

MINUTES OF A PUBLIC HEARING AND MEETING
OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, DECEMBER 11, 1978
7:00 P.M.

Mayor Wallace called the meeting to order. Present were:

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

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

Alderman Howes moved, seconded by Alderman Boulton, to adjourn to executive session to discuss personnel matters. The motion was carried unanimously and the Board adjourned.

After the executive session, the Board reconvened. Mayor Wallace announced that they had discussed selection of a new manager. Interviewing of candidates would begin the next week, and the Board hoped to complete its selection process by the end of January.

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

Mr. Hooper made the presentation for the pre-application.

The next step would be authorization to submit the pre-application. The grant would be competitive in nature. Mr. Hooper then reviewed the criteria HUD would use to evaluate the application. The Town had held a series of meetings in the Northside and Pine Knolls Communities, meeting of the facilitating committee and with the Planning Board. The proposals to be included in the program were listed.

Mr. Henry Cobb presented a petition requesting that the Board include in the application a proposal for an expansion and replacement of the workshop in Hillsborough for the handicapped. The group wanted funds for the cost of land for a new location in Chapel Hill.

Mr. Ted Parrish supported the proposal as presented by the staff, particularly low income housing programs.

Alderman Smith asked if the builders would not have information on energy conservation so there would be no need to hire an energy consultant. Mr. Hooper responded that the builders concentrated on low cost initially. Before, this had resulted in some units with electrical heating. Alderman Thorpe asked if the handicapped proposal would weaken the chances for the Town's receiving the grant. Mr. Hooper thought it would.

Mr. Mike Pickett stated that last year the General Services report to Congress had criticized HUD for not providing services to the handicapped. He felt the proposal for the handicapped would increase the Town's chances for the grant.

Mr. David Hinds asked that as Pine Knolls community had been taken out of this year's program, it be considered for any remaining funds. He added that a home ownership opportunities for low income families should have priority. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Closing of Halifax and Cedar Streets--Public Hearing

Mr. Jennings stated the public hearing had been called by the Board of Aldermen on November 13, 1978, in response to a petition from residents asking that Halifax and Cedar Streets be closed. He pointed out the portions of the streets to be closed. As there was no intention to make a decision at this meeting, there was no staff recommendation. Mr. Jennings explained that a paved connection for Cedar Street would create a cross connector between Airport Road and Estes Drive. This would not be in conformance with the land use plan. Proposed construction at the intersection of Estes and Airport would increase the congestion and alternate access would be more desirable for traffic. Maintaining access to Burlage Circle would require crossing Cole Spring Branch. However, closing Cedar Street would limit access to the area. Mr. Jennings said it was unlikely that residents would petition the Town to pave Halifax Road as it did not provide access to many houses. The paving of unopened roads was low priority in the capital improvements program.

Ms. Ann Murtzbacker wanted Halifax Road closed. Mr. McNair stated the Hidden Hills Association had gathered signatures of residents approving the closing of Halifax Road and Cedar Street. These streets would create connectors through residential areas, causing danger to children and traffic problems. Alderman Smith asked what would happen to the property if the roads were closed. Mr. Denny answered that it would revert to the owners on either side of the road. Alderman Howes said the residents on Cedar Street wanted the road closed. The residents wanted the pedestrian path kept open. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE TOWN MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Proposed Amendment to the 1978-79 Housing Assistance Plan of the Town of Chapel Hill

Mr. Shipman stated the Town had received two requests to amend the housing assistance plan. The Housing Authority wanted the plan amended to add 60 units of conventional housing and the Interchurch Council wanted it amended to include 24 units for elderly and handicapped housing. These amendments would allow these agencies to compete for funds to be available at the first of the year. The staff had determined that by proportionality of population the housing for elderly and handicapped should be 18 units. The Interchurch Council had agreed with this amendment. They had also amended the Section 8 new construction to 44 units. There were no comments from the audience. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING THE INTERIM TOWN MANAGER TO SUBMIT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AN AMENDMENT TO THE 1978-1979 HOUSING ASSISTANCE PLAN OF THE TOWN OF CHAPEL HILL

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Interim Town Manager, Raymond E. Shipman, to submit an amendment to the 1978-1979 Housing Assistance Plan to the Department of Housing and Urban Development to include 60 units of conventional public housing and 18 units of Section 202 housing for the elderly and handicapped.

This the 11th day of December, 1978.

Attachment

PROPOSED

Form Approved
OMB No. 63R-1471 Page 1 of 2 pages

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
HOUSING ASSISTANCE PLAN
TABLE III. GOALS FOR LOWER INCOME HOUSING ASSISTANCE
CURRENT YEAR GOAL

1. NAME OF APPLICANT Town of Chapel Hill, North Carolina		3. <input type="checkbox"/> ORIGINAL <input checked="" type="checkbox"/> AMENDMENT, DATE: 12/11/78			
2. APPLICATION/GHANT NUMBER B - - - - -		4. PROGRAM YEAR FROM: 7/1/78 TO: 6/30/79			
TYPES AND SOURCES OF ASSISTANCE (a)		NUMBER OF HOUSEHOLDS TO BE ASSISTED			
		ALL HOUSEHOLDS (b)	ELDERLY OR HANDICAPPED (1-2 persons) (c)	FAMILY (4 or less persons) (d)	LARGE FAMILY (5 or more persons) (e)
A. NEW RENTAL UNITS					
1	1. Section 8-HUD	44	0	38	6
2	2. State Agency--Total (Sum of lines a and b)	0	0	0	0
3	a. Section 8				
4	b. Other				
5	3. Other Assisted New Rental Housing (Identify) - Total				
6	a. Conventional Public Housing	60	0	48	12
7	b. Section 202 Housing	18	18	0	0
8	4. Total (Sum of lines 1, 2, and 3)	122	18	86	18
B. REHABILITATION OF RENTAL UNITS					
9	1. Section 8-HUD	0	0	0	0
10	2. State Agency--Total (Sum of lines a and b)	0	0	0	0
11	a. Section 8				
12	b. Other				
13	3. Other Assisted Rehabilitation of Rental Housing (Identify) - Total				
14	a. Section 312 Loan	20	0	16	4
15	b.				
16	4. Total (Sum of lines 1, 2, and 3)	20	0	16	4
C. EXISTING RENTAL UNITS					
17	1. Section 8-HUD	100	0	84	16
18	2. State Agency--Total (Sum of lines a and b)	0	0	0	0
19	a. Section 8				
20	b. Other				
21	3. Other Assisted Existing Rental Housing (Identify) - Total	0	0	0	0
22	a.				
23	b.				
24	4. Total (Sum of lines 1, 2, and 3)	100	0	84	16
D. REHABILITATION ASSISTANCE TO HOMEOWNERS OR PROSPECTIVE HOMEOWNERS					
25	1. CD Block Grants	5	2	2	1
26	2. Section 235	0	0	0	0
27	3. Other Rehabilitation Assistance to Homeowners or Prospective Homeowners (Identify) - Total				
28	a. Housing Loan Trust Fund (Local)	9	0	5	4
29	b.				
30	4. Total (Sum of lines 1, 2, and 3)	14	2	7	5
E. NEW CONSTRUCTION ASSISTANCE TO HOMEOWNERS OR PROSPECTIVE HOMEOWNERS					
31	1. Section 235	0	0	0	0
32	2. Other (Identify) - Total				
33	a. CD Relocation Payments/H.I.T.F.	7	2	4	1
34	b.				
35	3. Total (Sum of lines 1 and 2)	7	2	4	1
36	F. ALL HOUSING ASSISTANCE GOALS (Sum of lines A1, B1, C1, D1, and E1)	263	22	197	44

Minutes

On motion by Alderman Smith, seconded by Alderman Cohen, the minutes on November 6, 1978, were approved. On motion by Alderman Epting, seconded by Alderman Smith, the minutes of November 13, 1978, were approved. On motion by Alderman Howes, seconded by Alderman Cohen, the minutes of November 20, 1978, were approved as corrected.

Petitions and Requests

Mr. James Goforth asked the Board to reconsider the loading zone established in front of his office on Columbia Street. Mr. Shipman requested the Board to refer the matter to the Streets and Safety Committee and the Transportation Board. Alderman Kawalec moved, seconded by Alderman Epting, that the matter be so referred. Alderman Kawalec asked that Mr. Goforth be informed as to when these committees would be meeting. The motion was carried unanimously.

Ms. Haymon explained that the staff for the Employment Security Commission who handled unemployment claims had been removed from Chapel Hill. Anyone filing for or collecting unemployment must go to Durham every week. This created a hardship on many residents. The Interchurch Council petitioned the Board to communicate with Durham and Raleigh and asked that this service be provided part-time in Chapel Hill. Other agencies affected by this ruling were also submitting petitions. Mr. Shipman had met with Mr. Berini, the Director of the Durham office, and requested a list of the services Chapel Hill might expect if office space was provided. He had then contacted Orange County and Carrboro to discuss funding of space. Alderman Cohen asked why the existing space could not be used. Mr. Shipman said there were no provisions for the handicapped and there was insufficient space for the services required. Alderman Smith moved, seconded by Alderman Cohen, adoption of the following resolution. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION REQUESTING A RETURN OF EMPLOYMENT SECURITY COMMISSION CLAIM SERVICES TO CHAPEL HILL

WHEREAS the Employment Security Commission has withdrawn all claims services from Chapel Hill; and

WHEREAS as a result, persons from the Chapel Hill community wishing to file for unemployment benefits or receive their weekly status certification must travel to N. Mangum Street in Durham, a round trip of several hours and considerable expense;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby declares on behalf of the Chapel Hill community the sense of loss felt as a result of the lack of local claims service; and

BE IT FURTHER RESOLVED that the Board respectfully requests the Employment Security Commission to reinstate at least partial unemployment claims services in the Chapel Hill community.

This the 11th day of December, 1978.

Mr. Shipman requested the Board to meet in executive session at the end of the meeting to discuss land acquisition.

Alderman Boulton requested the Board to formally receive committee submissions for nominations to fill vacancies on the following committees: Appearance Commission--Bill O'Brien, T. J. Land, Mary D. Sundbeck, Toni Costa-Ewell, Katie Burney, and Knox Tate; Parks and Recreation Commission--James Allen, Raymond Burby, Bob Culton, Lynn Cox, Dick Hiskey, Gertrude London, Robert Powell, Jr., and Anthony Weaver; Historic District Commission--Kristina Lee, Bob Stipe, Samuel H. Baron, Giles Blunden, Gary Freeze, Virginia Hiday, Diane Hubbard and Doug Johnston; Transportation Board--Gorman Gilbert, Shelton Henderson, George T. Lathrop, John L. Morgan, Dorothy F. Pence, and Elizabeth M. Williams.

Alderman Boulton had received a complaint from a handicapped student regarding the number of handicapped parking spaces on Franklin Street and the time allowed for parking. She asked that the Transportation Board investigate allowing the handicapped to park free and putting in more spaces.

Ordinance Rezoning from R-20 to University A a Tract of Land Located Between Mason Farm Road and Manning Drive and a Resolution Calling A Public Hearing to Consider Special Use Provisions for Stadiums and Coliseums

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE. Mr. Jennings explained that at the December 4 work session two alternatives had been discussed. The Planning Board and staff recommendation had been to rezone the tract with the 200' buffer next to the residences. An alternative of only rezoning that portion of the land necessary for the parking lot had been suggested then. Alderman Howes added that if the ordinance was adopted it would then be important to also adopt the resolution calling for a public hearing to consider special use provisions for coliseums and stadiums.

AN ORDINANCE REZONING FROM R-20 TO UNIVERSITY A, A TRACT OF LAND LOCATED BETWEEN MASON FARM ROAD AND MANNING DRIVE.

WHEREAS, after due advertisement as provided by law, a public hearing was duly called and held on September 25, 1978 by the Board of Aldermen and the Planning Board of the Town of Chapel Hill to consider proposed changes in the Zoning Ordinance; and

WHEREAS, following said public hearing the Planning Board recommended to the Board of Aldermen adoption of the following changes in the Zoning Ordinance; NOW, THEREFORE,

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

Section I

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be and the same hereby is amended so that the following area be rezoned from R-20 to University A, and that the uses permitted in areas designated University A in the Zoning Ordinance shall hereafter apply in the following area:

Beginning at an iron stake, the control corner with N.C. Plane coordinates $Y = 782,413.56$, $X = 1,987,653.17$, a point that is 525 feet southwest of the west-edge pavement on Manning Drive and 440 feet northwestward of the north end of the Baity residence as shown on a plat by R. J. Ayers, Registered Surveyor, dated December 1961 on record at the Office of the University Engineer, University of North Carolina at Chapel Hill, N.C.; running thence $N 26^{\circ} 06' 30'' E$, 700.56 feet to an old iron; running thence $S 3^{\circ} 45' E$, 203.09 feet to a new iron; thence $S 52^{\circ} 01' 22'' E$, 151.06 feet to an old iron; thence $S 3^{\circ} 29' 30'' E$, 371.78 feet to an old iron stake; thence $S 72^{\circ} 07' W$, 114.66 feet to an old iron stake; thence $S 5^{\circ} 18' E$, 169.30 feet to an old iron stake, the southeast corner of the Baity tract on the north right-of-way line of 15-501 By-Pass; thence $S 74^{\circ} 58' 28'' W$, 181.20 feet to a point; thence $N 63^{\circ} 03' W$, 432.02 feet to a point; thence $N 74^{\circ} 58' E$, 447.88 feet; thence $N 3^{\circ} 29' W$, 398 feet; thence $S 86^{\circ} 06' W$, 596.2 feet; thence $S 34^{\circ} 40' W$, 441.07 feet to a point; thence $S 78^{\circ} 53' W$, 345.467 feet to a

CCB099

point; thence N 85° 14' 00" W, 396.614 feet to a point; thence N 84° 25' W, 345.627 feet to a point; thence N 79° 06' W, 64.64 feet to a point; thence a new line N 01° 31' 42" E, 126.72 feet to a point; thence N 43° 13' 25" W, 120.20 feet to a point; thence N 01° 31' 42" E, 77.76 feet to a point; thence with a curve having a radius of 200.00 feet, an arc of 271.50 feet, a chord bearing and distance of N 37° 18' 58" W, 251.13 feet to a point in the west line of the original Baity tract N 00° 01' 30" E, 214.28 feet to a point; the northwest corner of the existing Baity tract; running thence N 63° 25' 39" E, 167.70 feet to a point in the north line of said existing tract; running thence with said north line N 89° 59' 34" E, 1443.69 feet to a concrete monument, a corner of the existing tract; running thence S 3° 44' 29" E 229.73 feet to the beginning, 34.886 acres more or less.

Section II

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

This the 11th day of December, 1978.

Alderman Vickery stated it would be in the best interest of both the residents and the University to rezone only part of the tract. This would afford protection to the residents. The public hearing for the special use provisions would not provide any protection for residents. It would begin the process whereby some protection might follow in the future. As UNC had stated its opposition to any restrictions, Alderman Vickery thought they would oppose the special use provisions. He did not feel damage would be done to the University by delaying a few months. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE BOARD ADOPT THE FOLLOWING RESOLUTION. He added that he agreed with most of Alderman Vickery's conclusions. He believed the Town should look for the impact of uses on the community. The Town could rezone the portion needed for the parking lot. Then when the changes in the special use process were completed, the Town could rezone the rest of the property.

AN ORDINANCE REZONING FROM R-20 TO UNIVERSITY A, A TRACT OF LAND LOCATED BETWEEN MASON FARM ROAD AND MANNING DRIVE.

WHEREAS, after due advertisement as provided by law, a public hearing was duly called and held on September 25, 1978 by the Board of Aldermen and the Planning Board of the Town of Chapel Hill to consider proposed changes in the Zoning Ordinance; and

WHEREAS, following said public hearing the Planning Board recommended to the Board of Aldermen adoption of the following changes in the Zoning Ordinance; NOW, THEREFORE,

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

Section I

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be and the same hereby is amended so that the following area be rezoned from R-20 to University A, and that the uses permitted in areas designated University A in the Zoning Ordinance shall hereafter apply in the following area:

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BEGINNING at an iron stake, the control corner with N.C. Plane coordinates Y = 782,413.56, X = 1,987,653.17, a point that is 525 feet southwest of the west-edge pavement on Manning Drive and 440 feet northwestward of the north end of the Baity residence as shown on a plat by R. J. Ayers, Registered Surveyor, dated December 1961 on record at the Office of the University Engineer, University of North Carolina at Chapel Hill, N.C.; running thence N 86° 06' 30" E, 700.56 feet to an old iron; running thence S 03° 45' E, 203.09 feet to a new iron; thence S 52° 01' 22" E, 151.06 feet to an old iron; thence S 03° 29' 30" E, 371.78 feet to an old iron stake; thence S 72° 07' W, 114.66 feet to an old iron stake; thence S 05° 18' E, 169.30 feet to an old iron stake, the southeast corner of the Baity tract on the north right-of-way line of 15-501 By-Pass; thence S 74° 58' 28" W, 181.20 feet to a point; thence N 63° 03' W, 432.02 feet to a point; thence N 74° 58' E, 447.88 feet; thence N 03° 29' W, 398.00 feet; thence S 86° 06' W, 596.20 feet; thence a new line N 03° 57' 09" W, 201.71 feet to the point of BEGINNING, containing 7.729 acres more or less.

Section II

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

This the 11th day of December, 1978.

Alderman Kawalec said a moratorium should have been called on rezoning until the rewriting of the ordinance was complete. Since a moratorium had not been called, she thought the Town should rezone this property to bring it into compliance with the comprehensive plan. Special public hearings had been called on other specific issues such as buffers, screens and transition zones. Special use provisions for the coliseums would provide protection for the residents. Alderman Thorpe wanted to rezone only the portion for the parking lot so that the university would have to come before the Board when it had a specific proposal for the rest of the property. Alderman Boulton said the rezoning would make this property like other university property. The coliseum could not be built overnight before special use provisions could be implemented. Alderman Cohen said this tract of land could present several different issues because some areas were close to residences and some areas were close to Manning Drive. The Board should consider all possible uses for the property under the rezoning. Alderman Kawalec agreed that the Board should consider all uses, but not that it should single out one use. Alderman Howes stated that nothing could be built before summer and the special uses could be considered before then. Mayor Wallace said the Town should rezone the property in good faith and assume the University would also act in good faith. There would be time to put limitations on the use of the property before the University could begin construction of a building. Alderman Smith thought that as the Town had discussed implementing special use provisions for coliseums, the University should be planning to apply for a special use permit if they wished to build a coliseum.

Col. Egan stated that ownership should not determine zoning. Secondly, the comprehensive plan was a suggestion, not mandatory. The wishes of the adjoining residents should be considered in the rezoning. He thought the Board should wait on the rezoning until the question of University A zoning was settled.

Alderman Boulton moved, seconded by Alderman Howes, to cease debate. The motion was carried unanimously.

THE SUBSTITUTE MOTION WAS DEFEATED BY A VOTE OF FOUR TO FIVE WITH ALDERMEN COHEN, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMEN BOULTON, EPTING, HOWES, KAWALEC AND MAYOR WALLACE OPPOSING.

Alderman Cohen pointed out that the Board had discussed in detail the various aspects of the Laketree plant. If the motion passed by a 5 to 4 vote, the ordinance could not take effect until January. Alderman Vickery said he would not be at the January 8 meeting, and as was Board policy, he was asking that this matter not be discussed as he wanted to be present at the discussion. 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.

Alderman Howes stated that if the vote were the same at the next meeting of the Board, Alderman Vickery's presence would not affect the result. Alderman Vickery explained that he felt this a most important issue of the control of growth in Chapel Hill, and he wished to be allowed to vote on the issue. Alderman Boulton suggested a special meeting be called prior to January 8 so that the project would not be delayed. Alderman Kawalec suggested rescheduling the meeting to another weekday when Alderman Vickery could be present. Alderman Vickery would not be in town between January 2 and January 14. Alderman Epting moved, seconded by Alderman Boulton, that the Board schedule a special meeting on December 18 to consider this matter. Alderman Cohen stated the Board could let the University proceed with the parking lot by rezoning only a portion of the tract. Alderman Epting pointed out that the special meeting would allow consideration of the matter without undue delay to Alderman Vickery's request. Alderman Cohen objected to a special meeting to rush the project. Mayor Wallace suggested the rezoning be considered on January 15 after the public hearing. Alderman Kawalec questioned the policy and suggested it be reconsidered. Alderman Howes thought Alderman Vickery was abusing this point of personal privilege but said he would honor it because of the Board's policy. Alderman Kawalec moved to amend Alderman Epting's motion to call a special meeting on January 15 after the public hearing. Alderman Boulton seconded the motion. Alderman Epting accepted the amendment. THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, KAWALEC, SMITH, VICKERY AND MAYOR WALLACE SUPPORTING AND ALDERMAN THORPE OPPOSING.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Kawalec asked if the public hearing would consider the intent of the Board or if the advertisement must list every possible name under which a coliseum-type structure could be built. Mr. Denny stated the name was immaterial. The type of activity would be addressed by the proposed ordinance. Alderman Vickery was against having a special hearing for special uses. This singled out the special use permits from the rest of the University zoning issues. Alderman Kawalec and Mayor Wallace agreed. Alderman Howes stated that the only way he could justify the rezoning was to consider the special uses with the rezoning. THE RESOLUTION WAS ADOPTED BY A VOTE OF FIVE TO THREE WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, AND KAWALEC SUPPORTING AND ALDERMEN SMITH, THORPE AND VICKERY OPPOSING.

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER SPECIAL USE PROVISIONS FOR STADIUMS AND COLISEUMS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby calls a Public Hearing for January 15, 1979 at 7:30 p.m. to consider special use provisions for stadiums and coliseums.

This the 11th day of December, 1978.

Resolution Granting a Public Utility Station Special Use Permit to Southern Bell for a Telephone Exchange Addition

ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION. Mr. Stipe pointed out that the Historic District Commission had given Southern Bell a Certificate of Appropriateness for the addition; it had not recommended that a special use permit be granted. Mr. Shipman explained that the recommendation applied only to the sections of the stipulations regarding the appearance of the structure. In Alderman Epting's opinion the ratio of the additional cost of construction to the north to the profits made by Southern Bell

in North Carolina last year was so little that Southern Bell should be willing to pay the additional cost for good public relations. He suggested that for better protection of the Old Methodist Church and Mr. Webb that Southern Bell be required to execute an agreement with Mr. Webb in which they agreed to indemnify Mr. Webb from any further deterioration caused to the building by construction. The agreement should include Southern Bell's knowledge of the present condition of the building. He asked that because of the principle of the angle of repose of soil, Southern Bell be restricted from trenching within 12 feet of the Old Methodist Church. Mr. Denny's interpretation of the intent of stipulation 14 was to impose on the developer certain expenses which could be shown to have been the result of his activities. The stipulation was not to be an indemnification against all damages or damage occurring after construction unless it could be shown that there was a proximate relationship between the activities proposed and the actual damages. The statutory limitation on stipulations which the Board could impose was "reasonable." Mr. Denny thought an indemnification against all damages was probably unreasonable since it would not apply to adjoining landowners in general. With regard to the stipulation on trenching the applicant had the right to have action taken on its application with reasonable stipulations attached thereto with reasons stated for not granting the application if it were not granted. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE RESOLUTION BE AMENDED TO ADD TO STIPULATION 14, "and that the developer execute an agreement with the Town evidencing this duty to indemnify adjacent landowners prior to the issuance of a building permit." Mr. Denny understood the amendment to clarify the meaning of stipulation 14 and to provide that the indemnity provided for in said stipulation be reduced to writing so there would be evidence of it, and that that writing be between the developer and the adjoining owners. Mr. Brannon said Southern Bell had already executed such an agreement in the form of the letter submitted to the Town during the public hearing. THE MOTION TO AMEND WAS CARRIED UNANIMOUSLY. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN VICKERY, TO FURTHER AMEND THE RESOLUTION BY ADDING ANOTHER STIPULATION NO. 17, "that the building be constructed no closer to the Old Methodist Church than 12 feet." The purpose of this stipulation would be to take into account the principle of the angle of repose of soil. Alderman Vickery asked if this would be imposing an impossible condition on the developer. Mayor Wallace replied that Southern Bell had indicated at the public hearing that it could build the addition no further than 7 feet from the Old Methodist Church and still accommodate the equipment. Alderman Epting then argued that it was the use of the building as a telephone exchange that required the trench at that location. Alderman Smith believed the Board to be overbearing in adding this stipulation. THE MOTION TO AMEND WAS DEFEATED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN EPTING SUPPORTING AND ALDERMEN BOULTON, COHEN, HOWES, KAWALEC, SMITH, THORPE AND VICKERY OPPOSING. ALDERMAN SMITH MOVED THE PREVIOUS QUESTION. Alderman Howes thought Mr. Webb's building adequately protected and said he could make the four positive findings. ALDERMAN BOULTON SECONDED THE MOTION. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO THREE WITH ALDERMEN BOULTON, COHEN, HOWES, KAWALEC AND SMITH SUPPORTING AND ALDERMEN EPTING, THORPE AND VICKERY OPPOSING. THE FOLLOWING RESOLUTION WAS ADOPTED BY A VOTE OF SIX TO TWO WITH ALDERMEN BOULTON, COHEN, HOWES, KAWALEC, SMITH AND THORPE SUPPORTING AND ALDERMEN EPTING AND VICKERY OPPOSING.

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A RESOLUTION GRANTING A PUBLIC UTILITY STATION SPECIAL USE PERMIT TO SOUTHERN BELL FOR TELEPHONE EXCHANGE ADDITION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Telephone Exchange Addition proposed by Southern Bell if developed in accordance with the plans submitted with the application and the stipulations and conditions set forth below:

1. will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
2. meets all required conditions and specifications,
3. will not substantially injure the value of adjoining or abutting property, and

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

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

WITH REGARD TO PROTECTION OF OLD METHODIST CHURCH

1. That the applicant provide a bracing system adequate to provide lateral support for the Old Methodist Church.
2. That settlement be monitored daily during the excavation operation and at least weekly during the remaining phases of construction.
3. That vibration measurements be made during demolition of the existing residential structure, installation of the shoring system, the excavation operation, and all phases of construction.
4. That the demolition contractor remove the existing residential building using demolition procedures that will minimize vibrations.
5. That prior to start of any demolition or construction work on the subject property a thorough inspection of the Old Methodist Church Building be made by a registered engineer. Such inspection shall note any structural deficiencies, including structural cracks, insufficient bearing, and deterioration of building materials. Interior and exterior finishes shall also be noted. All areas of concern shall be thoroughly photographed and documented, including preparation of a written report in which the engineer's findings are discussed in detail. Such report shall be submitted to the Town Manager prior to issuance of a demolition permit or building permit. At the same time, one copy of the report shall also be furnished to the owner of the Old Methodist Church.
6. That immediately after completion of the construction of the proposed addition, a post construction survey of the Old Methodist Church shall be performed to determine any damage which might occur during the time of construction. Such survey and report shall be conducted and prepared in the same manner as for the pre-construction survey. Copies of such report shall be submitted to the Town Manager and the owner of the Old Methodist Church as soon as is practical after completion of construction.

WITH REGARD TO APPEARANCE

7. That the penthouse at the rear of the proposed structure be deleted.
8. That the rear and west side walls of the proposed structure incorporate indentations at regular intervals. Definitive plans for these walls shall be approved by the Historic District Commission prior to issuance of a building permit.
9. That a detailed landscape plan, sign plan and lighting plan be submitted to and approved by the Historic District Commission prior to issuance of a building permit.
10. That any and all planting which dies during the life of the special use permit shall be replaced with planting of the same or similar species and approximately the same size by the end of the next planting season.

OTHER STIPULATIONS

11. That a brick sidewalk be constructed along the frontage of the property with Rosemary Street. The location and construction materials of such sidewalk shall be shown on the landscape plan.
12. That a detailed drainage plan be reviewed and approved by the Town Manager prior to issuance of a building permit and start of construction of improvements.
13. That any abandoned curb cuts be replaced by curb and gutter to Town standards.

14. That the Developer repair at its own cost and expense any damage to neighboring properties resulting as the proximate cause of construction authorized by the December 11, 1978 Special Use Permit.
15. That construction start by July 1, 1979 and be completed by July 1, 1981.
16. That issuance of this Special Use Permit in no way modifies or otherwise alters the Special Use Permit issued for the existing Telephone Exchange Building which in all its terms and conditions is continued in effect.

BE IT FURTHER RESOLVED that the Board hereby grants a Public Utility Station - Telephone Exchange Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 11th day of December, 1978.

A RESOLUTION GRANTING A PUBLIC UTILITY STATION SPECIAL USE PERMIT TO SOUTHERN BELL FOR TELEPHONE EXCHANGE ADDITION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Telephone Exchange Addition proposed by Southern Bell if developed in accordance with the plans submitted with the application and the stipulations and conditions set forth below:

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

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

WITH REGARD TO PROTECTION OF OLD METHODIST CHURCH

1. That the applicant provide a bracing system adequate to provide lateral support for the Old Methodist Church.
2. That settlement be monitored daily during the excavation operation and at least weekly during the remaining phases of construction.
3. That vibration measurements be made during demolition of the existing residential structure, installation of the shoring system, the excavation operation, and all phases of construction.
4. That the demolition contractor remove the existing residential building using demolition procedures that will minimize vibrations.
5. That prior to start of any demolition or construction work on the subject property a thorough inspection of the Old Methodist Church Building be made by a registered engineer. Such inspection shall note any structural deficiencies, including structural cracks, insufficient bearing, and deterioration of building materials. Interior and exterior finishes shall also be noted. All areas of concern shall be thoroughly photographed and documented, including preparation of a written report in which the engineer's findings are discussed in detail. Such report shall be submitted to the Town Manager prior to issuance of a demolition permit or building permit. At the same time, one copy of the report shall also be furnished to the owner of the Old Methodist Church.

- 91 6. That immediately after completion of the construction of the proposed addition, a post construction survey of the Old Methodist Church shall be performed to determine any damage which might occur during the time of construction. Such survey and report shall be conducted and prepared in the same manner as for the pre-construction survey. Copies of such report shall be submitted to the Town Manager and the owner of the Old Methodist Church as soon as is practical after completion of construction.

WITH REGARD TO APPEARANCE

7. That the penthouse at the rear of the proposed structure be deleted.
8. That the rear and west side walls of the proposed structure incorporate indentations at regular intervals. Definitive plans for these walls shall be approved by the Historic District Commission prior to issuance of a building permit.
9. That a detailed landscape plan, sign plan and lighting plan be submitted to and approved by the Historic District Commission prior to issuance of a building permit.
10. That any and all planting which dies during the life of the special use permit shall be replaced with planting of the same or similar species and approximately the same size by the end of the next planting season.

OTHER STIPULATIONS

11. That a brick sidewalk be constructed along the frontage of the property with Rosemary Street. The location and construction materials of such sidewalk shall be shown on the landscape plan.
12. That a detailed drainage plan be reviewed and approved by the Town Manager prior to issuance of a building permit and start of construction of improvements.
13. That any abandoned curb cuts be replaced by curb and gutter to Town standards.
14. That the Developer repair at its own cost and expense any damage to neighboring properties resulting as the proximate cause of construction authorized by the December 11, 1978 Special Use Permit, and that the developer execute an agreement with the Town evidencing this duty to indemnify adjacent landowners prior to the issuance of a building permit.
15. That construction start by July 1, 1979 and be completed by July 1, 1981.
16. That issuance of this Special Use Permit in no way modifies or otherwise alters the Special Use Permit issued for the existing Telephone Exchange Building which in all its terms and conditions is continued in effect.

BE IT FURTHER RESOLVED that the Board hereby grants a Public Utility Station - Telephone Exchange Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 11th day of December, 1978.

Resolution Granting a Unified Housing Development Special Use Permit to Edwin W. Tenney, Jr., for a Place in the Woods

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Howes stated that several petitions had been circulated with regard to this development. He asked that Mr. Jennings address the issues in the petitions as regarded the staff's recommendation. Alderman Smith asked why a private street was being allowed in this development which was in town. Mr. Jennings stated that although the Public Works Department had recommended that no private streets be allowed in town, this development would have a homeowners association which could maintain the road. Also one of the objectives of the developer was to stay away from the flood fringe. The most compact form of development put the parking along the road. The configuration with 90° parking would not lend itself to a public road which would require a larger land area. The Public Works Department was drafting standards for private roads. The Public Works

Department believed these standards and the homeowners association to enforce the standards would furnish the Town with the type of protection it needed. Alderman Smith was concerned that the Town would be furnishing garbage service and fire protection, but would have to wait for the landowners to clean the streets from snow. Mr. Jennings responded that the staff had considered this with other factors such as land coverage and thought the private road the most acceptable alternative. Alderman Kawalec agreed with Alderman Smith. She thought the road would be used as a turn-around for drivers not realizing it was not a through street. Mr. Jennings explained that the Town had approved private drives for all apartments and condominiums in town. The road was essentially a parking lot for the units. In response to a question from Mr. Shipman, Mr. Jennings stated that requiring a public street through the development would substantially alter the design of the project and the developer would need to apply for another special use permit. Alderman Cohen said if this was made a public road, parking would be open to the public for anyone wanting to use it as a park-ride lot. He thought a distinction should be made between such roads which are really parking lots and residential streets. Alderman Vickery asked if anyone could build recreational facilities in the open space. Mr. Jennings answered that this property could be used only for open space purposes, and that a modification to the special use permit would be needed for any construction. The Town could require dedication of the property but could not require deeding as the owner had indicated he would do. If the property was deeded to the Town, then the Town would have control over its use. Alderman Smith asked what recreational facilities were planned. The applicant had indicated this would be left to the homeowners association. Mr. Jennings thought these would probably be put in the inner circle if provided. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO EDWIN W. TENNEY, JR. FOR A PLACE IN THE WOODS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Unified Housing Development proposed by Edwin W. Tenney, Jr. if developed in accordance with the plans submitted with the application and the stipulations and conditions set forth below:

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

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

WITH REGARD TO HEALTH AND SAFETY

1. That the number, location, and installation of fire hydrants be approved by the Town Manager.
2. That the paved sidewalk system within the subject development be connected via a paved sidewalk to the existing paved sidewalk along Elizabeth Street.
3. That all sidewalks within the subject development be paved.
4. That all public streets, private streets and parking areas serving the development be paved and constructed according to the design specifications of the Public Works Department as established for the special soil and subsurface water conditions of the area.
5. That Elizabeth Street be extended to the eastern property boundary of the subject development as a public street paved to Town standards. All other streets, i.e. those located within the project boundaries, shall be private streets maintained by a homeowners association.

6. That an easement for emergency, public service and public maintenance vehicles be dedicated along the private streets within the development.
7. That all private streets and parking areas within the development be maintained by the homeowners association. Such maintenance shall be to the standards of the Town of Chapel Hill.
8. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Engineer prior to issuance of any grading permit and start of construction of improvements. Such stormwater plans shall be designed so as not to cause increased erosion of the stream banks along both sides of the portion of Bolin Creek adjacent to the subject property.

WITH REGARD TO APPEARANCE

9. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
10. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy. Such detailed landscape plan shall include screening of trash containers.
11. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
12. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan. Specific attention shall be paid to the large oak tree near Elizabeth Street. This tree shall be located on the landscape plan and adequate means for protecting it shall be shown.

OTHER STIPULATIONS

13. That a pedestrian and public maintenance easement having a minimum width of 30 feet be dedicated between the public portion of Elizabeth Street and the public property and/or pedestrian easement along Bolin Creek. The location of such easement shall be approved by the Town Manager.
14. That the applicant construct a pedestrian pathway to Town standards along the above mentioned easement which extends from the public portion of Elizabeth Street to Bolin Creek. The design and construction of such pathway shall be approved by the Town Manager.
15. Water and sewer lines shall be extended as required by and to the standards of OWASA. Water, sewer and utility easements shall be dedicated as required by the Town Manager.
16. That a recordable plat showing all rights-of-way, easements and dedications be submitted to the Town Manager prior to issuance of a building permit.
17. That a detailed erosion control plan be approved by the Orange County Erosion Control Officer prior to issuance of a grading permit, building permit, and start of construction of improvements. A copy of such plan shall be filed with the Town Engineer.
18. That provisions for garbage collection be approved by the Town Manager.
19. That construction begin by January 1, 1982 and be completed by January 1, 1984.

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

This the 11th day of December, 1978.

Resolution Granting a Unified Housing Development Special Use Permit to Dr. Carol K. Kennedy for Kennedy Apartments

Mr. Jennings presented the revised plan for Kennedy Apartments. The buildings had now been located with elevations high enough to escape danger from the combination of a 100 year flood and the failure of the Eastwood Lake dam. The traffic and parking had been revised to provide for dual access and to provide for overflow parking on the streets of the development. The staff did not recommend a connection to Milton Avenue because of the steep slope, the large number of turning movements at the intersection of Milton and Franklin, the creation of a cross connector, and the blind spots. The staff had requested a pedestrian access to Milton Avenue to make public transportation more accessible. The site plan included a 100' buffer from Old Oxford Road and a 50' buffer from Milton Avenue residences. Fifteen square feet per unit was required for the pool to provide for adequate recreational facilities. Although the adjoining property owners had raised questions on the amount of multifamily development in the area, the project was defined as low density development and met requirements of the ordinance. The buffers and the noise ordinance would reduce the noise. There was no proposal to extend Old Oxford Road across the creek. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Epting moved to amend the resolution by adding to Stipulation 12, "prior to the issuance of a building permit." Alderman Cohen seconded the amendment. The motion to amend was carried unanimously. The following resolution was adopted by unanimous vote.

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO DR. CAROL K. KENNEDY FOR KENNEDY APARTMENTS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Unified Housing Development proposed by Dr. Carol K. Kennedy if developed in accordance with the plans submitted February 10, 1978 and the stipulations and conditions set forth below:

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

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

WITH REGARD TO SAFETY AND HEALTH

1. That the intersections of the two access roads to the apartment development with Old Oxford Road shall be level for a minimum distance of 20 feet back of the southern right-of-way line of Old Oxford Road.
2. That Old Oxford Road be improved to Town standards from its intersection with Elliott Road to the point where the subject property ceases to front on Old Oxford Road. Such point being approximately 750 feet east of the Ridgecrest Drive intersection. Such improvements to include widening the street to a 33 foot cross-section (measured back to back of curb) with curb and gutter on both sides of the street. A graded sidewalk shall be installed along Old Oxford Road on the north side of the street and a paved sidewalk shall be installed on the south side of the street. Such paved sidewalk shall extend from Elliott Road east to the end of the

95 street widening improvements discussed above. Plans for such improvements shall be submitted to and approved by the Town Manager prior to construction and issuance of a building permit.

3. That the streets internal to the development be constructed to a minimum paved cross-section of 33 feet with curb and gutter on both sides of the street. A paved sidewalk shall be provided along at least one side of the principal internal street and between the apartments and adjoining parking areas. The plans for the above improvements including a paved sidewalk plan for the subject apartment development shall be submitted to and approved by the Town Manager prior to construction and issuance of a building permit.
4. That the number, location, and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of a building permit.
5. That all internal streets and parking lots be paved with curb and gutter.
6. That all habitable structures be protected from the combination 100-year storm and concurrent failure of Eastwood Lake Dam.

WITH REGARD TO STANDARDS AND SPECIFICATIONS

7. That sewer and utility easements be dedicated as required by the Town Manager. Such easements to include a sewer easement across the western side of the subject property for the purpose of eventually eliminating the existing pump station located on the south side of Old Oxford Road.
8. That the proposed pool provide at least 15½ square feet of water surface area per dwelling unit.
9. That the location of bulk trash containers be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
10. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
11. That a permanent pedestrian, bicycle, and open space easement be dedicated along the eastern property line. The eastern boundary of such easement shall follow the eastern property line, and the western boundary shall follow the western most boundary of the sewer line easement. Such easement shall be recorded prior to issuance of the building permit.
12. That the applicant comply with the 1972 Water Pollution Act by obtaining applicable permits prior to placing any fill within the floodway fringe area.

WITH REGARD TO APPEARANCE

13. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
14. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
15. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
16. That a permanent landscaped buffer having a minimum width of 150 feet be provided along the frontage of the property with Old Oxford Road and extending along the same property line to the point where it intersects with Booker Creek. No structures shall be located within such buffer and the natural vegetation and character of the buffer area shall be retained.

TYPE OF SPECIAL USE: Unified Housing Development

NAME OF DEVELOPER: K. Carroll Kennedy

DESCRIPTION OF PREMISES

LOCATION: Old Oxford Road

TAX MAP REFERENCE: Chapel Hill Township Tax Map 27, Block A, Lot 3A

AREA OF PROPERTY: approximately 27.167 acres

DESCRIPTION OF DEVELOPMENT

NUMBER OF BUILDINGS: N/A NUMBER OF DWELLING UNITS: 106

FLOOR AREA: N/A NUMBER OF PARKING SPACES: 159

SPECIAL TERMS AND CONDITIONS

Refer to site plan dated May 26, 1978 and elevations dated January 20, 1978, approved by the Board of Aldermen on December 11, 1978 subject to the following:

WITH REGARD TO SAFETY AND HEALTH

1. That the intersections of the two access roads to the apartment development with Old Oxford Road shall be level for a minimum distance of 20 feet back of the southern right-of-way line of Old Oxford Road.
2. That Old Oxford Road be improved to Town standards from its intersection with Elliott Road to the point where the subject property ceases to front on Old Oxford Road. Such point being approximately 750 feet east of the Ridgecrest Drive intersection. Such improvements to include widening the street to a 33 foot cross-section (measured back to back of curb) with curb and gutter on both sides of the street. A graded sidewalk shall be installed along Old Oxford Road on the north side of the street and a paved sidewalk shall be installed on the south side of the street. Such paved sidewalk shall extend from Elliott Road east to the end of the street widening improvements discussed above. Plans for such improvements shall be submitted to and approved by the Town Manager prior to construction and issuance of a building permit.
3. That the streets internal to the development be constructed to a minimum paved cross-section of 33 feet with curb and gutter on both sides of the street. A paved sidewalk shall be provided along at least one side of the principal internal street and between the apartments and adjoining parking areas. The plans for the above improvements including a paved sidewalk plan for the subject apartment development shall be submitted to and approved by the Town Manager prior to construction and issuance of a building permit.
4. That the number, location, and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of a building permit.

(continued)

5. That all internal streets and parking lots be paved with curb and gutter.
6. That all habitable structures be protected from the combination 100-year storm and concurrent failure of Eastwood Lake Dam.

WITH REGARD TO STANDARDS AND SPECIFICATIONS

7. That sewer and utility easements be dedicated as required by the Town Manager. Such easements to include a sewer easement across the western side of the subject property for the purpose of eventually eliminating the existing pump station located on the south side of Old Oxford Road.
8. That the proposed pool provide at least 15½ square feet of water surface area per dwelling unit.
9. That the location of bulk trash containers be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
10. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
11. That a permanent pedestrian, bicycle, and open space easement be dedicated along the eastern property line. The eastern boundary of such easement shall follow the eastern property line, and the western boundary shall follow the western most boundary of the sewer line easement. Such easement shall be recorded prior to issuance of the building permit.
12. That the applicant comply with the 1972 Water Pollution Act by obtaining applicable permits prior to the issuance of a building permit.

WITH REGARD TO APPEARANCE

13. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
14. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
15. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.

(continued)



16. That a permanent landscaped buffer having a minimum width of 150 feet be provided along the frontage of the property with Old Oxford Road and extending along the same property line to the point where it intersects with Booker Creek. No structures shall be located within such buffer and the natural vegetation and character of the buffer area shall be retained.
17. That a permanent landscaped buffer having a minimum width of 50 feet be provided along the property boundary facing residences on Milton Avenue. No structures shall be located within such buffer and the natural vegetation and character of the buffer area shall be retained.
18. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.

OTHER STIPULATIONS

19. That construction begin by January 1, 1981 and be completed by January 1, 1984.

* * * END * * *

- 17. That a permanent landscaped buffer having a minimum width of 50 feet be provided along the property boundary facing residences on Milton Avenue. No structures shall be located within such buffer and the natural vegetation and character of the buffer area shall be retained.
- 18. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.

OTHER STIPULATIONS

- 19. That construction begin by January 1, 1981 and be completed by January 1, 1984.

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

This the 11th day of December, 1978.

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO DR. CAROL K. KENNEDY FOR KENNEDY APARTMENTS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Unified Housing Development proposed by Dr. Carol K. Kennedy if developed in accordance with the plans submitted February 10, 1978 and the stipulations and conditions set forth below:

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

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

WITH REGARD TO SAFETY AND HEALTH

- 1. That the intersections of the two access roads to the apartment development with Old Oxford Road shall be level for a minimum distance of 20 feet back of the southern right-of-way line of Old Oxford Road.
- 2. That Old Oxford Road be improved to Town standards from its intersection with Elliott Road to the point where the subject property ceases to front on Old Oxford Road. Such point being approximately 750 feet east of the Ridgecrest Drive intersection. Such improvements to include widening the street to a 33 foot cross-section (measured back to back of curb) with curb and gutter on both sides of the street. A graded sidewalk shall be installed along Old Oxford Road on the north side of the street and a paved sidewalk shall be installed on the south side of the street. Such paved sidewalk shall extend from Elliott Road east to the end of the street widening improvements discussed above. Plans for such improvements shall be submitted to and approved by the Town Manager prior to construction and issuance of a building permit.
- 3. That the streets internal to the development be constructed to a minimum paved cross-section of 33 feet with curb and gutter on both sides of the street. A paved sidewalk shall be provided along at least one side of the principal internal street and between the apartments and adjoining parking areas. The plans for the above improvements including a paved sidewalk plan for the subject apartment development shall be submitted to and approved by the Town Manager prior to construction and issuance of a building permit.

- 4. That the number, location, and installation of fire hydrants be approved by the Town Manager. A plan for such improvements shall be approved by the Town Manager prior to issuance of a building permit.
- 5. That all internal streets and parking lots be paved with curb and gutter.
- 6. That all habitable structures be protected from the combination 100-year storm and concurrent failure of Eastwood Lake Dam.

WITH REGARD TO STANDARDS AND SPECIFICATIONS

- 7. That sewer and utility easements be dedicated as required by the Town Manager. Such easements to include a sewer easement across the western side of the subject property for the purpose of eventually eliminating the existing pump station located on the south side of Old Oxford Road.
- 8. That the proposed pool provide at least 15½ square feet of water surface area per dwelling unit.
- 9. That the location of bulk trash containers be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
- 10. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
- 11. That a permanent pedestrian, bicycle, and open space easement be dedicated along the eastern property line. The eastern boundary of such easement shall follow the eastern property line, and the western boundary shall follow the western most boundary of the sewer line easement. Such easement shall be recorded prior to issuance of the building permit.
- 12. That the applicant comply with the 1972 Water Pollution Act by obtaining applicable permits prior to the issuance of a building permit.

WITH REGARD TO APPEARANCE

- 13. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
- 14. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
- 15. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
- 16. That a permanent landscaped buffer having a minimum width of 150 feet be provided along the frontage of the property with Old Oxford Road and extending along the same property line to the point where it intersects with Booker Creek. No structures shall be located within such buffer and the natural vegetation and character of the buffer area shall be retained.
- 17. That a permanent landscaped buffer having a minimum width of 50 feet be provided along the property boundary facing residences on Milton Avenue. No structures shall be located within such buffer and the natural vegetation and character of the buffer area shall be retained.
- 18. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.

OTHER STIPULATIONS

19. That construction begin by January 1, 1981 and be completed by January 1, 1984.

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

This the 11th day of December, 1978.

Resolution Granting a Modification of the Wachovia Drive-in Business Special Use Permit Located on South Estes Drive to Wachovia Bank and Trust Company

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION. Mr. Atkins stated the primary reason for the application was the change in graphics of Wachovia Bank. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION GRANTING A MODIFICATION OF THE WACHOVIA DRIVE-IN BUSINESS SPECIAL USE PERMIT LOCATED ON SOUTH ESTES DRIVE TO WACHOVIA BANK AND TRUST COMPANY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to Wachovia Bank and Trust Company for a Drive-In Business Special Use Permit located on South Estes Drive is hereby modified to allow a change in the signs located on the east and west sides of the building as shown on plans submitted October 13, 1978 subject to the following:

1. That the applicant be permitted to replace the existing "WACHOVIA" wording in blue letters within the existing pole sign with the word "WACHOVIA" in white letters. Such white letters shall be against a bronze background.
2. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Board finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted October 13, 1978 continues to meet the four findings made by the Board of Adjustment on October 19, 1970 (and subsequently modified).

This the 11th day of December, 1978.

Resolution Granting a Modification of a Special Use Permit for Harris-Conners Chevrolet, Inc. Unified Business Development

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Kawalec asked for clarification of the request. Mr. Alexander explained that the sign had been put up a year ago without a permit. When notified that the sign had been put up, Mr. Alexander filed for a modification of the special use permit and submitted an environmental impact assessment. The first hearings had been before the Appearance Commission and the Planning Board in December 1977. At that time, questions were raised about compliance with the stipulations of the original special use permit, specifically the hedge along the property and the storage container for tires. The owner had put in a new row of shrubbery. The Planning Board and Appearance Commission had considered the application again in October. At that time questions were raised on the arrangement of the signs. Mr. Berger had thought the signs cluttered and wanted them taken down and a sign plan filed. Mr. Alexander had not been notified that the matter was on the agenda until the night of the meeting. He had a conflict and the owner was preparing to request another modification, therefore, he had requested a delay so that both modifications might be presented together. Alderman Kawalec asked if it was the intent of the applicant to consolidate the four signs. Mr. Alexander said it was not. The signs met the requirements for number, size and type. Alderman Kawalec asked how the signs would be organized. Mr. Alexander

responded that the Town had proposed a number of alternatives. The applicant had considered the arrangements and the agreements he had with manufacturers. The old Chevrolet sign was allowed under a grandfather clause. If the sign was taken down, a new larger sign would have to be put up under the franchise agreement. If the sign put up without a permit was taken down, the applicant would be subject to loss of the franchise. Alderman Kawalec asked if the applicant intended to comply with the stipulation calling for organization of the signs. Mr. Alexander said that any future signs would need the approval of the Board in a modification of the special use permit. His client would not rearrange the signs for aesthetic reasons. Alderman Smith objected to taken action on the request if the applicant did not intend to comply with the stipulations. He suggested turning the matter over to the attorney for legal action. The landscape plan had not yet been complied with. Mr. Alexander said he did not mean that he would not comply with the law. He believed the applicant to be in compliance with all stipulations in existence. He questioned the concept of taking down all the signs and putting them up under a new arrangement. Alderman Smith asked if the applicant would be willing to comply with the proposed stipulation to have the Subaru sign which was constructed without a permit taken down. Mr. Alexander said he had initiated the procedures to have the sign approved which was under consideration by the Board now. If the Board did not approve the sign, then it was up illegally and the Town could institute proceedings to close the business. Alderman Smith asked if the applicant was willing to take down the sign voluntarily or if the Town must institute such legal proceedings. In Mr. Alexander's opinion the sign complied with all regulations except the request for better configuration of the signs. Alderman Smith argued that since the sign was put up without a permit it did not comply with all ordinances. Mr. Alexander said that if the Town instituted legal proceedings to have the sign taken down, his client would then make a decision whether to take down the sign or not. Alderman Cohen asked if the company would lose the franchises if the signs were rearranged. Mr. Alexander explained that most Subaru dealers have three signs, but his client was allowed to have only one because the building inspector had written a letter stating that three more signs would not comply with the ordinance. In Mr. Alexander's opinion the sign complied with the ordinance; it therefore complied with the requirements for the special use. The requirement for an aesthetic grouping would not be a valid judgment to deny the modification. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN BOULTON, TO TABLE THE MATTER AND REFER IT TO THE MANAGER AND THE ATTORNEY. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR HARRISS-CONNERS CHEVROLET, INC. UNIFIED BUSINESS DEVELOPMENT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to Harriss-Connors Chevrolet, Inc. for a Unified Business Development on the Chapel Hill-Durham Boulevard is hereby modified to allow the addition of a "SUBARU" sign as shown on plans submitted with the application subject to the following:

1. That a display system which will organize the existing signs and allow for orderly future changes to the signs be submitted to and approved by the Appearance Commission prior to issuance of a sign permit.
2. That the applicant comply with the landscape plan approved by the Board of Aldermen on December 8, 1975 prior to issuance of a sign permit.
3. That the SUBARU sign be taken down until the sign plan is approved and the sign permit is issued.

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted with the application continues to meet the four findings made by the Board of Aldermen on December 8, 1975 (and subsequently modified).

This the 11th day of December, 1978.

Ordinance Amending the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas

ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY. Alderman Cohen pointed out the Board would have to formulate some policy with regard to what other matters could be put on the agenda.

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

BE IT ORDAINED that the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas be amended as follows:

Section I

In Section 4-B-1-e, and in the second paragraph of Section 11(4), SUBSTITUTE in the second line the word "third" in place of the word "fourth."

Section II

Amend Section 4-B-1-e and paragraph 2 of Section 11(4) of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas to delete July as a regular month for hearings on applications for special use permits, zoning text amendments, and zoning map amendments.

Section III

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

This the 11th day of December, 1978.

Planning Board Recommendation: The Planning Board concurs with the staff recommendations. Vote: Unanimous.

Resolution Extending the Review Period for Zoning Ordinance Amendments Heard at the October 30, 1978, Public Hearing

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN BOULTON, EPTING, HOWES, KAWALEC, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMAN COHEN OPPOSING.

A RESOLUTION EXTENDING THE REVIEW PERIOD FOR ZONING ORDINANCE AMENDMENTS HEARD AT THE OCTOBER 30, 1978 PUBLIC HEARING

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby extends the Planning Board review period for the Zoning Text Amendments regarding setbacks in University Districts and Zoning Map Amendments - the Historic District to February 20, 1979.

This the 11th day of December, 1978.

Resolution Authorizing the Manager to apply for a Ridesharing Grant

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Smith asked about the response from residents willing to cooperate in the ridesharing program. Mr. Shipman stated there would be a survey in January to study the effectiveness of the measures taken to date. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING THE MANAGER TO APPLY FOR A RIDESHARING GRANT FROM THE ENERGY DIVISION, NORTH CAROLINA DEPARTMENT OF COMMERCE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Interim Town Manager, Raymond E. Shipman, to submit non-matching grant applications for up to \$15,000 to the Energy Commission, North Carolina Department of Commerce to continue the ridesharing program.

This the 11th day of December, 1978.

Resolution Authorizing the Manager to Apply for a Transit Marketing Grant from the Energy Division, North Carolina Department of Commerce

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING THE MANAGER TO APPLY FOR A TRANSIT MARKETING GRANT FROM THE ENERGY DIVISION, NORTH CAROLINA DEPARTMENT OF COMMERCE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager to submit non-matching grant applications for up to \$30,000 to the Energy Commission, North Carolina Department of Commerce, for a transit marketing program.

This the 11th day of December, 1978.

Resolution Authorizing a Covenant Not to Sue

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING A COVENANT NOT TO SUE (Hauser)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager of the Town of Chapel Hill to execute a Covenant Not To Sue the Lee W. Hausers and their heirs and assigns over an encroachment of approximately 5.5 feet into a drainage easement across the back of Lot 130, Booker Creek Subdivision.

This the 11th day of December, 1978.

Ordinance Creating Sledding Streets

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE. Alderman Smith asked if the streets were chosen because of requests from citizens. Mr. Shipman responded that they were chosen by the staff because they represented the safest streets to close; they would not interfere with other traffic. Mr. Denny thought this ordinance the best from a practical point of view. It did not eliminate his concerns with someone getting hurt or services not being available to residents. Alderman Boulton objected to the ordinance because she did not think these were necessarily the best streets and she did not believe any street would be able to get 100% participation. Other streets could not be sledding streets by residents petitioning. Alderman Howes stated the Board could amend the ordinance by adding other streets if the residents asked for them to be added. THE ORDINANCE WAS ADOPTED BY A VOTE OF SIX TO THREE WITH ALDERMEN COHEN, HOWES, KAWALEC, THORPE, VICKERY AND MAYOR WALLACE SUPPORTING AND ALDERMEN BOULTON, EPTING AND SMITH OPPOSING.

AN ORDINANCE CREATING SLEDDING STREETS

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends the Code of Ordinances, Town of Chapel Hill, by addition of a new Section 21-7.2 to read as follows:

21-7.2 Sledding Streets

Upon the natural deposit and accumulation of two (2) inches of snow upon any of the portions of the streets listed herein, and the erection of signs and barriers as set forth below, such portions of streets are hereby declared to be sledding streets subject to the following procedure and regulations:

- a. During the existence of the conditions which give this section effect, it shall be unlawful to use sledding streets for any purpose other than pedestrian traffic and traffic by persons riding, carrying, or personally pulling or pushing sleds or other non-motorized vehicles or devices designed or adapted for gliding over the surface of ice or snow; provided it shall be lawful for such streets to be traveled by: motor vehicles carrying residents thereof; sanitation, public utilities, and other motor vehicles employed in the official business of any level of government; and fire, rescue and other such emergency vehicles of any and all types; provided further that regularly-scheduled bus routes shall not be used as sledding streets.
- b. It shall be unlawful to barricade, mark, block, or otherwise obstruct or to hinder, on any sledding street any traffic lawfully permitted thereon.
- c. Sledding streets, under appropriate conditions, shall be signed and barricaded at the direction of the Town Manager. The Town Manager shall not direct a street to be signed and barricaded until a petition asking that the street be used as a sledding street, signed by 100% of the residents of the affected area of the street, is submitted. Upon cessation of appropriate conditions, all such signs and barricades shall be promptly removed.
- d. It shall be unlawful to use any public street other than one appropriately designated and marked as a sledding street for sledding or any other similar purpose.
- e. Streets and the portions of which to be designated as sledding streets are as follows:

Bartram Street - From Shady Lawn Rd. to Dead End
 Caswell Road - From Chatham Lane to Granville Road
 Cedar Street - Mt. Bolus Rd. to Dead End
 Clayton Road - From Curtis Road to Dead End
 Coker Drive - From Woodbine Drive to Manning Drive
 Cypress Road - From Hemlock Road to Spruce Road
 Glen Hill Lane - Entire length
 Johnson Street - From Crest Drive to Dead End
 Long Pine Road - Entire Length
 McCauley Street - From Brookside Drive to Dead End
 McMaster Street - From Carver Street to Dead End
 Purefoy Road - N. Howell Street to S. Columbia Street
 Rock Creek Road - From Totton Road to Dead End
 Tatley Drive - From Markham Street to Dead End
 Sedgfield Drive - From Mayberry to Rosewood Court
 Whiteplain - From 400' East of Shannon Road to Colony Woods Rd.

This the 11th day of December, 1978.

Ordinance Amending the Position Classification and Pay Plan

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE. Alderman Smith stated he would vote against this ordinance. He stated that information gathered at the League of Municipalities meeting showed that 2/3 of the cities trying the public safety system had returned to their old systems. THE ORDINANCE WAS ADOPTED 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. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING ORDINANCE. 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. The Ordinance was not adopted on its first reading.

SECOND READING

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

Firefighter	11	42	12
Police Officer I	18	42	12
Public Safety Officer	26	42	12

This the 11th day of December, 1978.

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	11	42	12
Public Safety Officer	26	42	12

and ADD

Firefighter	10	42	12
Public Safety Officer	27	42	12

This the 11th day of December, 1978.

Ordinance Amending Article VI of Chapter 21, "Bicycles"

ALDERMEN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY.

AN ORDINANCE AMENDING ARTICLE VI, SECTION II, OF CHAPTER 21, "BICYCLES"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Article VI, Section II, of Chapter 21 of the Code of Ordinances, Town of Chapel Hill, to read as follows:

SECTION II

With the exception of Sections 21-55 and 21-56, this ordinance shall be effective upon adoption. Sections 21-55 and 21-56, shall be effective from and after February 15, 1979.

This the 11th day of December, 1978.

Resolution of Intent to Consider an Ordinance to Amend the Town Charter and Calling a Public Hearing Thereon

ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Vickery believed this to be a bad idea. He said Alderman was a traditional term and the Town was traditional. Alderman Kawalec explained that many people were not familiar with the term Board of Aldermen and she wanted to help the public understand. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN BOULTON, COHEN, EPTING, HOWES, KAWALEC, SMITH AND THORPE SUPPORTING AND ALDERMAN VICKERY OPPOSING.

A RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE TO AMEND THE TOWN CHARTER AND CALLING A PUBLIC HEARING THEREON

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that pursuant to the provisions of Section 160A-101(3) and Section 160A-102 of the General Statutes of North Carolina, the Board of Aldermen intends to consider an Ordinance to amend the Charter of the Town of Chapel Hill to change the designation of the legislative body of the Town from the "Board of Aldermen" to a town "Council", and to designate persons serving as members thereof as Council Members rather than Aldermen, and to change all references to Aldermen in the existing Town Charter to town Council, Council, or Member of the Council, whichever is appropriate, and

BE IT FURTHER RESOLVED that a public hearing on the proposed Charter modifications be, and the same is hereby called for the 15th day of January, 1979 at 7:30 o'clock p.m. in the Municipal Meeting Room at the Municipal Building, 306 North Columbia Street, Chapel Hill, North Carolina, at which time all interested parties will be heard with respect thereto, and

BE IT FURTHER RESOLVED that the Town Clerk cause notice of said public hearing to be published as required by law.

This the 11th day of December, 1978.

Bids

ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR STEEL-TOED SAFETY SHOES

WHEREAS the Town of Chapel Hill has solicited formal bids on Steel-Toed Safety Shoes and the following bid has been received:

<u>Bidder</u>	<u>Bid</u>		
	<u>Style 1 (32 pr.)</u>	<u>Style 2 (62 pr.)</u>	<u>Style 3 (70 pr.)</u>
Conray, Asheboro, N.C.	\$664.00	\$1,360.90	\$1,816.50

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Conray in the amount of \$3,841.40.

This the 11th day of December, 1978.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR AN ENGINE TESTING SYSTEM

WHEREAS the Town of Chapel Hill has solicited formal bids on an Engine Testing System and the following bids has been received:

<u>Bidder</u>	<u>Bid</u>
Dynamite Auto Parts, Inc., Raleigh, North Carolina	\$4,500.00
Sun Electric Corp., Charlotte, North Carolina	\$6,081.60
Southern Parts and Electric Co., Chapel Hill, North Carolina	\$4,613.85

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid by Southern Parts and Electric Co. in the amount of \$4,613.83.

This the 11th day of December, 1978.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION REJECTING BIDS ON ONE COLOR PORTABLE, 3/4" CASSETTE TAPE, VIDEO/AUDIO SYSTEM

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town has received the following bids on one color portable, 3/4" cassette tape, video/audio system:

<u>Bidder</u>	<u>Bid</u>
Audio Center, Inc., Raleigh, North Carolina	\$7,699.60
Kirksman Electronics, Inc., Winston-Salem, North Carolina	\$8,178.00
	Alternate 5,749.00
Southeastern Sight & Sound, Raleigh, North Carolina	\$7,196.00

AND BE IT FURTHER RESOLVED that the Board hereby rejects all bids because they are over the budgeted amount and directed this equipment be reconsidered for fiscal 1979-80.

This the 11th day of December, 1978.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION REJECTING BIDS ONE ONE SOUND SYSTEM

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town has received the following bids on one sound system:

<u>Bidder</u>	<u>Bid</u>	
	<u>Alternate I</u>	<u>Alternate II</u>
Cobb Electronics, Durham, North Carolina	\$4,619.00	No Bid
Omni Electronics, Inc., Raleigh, North Carolina	\$4,337.32	\$3,368.08

AND BE IT FURTHER RESOLVED that the Board hereby rejects all bids because they are invalid in form, and directs the Purchasing Agent to rebid this equipment.

This the 11th day of December, 1978.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO TWO WITH ALDERMEN BOULTON, COHEN, HOWES, KAWALEC, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMAN EPTING AND MAYOR WALLACE OPPOSING.

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

WHEREAS the Town of Chapel Hill has solicited formal bids for Sitework and Installation for Twelve Bus Stop Shelters and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
Security Building Co. Inc., Chapel Hill, N.C.	\$40,270.00
Triad, Inc. of Durham, N.C.	\$28,566.00
R.G.K. Inc., Burlington, N.C.	\$38,674.20

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the negotiated bid by Triad, Inc. in the amount of \$24,866 for the construction of eleven bus stop shelter sites.

This the 11th day of December, 1978.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR POOL RENOVATION AND UTILITY ALTERATIONS FOR HARGRAVES PARK AND CEDAR FALLS PARK

WHEREAS the Town of Chapel Hill has solicited formal bids on Pool Renovation and Utility Alterations for Hargraves Park and Cedar Falls Park and the following bids have been received:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate #1</u>	<u>Alternate #2</u>
Delta Construction Co., Inc. Durham, N.C.	\$77,833	\$1,188	\$14,833
L.A. Downey & Son, Inc. Durham, N.C.	\$73,257	\$1,733	\$13,500
Security Building Co., Inc. Chapel Hill, N.C.	\$81,560	\$1,300	\$15,700
Triad, Inc. Durham, N.C.	\$79,780	\$1,490	\$14,200

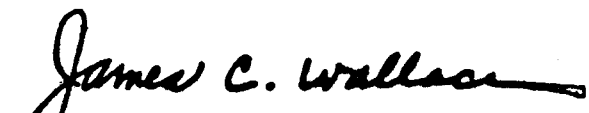
NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the negotiated base bid of L.A. Downey and Son, Inc. in the amount of \$68,257 and its Alternate 2 bid in the amount of \$13,500.

This the 11th day of December, 1978.

Consideration of Procedure for Appointing Members to Advisory Boards

Alderman Boulton had distributed alternatives to the process established for appointing members to the advisory boards and committees. She made some changes in the memorandum. Mr. Dehny had suggested the December appointments be changed to June. Alderman Cohen explained that these originally had been changed to December to allow the new Board of Aldermen members to have an input in the advisory board memberships. However, the election of the Board of Aldermen had then been changed to November leaving little time for the new members to make appointments. Alderman Howes wanted the advisory boards to also have an input in the nominating process. He suggested the Board of Aldermen discuss these alternatives in a work session. Alderman Smith wanted to discuss the criteria for nominations more. Alderman Smith moved, seconded by Alderman Cohen, that the Board schedule a work session on January 30, 1979, to discuss the nominating process. The motion was carried unanimously. Alderman Thorpe nominated Barbara Evans to the Historic District Commission.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN BOULTON, THAT THE BOARD ADJOURN TO EXECUTIVE SESSION AFTER WHICH THE MEETING WOULD BE ADJOURNED. THE MOTION WAS CARRIED UNANIMOUSLY. After the Executive Session, the meeting was adjourned.



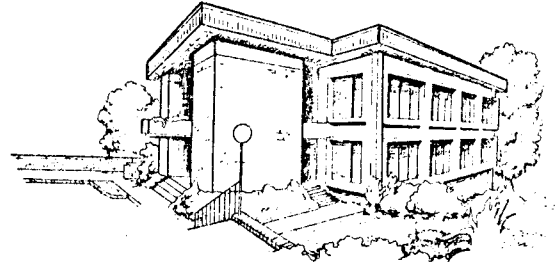
 Mayor James C. Wallace



 Town Clerk David B. Roberts

TOWN OF CHAPEL HILL

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



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

TO: Alderman Marilyn Boulton
Alderman Gerry Cohen
Alderman Robert Epting
Alderman Jonathan Howes
Alderman Beverly Kawalec
Alderman R. D. Smith
Alderman Bill 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 Conference Room, at 11:00A.M. on December 29, 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 Conference Room of the Municipal Building, December 29, 1978, 11:00A.M.

James C. Wallace
MAYOR

12:00 Noon Bill Thorpe
12:00 PM Gerry Cohen
12:20 " Marilyn Boulton

Robert Epting
Jonathan B. Howes
Beverly Kawalec
R. D. Smith
Edward Vickery