

MINUTES OF A MEETING OF THE
CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
JULY 9, 1979
7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton
Gerald Cohen
Robert Epting
Beverly Kawalec
R. D. Smith
Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council members Howes and Vickery were excused.

Minutes

On motion by Council member Smith, seconded by Council member Kawalec, the minutes of June 11, 1979, were approved.

Petitions and Requests

The Coker Hills West Neighborhood Association presented a petition regarding the fire lane for Coker Hills West, Section 9. However, one of the residents stated that they were not ready to give their presentation. Mr. Shipman had distributed a report on this matter to the Council and suggested that as the neighbors might want to present more information, the matter be placed on the agenda of the 23rd. Mayor Wallace agreed, inasmuch as two Council members were absent.

Mr. Shipman explained that it was not clear the Council took action with regard to the fire lane at its April meeting. Usually, fire lanes would be referred to the Manager for development and would be approved in the form of the construction drawings submitted by the developer. The staff believed that the kind of fire lane shown on the preliminary sketch by the developer would prove a burden to taxpayers of the town. Mayor Wallace disagreed with the staff position and wanted to wait until the full Council was present to discuss the matter.

Council member Boulton asked if this should be decided by the Council. Mr. Denny informed the Council that the approval for specifications of subdivision was set forth in the subdivision ordinance. Although the term fire lane had been used, the easement under consideration was technically an emergency way, not only a fire lane. The Council had required that it be dedicated to public use while fire lanes were usually private property left open. The ordinance required that the profile and manner of paving of all public ways was in the discretion of the Manager. If the Council determined that it wanted to specify the manner of paving of access ways, the ordinance would have to be amended. Council member Epting did not believe this was necessary. So long as this discretion was not misused, he would leave it with the Manager. He suggested the Manager could be directed to have this access watched and traffic violations enforced. Council member Cohen agreed this was an enforcement issue. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO REFER THE MATTER TO THE MANAGER FOR A RECOMMENDATION TO THE COUNCIL ON JULY 23. Council member Cohen suggested it be considered at the Streets and Traffic Committee meeting. Council member Smith also asked for a time schedule for fire trucks going to the area from each station. THE MOTION WAS CARRIED UNANIMOUSLY.

The Council was petitioned to defer consideration of the special use permit for Burger King Drive-in Business until September. The policy on drive-in businesses would be discussed by the Planning Board in August, and the applicant preferred to have this input. COUNCIL MEMBER COHEN MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO DEFER THE ITEM UNTIL SEPTEMBER 10. THE MOTION WAS CARRIED UNANIMOUSLY.

Residents from the Ridgfield Park area requested to be allowed to speak on item 11.

Council member Smith requested the Council arrange a meeting with the Housing Authority in September to discuss critical issues regarding public housing. He also requested a meeting with the staff first for direction as to where the town was going in public housing. The Council referred the petition to Mr. Shipman.

Council member Epting reminded the Council they had spoken of a discussion regarding the personnel classification and status of the assistant town attorney. He wanted the Manager to arrange for such a discussion.

Ms. Weaver asked for assistance to move her business to Merritt Mill Road. Mayor Wallace suggested Ms. Weaver make an appointment with Mr. Shipman or Mr. Jennings.

Resolution Granting a Residential Parking Lot Special Use Permit to the Town of Chapel Hill for Hargraves Park

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A RESIDENTIAL PARKING LOT SPECIAL USE PERMIT TO THE TOWN OF CHAPEL HILL FOR HARGRAVES PARK

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Residential Parking Lot proposed by the Town of Chapel Hill 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:

1. That the parking lot be paved by December 31, 1982.
2. That a detailed drainage plan be reviewed and approved by the Town Manager prior to issuance of a grading permit, building permit, and start of construction of improvements.
3. That a landscape plan and lighting plan for the parking lot be approved by the Appearance Commission prior to issuance of a grading permit and building permit. Such plan to include defined pathways between the lot and ballfield, plus one space to be used for landscaping at the entrance to the lot.
4. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
5. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.
6. That construction begin by July 1, 1980 and be completed by December 31, 1982.

BE IT FURTHER RESOLVED that the Council hereby grants a Residential Parking Lot Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Residential Parking Lot Special Use Permit to the Town of Chapel Hill for Umstead Park

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A RESIDENTIAL PARKING LOT SPECIAL USE PERMIT TO THE TOWN OF CHAPEL HILL FOR UMSTEAD PARK

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Residential Parking Lot proposed by the Town of Chapel Hill 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:

1. That the parking lot be paved by December 31, 1982.
2. That a detailed drainage plan be reviewed and approved by the Town Manager prior to issuance of a grading permit, building permit, and start of construction of improvements.
3. That a landscape plan and lighting plan for the parking lot be approved by the Appearance Commission prior to issuance of a grading permit and building permit.
4. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
5. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.
6. That the proposed four-foot-high earth berm be lowered to a height of three feet to permit visual surveillance of the park from Umstead Drive.
7. That construction begin by July 1, 1980 and be completed by December 31, 1982.

BE IT FURTHER RESOLVED that the Council hereby grants a Residential Parking Lot Special Use Permit in accordance with the plans as submitted and approved and the stipulations above.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for Village Office Park to H & H Associates

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR VILLAGE OFFICE PARK (PREVIOUSLY LEGION ROAD OFFICE PARK) TO H & H ASSOCIATES

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to H & H Associates, October 25, 1976 for Village Office Park at 1717 Legion Road is hereby modified to allow a change in the name and size of the project sign as shown on plans submitted with the application subject to the following:

1. 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 Council 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.
2. That the name of the Office Park be approved by the Town Manager as not being similar to another existing development within Chapel Hill Township.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans submitted with the application continues to meet the four findings made by the Council on October 25, 1976 (and subsequently modified).

This the 9th day of July, 1979.

Resolution Granting a Unified Business Special Use Permit for Central Carolina Bank

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A UNIFIED BUSINESS SPECIAL USE PERMIT TO CENTRAL CAROLINA BANK

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Business Special Use proposed by Central Carolina Bank 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 PUBLIC HEALTH AND SAFETY

1. That the 15-501 frontage road be paved to N.C. State Department of Transportation standards for the length of its frontage with the project. Paving plans to be approved by the Town Manager prior to construction.
2. That a paved sidewalk to Town standards be constructed along the project's frontage with Sage Road. Plans to be approved by the Town Manager prior to construction.
3. That additional public right-of-way be dedicated along the project's frontage with Sage Road. Such dedication shall achieve the objective of a 30 foot wide right-of-way width measured from the centerline of the road as it existed prior to the Brendles right-of-way dedication. That such dedication be recorded prior to issuance of a building permit.
4. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
5. That the existing paving on the western half of Sage Road be widened with curb and gutter. Such widening shall meet the design standards of a 16½ foot wide paved cross-section as measured from the centerline of the road as it existed prior to the Brendle's right-of-way dedication.
6. 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 any building permits.
7. That the off-street parking area be paved.

WITH REGARD TO APPEARANCE

8. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signs, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
9. 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.
10. 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.
11. That the off-street parking areas be screened from the abutting property to the west by a solid six-foot high screen consisting of vegetation, trees and/or fencing. The detailed design of such screen shall be shown on the landscape plan.
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.
13. That paved areas be set back as far as possible from trees to be retained.

OTHER STIPULATIONS

14. That at such time as municipal garbage collection is available to the development, the provisions for garbage collection shall be approved by the Town Manager. If bulk trash containers are used the locations and screening of such containers shall be approved by the Town Manager in consultation with the Appearance Commission. The provision of such facilities shall not be a modification to the approved permit.
15. That sewer drainage and utility easements be dedicated as required by the Town Manager. Such easements shall be recorded prior to issuance of a building permit.
16. That a revised site plan incorporating all the above stipulations be submitted to and approved by the Planning Board prior to issuance of a building permit or grading permit.
17. That the name of the office park be approved by the Town Manager as not being similar to another existing development within Chapel Hill Township.
18. That the applicant be permitted to reduce the number of required parking spaces by up to 20% as provided for in Section 4-C-21-d of the Zoning Ordinance on the findings that such a reduction is justified on the basis of the type of use, that the office is not expected to need parking in the normally required ratio, no adverse increase in traffic congestion is expected because of the reduction, and the area to be freed from parking will be used for additional landscaping.
19. That construction begin by July 31, 1980 and be completed by July 31, 1982.

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

This the 9th day of July, 1979.

Council member Kawalec thought the building was designed to enhance the area. However, she could not find the project in compliance with the comprehensive plan. Council member Boulton asked if the service road would be paved. Mr. Jennings answered that the applicant would pave the portion along his property. The rest could be paved in the future by the State. He added that the staff believed the buffer between the project and the property to the west too narrow. However, the Appearance Commission was satisfied it was adequate. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO TWO WITH COUNCIL MEMBERS BOULTON, EPTING, SMITH, THORPE, AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBERS COHEN AND KAWALEC OPPOSING.

Resolution Approving a Preliminary Sketch for the Forsyth Subdivision Located at Chapel Hill Township Tax Map 27, Block D, Lots 22 and 23

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR THE FORSYTH SUBDIVISION LOCATED AT CHAPEL HILL TOWNSHIP TAX MAP 27, BLOCK D, LOTS 22 and 23

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated May 29, 1979, Scheme B for the Forsyth Subdivision located at Map 27, Block D, Lots 22 and 23 subject to the following requirements:

1. That an additional 25 foot wide pedestrian and non-motorized vehicle easement be added to the open space parcel on the southern portion of the property, bringing the combined width of said open space and easement to 100 feet, and that a minimum 25 foot wide pedestrian and non-motorized vehicle easement be dedicated between Forsyth Drive and said open space.
2. That an additional five feet of right-of-way be dedicated along the applicant's frontage with Legion Road. Such dedication shall be shown on the final plat.
3. That the final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town Manager prior to issuance of any grading permit, start of construction of improvements or submission of an application for final plat approval.
4. That a detailed drainage plan and the detailed street construction plans be submitted to and approved by the Town Manager prior to issuance of a grading permit, building permit or submission of an application for final plat approval.
5. 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 any building permits.
6. That the detention basin be privately maintained by the owner, a homeowners association, or other appropriate entity.
7. That sewer drainage and utility easements be dedicated as required by the Town Manager. Such easements to include a sewer easement along the length of the southern property boundary.
8. That the open space be labelled "dedicated permanent open space, and pedestrian and non-motorized vehicle easement," and that signs be posted at all entrances to open space or easements indicating that these areas are public footpaths.
9. That a revised site plan incorporating all the above conditions be submitted to and approved by the Planning Board prior to, or as part of, the consideration of the request for final plat approval.
10. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
11. That prior to paving streets, utility service laterals shall be stubbed-out to the front property line of each lot. Sanitary sewer laterals shall be capped-off above ground. A letter from the owner or owner's representative shall be presented to the Town Engineer prior to paving any street certifying that all utilities are in place.
12. That no proposed street names duplicate or be similar to existing street names. Such proposed street names shall be approved by the Town Manager and shall be shown on the final plat.
13. That all streets be paved to Town standards or comparable State standards (whichever are greater) with curb and gutter, and that the plans and profiles of such streets be approved by the Town Manager prior to construction. That Elderberry Drive and any proposed cul-de-sac street be paved to a minimum paved cross-section of 27 feet back-to-back of curb as provided for in Section 18-68 of the Subdivision Ordinance.
14. That Legion Road be paved, curbed and guttered along the property's frontage to a width of $16\frac{1}{2}$ feet as measured from the centerline of the road (to provide for an eventual 33 foot wide street).

15. That the proposed cul-de-sac be exempted from the 400 foot maximum length standard of the Subdivision Ordinance as provided for in Section 18-55 of the Subdivision Ordinance.

This the 9th day of July, 1979.

Council member Cohen questioned whether the three entrances on Legion Road, close together, were necessary. Mr. Jennings responded the staff and Planning Board had discussed the number of entrances. Colony Woods North had been approved over a year ago and no improvements had been made. Also the present configuration allowed loop roads. The Human Services Department was concerned that the Housing Authority project be connected to the Forsyth project. Council member Kawalec asked if the lower portion of the property would be draining onto Colony Woods North. Mr. Ballentine responded that a detection basin was proposed. The peak run-off would not be increased.

Council member Smith asked why since this tract was under one ownership, the Council could not require plans for the whole tract. Mr. Denny said the Council could request that the developer submit plans, but they were not binding. Ordinances would have to be changed to require developers to submit plans for entire tracts. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Extending the Planning Board Review Period on the Courtyard, Franklin Hills, Hotel L'Europe and Timberlyne

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION EXTENDING THE PLANNING BOARD REVIEW PERIOD ON THE COURTYARD, FRANKLIN HILLS, HOTEL L'EUROPE, AND TIMBERLYNE

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby extends the review period for the Courtyard, Franklin Hills, Hotel L'Europe, and Timberlyne to July 18, 1979.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1979"

Council member Cohen stated the County had responded to requests for increased funding to the social service agencies. He did not believe that with this progress, the town should leave various groups unable to operate. He suggested Mr. Hayden prepare a report on the activities to be conducted by these agencies with additional funding. Mr. Shipman asked that Mr. Hayden be allowed to give this report at a later meeting. COUNCIL MEMBER COHEN MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING ORDINANCE, WITH THE PROVISION THAT ALL OF THE MONIES APPROPRIATED TO THE RAPE CRISIS CENTER AND WOMEN'S HEALTH COUNCILING SERVICE NOT BE DISBURSED UNTIL THE COUNCIL HAD HEARD THE REPORT.

AN ORDINANCE TO AMEND THE "ORDINANCE APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1979"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1979: as duly adopted on June 25, 1979, be and the same is hereby amended as follows:

	ARTICLE I			
	<u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u>
<u>General Fund</u>				
Human Services	\$ 76,505	\$ 39,885	\$ -	\$ 115,390
Administration and Impact Analysis				

Recreation-				
General Recreation	\$ 157,190	\$ 6,000	\$ -	\$ 163,190
Recreation-				
Athletics	\$ 183,565	\$ 615	\$ -	\$ 184,180
Recreation-				
Parks Maintenance	\$ 113,935	\$ 700	\$ -	\$ 114,635
Sundry-Contingency	\$ 48,785	\$ -	\$ 38,885	\$ 9,900

ARTICLE II

General Fund

Revenue from				
Other Agencies	\$2,131,345	\$ 7,315	\$ -	\$2,138,660

All ordinances and portions in conflict herewith are hereby repealed.

This the 9th day of July, 1979.

COUNCIL MEMBER SMITH OBJECTED TO APPROPRIATING MONEY BEFORE THE REPORT WAS PREPARED.

Mr. Hare requested more funding for JOCCA. He stated the county had provided \$43,000 plus approximately \$150,000 in kind. JOCCA face a deficit of \$30,000 this year. Mr. Hare compared the salaries of JOCCA employees with those of Chapel Hill employees. The additional funding would be used to make these salaries more comparable. The Women's Health Counseling Service then presented a request for additional funding. After more discussion on whether to wait two weeks for a report on the agencies, Council member Cohen withdrew his motion. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

AN ORDINANCE TO AMEND THE "ORDINANCE APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1979"

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1979" as duly adopted on June 25, 1979, be and the same is hereby amended as follows:

ARTICLE I

	<u>Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised</u>
<u>General Fund</u>				
Human Services	\$ 76,505	\$ 35,735	\$ -	\$ 112,240
Administration and Impact analysis				
Recreation-				
General Recreation	\$ 157,190	\$ 6,000	\$ -	\$ 163,190
Recreation-				
Athletics	\$ 183,565	\$ 615	\$ -	\$ 184,180
Recreation-				
Parks Maintenance	\$ 113,935	\$ 700	\$ -	\$ 114,635
Sundry-Contingency	\$ 48,785	\$ -	\$ 35,735	\$ 13,050

ARTICLE II

General Fund

Revenue from				
Other Agencies	\$2,131,345	\$ 7,315	\$ -	\$2,138,660

All ordinances and portions in conflict herewith are hereby repealed.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding Ridgefield Area Land Acquisition Bonds

COUNCIL MEMBER THORPE MOVED, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING RIDGEFIELD AREA LAND ACQUISITION BONDS

BE IT RESOLVED by the Town Council that:

1. The Town of Chapel Hill proposes to acquire part or all of the following five tracts of land in the Ridgefield area for open space and street purposes: Chapel Hill Township Tax Map Lots 27-F-3 (Lyman-Bryan); 27-F-9 (Law Alumni); 52-3 (Whitfield); 52-8 (Rominger); and 52-10 (Law Alumni); and to issue General Obligation Bonds in an aggregate principal amount not exceeding \$300,000, together with any other available funds, to finance said projects;
2. The purchase of the aforementioned tracts is necessary and expedient to provide additional open space for the Town's Park program;
3. The amount of General Obligation Bonds proposed to be issued is adequate but not excessive for the proposed purpose, based on preliminary appraisals of the tracts involved;
4. The Town of Chapel Hill has carried on and will continue to carry on policies of debt management in strict compliance with applicable law;
5. It is estimated that the increase in the property tax rate to raise the estimated increase in debt service requirements for the aforementioned acquisitions is one cent;
6. The Finance Officer is hereby designated the representative of the Town of Chapel Hill to file the application for the approval of bonds with the Local Government Commission;
7. The Town Manager is hereby authorized to employ bond counsel to represent the Town of Chapel Hill in the authorization and issuance of bonds.

This the 9th day of July, 1979.

Mr. Denny stated that the matter had been referred to bond counsel. While they had not said no, they had indicated there could be legal problems with this resolution. If anything was to happen to any portion of the tract to make it not subject to acquisition as open space, the entire bond issue could be defeated. The Manager proposed an issue be placed on the ballot to approve \$300,000 for acquisition of open space land. Collaterally, a resolution of intent would be adopted to make a political commitment to the voters the funds would not be used except to acquire these particular properties. Council member Epting said he could not find that it was necessary or expedient to acquire this property. HE MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING LAND ACQUISITION BONDS

BE IT RESOLVED by the Town Council that:

1. The Town of Chapel Hill proposes to acquire land for general corporate purposes and to issue General Obligation Bonds in an aggregate principal amount not exceeding \$300,000, together with any other available funds, to finance said projects;
2. The purchase of additional land may provide for the expanding needs of the Chapel Hill community;
3. The amount of General Obligation Bonds proposed to be issued is adequate but not excessive for the proposed purpose;
4. The Town of Chapel Hill has carried on and will continue to carry on policies of debt management in strict compliance with applicable law;

5. It is estimated that the increase in the property tax rate to raise the estimated increase in debt service requirements for the aforementioned acquisitions is one cent;
6. The Finance Officer is hereby designated the representative of the Town of Chapel Hill to file the application for the approval of bonds with the Local Government Commission;
7. The Town Manager is hereby authorized to employ bond counsel to represent the Town of Chapel Hill in the authorization and issuance of bonds.

This the 9th day of July, 1979.

Council member Thorpe wanted the bond issue to be specific. As the Council would change in November, there would be no doubt as to what the funds could be used for. A representative from the Ridgefield Neighborhood said the more specific resolution was to be preferred. The residents proposed some changes to the resolution: (1) In line 1, delete "part or all of the following"; (2) in line 2, change "open space" to "greenbelt", and add the following: "This purchase would maintain a necessary drainage area and help preserve the quality of life in Chapel Hill. The residents questioned whether \$300,000 was enough to purchase the property. Council member Epting reminded the residents that the Council had reserved the privilege of deciding whether the money raised by the residents was sufficient for the Council to spend the bond funds.

Some of the residents had indicated they would not honor their pledges if the town did not purchase all of the 5 tracts. Mr. Denny again expressed his concern with the bond issue tied to specific tracts of land. He did not object to its being tied to specific uses. Council member Cohen suggested the "general corporate purposes" be changed to "open space and street purposes." Council members Epting and Smith accepted this amendment. THE FOLLOWING RESOLUTION WAS ADOPTED BY A VOTE OF SIX TO ONE WITH COUNCIL MEMBERS BOULTON, COHEN, EPTING, KAWALEC, SMITH AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER THORPE OPPOSING.

A RESOLUTION REGARDING LAND ACQUISITION BONDS

BE IT RESOLVED by the Town Council that:

1. The Town of Chapel Hill proposes to acquire land for open space and street purposes and to issue General Obligation Bonds in an aggregate principal amount not exceeding \$300,000, together with any other available funds, to finance said projects;
2. The purchase of additional land may provide for the expanding needs of the Chapel Hill community;
3. The amount of General Obligation Bonds proposed to be issued is adequate but not excessive for the proposed purpose;
4. The Town of Chapel Hill has carried on and will continue to carry on policies of debt management in strict compliance with applicable law;
5. It is estimated that the increase in the property tax rate to raise the estimated increase in debt service requirements for the aforementioned acquisitions is one cent;
6. The Finance Officer is hereby designated the representative of the Town of Chapel Hill to file the application for the approval of bonds with the Local Government Commission;
7. The Town Manager is hereby authorized to employ bond counsel to represent the Town of Chapel Hill in the authorization and issuance of bonds.

This the 9th day of July, 1979.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING USE OF BOND PROCEEDS

BE IT RESOLVED by the Towns Council that the Council hereby states its intention that if the voters of the Town of Chapel Hill approve the issuance of \$300,000 in General Obligation Bonds for open space and street purposes in the November 6, 1979 bond referendum, the funds therefrom will be used only for the acquisition of part or all of the following five tracts of land in the Ridgefield area for open space and streets purposes:

Chapel Hill Township Tax Map Lots 27-F-3 (Lyman/Bryan); 27-F-9 (Law Alumni); 52-3 (Whitfield); 52-8 (Rominger); and 52-10 (Law Alumni).

This the 9th day of July, 1979.

Council member Epting wanted the residents to understand the Council was not committed to spending the bond money. THE MOTION WAS CARRIED BY SIX TO ONE WITH COUNCIL MEMBERS BOULTON, COHEN, EPTING, KAWALEC, SMITH AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER THORPE OPPOSING.

Mr. Shipman explained to the Council that a special meeting would be necessary around September 4 for the referendum.

Resolution Adopting a Transit Development Plan

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ADOPTING A TRANSPORTATION DEVELOPMENT PLAN

BE IT RESOLVED by the Town Council that the Council hereby adopts the Transportation Development Program for fiscal years 1979-80 through 1983-84, prepared by the Town as required by the Urban Mass Transit Administration.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, AND WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the United States and North Carolina Secretaries of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as Amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964, and the U.S. Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized in connection with this project and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contract, or consultant and other services:

NOW, THEREFORE, BE IT RESOLVED by the Chapel Hill Town Council:

1. That the Town Manager is authorized to execute and file an application on behalf of the Town of Chapel Hill, North Carolina with the U.S. Department of Transportation and with the North Carolina Department of Transportation, to aid in the financing of the operation of a public transportation system for fiscal year 1979-80.
2. That the Town Manager is authorized to execute and file with such application and assurance or any other document required by the North Carolina Department of Transportation or the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964;
3. That the Town Manager is authorized to furnish such additional information as the North Carolina Department of Transportation or the U.S. Department of Transportation may require in connection with the application of the project;
4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Opening a Deposit Account

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING OPENING A DEPOSIT ACCOUNT (Northwestern Bank)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Northwestern Bank be, and it is hereby designated a depository of the Town of Chapel Hill and that funds so deposited may be withdrawn upon a check, draft, note or order of the Town.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said account be signed by any two of the following:

Raymond E. Shipman	Town Manager
Mary S. Parker	Finance Director
David B. Roberts	Town Clerk

BE IT FURTHER RESOLVED, that said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the certificate of the Town Clerk or Deputy Town Clerk, accompanying a copy of this resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

This the 9th day of July, 1979.

Resolution Endorsing Implementation of the Downtown Parking Program

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ENDORSING IMPLEMENTATION OF THE DOWNTOWN PARKING PROGRAM

BE IT RESOLVED by the Town Council that the proposal to solicit letters of interest for joint development proposals in conjunction with the downtown parking program is approved; and

BE IT FURTHER RESOLVED that the Town Manager is hereby directed to continue implementation of the parking program.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting Token Prices

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION SETTING TOKEN PRICES

BE IT RESOLVED by the Council of the Town of Chapel Hill that from the date this resolution is adopted, until again changed, the price of Town parking/bus tokens shall be 25¢ apiece.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

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

BE IT RESOLVED by the Council of the Town of Chapel Hill that Raymond E. Shipman, Town Manager, is hereby authorized to sign on behalf of the Town of Chapel Hill the Grant Agreement for \$151,000 in Community Development Block Grant Entitlement funds for the program year beginning July 1, 1979.

This the 9th day of July, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Denying Special Parking Permits

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION DENYING SPECIAL PARKING PERMITS

BE IT RESOLVED by the Chapel Hill Town Council that the Council hereby fails to find regarding the below-listed applicants for special parking permits as follows:

- 1. The applicants are domiciled on streets on both sides of which in front of applicants' domiciles parking is prohibited at some time; or
- 2. The applicants have vehicles which they have no practical way of parking off the public right-of-way; and

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

<u>Address</u>	<u>Applicant</u>	<u># Affixed</u>	<u># Guests</u>
312 W. University Dr.	H. R. Ritchie	1	

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING SPECIAL PARKING PERMITS (RENEWABLE)

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

- 1. The applicants are domiciled on streets on both sides of which in front of applicants' domiciles parking is prohibited at some time; and

2. The applicants have vehicles which they have no practical way of parking off the public right-of-way; or there is no practical way in which two guest vehicles in addition to applicants' own vehicles (if any) may be parked off the public right-of-way; and
3. In the opinion of the Town Engineer, it would cost more than \$800 to construct each parking space for applicants' vehicles off the public right-of-way; or in the opinion of the Council, such construction would require the destruction of an area or object of historical or natural significance to the Town as a whole; and

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

<u>Address</u>	<u>Applicant</u>	<u># Affixed</u>	<u># Guests</u>
210 Henderson St.	Brian Lounsberry	1	2
602 E. Rosemary St.	Nell Pickard	1	2
216 Vance St.	Hilda Medlin	1	2
217 Vance St.	R. T. Madden	1	2

THE MOTION WAS CARRIED UNANIMOUSLY.

Planning Board Vacancy--Nominations

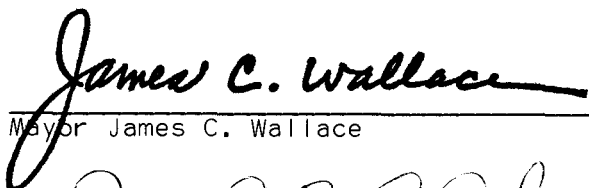
Council member Boulton asked why the Council had not received the applications of all residents considered. Mr. Jennings explained that Mr. Wilson was the only resident considered who had not been considered before. Council member Cohen pointed out the Planning Board would have difficulty getting a quorum to the meeting of the 23rd. He suggested Mr. Wilson be requested to attend the meeting, and the appointment to the Planning Board be placed first on the agenda of that meeting. The Council agreed.

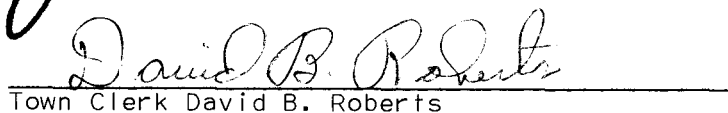
Future Agenda Items

Mr. Shipman suggested the budget post mortem be scheduled for September 9, at 9:00 a.m.

Mr. Denny reported that the advertisement for a public hearing for the 23rd needed to be readvertised as the newspaper had made a mistake in the date. Council member Smith moved, seconded by Council member Epting, that the public hearing be re-advertised. The motion was carried unanimously.

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


 Mayor James C. Wallace


 Town Clerk David B. Roberts