

MINUTES OF A PUBLIC HEARING AND MEETING OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, NOVEMBER 20, 1978, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

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

Also present were Interim Town Manager E. Shipman, and Town Attorney E. Denny.

Mayor Wallace introduced the following resolution of appreciation to Alderman Howes.

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

RESOLUTION

WHEREAS, Jonathan Howes has given long hours of dedication and determination in the planning and development of OWASA; and

WHEREAS, Alderman Howes has served as one of the original OWASA members, playing a vigorous and essential role in making our community conscious of its water and sewer responsibilities, while aiding in the search to find new ways and means of providing adequate water and sewer facilities for now, and in our future; and

WHEREAS, Mr. Howes additionally gave of his leadership expertise by serving in the role of Chairman in the past year;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill, on behalf of all citizens, express deep appreciation to Alderman Jonathan Howes for the many official and personal contributions he has made to OWASA; and

BE IT FURTHER RESOLVED, that this Resolution be signed and sealed by the Mayor and other members of the Board of Aldermen and a copy be duly filed with the permanent records of the Town of Chapel Hill; and

BE IT FURTHER RESOLVED that this Resolution shall be in effect immediately upon its adoption.

This the 20th day of November, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

Zoning Ordinance Amendments and Transitional Techniques - Public Hearing

Mr. Jennings stated the intent of the public hearing was to discuss the tools available to the town through the Zoning Ordinance, get input from citizens; and to consider authorization by the Board to the staff to prepare specific zoning ordinance amendments. If the decision was to create a separate transitional zoning district, two more public hearings should be held. One of the principles of zoning was to classify and locate various land uses so that the Town would have adequate space for different uses; also to minimize potential conflict between different uses. Available techniques included buffers, transitions and screens.

The Zoning Ordinance Rewrite Advisory Committee had been looking at planned development and provisions for an orderly transition from more intensive to less intensive use districts. Questions had been raised about areas where the University abutted established residential districts. The issue had been discussed with the consultant and with the ZORAC. The preliminary consensus was that there was a need for a university district, that the transition should take place within the University district, and the height requirements should be tightened in the transition areas. The staff felt some permitted uses should be changed to special uses, they also recommended deleting some uses for which there appeared no need.

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Mr. Jennings then reviewed the areas to be considered for zoning map amendments, Map 60, Block B, Lot 3; Map 55, Lot 13; Map 88, Block H, Lot 1; Map 86, Block E, Lot 11; Map 87, Block B, Lots 11, 12, 13 and 14; Map 87, Block D, Lots 9, 10 and part of 11.

Mayor Wallace asked if comparable zoning would be established on the other side of the University boundaries or if the transitional techniques would be entirely within the University A. The preliminary recommendation was not to make the transition into the variety of residential districts around the University, but that in an area where warranted another zoning district might provide the transition.

Alderman Cohen asked if there would be a different type of zone where there would be transitional techniques with the center core of the campus subject to its present restrictions. Mr. Jennings answered that the transitional techniques could take place within the University A zoning or a different zone could be set up.

Alderman Howes did not want to entirely delete the "carnivals and circuses" provision as there were some activities which the University should be able to hold on campus. Mr. Denny said the intent was to prohibit what was not expressly permitted in the zoning.

Mr. Temple said that no one in the town had contacted the University about the parcels proposed for rezoning. There had been no explanation as to why these parcels and not others were chosen. If these parcels were rezoned to residential use, the University would not be able to use the land. With the resolution of the tax issue, the University could be put into the position of paying taxes on land which they could not use. They would be left with the alternative of disposing of the land. Therefore the University was opposed to the proposed rezonings.

Mr. Temple did not believe the University A zoning should be considered separately from the zoning rewrite committee's report on all zoning. The committee had considered a transition zone within the campus of 100 feet, 300 feet or even 500 feet. The 100 feet would be 85 acres of a total 600 acres, the 300 feet would be 213 acres and the 500 feet would be $\frac{1}{2}$ the campus.

With the proposed tightened height and placement requirements the University would not be allowed to build several buildings which were planned, such as an addition to the Ackland Art Museum. The University rarely built small facilities.

Mr. Temple was concerned that if more uses became possible only through special use permits, the results would be delay in construction which would cost the University more money. The University was willing to have informal talks on any project to resolve conflicts. Expansion of the special use permits would create more conflict between the University and the Town in Mr. Temple's opinion.

Alderman Thorpe said the University had never before let the Town know its plans for construction. Mr. Temple responded that the five year plan was a public document which the town could see at any time. Alderman Smith asked for a copy of this document. Alderman Howes stated the transitions should vary from one location to another. Alderman Cohen agreed that a footage rule would be arbitrary. However, the Board had an obligation to provide a healthy environment for the people who worked for the University. The Board was trying to involve the public before making specific recommendations on the zoning. Alderman Kawalec thought the procedures for projects should be decided first; that the informal agreements would not involve the public as it should be involved. Alderman Vickery stated the University had been notified of proposed zoning changes just as any other developer would be notified, by the advertisements in the newspaper. While the procedures might cause some delay for the University and make a project cost more, citizens were concerned that their property values might decrease if their questions were not answered and conflicts resolved. The special use process provided a forum for exchange which did not have to be confrontation.

Alderman Vickery said the University zoning was being considered separately because it was unlike any other zoning and was so unconstrained.

Mr. Watts Hill submitted a written commentary of the University zoning and suggested transition techniques, recommending three University zoning districts, District U, District U/A (for Athletic) and District U/T (for Transition). He discussed the role of the General Assembly in University planning and construction and possible criteria to be considered in the use of University land. Mr. Hill also recommended that the University zoning changes be postponed until all zoning ordinance changes were made.

Mr. Harvey Smith stated that the expansion of the University was threatening the quality of life for residents. He hoped the problem of transition could be solved within the University's geographical limits.

Alderman Boulton asked if the transitional devices would be transferable to the CBD. Mr. Shipman responded that they were not transferable but similar transitional devices could be used when rewriting the zoning ordinance with regard to the CBD.

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

A RESOLUTION CALLING A PUBLIC HEARING JANUARY 15, 1979 TO DISCUSS SPECIFIC ZONING TEXT AMENDMENTS FOR THE UNIVERSITY A ZONING DISTRICT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby directs the Manager, Planning Board and Zoning Ordinance Rewrite Advisory Committee to prepare specific zoning text amendments regarding the University A zoning district for a Public Hearing to be held January 15, 1979.

Such amendments shall include, but not be limited to:

Establishing a transitional area or areas in University Districts in which certain permitted uses could not be established.

Consideration of adding special use process for certain uses.

Establishing tightened area, height, bulk and placement regulations in the transitional area.

Consideration of permitted and prohibited uses.

This the 20th day of November, 1978.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN THORPE, THAT THE ZONING MAP AMENDMENTS BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Inclusion of Cobb Terrace in the Historic District - Public Hearing

Mr. Jennings stated that on April 14, 1977, a number of residents of Cobb Terrace had petitioned the Board to include Cobb Terrace in the Historic District. The Historic and Architectural Significance Report had been approved by the Planning Board on September 19, and transmitted and would be reviewed by the Department of Cultural Resources. He pointed out the area to be added. The amendment would not change the zoning district but would bring exterior changes to structures visible from the public right-of-way, under the review and approval of the Historic District Commission. Alderman Smith asked if any of the houses had any historic significance. Mr. Jennings stated the report outlined the area as being developed during a period of expansion of the University and the buildings were tied to the expansion. The Husky House was listed of being of highest historical significance.

Mr. Massengale stated her neighbor Ms. Cheeks, who could not be at the meeting, was opposed to the addition to the Historic District. Ms. Herman-Giddens stated that she and most of her neighbors were in favor of the amendment. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider Changing Public Hearing Dates

Mr. Jennings stated the consideration of changing public hearing dates had been initiated by the Board of Aldermen. The staff felt the public hearing date should be changed from the fourth Monday of the month to the third Monday. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

Consideration of the minutes of November 13, 1978, were deferred until the next meeting.

Petitions and Requests

Alderman Thorpe asked that a draft of resolutions of appreciation be circulated to Board members so that they might add to it if they wished.

Ordinance Amending the Position Classification and Pay Plan

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

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends the "Ordinance establishing a position classification and pay plan, etc., for the period July 1, 1978 - June 30, 1979," as follows:

SECTION I

ADD in Section IV D, Part-time and Contract Classifications, Miscellaneous

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Salary</u>
Parking Control Assistant	1	Varies	\$3.330-\$4.475/hr.

This the 20th day of November, 1978.

Alderman Thorpe asked if this would be a permanent position. Mr. Shipman answered that it would not; that the staff felt it was needed during the school year. If needed beyond the current year, it would be brought before the Board in the budget. This person would also assist in the bicycle registration and possibly deliver Aldermen's packets. Alderman Smith commented that the person should not be using an automobile but a vehicle such as a motorcycle which could be placed off the right-of-way. Alderman Kawalec asked if the cars could not be stored at the new public works facility with someone there to open the gate so that citizens could take the bus to the site. Mr. Shipman explained that the cars must be placed in a secured area. Also, there was no one at the public works site at night. They did not have the personnel to release the cars. Chief Stone suggested that if the number of towed cars increased as in the past it would be necessary to have someone at the site permanently. Alderman Cohen suggested the town might do its own towing. THE MOTION WAS CARRIED UNANIMOUSLY.

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

AN ORDINANCE AMENDING THE POSITION CLASSIFICATION AND PAY PLAN

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends the "Ordinance establishing a position classification and pay plan, etc., for the period July 1, 1978 - June 30, 1979," as follows:

SECTION I

In Section IV, C, Public Safety, DELETE the lines

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Salary</u>
Firefighter	12	42	12
Police Officer I	19	42	12
Public Safety Officer	24	42	12

and ADD

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Salary</u>
Firefighter	11	42	12
Police Officer I	18	42	12
Public Safety Officer	26	42	12

This the 20th day of November, 1978.

THE MOTION WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN BOULTON, EPTING, HOWES, KAWALEC AND MAYOR WALLACE SUPPORTING AND ALDERMEN COHEN, SMITH, THORPE AND VICKERY OPPOSING. WITHOUT THE NECESSARY 2/3 VOTES THE ORDINANCE WILL BE PLACED ON THE AGENDA OF THE NEXT MEETING FOR A SECOND READING.

Resolution Setting a Public Hearing on December 11, 1978, at 7:30 P.M. to Consider the Pre-Application for a Community Development Small Cities Program Grant

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

A RESOLUTION SETTING A PUBLIC HEARING ON DECEMBER 11, 1978 AT 7:30 P.M. TO CONSIDER THE PRE-APPLICATION FOR A COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM GRANT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board will hold a public hearing at 7:30 p.m. on December 11, 1978 to consider the pre-application of the Town of Chapel Hill for a Community Development Small Cities Program grant.

This the 20th day of November, 1978.

Alderman Howes questioned the content of the application. Mr. Shipman explained that the last time the town had applied, the grading form had not been set up to deal with Chapel Hill's type of application. The staff had discussed the matter with HUD officials and amended the application.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Calling Public Hearings to Consider UMTA Grants

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

A RESOLUTION CALLING PUBLIC HEARINGS TO CONSIDER UMTA GRANTS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby calls two public hearings for 7:30 p.m. on January 2, 1979 in the Meeting Room of the Chapel Hill Municipal Building, 306 N. Columbia Street, to consider the following grants from the Urban Mass Transit Administration:

1. Project NC-03-0018: \$1,338,000 for vehicle and equipment replacement; and
2. Project NC-03-0003: \$665,000 over the previously-approved grant of \$860,480 for acquisition of Transit Vehicles and Equipment and the design and construction of a transit maintenance facility.

This the 20th day of November, 1978.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Directing Signalization of the E. Franklin Street Crosswalk

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

A RESOLUTION DIRECTING SIGNALIZATION OF THE E. FRANKLIN STREET CROSSWALK

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby directs the Town Manager to place a manually-operated traffic signal at the pedestrian crosswalk in the 100 block of E. Franklin Street, in accordance with the provisions of Section 21-15 of the Code of Ordinances of the Town of Chapel Hill.

This the 13th day of November, 1978.

THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH ALDERMEN SMITH, THORPE AND MAYOR WALLACE SUPPORTING AND ALDERMEN BOULTON, EPTING, HOWES, KAWALEC AND VICKERY OPPOSING. Alderman Boulton explained that after several students had changed her position on this matter.

Future Agenda Items

Alderman Vickery asked that consideration of buying parking lot #2 be considered either at a worksession or a meeting. Mayor Wallace stated the town was getting an appraisal to begin negotiations. Mr. Hooper explained that purchase of land for downtown parking was part of the study authorized by the Board.

Alderman Kawalec asked that the Manager place on the next agenda consideration of an amendment to the town charter to rename the Board of Aldermen to the Town Council.

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

James C. Wallace

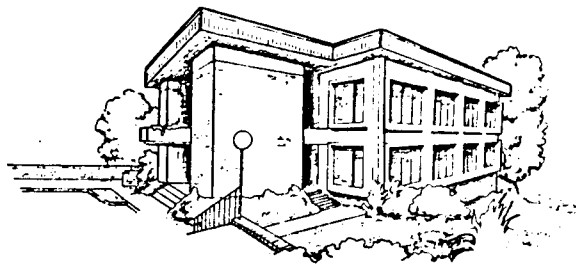
Mayor James C. Wallace

David B. Roberts

Town Clerk David B. Roberts

TOWN OF CHAPEL HILL

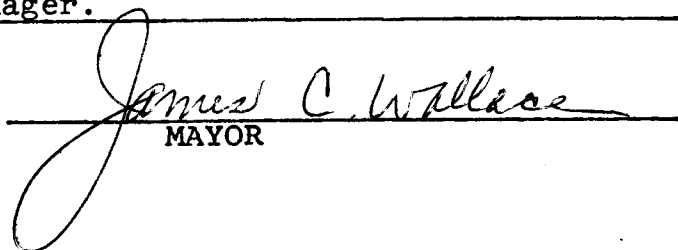
306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111



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

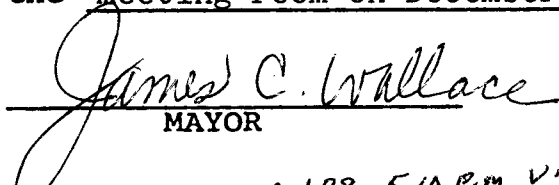
TO: Marilyn Boulton
Gerald Cohen
Robert Epting
Jonathan Howes
Beverly Kawalec
R. D. Smith
Bill Thorpe
Edward Vickery

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the meeting room at 7:30 P.M. on December 4, 1978, following the scheduled worksession, the purpose of the meeting being to discuss and refine criteria for selecting a town manager.

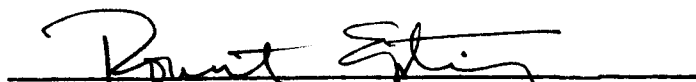
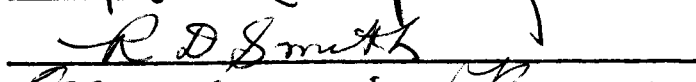
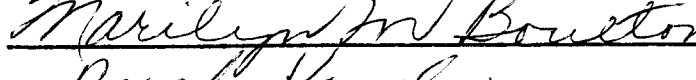
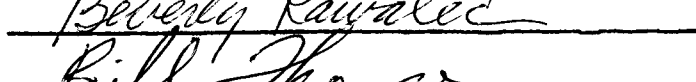



MAYOR

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable James C. Wallace, Mayor, to be held in the meeting room on December 4, 1978, at 7:30 p.m.

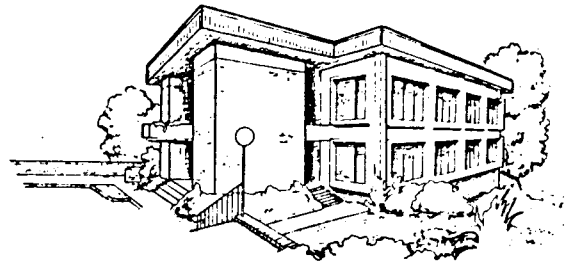

MAYOR

Best copy at Home 12-1-78 5:10 P.M. Vickery
" " " " " 5:15 P.M. Cohen

TOWN OF CHAPEL HILL

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



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

TO: Alderman Marilyn Boulton
Alderman Gerry Cohen
Alderman Robert Epting
Alderman Jonathan Howes
Alderman Beverly Kawalec
Alderman R. D. Smith
Alderman William Thorpe
Alderman Edward Vickery

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Meeting Room, at 7:00P.M. on December 11, 1978, to adjourn to Executive Session to consider personnel matters.

James C. Wallace
MAYOR

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable James C. Wallace, Mayor, to be held in the Meeting Room of the Municipal Building at 7:00P.M. on December 11, 1978.

James C. Wallace
MAYOR

3:30 PM Vickery 12-8-78
4:12 P.M. Cohen 12-8-78

Robert Epting
Jonathan R. Howes
Beverly Kawalec
Bill Thorpe
Marilyn Boulton
R. D. Smith

