall be binding and enforceable against the Town of Chapel Hill by the employees covered by these terms and conditions and any representatives of such employees:

The Town of Chapel Hill agrees to assure the protection of all such employees affected by Federal assistance by the Project by agreeing upon the following arrangements:

- (1) The Project will be carried out in such a manner and upon such terms and conditions as will be fair and equitable to employees covered by this arrangement.
- (2) The rights, privileges and benefits contained in the Order of the Interstate Commerce Commission in Finance Docket No. 15920, New Orleans Union Passenger Terminal Case, 282 ICC 271, January 16, 1952, will apply to any employee covered by this resolution whose position with respect to his employment is worsened as a result of the Project; provided, however, that in applying these conditions, any such employee so affected shall receive the benefit of any provision of the AMTRAK conditions, as certified by the Secretary of Labor under Section 405(b) of the Rail

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Passenger Service Act of 1970, on April 16, 1971, which is more favorable than the New Orleans conditions, but there will be no duplication of benefits. The Town of Chapel Hill will be financially responsible for the application of these conditions, and will make the necessary arrangements so that any employee affected as a result of the Project may file a claim with it under this paragraph. The Town of Chapel Hill will either honor the claim by making payment in accordance with these conditions or give notice to the claimant and his representative of its basis for failing to honor such claim, giving reasons therefore. In the event the Town of Chapel Hill fails to honor such claim, the employee involved may invoke the following procedures for further joint investigation of the claim, by giving notice in writing of his desire to pursue such procedures. Within ten (10) days from the receipt by the Town of Chapel Hill of such notice, the parties shall exchange such factual information as may be available to them relevant to the disposition of the claim and shall jointly take such steps as may be necessary or desirable to obtain from any third parties such additional factual information as may be relevant. As soon as practicable thereafter, the parties shall meet and attempt to agree upon the proper disposition of the claim. If no such agreement is reached and the Town of Chapel Hill decides to reject the claim, it shall give written notice of its final rejection of the claim detailing its reasons therefore. In the event the claim is so rejected by the Town of Chapel Hill, the claim may be processed to determination as hereinafter provided. Throughout the claims handling and determination procedures, the Town of Chapel Hill shall have the burden of affirmatively establishing that any deprivation of employment, or other worsening of employment position, has not been a result of the Project, by proving that only factors other than the Project affected the employee.

An employee shall be regarded as having been placed in a worse position with respect to his employment within the meaning of this paragraph:

- (a) When the position he holds is abolished or materially changed adversely to the employee and he is unable to obtain, by the normal exercise of his seniority rights, another reasonably comparable position, earning a rate of pay and producing compensation equal to or exceeding the rate of pay and compensation of his former position; or
- (b) When the position he holds is not abolished or materially changed, but he is bumped from that position directly or indirectly as a result of the exercise of seniority rights by another employee whose position is so abolished or materially changed, if he is unable, by the exercise of his seniority rights to secure another reasonably comparable position producing compensation equal to or exceeding the rate of pay and compensation of his former position.

An employee shall not be regarded as having been placed in a worsened position with respect to his employment within the meaning of this paragraph in the case of his resignation, death, retirement, dismissal for cause, or failure to work due to disability or discipline, or failure to obtain such a reasonably comparable position available to him in the exercise of his seniority rights in accordance with existing agreements.

The phrase "As a result of the Project," within the meaning of this paragraph, shall include the acquisition and use of the new transit buses and any other changes or events occurring in anticipation of, during, and subsequent to the Project.

- (3) Any dispute or controversy arising between any employee and the Town of Chapel Hill Transit System or between his representative and the Town of Chapel Hill Transit System, regarding the application, interpretation, or enforcement of the provisions of this arrangement, which cannot be settled within thirty (30) days after the dispute or controversy first arises,

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may be submitted at the written request of the Town of Chapel Hill Transit System, the employee or designated representative to any final and binding disputes procedure acceptable to the parties, or in the event they cannot agree upon such procedure, to the Department of Labor or its designee for purposes of final and binding determination of all matters in dispute. The Town of Chapel Hill Transit System will post in a prominent and accessible place where employees of the Town of Chapel Hill Transit System are employed, a notice informing such employees that the System is a recipient of federal assistance under the Act and that the System has agreed to comply with the provisions of Section 13(c). The notice shall also include a copy of this resolution and specifically inform employees of their right to refer claims and disputes arising thereunder to the Department of Labor for determination. The Town of Chapel Hill Transit System shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the determination of claims arising under these conditions.

- (4) Nothing in this resolution shall be construed as depriving any employee of any rights or benefits which such employee may have under existing employment or collective bargaining agreements, nor shall this agreement be deemed a waiver of any rights of any labor organization or represented employee derived from any other arrangement or agreement or provision of federal, state, or local law. However, no employee entitled to monetary benefits under this arrangement and any other agreement or agreements will be paid more than the compensation afforded by the most favorable agreement or arrangement.
- (5) This resolution shall be binding upon the successors and assigns of the parties hereto and they shall agree to be bound by the terms of this arrangement and accept the responsibility for full performance of these conditions.
- (6) In the event any provision of the resolution is held to be invalid or otherwise unenforceable under federal, state, or local law, such provision shall be re-negotiated for purpose of adequate replacement under Section 13(c) of the Act. If such negotiations shall not result in mutually satisfactory arrangement, the Town of Chapel Hill agrees that any person affected by this project may invoke the procedure set forth herein to determine substitute fair and equitable employee protection arrangements which shall be incorporated in this resolution, and/or any other appropriate action, remedy, or relief.
- (7) In the event this Project is approved for assistance under the Act, the foregoing terms and conditions shall be made part of the Contract of assistance, provided, however, that this resolution shall, nevertheless, be independently binding and enforceable by and upon the parties hereto, in accordance with its terms.
- (8) Any employee covered by this resolution who has been terminated or laid off for lack of work, shall be granted priority of employment to fill any vacant position in the Town of Chapel Hill's transit system for which he is, or by training or re-training can become, qualified. In the event training or re-training is required by such employment or reemployment, the Town of Chapel Hill, or other operator of the transit system, shall provide or provide for such training or re-training at no cost to the employee, and such employee shall be paid, while training or re-training, the salary or hourly rate of his former job classification or the training rate of the classification for which he is training, whichever is higher.
- (9) The Town of Chapel Hill recognizes and agrees that Federal financial assistance to this Project will be extended in reliance on these conditions and agrees to assume responsibility for performance of these conditions.

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- (10) No employee covered by these terms and conditions shall be denied employment, nor any right, privilege, or benefit pertaining thereto, by reason of membership or non-membership in a labor organization, or by reason of representation or non-representation by such labor organization, except as may be provided by applicable laws.
- (11) The foregoing terms and conditions shall apply only in the event the Project is approved for assistance under the Act.

This the 29th day of September, 1978.

Alderman Epting asked how this would apply. Mr. Shipman explained that if a job was eliminated by the use of grant funds, the town must provide another job for any employee displaced. The arbitration agreement was that the town and any aggrieved employee might have arbitration by the Department of Labor. The Town had always been bound by this agreement. The last mayor had signed a similar agreement in letter form. UMTA had requested that it now be affirmed by resolution. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN BOULTON, COHEN, HOWES, KAWALEC, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMAN EPTING OPPOSING.

Parking Permits

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

A RESOLUTION GRANTING SPECIAL PARKING PERMITS (NON-RENEWABLE)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds regarding the below-listed applicants for special parking permits as follows:

- 1) the applicants are domiciled on streets on both sides of which in front of applicants' domiciles parking is prohibited at some time; and
- 2) the applicants have vehicles which they have no practical way of parking off the public right-of-way; or there is no practical way in which two guest vehicles in addition to applicants' own vehicles (if any) may be parked off the public right-of-way; and
- 3) in the opinion of the Town Engineer, it would be possible to construct each parking space for applicants' vehicles for \$800 or less; and

THEREFORE, the Board hereby grants the following special parking permits for the period August 1, 1978 through July 1, 1979; however, such permits shall not be renewed without a showing that all the circumstances contemplated in Section 21-27.2(c), Code of Ordinances, Town of Chapel Hill obtain:

Address	Applicant	Affixed	Guest
208 Glenburnie Street	Michael R. Wright	1	2

This the 29th day of September, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

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

303 RESOLUTION GRANTING SPECIAL PARKING PERMITS (RENEWABLE)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds regarding the below-listed applicants for special parking permits as follows:

- 1) the applicants are domiciled on streets on both sides of which in front of applicants' domiciles parking is prohibited at some time; and
- 2) the applicants have vehicles which they have no practical way of parking off the public right-of-way; or there is no practical way in which two guest vehicles in addition to applicants' own vehicles (if any) may be parked off the public right-of-way; and
- 3) in the opinion of the Town Engineer, it would cost more than \$800 to construct each parking space for applicants' vehicles off the public right-of-way; or in the opinion of the Board, such construction would require the destruction of an area or object of historical or natural significance to the Town as a whole; and

THEREFORE, the Board hereby grants the following special parking permits for the period August 1, 1978 through July 1, 1979 and renewable thereafter for further one-year periods upon a showing of no change in circumstances:

<u>Address</u>	<u>Applicant</u>	<u>Affixed</u>	<u>Guest</u>
2 Cobb Terrace	Eddy Gibson	1	0
315 West University Drive	Peggy B. Harrington	1	2
315 West University Drive	James B. McLain	1	0
1 Cobb Terrace	Helen E. Bell	0	2

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

Alderman Howes had received a call from the Interchurch Council on the denial of their request for permits. He understood that the permits were denied because they were not domiciled there which was a strict interpretation of the ordinance. Mr. Shipman stated that if the town granted these permits, it must also grant others to businesses such as Southern Bell who had requested permits. Alderman Kawalec was concerned about opening the ordinance to exceptions, but was sympathetic to the Council because the University had taken away spaces it allowed them to use. Alderman Howes asked if the Board was precluded from granting the Council a permit because it was not domiciled in the building. Mr. Denny stated he was not familiar with this matter. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION.

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A RESOLUTION DENYING SPECIAL PARKING PERMITS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds regarding the below-listed applicants for special parking permits as follows:

- 1) the applicants are not domiciled on streets on both sides of which in front of applicants' domiciles parking is prohibited at some time; or
- 2) the applicants have vehicles which they have a practical way of parking off the public right-of-way; and

THEREFORE, the Board hereby denies special parking permits for the below-listed applicants:

<u>Address</u>	<u>Applicant</u>	<u>Affixed</u>	<u>Guest</u>
224 Vance Street	Melanie P. Lewis	1	
329A Tenney Circle	Robert J. Hazelgrove, Jr.	1	
329A Tenney Circle	I. Faison Hicks	1	
514 North Street	Mrs. Janie S. Gwynn	1	
207 Wilson Street	Inter-Church Council		2



215 Henderson Street	Susan Catherine Page	1
215 Henderson Street	Martha J. Hedrick	1
215 Henderson Street	Susan M. Lynch	1
204 West Cameron Avenue	Andrew W. Robinson	1
204 West Cameron Avenue	James D. Horne	1
406 Ransom Street	Susan B. Holt	1
205 University Drive	Charles Andre Barbera	1

This the 29th day of September, 1978.

The discussion on whether or not these permits should be granted continued. Mr. Denny suggested the matter be tabled and he would report to the Board at its next meeting on whether the Board could grant a permit and if it could not, suggest an amendment to the ordinance which would allow such an exception. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN THORPE, THAT THE MATTER BE TABLED UNTIL THE NEXT MEETING. THE MOTION WAS CARRIED UNANIMOUSLY.

The temporary permits would continue in effect until that time.

#### Bids

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR RESURFACING OF STREETS

WHEREAS the Town of Chapel Hill has solicited formal bids for Resurfacing of Streets and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	
	<u>11/3/78 Completion</u>	<u>6/1/79 Completion</u>
B & B Paving Contractors, Inc. Morrisville, N.C.	\$51,650.42	\$36,281.30
C.C. Mangum, Inc. Raleigh, N.C.	\$40,830.70	\$28,545.45
Mellott Contractors, Inc. Carrboro, N.C.	\$45,296.56	\$30,240.76
Nello L. Teer Company Durham, N.C.	\$45,239.20	\$29,038.20
Oscar Miller Asphalt Paving Contractors, Inc. Morrisville, N.C.	\$43,625.15	\$29,168.65
REA Construction Company Raleigh, N.C.	\$42,056.72	\$29,231.47
William Muirhead Construction Company Durham, N.C.	\$43,586.00	\$28,554.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of C. C. Mangum, Inc. (deleting 392 tons of I-2 at \$23.95/ton) in the amount of \$59,987.75.

This the 29th day of September, 1978.

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THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR I-2 ASPHALTIC CONCRETE, H-B ASPHALT, AND TACK COAT

WHEREAS the Town of Chapel Hill has solicited formal bids for I-2 Asphaltic Concrete, H-B Asphalt, and Tack Coat and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>		
	<u>1,400 Tons I-2</u>	<u>600 Tons H-B</u>	<u>1,500 Gal. Tack Coat</u>
Nello L. Teer Co. Durham, N.C.	\$20,300	\$8,100	\$750.00
William Muirhead Construction Co. Durham, N.C.	\$21,000	\$8,400	\$900.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Nello L. Teer Company in the amount of \$29,150.

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR THE RECONSTRUCTION OF TRAFFIC SIGNALS

WHEREAS the Town of Chapel Hill has solicited formal bids for the Reconstruction of Traffic Signals and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
E & R Inc. Kinston, N.C.	\$25,748.20
Floyd S. Pike Electrical Contractor, Inc. Mount Airy, N.C.	\$32,861.70
Watson Electrical Construction Co. Wilson, N.C.	\$38,250.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of E & R, Inc., in the amount of \$25,748.20.

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

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A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR THREE HUNDRED GALVANIZED CHANNEL IRONS

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WHEREAS the Town of Chapel Hill has solicited formal bids for Three Hundred Galvanized Channel Irons and the following bids have been received:

<u>Bidder</u>	<u>Channel Irons</u>
Vulcan Sign and Stampings, Inc. Foley, Ala.	\$3,045.00
Southeastern Safety Supplies, Inc. Columbia, S.C.	\$3,540.00
Lyle Signs, Inc. Minneapolis, Minn.	\$3,810.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Vulcan Sign and Stampings, Inc., in the amount of \$3,045.00.

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR OFFICE FURNISHINGS

WHEREAS the Town of Chapel Hill has solicited formal bids for Office Furnishings and the following bids have been received:

<u>ITEM</u>	<u>STORR SALES CO.</u>	<u>CAROLINA OFFICE SUPPLY</u>	<u>CAPITAL PRINTING CO.</u>	<u>BRAME SPECIALTY CO.</u>
<u>DESKS AND CREDENZA</u>				
A. *Ten 60"x30" Executive Desks	\$ 2,350.00	\$ 2,345.60	\$ 2,685.00	\$ 2,326.00
B. One Credenza	253.25	154.53	288.60	250.00
<u>CHAIRS</u>				
A. Sixteen Arm Chairs	1,917.60	1,775.20	NO BID	NO BID
B. *Twenty Executive Swivel Chairs	2,900.00	2,621.00	NO BID	NO BID
C. Ten Side Chairs	1,005.00	886.80	NO BID	NO BID
D. One Swivel Chair	167.65	170.73	NO BID	NO BID
E. Six Stacking Chairs	159.60	141.36	NO BID	NO BID
<u>BOOKCASES AND TABLES</u>				
A. *Four 3-Tier Bookcases	379.00	404.00	432.00	374.24
B. Two 6-Tier Bookcases	289.50	314.74	330.60	286.40
C. One 2-Tier Wall Mounted Bookcase	104.00	72.80	102.60	75.11
D. One End Table	65.55	66.92	NO BID	145.79
E. Two Work Tables	299.00	289.04	340.80	295.20
F. Two Conference Tables	705.00	680.92	803.40	696.00
<u>LOUNGE FURNITURE</u>				
A. Two 3-Seat Sofas	654.00	571.86	NO BID	NO BID
B. Two Lounge Chairs	393.50	294.72	NO BID	NO BID
<u>STORAGE CABINETS</u>				
A. One Cabinet	147.70	105.00	NO BID	108.00
B. One Cabinet	96.50	63.80	NO BID	61.66
<u>MISCELLANEOUS</u>				
A. Two Desk Lamps	26.00	104.00	65.90	NO BID
B. Four Electric Clocks	140.00	48.00	NO BID	NO BID
C. One Costumer	30.50	28.46	36.60	NO BID
D. Two Typewriter Stands	207.00	182.84	277.20	NO BID
<b>TOTAL</b>	<b>12,290.35</b>	<b>11,322.32</b>	<b>5,362.70</b>	<b>4,618.40</b>

\*Items for which firm prices were requested through April 30, 1979.

Underlined items are recommended for acceptance.

Unit Prices Only (Firm through April 30, 1979)

Clerical Desk	265.00	230.80	265.80	230.25
Secretarial Desk	295.00	258.90	295.80	256.25
Steno Chair	120.00	100.00	NO BID	NO BID

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the items underlined in the bid tabulation for Storr Sales Company in the amount of \$503.40, the items underlined in the bid tabulation for Carolina Office Supply in the amount of \$7,747.53 (excluding unit price item), and the items underlined in the bid tabulation for Brame Specialty Company in the amount of \$2,986.64 (excluding unit price items. Further, it is recommended that the unit prices bid by Brame Specialty for clerical and secretarial desks and the unit price bid by Carolina Office Supply Company, Inc. for steno chairs be accepted.

This the 29th day of September, 1978.

Alderman Thorpe asked that Mr. Hooper also looked into getting a clock for the meeting room. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman explained that the staff was asking the Board to reject bids for two electronic solid state key telephone systems. The staff had not realized the kind of savings they had anticipated. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION REJECTING BIDS FOR TWO ELECTRONIC, SOLID STATE, KEY TELEPHONE SYSTEMS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town has received the following bids on two electronic solid-state key telephone systems:

<u>Bidder</u>		<u>Base Bid</u>	<u>Bid</u>	<u>Options</u>
Executone-Triad Inc. Greensboro, N.C.	Recreation	\$10,488.63	1. A.	\$368.00
			B.	957.00
	Public works	11,709.27	2.	97.85/station
			1. A.	368.00
			B.	957.00
			2.	97.85/station
Long Engineering Co., Winston-Salem, N.C.	Recreation	7,300.00	1. A.	275.00
			B.	347.00
	Public Works	7,500.00	2.	828.00/station
			1. A.	275.00
			B.	347.00
			2.	966.00/station

AND BE IT FURTHER RESOLVED that the Board hereby rejects both said bids.

This the 29th day of September, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

Committees and Commissions

The Planning Board had submitted the names of Riley Wilson and David Hinds for nomination to fill the unexpired term of Marie Mann.

Alderman Kawalec nominated Ronald Rindfuss, stating that he lived in an area of town not now represented on the Planning Board.

The Board was notified of one vacancy on the OWASA board, created by the term expiration of Alderman Howes. Alderman Thorpe nominated Barbara Booth.

Future Agenda Items

Alderman Smith asked that the Manager and Finance Officer look into finding a way for the Board to pay personal tribute to any of the town employees at their death, for their services to the town. He asked that a report be brought back to the board on how this could be provided for out of revenues.

Alderman Epting suggested that the public hearings be moved to a non-regular meeting night, the first or third Monday of the month. Mr. Denny was instructed to bring in a schedule for public hearings for the Board to consider. Alderman Epting also suggested that the meetings have a time limit; however, some of the other Aldermen would have problems with scheduling a continued meeting on short notice.

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

Mayor James C. Wallace

*James C. Wallace*

Town Clerk David B. Roberts

*David B. Roberts*

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