

9-20-79Zoning Map Amendment from R-15 to Limited Business for a portion of the Eastowne Development--Public Hearing

Mr. Jennings pointed out the location of the property. The land use plan showed a portion of this land as open space. The flood plain abutted the portion on the north. The rest of the property was envisioned as high density residential development. The land use plan did not show I-40 across the property. Mr. Jennings reviewed the three criteria for a zoning map change.

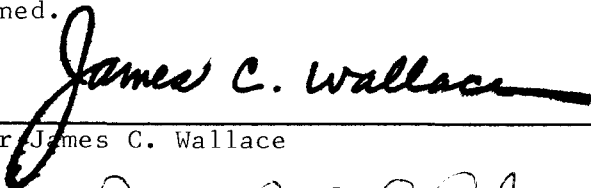
Mr. Pizer contended there had been a number of changes since the original zoning. He also believed the original zoning to be a mistake. The property was surrounded by commercial space and high density residential space. He had found there were a number of tenants who wanted to own their own building. They had decided to sell people lots who would then build their own buildings. There would be an architectural committee to approve the designs. To be commercially feasible, the applicant thought the zoning must be changed so that developers would not need a special use permit for each building. The land was close to the I-40 corridor.

Mr. Atkins added that there was a need for this type of development in the community. It would provide flexibility for people to build small offices. The limited business zoning would restrict the lane to office use. He submitted the statement of justification. There were no further comments. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Restructuring of Planning Board and Board of Adjustment--Public Hearing

Local legislation passed by the General Assembly would allow the restructuring of the ratio of city/county membership of the Planning Board and Board of Adjustment from 5/5 to 7/3. Mr. Jennings explained the public hearing on this proposal had been called at the request of the Council. Council member Cohen added that the town would soon annex a large portion of the planning area in which two of the Planning Board members lived. The County had agreed not to oppose the local legislation. There were no comments from citizens. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. 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

MINUTES OF A PUBLIC HEARING AND SPECIAL MEETING OF THE
 MAYOR AND CHAPEL HILL TOWN COUNCIL
 MUNICIPAL BUILDING
 THURSDAY, SEPTEMBER 20, 1979
 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton
 Gerald Cohen
 Robert Epting (late)
 Beverly Kawalec
 R. D. Smith
 Bill Thorpe
 Edward Vickery

Also present were Town Manager E. Shipman and Town Attorney E. Denny. The Town Clerk reported to the Town Council that the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000 LAND ACQUISITION BONDS OF THE TOWN OF CHAPEL HILL", which

had been introduced on September 10, 1979, had been published in a qualified newspaper on September 12, 1979, with notice that the Council would hold public hearings thereon on September 20, 1979. The Clerk also reported that the Town's Finance Officer had filed in his office a statement of debt complying with the provisions of the Local Government Bond Act and such statement as filed showed the net indebtedness of the Town to be 4.85% of the appraised valuation of property in said Town subject to taxation.

Council member Vickery moved that the Council proceed to hold a public hearing on the land acquisition bond order. The motion was seconded by Council member Thorpe, and was unanimously adopted.

At 7:50 o'clock p.m., the Mayor announced that the Council would hear anyone who wished to be heard on the questions of the validity of the land acquisition bond order and the advisability of issuing the bonds. At the direction of the Mayor, the Clerk read the land acquisition bond order and the published notice of hearing.

Mr. Lewis Crittendon presented a statement from the Board of Realtors opposing the referendum and urging the Council not to present the referendum to the voters. Ten acres of the proposed open space had been approved for a subdivision and should not, in their opinion, be considered for open space. Thirty acres of the property was in the flood plain where no building would be allowed. They were concerned with setting a bad precedent for groups opposing a development proposal.

Ms. Alice Welsh spoke in favor of acquiring the open space. She stated the area of town east and south of the by-pass lacked a major municipally-owned recreation area, a deficiency which the 70 acre tract would partially satisfy. Flood plain zoning would reserve the land for residential use, not public ownership. Ms. Welsh thought the public should be allowed to decide the desirability of acquiring the 70 acres.

Mr. David Hinds believed other residents in other areas would bring similar requests to the Council. If they did not have funds to contribute to the town, the Council might refuse to purchase land in their area. He was opposed to any benefit which might not apply to all citizens of the town.

Mr. Whitfield, although a member of the Board of Realtors, did not agree with their statement. He said the owners of the property were entitled to fair value for their land. (Council member Epting came in.)

Council member Vickery said that as the property would be going to a social use, the owners should be paid a fair price. Also, unless the town acquired the property, anyone using it would be trespassing. He added the low utility of the land would be reflected in a low price for the land. Council member Vickery thought it a desirable precedent for the neighbors to give a portion of the purchase price. This would free money for other parts of the town.

Ms. Lyman said the engineers had already begun work on the Ridgefield North project. The proposal would not hurt Chapel Hill. The Comprehensive Plan called for acquiring strips along the creeks in town which Ridgefield had complied with by deeding easements along the creek to the town. A thoroughfare would go through the property. If it was turned into open space, the thoroughfare would go through the recreational area.

Ms. Schmitt thought the money could better be spent on facilities children could use, such as Muirhead field or Clearwater Lake, not on swamp land.

After the Council had heard all persons who requested to be heard, Council member Vickery moved that the public hearing be closed. The motion was seconded by Council member Thorpe and was unanimously adopted.

Council member Vickery moved that the Council adopt without change or amendment and direct the Clerk to publish as prescribed by the Local Government Bond Act the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000 LAND ACQUISITION BONDS OF THE TOWN OF CHAPEL HILL," introduced at the meeting of the Council held on September 10, 1979. The motion was seconded by Council member Smith and was adopted by the following vote:

AYES: Cohen, Kawalec, Smith, Thorpe, Vickery and Wallace

NAYS: Boulton and Epting

Council member Smith moved the adoption of the following resolution which was read at length to the Council:

A RESOLUTION CALLING A SPECIAL BOND ELECTION

WHEREAS, the Council has adopted the bond orders hereinafter described authorizing the issuance of \$300,000 Land Acquisition Bonds and such bond orders and the indebtedness to be incurred by the issuance of such bonds and the tax to be levied for the payment of such bonds should be submitted to the voters of the Town of Chapel Hill for their approval or disapproval in order to comply with the Constitution and laws of North Carolina; NOW THEREFORE,

BE IT RESOLVED by the Council of the Town of Chapel Hill, as follows:

1. The questions whether the qualified voters of the Town of Chapel Hill shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the Town authorized by said bond orders, which indebtedness shall be secured by a pledge of the Town's faith and credit, (b) the levy of a tax for the payment thereof, and (c) said bond orders shall be submitted to the qualified voters of said Town at an election to be held in said Town on November 6, 1979.
2. The Town Clerk is hereby authorized and directed to publish a notice of said election which shall be in substantially the following form:

TOWN OF CHAPEL HILL, NORTH CAROLINA

NOTICE OF SPECIAL BOND ELECTION

NOTICE IS HEREBY GIVEN that a special bond election will be held in the Town of Chapel Hill, North Carolina, on November 6, 1979, for the purpose of submitting to the qualified voters of said Town the questions whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said Town of the maximum principal amount of \$300,000, which indebtedness shall be secured by a pledge of the Town's faith and credit, and (2) the levy of a tax for the payment of such bonds, and (3) the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000 LAND ACQUISITION BONDS OF THE TOWN OF CHAPEL HILL," adopted by the Council of said town on September 20, 1979, to authorize the issuance of said bonds and the levy of such tax.

The Land Acquisition Bonds are authorized to pay capital costs of acquiring land for open space and street purposes.

The ballots to be used at said election shall contain the words, "SHALL the order authorizing \$300,000 of bonds secured by a pledge of the faith and credit of the Town of Chapel Hill to pay capital costs of acquiring land for open space and street purposes, and a tax to be levied for the payment thereof, be approved?", with squares labelled "YES" and "NO" beneath or beside such words in which squares the voter may record his choice.

In the event a majority of the qualified voters voting at said election vote to approve a particular order, the incurring of indebtedness and the levy of a tax related thereto, said bonds shall be issued and taxes shall be levied for the payment of such bonds.

The polls for the election will open at the hour of 6:30 o'clock, A.M., and will close at the hour of 7:30 o'clock, P.M. The election will be held at the following polling places in each of the respective election precincts:

POLLING PLACE

YMCA Airport Road
Elliott Rd. Fire Station
Woollen Gym, U.N.C. Campus
Public Library
Ephesus School
Guy B. Phillips School
Lutheran Church
Glenwood School
University of North Carolina
Administration Building
Aldersgate Methodist Church

PRECINCT

Colonial Heights
Coker Hills
Country Club
Battle Park
Eastside
Estes Hills
East Franklin
Glenwood

Greenwood
Kings Mill

Lincoln School
 Community Church
 Municipal Building
 Binkley Baptist
 Frank Porter Graham School
 Jordan High School, Garrett Road

Lincoln
 Mason Farm
 Northside
 Ridgefield
 Westwood
 Number 38 (Durham County)

The registration records for said election will be kept open at the office of the Orange County Board of Elections, Old Courthouse, in Hillsborough, from 8:30 o'clock, A.M., until 5:00 o'clock, P.M., Monday through Friday, through October 8, 1979; and at the office of the Durham County Board of Elections, New Durham County Judicial Building, Main and Roxboro Streets, in Durham, from 8:30 o'clock, A.M., until 5:00 o'clock, P.M., Monday through Friday until October 8, 1979; and at special locations and times during designated periods which information can be obtained from the above offices of the Orange County Board of Elections and the Durham County Board of Elections. The Registrars and Judges for the respective Election Precincts may register voters, by appointment, through October 8, 1979. Information concerning the names and addresses of the Registrars and Judges can be obtained from the Orange County Board of Elections and from Durham County Board of Elections at the offices set forth above. The last day of registration for the special election shall be October 8, 1979.

Any qualified voter who (1) expects to be absent from the Town during the entire period that the polls are open on said election day, or (2) because of sickness or other physical disability will be unable to be present at the polls to vote in person on said day, or (3) is incarcerated and otherwise entitled to vote in said election, or (4) is an employee of the Orange County Board of Elections and his assigned duties on the day of election will cause him to be unable to vote in person, may apply for an absentee ballot to be used in voting at said election. Information concerning the time and manner for applying for an absentee ballot, including the last day for making such application, can be obtained from the County Boards of Elections at the office in Hillsborough and Durham set forth above.

By order of the Council of the Town of Chapel Hill.

David Roberts
 Town Clerk
 Town of Chapel Hill, North Carolina

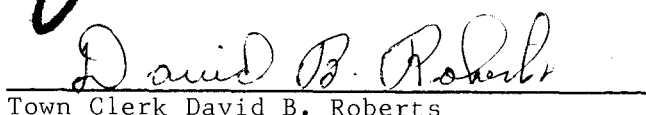
Said notice of special election shall be published at least twice. The first publication shall be not less than 14 days and the second publication not less than 7 days before the last day on which voters may register for the special election.

3. The Orange County Board of Elections and the Durham County Board of Elections are hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said election and to conduct and to supervise said election.
4. The Town Clerk shall mail or deliver a certified copy of this resolution to the Orange County Board of Elections and to the Durham County Board of Elections within three days after the resolution is adopted.

Council member Vickery seconded the motion and the motion was carried by a vote of six to two with Council members Cohen, Kawalec, Smith, Thorpe, Vickery and Mayor Wallace supporting and Council members Boulton and Epting opposing.

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


 Mayor James C. Wallace


 Town Clerk David B. Roberts