

MINUTES OF A REGULAR MEETING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
MONDAY, NOVEMBER 12, 1979
7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

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

Mayor Wallace read the following resolutions of appreciation.

RESOLUTION OF APPRECIATION

WHEREAS, Susie Simpson served on the Board of Adjustment from February 14, 1977 until the expiration of the term on June 30, 1979, and

WHEREAS, Ms. Simpson gave her time with dedication and her energy unselfishly, and

WHEREAS, Ms. Simpson made many valuable contributions through her personal awareness of the community as can be learned only by someone who has been privileged to grow up in the area, and

WHEREAS, Ms. Simpson comes from a long line of local ancestry which enabled her to bring to the Board a seldom equalled familiarity with the Town and the citizenry;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Members of the Town Council acknowledge the outstanding contributions made by Ms. Simpson, and

BE IT FURTHER RESOLVED that this Resolution be made a part of the permanent record of the Town of Chapel Hill.

This the 12th day of November, 1979.

RESOLUTION OF APPRECIATION

WHEREAS, Giles Blunden served on the Historic District Commission from January, 1979, until it recently became necessary for him to resign, and

WHEREAS, Mr. Blunden's experience in the architectural field proved to be of great value in his service to the Commission, and

WHEREAS, the citizens of Chapel Hill owe Mr. Blunden a debt of gratitude for the very helpful contributions he made during his brief tenure on the Commission;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of the Town Council, on behalf of all citizens, gratefully acknowledge his performance and express appreciation to him, and

BE IT FURTHER RESOLVED that this resolution be made a permanent part of the records of the Town of Chapel Hill.

This the 12th day of November, 1979.

RESOLUTION OF APPRECIATION

WHEREAS, Dr. Joseph Sloane served on the Historic District Commission since he was appointed January 31, 1977, until his resignation June 13, 1979, and

WHEREAS, Dr. Sloane was a very valuable member of the Commission and made unequalled contributions of time, knowledge and experience, and

WHEREAS, Dr. Sloane's input made it possible for other citizens to have an invaluable learning experience as they worked with him on various projects, and

WHEREAS, Dr. Sloane is to be admired for the dedicated assistance he has given to insure the preservation of the unique traditions, history and heritage which make our community the special place we believe it to be;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of the Town Council of the Town of Chapel Hill do gratefully acknowledge the invaluable work he has done and the contributions he has so willingly made, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent record of the Town.

This the 12th day of November, 1979.

RESOLUTION OF APPRECIATION

WHEREAS, Coach Robert Culton has been working with the youth of this community for more than twenty years, and

WHEREAS, Coach Culton did serve previously on the then Recreation Commission but did put forth special effort to find the time in his very busy schedule to accept the appointment to the current Parks and Recreation Commission, and

WHEREAS, Coach Culton again agreed to give of his time, expertise and unparalleled dedication in providing the kinds of learning experiences vitally necessary for the development of the youth and in preparing them for the future, and

WHEREAS, Coach Culton is much respected by the young people with whom he has worked, and

WHEREAS, Coach Culton was willing to continue to serve in the capacity of school/town representative but chose to resign, and free up some much needed time for other duties and responsibilities, when it was determined that such a representative was no longer required;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and members of the Town Council of the Town regretfully accept the resignation of Coach Robert Culton, and takes this means of expressing to him grateful appreciation for the invaluable work he has done and the immeasurable contributions he has made, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent record of the Town.

This the 12th day of November, 1979.

RESOLUTION OF APPRECIATION

WHEREAS, Dick Hiskey served on the Parks and Recreation Commission from January, 1976, until his recent move out of town made it necessary for him to resign, and

WHEREAS, Mr. Hiskey gave leadership as vice-chairman and in so doing demonstrated much determination and dedication in the planning of the growth and development of recreation facilities and parks, and

WHEREAS, Mr. Hiskey's awareness of the needs of the community, both as a long time resident and as a parent, enabled him to give vital input to the Commission, and

WHEREAS, Mr. Hiskey gave time and energy in making many contributions to the ongoing activities of the Department as well as the Commission;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Members of the Town Council, on behalf of all citizens, gratefully acknowledge his performances, contributions and assistance, and express to him much appreciation; and

BE IT FURTHER RESOLVED that this resolution be made a permanent part of the records of the Town of Chapel Hill.

This the 12th day of November, 1979.

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE RESOLUTIONS. THE MOTION WAS CARRIED UNANIMOUSLY.

Petitions and Requests

The Rape Crisis Center, the Women's Health Counseling Service and the Orange-Durham YMCA Battered Women's Coalition petitioned the Council to fund the agencies if the County refused funding. Orange County had furnished funding for a portion of the fiscal year. However, after the defeat of the County bond referenda, the outlook for further funding was not good.

Council member Cohen reported that the Human Services Advisory Commission had recommended funding of these agencies. He preferred to consider the issue after the Commissions had discussed funding. The agencies needed to know if they could continue operations after December.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO REFER THE MATTER TO THE MANAGER FOR HIS RECOMMENDATION.

Council member Thorpe wanted a definite date for the report back to the Council. Council member Kawalec agreed to an amendment to have the Manager report back to the Council on November 19. THE MOTION WAS CARRIED UNANIMOUSLY.

Council member Epting had made reservations to attend the National League of Cities Conference in Las Vegas. He suggested Mr. Nassif go in his place; however, Mr. Nassif would not do so without the approval of the Council for the expenditure of funds. Council member Epting moved, seconded by Council member Howes, to approve Mr. Nassif's going in his place. Council member Kawalec objected to acting on this petition at this meeting. She thought the Council might be setting a precedent. They should also consider whether newly elected Council members should be invited to go as well. Council member Cohen reminded the Council Mayor Wallace had attended the conference when first elected. Council member Kawalec still objected to acting on this petition at this meeting. Although there was a consensus that Mr. Nassif would be allowed to go, in accordance with Council policy they deferred the motion until the next meeting as Council member Kawalec had objected to acting immediately.

Mr. Shipman petitioned the Council to add consideration of a resolution authorizing execution of a grant agreement to the agenda. There was no objection.

Mr. Jerry Hancock read the following petition to the Council.

November 12, 1979

The Honorable Mayor James C. Wallace
Members of the Council
Town of Chapel Hill
Chapel Hill, North Carolina

Dear Mayor Wallace and Members of the Council:

As was reflected in the Mayor's remarks at the work session of the Council on Thursday, November 8th, certain ill-defined charges of racism on the part of our partner, Cox Cable Communications of Atlanta, have been injected into the deliberations on the cable franchise applications which are now pending before the Council. Despite the Mayor's sincere plea that the Council reject these rumors and charges and proceed to a consideration of the applications on their respective merits, it has become clear that these charges have continued unabated--and have indeed multiplied in the days since the work session. Obviously, they are the stuff of a well-organized smear campaign calculated to disqualify one of the principal applicants from fair consideration on the merits. The effect of this campaign, initiated in the eleventh hour, has been to taint the evaluation of the proposals themselves with fundamental unfairness amounting to a substantial denial of due process of law.

We believe that the majority of the members of this Council will not accept this unfairness in the context of an issue as important to our town as the award of this cable franchise. We are enormously gratified to learn that one member has already addressed identical formal questions to each applicant concerning its affirmative action program. We are eager to respond. In order to insure that the vote on the

merits in this proceeding not be tainted by the unfair charges which have been made, we respectfully petition the Council to suspend further deliberations for a period of time sufficient to permit each applicant to respond fully and effectively to these formal questions at an additional public hearing.

Respectfully submitted,

COX CABLE OF CHAPEL HILL, INC.

Alice Welsh
President

AW:cs

He also requested the Council to hear Ms. Johnson.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER VICKERY, TO RECEIVE THE PETITION AND CONSIDER IT BEFORE CONSIDERING THE CABLE TV FRANCHISE. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Council member Kawalec, seconded by Council member Epting, the minutes of October 17, 1979, were approved.

On motion by Council member Smith, seconded by Council member Epting, the minutes of October 22, 1979, were approved.

On motion by Council member Smith, seconded by Council member Kawalec, the minutes of October 8, 1979, were approved.

On motion by Council member Kawalec, seconded by Council member Epting, the minutes of September 24, 1979, were approved.

Ordinance to Amend the Cable TV Ordinance

Mr. Shipman reported the question of the \$50,000 performance bond had been raised at a work session. He informed the Council of his findings with regard to the town bonds in other areas and other towns' bonds for cable TV. His recommendation was to change the required amount to \$200,000. This should not affect the rates charged subscribers. COUNCIL MEMBER COHEN MOVED, SECONDED BY COUNCIL MEMBER EPTING, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND THE CABLE TV ORDINANCE

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Article V of Chapter 10 of the Code of Ordinances, Town of Chapel Hill, to read as follows:

Sec. 10-80. Purpose.

For the better protection of the public interest, health, safety, welfare and convenience, the following rules and regulations are hereby adopted setting forth the conditions, requirements and limitations under which a person may construct, have constructed, operate and maintain a cable television system and engage in the business of providing a cable television service in the Town of Chapel Hill.

Sec. 10-81. Definitions.

For the purposes of this article, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense. The word "shall" is always mandatory and not merely directory.

- (a) CATV shall mean cable (community antenna) television.
- (b) Cable (community antenna) television service shall mean the business of furnishing to the public for compensation, by means of a master antenna and cables, broadcast TV programs obtained off the air, together with such other program material and advertising as may be allowed by rules and regulations of the Federal Communication Commission from time to time.

- (c) "Cable Television System" or "CATV System" shall mean a system of antennas, cables, wires, lines, towers, waveguides or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing, audio, video and other forms of electronic or electrical signals, located in the town. Said definition shall not include any such facility that serves or will serve only subscribers in one or more multiple unit dwellings under common ownership, control or management, or does not use town rights-of-way.
- (d) Franchise shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, or have constructed, operate and maintain a system in the town for the purpose of, providing a service to the citizens of Chapel Hill. Any such authorization, in whatever terms granted, shall not include any license or permit authorization required for the privilege of transacting and carrying on a business within the town in accordance with Article I of Chapter 10, Code of Ordinances.
- (e) Grantee shall mean the person to whom or which a franchise, as hereinabove defined, is granted by the Council under this article, and the lawful successor, transferee or assignee of said person, firm or corporation.
- (f) Gross annual receipts shall mean any and all compensation and other consideration in any form whatever and any contributing grant or subsidy received directly or indirectly by a grantee from subscribers or users in payment for any and all cable services in the community (including all forms of consideration, such as initial lump sum payments.)
- (g) Property of grantee shall mean all property owned and installed or used by a grantee in the conduct of a CATV business in the town under the authority of a franchise granted pursuant to this article.
- (h) Street shall mean the surface of and the space above and below any publicly owned or maintained street and defined in the Code.
- (i) Subscribe shall mean any person or entity receiving for any purpose the CATV service of a grantee.

Sec. 10-82. Franchise required; application.

- (a) It shall be unlawful for any person to engage in or otherwise participate in the construction, operation or maintenance of a community antenna television system in the town unless such person or the person for whom the work is being done shall have first obtained a franchise from the Council. It shall also be unlawful for any person to engage in the business of providing a community antenna television service in the town unless such person shall have first obtained a franchise from the Council.
- (b) A person seeking issuance of a franchise hereunder shall file a written application, in duplicate, with the town manager. The application shall contain the following information:
 - (1) The name and address of the application. If the applicant is a partnership, the name and address of each partner. If the application is a corporation, the application shall also state the names and addresses of its directors, officers, parent and subsidiary companies and of stockholders owning as much as three per cent (3%) of the outstanding stock, and shall include a certified copy of the articles of incorporation.
 - (2) A statement showing the applicant's experience in establishing a system and in providing a service.
 - (3) A financial statement prepared by a certified public accountant, or person otherwise satisfactory to the Council, showing applicant's financial status and its financial ability to complete the construction and installation of the proposed system and to provide a service. In connection therewith, information with respect to financial projections, includ-

ing nature and sources of capital or equity financing, shall be submitted along with the application.

- (4) A statement and description of the system proposed to be constructed, installed, maintained or operated by the applicant; the manner in which applicant proposes to construct, install, maintain and operate the same; and, particularly the extent and manner in which existing or future poles or other facilities of other public utilities will be used for such system.
- (5) A copy of any arrangement, agreement or contract, if existing, between the applicant and the University of North Carolina or any public utility providing for the use of facilities of such public utility, such as poles, lines, cables or conduits.
- (6) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, with respect to the ownership, control or transfer of the proposed franchise or the proposed CATV system and service. If a franchise is granted to a person posing as a front or as the representative of another person and such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever.
- (7) A statement or schedule of proposed rates and charges to subscribers for installation and services.
- (8) Any additional information which the Council, at any time, may deem reasonably necessary to determine whether the requested franchise should be granted.
- (c) Upon consideration of any such application, the Council shall determine the applicant's qualifications to construct, operate, and maintain a CATV system and to provide a CATV service in accordance with the provisions of this article. If the Council determines that the applicant is not so qualified, it may refuse to grant the requested franchise. If the Council determines that the applicant is so qualified, it may, by ordinance, grant a franchise to such applicant, to be effective as provided in section 10-83. Provided, however, no provision of this article may be deemed or construed as to require the granting of a franchise when the Council determines that to do so would not be in the public interest. Any franchise granted shall include the following condition:

"The CATV system and service herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by ordinance of the Town of Chapel Hill and no other purpose whatsoever."

Sec. 10-83. Acceptance; indemnification; effective date.

- (a) Within twenty-five (25) days after the Council has taken final action to approve the granting of a franchise, the grantee shall file a written acceptance of the conditions required for the franchise, acknowledged before a notary public, with the town clerk. Such acceptance shall acknowledge that the grantee agrees to be bound by and to comply with the provisions of this ordinance and the franchise and shall be in such form and content as to be satisfactory to and approved by the town attorney.
- (b) Concurrently with the filing of the written acceptance, the grantee shall file with the town clerk the bond, letter of credit, and insurance policies required by section 10-91 hereof.
- (c) The effective date of the franchise shall be the date the grantee files its written acceptance of the conditions required for the franchise in accordance with the provisions of subsection 10-83(a).

Sec. 10-84. Duration of franchise; termination; transfer.

- (a) The franchise shall be nonexclusive, shall be for a term of fifteen (15) years from the effective date thereof, a specified in section 10-83 above, and shall be renewable for a period of ten (10) years upon terms satisfactory to both the town and the grantee.

- (b)(1) No transfer of control of the CATV system shall take place, whether by forced or voluntary sale, lease, mortgage, assignment, encumbrance or any other form of disposition, without prior notice to and approval by the Town Council which shall not be unreasonably refused. The notice shall include full identifying particulars of the proposed transaction, and the Town Council shall act by resolution. Council shall have sixty days within which to approve or disapprove a transfer of control; if no action is taken within sixty days, approval shall be deemed to have been given.
- (b)(2) The consent or approval of the Council to any assignment, lease, transfer, sub-lease, or mortgage of the grantee shall not constitute a waiver or release of the rights of the town in and to the streets.
- (b)(3) For the purposes of this section the term "control" is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.
- (b)(4) A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of 10 percent of the voting shares of the company.
- (b)(5) In the absense of extraordinary circumstances, the Council will not approve any transfer or assignment of the franchise before completion of initial construction of the energized cable.
- (c) The Council may terminate the franchise prior to the date of expiration upon a finding, made after thirty (30) days' notice of any proposed termination and public hearing, that:
 - (1) The grantee has failed to comply in some material respect with any provision of this article, or has, by any act or omission, violated in some material respect any term or condition of any franchise or permit issued hereunder; or
 - (2) The grantee made a material, false statement in the application for the franchise, knowing it to be false; or
 - (3) The grantee, contrary to the best interest of public convenience and welfare, is not providing subscribers with regular, adequate and proper service.
- (d) In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of 365 days, or the franchise has been terminated, cancelled or has expired, the grantee shall promptly remove from the streets or public places all such property of the system, other than that which the Town Manager may permit to be abandoned in place, and as directed by the Town Manager shall either restore the street or pay the town for restoring the street or other area from which such property has been removed to a condition for public use as good as the abutting portions thereof. Any property remaining in place sixty (60) days after the termination or expiration of the franchise shall be considered permanently abandoned.

Sec. 10-85. Authority granted by franchise.

- (a) The grantee of any franchise issued pursuant to the provisions of this article shall be authorized to construct, or have constructed, operate and maintain a CATV system and to engage in the business of providing a CATV service in the town, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, over, on, under, upon, across and along any public street, such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, applicances, attachments, and other property excepting poles as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the town.

- (b)(1) The grantee may initially charge subscribers and users of the CATV system for services up to the amounts specified in its schedule of rates and charges as proposed in its franchise application and approved by the Council. Such maximum rates shall be in effect for a minimum period of two years from the effective date of the franchise or until grantee has completed all construction as proposed in its franchise application for the first and second years of construction, whichever is longer.
- (b)(2) The grantee may establish rates for service from time to time thereafter by filing with the Town Manager a schedule of rates thirty (30) days prior to their implementation.
- (b)(3) Between September 1 and November 30 of the fourth, sixth, eighth, tenth and twelfth and fourteenth years of the franchise term, the Council shall determine whether it will assume rate modification authority. If the Council declines rate modification authority, then rates may be modified by grantee as specified in Section 10-85(b)(2). If the Council assumes rate modification authority, then for the next two (2) years rates shall be subject to modification only by the Council and only in accordance with the following procedures:
 - (i) The grantee may petition the Council for a change in rates by filing a revised rate schedule including its justification(s) for said proposed new schedule.
 - (ii) Within ten (10) days of notification by the Council of the place and time established for a hearing on said petition, the grantee shall notify its subscribers of the hearing by announcement on at least one (1) channel of its system, between the hours of 7:00 and 9:00 p.m., for five (5) consecutive days. Additionally, hearings shall be announced in a newspaper of general circulation at least five (5) days before the date of the hearing. Following all proper notice, but in no event later than ninety (90) days from the date of said petition, the Council shall hold an appropriate public hearing to consider the proposed new rates, at which hearing all parties desiring to be heard, including the grantee, shall be heard on any matters relating to the performance of this franchise, the grantee's services, and the proposed new rates.
 - (iii) Within ninety (90) days after said hearing, the Council shall render a written decision on the grantee's petition, either accepting, rejecting, or modifying the same and reciting the basis of its decision.
 - (iv) If the Council fails to act within 180 days of the grantee's petition pursuant to paragraph (1) above, the grantee shall thereafter be entitled to put its proposed new rates into effect on a provisional basis, provided that it shall keep a full and accurate accounting of all income resulting from said provisional rates and shall be obliged for a period of 180 days thereafter to refund the amount by which said provisional rates exceed the rates ultimately established by the Council. Upon request by the Council, the grantee shall provide a bond or other reasonable surety to ensure that possible refunds due under this subsection shall be promptly made. The bond or surety shall be in an amount not to exceed the difference between the amount of revenues generated in 180 days at the previously existing rates and the amount of revenues expected to be generated in 180 days at the provisional rates.
- (b)(4) The criteria for the Council's decision in such matters shall be the establishment of rates which are "fair and reasonable" to both the grantee and its subscribers and shall be generally defined as the minimum rates necessary to meet all applicable costs of service, including fair return on all invested capital, all assuming efficient and economical management.
- (b)(5) In order for the Council to determine whether proposed rate changes comport with the criteria established in subsection (b)(4) above, the grantee's petition for a rate increase shall include the following financial reports, which shall reflect the operations of the Chapel Hill system only.

1. Balance Sheet;
2. Income Statement;
3. Statement of Sources and Applications of Funds;
4. Detailed Supporting Schedules of Expenses, Income, Assets and other items as may be required; and
5. Statement of Current and Projected Subscribers and Penetration.

The grantee's accounting records applicable to the Chapel Hill system shall be available for inspection by the town at all reasonable times. The town shall have access to records of financial transactions for the purpose of verifying burden rates or other indirect costs prorated to the Chapel Hill operation. The documents listed above shall include sufficient detail and/or footnotes as may be necessary to provide the town with the information needed to make accurate determinations as to the financial condition of the system. All financial statements shall be certified as accurate by an officer of grantee.

- (b)(6) Any disagreement between the town and the grantee concerning interpretations and calculations of the financial and statistical information provided by the grantee may be submitted to a court of competent jurisdiction.
- (c) The grantee shall not engage in the sale, service, repair, rental or leasing of television receivers, radio receivers, parts or accessories and shall not require or attempt to influence its subscribers to deal with any particular person in regard thereto.
- (d) Construction and maintenance of the CATV system, including house connections, shall be in accordance with the provisions of the:
 1. National Electrical Safety Code of the Institute of Electrical and Electronic Engineers;
 2. National Electronic Code of the National Fire Protection Association; and
 3. Bell Telephone System's Code of Pole Line Construction;

Sec. 10-86. Conditions to use of streets.

- (a) The poles used for a distribution system shall be those erected and maintained by either the power company or the telephone company or both whenever agreement can be reached with the owners of such poles. Any poles, wires, cables, conduits or other properties to be realigned or reset to permit their use for purposes of grantee under an agreement with the owner thereof shall be constructed or installed only at such locations and depths and in such manner as shall be approved by the owner and the Town Manager. They shall be located so as to cause minimum interference with the proper use of streets and to cause minimum interferences with the rights or reasonable convenience of the general public and of property owners who adjoin such streets.
- (b) The installation of the facilities, including service drops to subscribers, shall be made underground in areas where facilities of both the telephone company or the power company are underground or hereafter may be placed underground. In addition to the foregoing, installation of the facilities shall be made underground when required by town ordinances or policies.
- (c) The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the town by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, or any other type of structures or improvements by the town, and the town shall not be liable for any disturbance of the grantee's installations resulting therefrom. The grantee shall carry out the instructions and directions of the Town Manager whenever it is necessary to raise or remove any of the grantee's wires or cables temporarily, for the purpose of moving or removing buildings or structures on the public streets of the city, and shall perform such tree trimming or other maintenance work as shall be required or as shall be directed by the Town Manager, all at the grantee's expense.

- (d) Whenever a grantee takes up or disturbs any pavement, sidewalk or other improvement of any street, the same shall be replaced and the surface restored in as good condition as before entry in accordance with ordinances, regulations, technical standards and fee schedules of the town as administered by the Town Manager. Any opening or obstruction in the streets shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which shall be clearly designated by warning lights of approved types.

Sec. 10-87. Permits, installation and service.

- (a) Within thirty (30) days after the effective date of the franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements.
- (b) Within ninety (90) days after obtaining all necessary permits, licenses and authorizations, grantee shall commence construction and installation of the CATV system.
- (c) Within one year after the effective date of the franchise, grantee shall proceed to render to subscribers in at least twenty per cent (20%) of the franchise area, and the completion of the system shall be pursued with reasonable diligence thereafter with extension of service to not less than an additional twenty per cent (20%) of the franchise area in each year.
- (d) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for termination of such franchise, under and pursuant to the terms of section 10-84(c) hereof; provided, however, the Council may extend the time for the commencement and completion of construction and installation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond its control.
- (e) The grantee shall file a map with the town at the close of each franchise year, showing the areas and locations of the town being served by the CATV system and the location and identification of component parts of the system.

Sec. 10-88. Operational requirements.

- (a) The grantee shall install and maintain a CATV system which shall be in accordance with the highest and best accepted standards of the industry to the effect that subscribers shall receive the highest possible service. In addition, the grantee shall comply with all requirements of duly constituted regulatory agencies having jurisdiction over the operator of CATV systems.
- (b) The grantee must obtain individual permits for street openings, must have the installation or construction plans approved prior to construction, must secure all necessary permits at his expense and must pay all fees charged for closing pavement cuts.
- (c) When any portion of the CATV system is to be installed on public utility poles and facilities, a certification that agreements for such joint use have been entered shall be filed with the town.
- (d) The grantee shall maintain a local office for the purpose of handling subscriber complaints and providing prompt maintenance service.

The local office shall be open during all regular business hours, and have a publicly listed telephone which shall be so operated that complaints and requests for repairs or adjustments may be received on a twenty-four (24) hour basis. The grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints to the satisfaction of the town manager. The grantee shall furnish a notice of such procedures to each subscriber at the time of initial subscription to the system.

Sec. 10-89. Interconnection of Cable Systems.

- a. The grantee shall interconnect origination and access channels of the cable system with any or all other cable systems in adjacent areas, upon the directive of the town. Interconnection of systems may be done by direct cable connection, microwave link, satellite, or other appropriate method.
- b. Upon receiving the directive of the town to interconnect, the grantee shall immediately initiate negotiations with the other affected system or systems in order that costs may be shared equally for both construction and operation of the interconnection link.
- c. The grantee may be granted reasonable extensions of time to interconnect or the town may rescind its order to interconnect upon petition by the grantee to the town. The town shall grant said request if it finds that the grantee has negotiated in good faith and has failed to obtain an approval from the system or systems of the proposed interconnection, or that the cost of the interconnection would cause an unreasonable or unacceptable increase in the subscriber rates.
- d. The grantee shall cooperate with any interconnection corporation, regional interconnection authority or town, county, state and federal regulatory agency which may be hereafter established for the purpose of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the boundaries of the Town.

Sec. 10-90. Remuneration to town.

Within sixty (60) days after the close of its first fiscal year after acceptance of a franchise, and each succeeding fiscal year thereafter during the life of the franchise, the grantee shall pay to the town for the privilege of constructing, operating and maintaining the CATV system as defined in section 10-81(c), and for the privilege of providing the CATV service as defined in section 10-81(b) during the ensuing fiscal year, a sum equal to three per cent (3%) of its gross annual receipts during the preceding year.

Within sixty (60) days after the close of its first fiscal year after acceptance of a franchise, and each succeeding fiscal year thereafter during the life of the franchise, the grantee shall pay to the town for the privilege of constructing, operating and maintaining the CATV system as defined in section 10-81(c), and for the privilege of providing the CATV service as defined in section 10-81(b) during the ensuing fiscal year, a sum equal to three per cent (3%) of its gross annual receipts during the preceding year.

Within forty-five (45) days after the expiration of the grantee's fiscal year, the grantee shall file with the town a financial statement prepared by a certified public accountant, or other person satisfactory to the Board, showing in detail the gross annual receipts, as defined herein, of grantee during such fiscal year. The payment of this fee is in addition to any ad valorem taxes which the town may levy on the grantee's real or personal property. At any time during the three (3) fiscal years following the payment of the annual fee, the town shall have the right to inspect the grantee's records showing the gross annual receipts from which these payments are computed and the right of audit and recomputation of any and all amounts under this article. Acceptance of payments hereunder shall not be construed as a release or as an accord and satisfaction of any claim the town may have for further or additional sums payable under this article or for the performance of any other obligations hereunder. In the event of holding over after expiration or other termination of any franchise granted hereunder, without the consent of the town, the grantee shall pay to the town reasonable compensation and damages, of not less than one hundred per cent (100%) of its total gross profits during said period.

Sec. 10-91. Rights reserved to town.

- (a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, any right of the town to acquire the property of the grantee, either by purchase or through the exercise of eminent domain.
- (b) The town hereby reserves the right to amend any section or part of this article.
- (c) At all reasonable times, the grantee shall permit any duly authorized representative of the town.

- (1) To examine any and all financial records maintained by or under the control of the grantee relating to all revenue obtained by it from its operations under the franchise;
 - (2) To inspect and obtain copies of any or all maps or other diagrams maintained by or under the control of the grantee showing the location and the layout of the various components of the CATV system operated by it under its permit;
 - (3) To inspect any and all installations owned, maintained, or used by the grantee in its operations under its permit including all towers, cables and other components of the grantee's CATV system.
- (d) The grantee shall indemnify and save harmless the town, its officers and employees, from and against any and all claims, demands, actions, suits, and proceedings by others, and against all liability to others, arising out of the exercise or enjoyment of its franchise, including but not limited to any liability for damages by reason of or arising out of any failure of the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees.
- (e) Concurrently with the filing of the written acceptance, as required in section 10-83, the grantee shall file with the town clerk, and at all times thereafter maintain in full force and effect for the term of such permit or any renewal thereof:
- (1) A good and sufficient liability insurance policy or policies, providing three hundred thousand dollars (\$300,000.00) coverage for personal injuries to each person; five hundred thousand dollars (\$500,000.00) coverage for all personal injuries in each accident; and three hundred thousand dollars (\$300,000.00) coverage for all property damage in each accident. The policy or policies shall name the town as an additional insured and shall be for the purpose of insuring the town against any and all legal liability, court costs, claim or demand for personal injury, death or property damage arising out of the operations of the grantee under this article or its permit.
 - (2) A good and sufficient insurance policy with one hundred thousand dollars (\$100,000.00) limits of liability for each accident naming the town as insured and insuring the town against damage to its property arising out of the operations of the grantee under this article.
- (f)(1) Concurrently with the filing of the written acceptance, as required in Section 10-83, the grantee shall file with the town clerk, a corporate surety bond in a company authorized to do business in the State of North Carolina and found acceptable by the town attorney, in the amount of two hundred thousand dollars (\$200,000) to guarantee the timely construction and full activation of the cable television system.
- (f)(2) The bond shall provide, but not be limited to, the following condition: There shall be recoverable by the town, jointly and severally from the principal and surety, any and all damages, loss or costs suffered by the town resulting from the failure of the grantee to satisfactorily complete and fully activate the cable television system pursuant to the terms of the franchise agreement.
- (f)(3) Any extension to the prescribed time limit must be authorized by the Council. Such extension shall be authorized only when the Council finds that such extension is necessary and appropriate due to causes beyond the control of the grantee.
- (f)(4) The construction bond shall be terminated only after the Council finds that the company has satisfactorily completed and fully activated the cable system pursuant to the terms of the franchise agreement.

- (f)(5) The rights reserved to the town with respect to the construction bond are in addition to all other rights of the town, whether reserved by this or authorized by law, and no action, proceeding or exercise of a right with respect to such construction bond shall effect any other right the town may have.
- (g)(1) Concurrently with the filing of the written acceptance as required in Section 10-83, the grantee shall deposit with the town clerk a letter of credit from a financial institution in the amount of ten thousand dollars (\$10,000). The form and content of such letter of credit shall be approved by the town attorney. The letter of credit shall be used to ensure the faithful performance by the grantee of all provisions of this article and the franchise and compliance with all reasonable orders, permits and directions of any agency of the town having jurisdiction over its acts or defaults under this article or the franchise, and the payment by the grantee of any claims, liens and taxes due the town which arise by reason of the construction, operation or maintenance of the cable television system.
- (g)(2) The letter of credit shall be maintained at ten thousand dollars (\$10,000) during the entire term of the franchise, even if amounts withdrawn pursuant to subsection (g)(1) of this section.
- (g)(3) If the grantee fails to pay to the town any compensation within the time fixed herein; or, fails, after ten (10) days notice to pay to the town any taxes due and unpaid; or, fails to repay the town within such ten (10) days, any damages, costs or expenses which the town shall be compelled to pay by reason of any act or default of the grantee in connection with this article or the franchise; or, fails, after three (3) days notice of such failure by the Town Manager to comply with any provision of this article or the franchise which the Town Manager reasonably determines can be remedied by demand on the letter of credit, the town clerk may immediately request payment of the amount thereof, with interest and any penalties, from the letter of credit. Upon such request for payment, the town clerk shall notify the grantee of the amount and date thereof.
- (g)(4) The rights reserved to the town with respect to the letter of credit are in addition to all other rights of the town whether reserved by this contract or authorized by law, and no action, proceeding or exercise of a right with respect to such letter of credit shall affect any other right the town may have.
- (h) The grantee shall pay to the town a sum of money sufficient to reimburse it for all expenses up to \$20,000 incurred by it in connection with the grantee of a franchise pursuant to the provisions of this article less all application fees collected by the town pursuant to the process leading to the award of the franchise. Such payment shall be made within thirty (30) days after the town furnishes the grantee with a written statement of such expenses.

Sec. 10-92. Violations.

- (a) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, acoustically, inductively or otherwise, with any part of a franchised CATV system within the town for the purpose of taking or receiving television signals, radio signals, pictures, programs, or sound.
- (b) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable system within the town for the purpose of enabling himself or others to receive any television signal, picture, program or sound, without payment to the owner of said system.
- (c) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, pictures, programs or sound.

Sec. 10-92. Effective date.

This article shall become effective upon its adoption.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Granting a Franchise to Village Cable, Inc. to Construct and Maintain a Cable Television System within the Town of Chapel Hill in the Counties of Orange and Durham, State of North Carolina, etc.

Council member Vickery thought the issue raised by Mr. Hancock to be legitimate. Council member Howes disagreed. Although the issue of racism had been raised in the work session, he thought it irrelevant and did not believe it had affected anyone's vote. He pointed out if the granting of the franchise were delayed the new Council would have to vote on it and would then need to reconsider the proposals. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO DENY THE PETITION TO DELAY CONSIDERATION OF THE FRANCHISE. Council member Smith thought that since the issue had been raised, it should be investigated. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO TWO WITH COUNCIL MEMBERS BOULTON, EPTING, HOWES, KAWALEC, THORPE, VICKERY AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBERS COHEN AND SMITH OPPOSING. Council member Cohen agreed that the issue should be investigated.

Mayor Wallace suggested the Council first vote on one of the three companies recommended by the committee by ballot, vote again by ballot if a second vote was needed, and proceed with a weighted vote should a third ballot be necessary. The company with a majority of votes would go over to the next meeting for a second reading. Council member Vickery appealed this procedure. He suggested the Council vote on the three ranked by the consultant, that the second vote be a weighted one, with a possible third vote between the top two companies from the second vote. The Mayor's ruling was upheld by a vote of seven to two with Council members Boulton, Cohen, Epting, Howes, Kawalec, Thorpe and Mayor Wallace supporting and Council members Smith and Vickery opposing. Ballots cast were as follows: Boulton--Village, Cohen--Vision, Epting--Village, Howes--Village, Kawalec--Vision, Smith--Cox, Thorpe--Village, Vickery--Cox, and Wallace--Village. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE GRANTING A FRANCHISE TO VILLAGE CABLE, INC. TO CONSTRUCT AND MAINTAIN A CABLE TELEVISION SYSTEM WITHIN THE TOWN OF CHAPEL HILL IN THE COUNTIES OF ORANGE AND DURHAM, STATE OF NORTH CAROLINA, AND TO CONDUCT AND CARRY ON WITHIN SAID TOWN OF CHAPEL HILL THE BUSINESS AUTHORIZED BY LAW FOR A CABLE TELEVISION SYSTEM

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL:

Section 1: Grant and term. Village Cable, Inc., its successors and assigns, is hereby granted for the term of fifteen (15) years from and after the effective date hereof the right, privilege and franchise to construct or have constructed, operate and maintain a cable TV system and to engage in the business of providing a cable TV service in the town, and for that purpose to erect, install, and construct upon, across and along any public street, such wires, cables, conductors, and other property excepting poles as may be necessary and appurtenant to the cable TV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the town.

Section 2: Renewal. The franchise herein granted may be renewed for an additional period of ten (10) years upon terms satisfactory to both the Town and Village Cable, Inc., its successors and assigns.

Section 3: Non-exclusive. The right herein granted to construct and operate a cable TV system shall be non-exclusive, and the Town reserves the right to grant similar franchises to any person or persons at any period during the present franchise.

Section 4: Construction of System. All highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges, and other public places that may be disturbed or damaged in the construction or maintenance of said cable TV system, shall be promptly replaced by said Village Cable, Inc. at its own expense and to the satisfaction of Department of Public Works of the Town of Chapel Hill. All fixtures shall be substantial and so located as not to interfere with the public use of said highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges, or other public places, or to endanger the property or persons of the citizens of said Town. And in case said Village Cable, Inc. shall fail to replace or repair said highways, streets, roads, avenues, lanes, sidewalks, alleys, bridges, or other public places within ten (10) days after written notice to do so from the Director of Public Works, the same may be replaced or repaired by the proper authorities of said Town of Chapel Hill, and the said Village Cable, Inc., in the event thereof, shall forthwith pay to the said Town of Chapel Hill the cost of such work.

Section 5: Relocation of Fixtures. In the event at any time during the period of this franchise the Town shall lawfully elect to alter or change the grade or level of any street, alley or public way, upon reasonable notice by the Town, Village Cable, Inc. shall remove, relay, and relocate its wires, cables and other fixtures, including the level of any manhole necessitated by surfacing or resurfacing, at its own expense.

Section 6: Temporary Removal. Village Cable, Inc. shall, on the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its wires, if technically feasible, to permit the moving of buildings. In the event it is determined that it is not technically feasible to raise or lower the wires, a written statement to this effect reciting the reasons therefore shall be filed with the Town. The expense of such temporary raising or lowering of wires shall be paid by the person requesting the same, and Village Cable, Inc. shall have the authority to require such payment in advance.

Section 7: Ordinances Applicable. Village Cable, Inc. shall be subject to the Ordinances of said Town of Chapel Hill relative to the use of such highways, roads, streets, avenues, lanes, sidewalks, alleys, bridges or other public places and relative to cable television systems.

Section 8: Tree-Trimming. Village Cable, Inc. shall have the authority to trim trees upon and over-hanging streets, alleys and sidewalks and public places of the Town so as to prevent the branches of such trees from coming into contact with the wires and cables of Village Cable, Inc., all trimming to be done under the supervision and direction of the Town at the expense of Village Cable, Inc.

Section 9: Location Maps. Village Cable, Inc. agrees to maintain in the Town of Chapel Hill, either in its own offices or by filing with the Town, copies of all maps showing the location and type of all wires, cables, and other fixtures situated within the planning district of the Town.

Section 10: Assignability. No transfer of control of the cable TV system shall take place, whether by forced or voluntary sale, lease, mortgage, assignment, encumbrance or any other form of disposition without prior notice to and approval by the Council which shall not be unreasonably refused. The notice shall include full identifying particulars of the proposed transaction, and the Council shall act by resolution. Council shall have sixty days within which to approve or disapprove a transfer of control; if no action is taken within sixty days, approval shall be deemed to have been given.

Section 11: Franchise Fee. Village Cable, Inc. shall pay to the Town a franchise fee as set forth in Section 10-91 of the Code of Ordinances, Town of Chapel Hill, as it may be amended.

Section 12: Hold Harmless. Said Village Cable, Inc., its successors and assignees, to the extent permitted by law shall hold said Town of Chapel Hill free and harmless from all damages or claims for damages arising by reason of the negligent construction or maintenance of said lines, wires, appliances, fixtures, and appurtenances.

Section 13: Proposal. The terms of Proposal of Village Cable, Inc. for provision of cable TV service submitted to the Town of Chapel Hill are hereby adopted by reference as a part of this franchise ordinance to the extent that they are more restrictive on Village Cable, Inc. than are the ordinances of the Town of Chapel Hill.

Section 14: Effective Date. This Ordinance shall take effect immediately upon being adopted at two (2) regular meetings of the Council of the Town of Chapel Hill as provided by law.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO TWO WITH COUNCIL MEMBERS BOULTON, COHEN, EPTING, HOWES, KAWALEC, THORPE AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBERS SMITH AND VICKERY OPPOSING.

Resolution Granting a Unified Housing Development Special Use Permit to Roger D. Messer for Laurel Hill, Section V

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

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO ROGER D. MESSER FOR LAUREL HILL, SECTION V

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Housing Development proposed by Roger D. Messer if developed in accordance with the plans dated March 30, 1979, 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 a paved sidewalk be constructed along one side of Rhododendron Drive. The design of such sidewalk shall be approved by the Town Manager.
2. That the design and construction of the private drives serving the individual clusters of units be reviewed and approved by the Town Manager prior to construction.
3. That public right-of-way meeting NCDOT standards be acquired prior to issuance of a Special Use Permit, grading permit or building permit. That the applicant document the existence of such right-of-way to the satisfaction of the Town Manager. That Parker Road be paved to State standards prior to issuance of any certificate of occupancy. The plans for such paving shall be approved by the Town Manager prior to start of construction. Such paving shall be from the current end of paving to the easternmost property corner adjoining Parker Road.
4. That the right-of-way of Rhododendron Drive be realigned so that it is adjacent to the eastern property line for a minimum distance of 1,300 feet from its intersection with Parker Road and that it be paved to Town standards with a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. The plans for such paving shall be approved by the Town Manager prior to construction. Street grades on Rhododendron Drive shall not exceed 12%.
5. That prior to issuance of a building permit a plat shall be recorded dedicating public right-of-way to provide access from Rhododendron Drive to the Pardue property. Such access shall be at two points; one near the location of the proposed tennis courts and a second approximately 1,100 feet back from Parker Road. The precise location of such rights-of-way shall be approved by the Town Manager. If it is necessary to relocate the tennis courts to accommodate this requirement the relocation of the courts shall be approved by the Town Manager and shall not be considered a modification of the approved permit.
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.

WITH REGARD TO APPEARANCE

7. 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.

8. 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.
9. 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.
10. 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

11. That sewer and utility easements be dedicated as required by the Town Manager.
12. 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 location 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.
13. That additional right-of-way be dedicated along the applicant's frontage with Parker Road. Such dedication shall be recorded prior to issuance of a certificate of occupancy and shall measure 45 feet from the centerline of the road.
14. 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.
15. 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 any certificate of occupancy. The maintenance of the detention basin shall be the responsibility of the homeowners association.
16. That all units connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
17. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each cluster of units. 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.
18. That no proposed street names (public or private) duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
19. That prior to issuance of any certificates of occupancy a sign indicating that Rhododendron Drive is subject to future extension be placed at its northern terminus and that signs indicating that the rights-of-way providing access to the Pardue property are subject to future extension be placed at their respective intersections with Rhododendron Drive.
20. That construction begin by July 1, 1982 and be completed by July 1, 1984.

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

This the 12th day of November, 1979.

Council member Smith asked for a report on fire protection for the area. Mr. Shipman informed the Council the Town had received a request from Mr. Messer for the town to provide fire protection for this development. He would enter into a contract to pay for such service. Mr. Shipman had suggested Mr. Messer contact the county and petition them to establish a fire district for the entire area. (Council member Epting pointed out he had abstained from voting in this matter before and would continue to do so. Mr. Messer had contacted adjoining property owners asking them to join him in a request to the County. The Parker Road/Laurel Hills Association had

expressed concern about pursuing this request. Council member Smith asked why the Town could not enter an agreement with Mr. Messer to provide fire service until a fire district could be established. Mr. Shipman was concerned with entering a contract with an individual because of the issue of what would be within the protected area. COUNCIL MEMBER COHEN MOVED TO AMEND THE RESOLUTION BY ADDING A STIPULATION "That prior to the issuance of the special use permit, the tract be within a County Service District providing fire protection through contract to a public body." Council member Boulton seconded the motion. Mr. Drake explained the procedure for presenting a petition to the County Commissioners for a fire district. Mr. Messer stated he would need planning department assistance in designating boundaries for the proposed fire district. THE MOTION TO AMEND WAS CARRIED UNANIMOUSLY.

THE FOLLOWING RESOLUTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS BOULTON, COHEN, EPTING, HOWES, KAWALEC, SMITH, VICKERY AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER THORPE OPPOSING.

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO ROGER D. MESSER FOR LAUREL HILL, SECTION V

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Housing Development proposed by Roger D. Messer if developed in accordance with the plans dated March 30, 1979, 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

1. That a paved sidewalk be constructed along one side of Rhododendron Drive. The design of such sidewalk shall be approved by the Town Manager.
2. That the design and construction of the private drives serving the individual clusters of units be reviewed and approved by the Town Manager prior to construction.
3. That public right-of-way meeting NCDOT standards be acquired prior to issuance of a Special Use Permit, grading permit or building permit. That the applicant document the existence of such right-of-way to the satisfaction of the Town Manager. That Parker Road be paved to State standards prior to issuance of any certificate of occupancy. The plans for such paving shall be approved by the Town Manager prior to start of construction. Such paving shall be from the current end of paving to the easternmost property corner adjoining Parker Road.
4. That the right-of-way of Rhododendron Drive be realigned so that it is adjacent to the eastern property line for a minimum distance of 1,300 feet from its intersection with Parker Road and that it be paved to Town standards with a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. The plans for such paving shall be approved by the Town Manager prior to start of construction. Such paving shall be from the current end of paving to the easternmost property corner adjoining Parker Road.
4. That the right-of-way of Rhododendron Drive be realigned so that it is adjacent to the eastern property line for a minimum distance of 1,300 feet from its intersection with Parker Road and that it be paved to Town standards with a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. The plans for such paving shall be approved by the Town Manager prior to construction. Street grades on Rhododendron Drive shall not exceed 12%.

5. That prior to issuance of a building permit a plat shall be recorded dedicating public right-of-way to provide access from Rhododendron Drive to the Pardue property. Such access shall be at two points; one near the location of the proposed tennis courts and a second approximately 1,100 feet back from Parker Road. The precise location of such rights-of-way shall be approved by the Town Manager. If it is necessary to relocate the tennis courts to accommodate this requirement the relocation of the courts shall be approved by the Town Manager and shall not be considered a modification of the approved permit.
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.

That prior to the issuance of the special use permit, the tract be within a County Service District providing fire protection through contract to a public body.

WITH REGARD TO APPEARANCE

7. 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.
8. 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.
9. 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.
10. 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

11. That sewer and utility easements be dedicated as required by the Town Manager.
12. 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 location 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.
13. That additional right-of-way be dedicated along the applicant's frontage with Parker Road. Such dedication shall be recorded prior to issuance of a certificate of occupancy and shall measure 45 feet from the centerline of the road.
14. 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.
15. 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 any certificate of occupancy. The maintenance of the detention basin shall be the responsibility of the homeowners association.
16. That all units connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
17. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each cluster of units. 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.
18. That no proposed street names (public or private) duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.

19. That prior to issuance of any certificates of occupancy a sign indicating that Rhododendron Drive is subject to future extension be placed at its northern terminus and that signs indicating that the rights-of-way providing access to the Pardue property are subject to future extension be placed at their respective intersections with Rhododendron Drive.

20. That construction begin by July 1, 1982, and be completed by July 1, 1984.

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

This the 12th day of November, 1979.

Resolution Approving the Preliminary Sketch for Laurel Hill, Section V Subdivision

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

A RESOLUTION DENYING A SUBDIVISION REQUEST FOR LAUREL HILL, SECTION V

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the request of Roger Messer to subdivide Laurel Hill, Section V, on the grounds that the property owner has requested a special use permit for the property which the Council has granted, and that the property is no longer suitable for subdivision so long as the special use is in effect.

This the 12th day of November, 1979.

Mr. Lyman pointed out that Mr. Messer was not withdrawing his request for subdivision approval as he believed he was entitled to it. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Unified Housing Development Special Use Permit to the University of North Carolina at Chapel Hill for the Student Apartments

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER COHEN, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR THE STUDENT APARTMENTS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the unified housing development proposed by the University of North Carolina at Chapel Hill if developed in accordance with the plans submitted August 2, 1979, 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 left turns from Couch Lane be prohibited and that the applicant channelize the intersection of Couch Lane and Franklin Street to further discourage such turns onto East Franklin Street. Couch Lane shall be paved to standards established by the Town Engineer and adequate right-of-way as determined by the Town Engineer shall be dedicated and recorded for the improved portion of Couch Lane.
2. That a paved walkway be constructed from the paved sidewalk system within the housing development to the paved sidewalk along Franklin Street. The design of such walkway shall be approved by the Town Engineer prior to construction.

3. That a paved sidewalk be constructed from the paved sidewalk system within the housing development to Willow Drive. The design of such sidewalk shall be approved by the Town Engineer prior to construction. Such sidewalk shall be constructed within the right-of-way of Connor Drive.
4. That the paving of Conner Drive be extended to connect with the vehicular circulation system within the housing development. Such extension shall be to the same width as the existing portion of Conner Drive and the design of the road extension shall be approved by the Town Engineer prior to construction. The road extension shall be completed prior to issuance of a certificate of occupancy.
5. That the applicant provide, if possible, a pedestrian walkway connecting the proposed development to Elliott Road.
6. That all buildings be connected to one another and to their parking areas via a network of paved sidewalks. Such sidewalk network shall be shown on the detailed landscape plan and approved by the Appearance Commission.
7. That the applicant prepare and implement an erosion control plan and that such plan be approved by the Orange County Erosion Control Officer prior to issuance of a building permit or grading permit.
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.
9. 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.
10. The applicant is encouraged to implement provisions for pedestrians from the subject housing development to cross East Franklin Street in a safe manner.

WITH REGARD TO APPEARANCE

11. The 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. Such site plan shall show the location of all existing trees having a diameter, at breast height, of one foot.
12. 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 plan shall show adequate mechanical means for watering landscape areas such as hose bibbs.
13. 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.
14. That the off-street parking areas be screened from the abutting properties 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 and shall be approved by the Appearance Commission.
15. 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.
16. That paved areas be set back as far as possible from trees to be retained.
17. That the applicant identify on the landscape plan those trees which require a tree feeder system to ensure the continued provision of proper tree nourishment, including adequate water, air, and nutrients to the root system of said trees. The design specifications for such a tree feeder system and the proposed specifications for its installation shall be shown on the landscape plan, and shall be reviewed and approved as part of the landscape plan.

18. That the screening of all exterior mechanical equipment be reviewed and approved by the Appearance Commission prior to issuance of a certificate of occupancy.
19. That all utilities be placed underground.

WITH REGARD TO CONDITIONS AND SPECIFICATIONS

20. That the number, location and installation of fire hydrants be approved by the Town Manager prior to issuance of any building permits.
21. That the off-street parking areas and drives be paved with curb and gutter or other measures acceptable to the Town Manager.
22. 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.
23. That provisions for garbage collection be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
24. That if the proposed revision of the Zoning Ordinance is adopted with provisions allowing the inclusion of compact car spaces as meeting part of the off-street parking requirement, that the applicant is authorized to modify the proposed parking plan to convert standard parking spaces to compact car spaces provided such changes are in compliance with the adopted provisions of the Zoning ordinances. Such change shall not be considered a modification of the special use permit.
25. That the design of the driveways and off-street parking areas be approved by the Town Engineer prior to construction. Such plans shall include appropriate provisions for buses to enter the site and load users of the public transit system.
26. That the proposed pool provide at least $15\frac{1}{2}$ square feet of water surface area per dwelling unit.
27. That all outdoor lighting, including that used for the recreation facilities, be designed with the objective of directing illumination only within the property boundaries of the subject development. Such lighting shall be shown on the detailed landscape plan and shall be approved by the Appearance Commission.
28. That the proposed provisions for buses to enter the subject property and turn around at the commons building include a 50 foot turning radius for the buses and a covered area or shelter large enough to accommodate 60 people.
29. That the applicant dedicate and record a public right-of-way easement along the frontage of the subject property with Couch Lane. Such easement shall have a minimum width of 25 feet and shall run parallel to the property boundary adjoining Couch Lane.
30. That provisions for parking bicycles be provided within the proposed development. The location and design of such facilities shall be shown on the site plan and shall be approved by the Appearance Commission.
31. That a bus shelter be provided on the north side of E. Franklin Street to serve users of the Chapel Hill Transit System. The location of such shelter shall be approved by the Town Manager and the design and location of the shelter shall be shown on the detailed landscape plan. Such shelter shall be installed prior to issuance of a certificate of occupancy.
32. That a revised site plan incorporating all the above stipulations be submitted to the Building Inspector prior to issuance of a building permit or grading permit.
33. That construction begin by October 31, 1982 and be completed by October 31, 1985.

BE IT FURTHER RESOLVED that the Council hereby grants a unified housing development special use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 12th day of November, 1979.

Council member Smith inquired whether speed bumps would be allowed, as these were suggested for discouraging through traffic. Mr. Shipman explained these would be on a private drive. Council member Boulton asked if it was general practice to require a bus shelter. The town had done so in other developments. In response to Council member Boulton, Mr. Shipman stated that left-turns would be prevented at times when traffic was not heavy, but that was the trade-off the Town must accept for preventing left-turns during peak hours. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Unified Housing Development Special Use Permit to Roy M. Spratt for Esseola Apartments

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

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO ROY M. SPRATT FOR ESSEOLA APARTMENTS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the unified housing development proposed by Roy M. Spratt if developed in accordance with the plans submitted August 2, 1979, 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 STANDARDS AND SPECIFICATIONS

1. That there be no land disturbing activity within the drainageway extending along the western property boundary except that required for the installation of public utilities, and drainage improvements required under this permit and approved by the Town Engineer. Such limitation shall include no fill being placed within the drainageway or on the steep slopes on the east and west sides of the drainageway.
2. That all existing trees and vegetation within the drainageway and on the steep slopes extending along the east and west property lines shall be retained extending along the east and west property lines shall be retained except that which must be removed to install public utilities to the development, and the drainage improvements required under this permit and approved by the Town Engineer.
3. That a detailed drainage plan and grading plan be submitted to and approved by the Town Engineer prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be complete prior to issuance of a certificate of occupancy.
4. 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, building permit and start of construction of improvements.
5. That the paved areas and proposed buildings be placed as far as possible from the drainageway along the western property line and from the adjoining steep slopes.
6. That the design and construction of the private drives and parking areas serving the development be reviewed and approved by the Town Engineer prior to construction.

7. That all improvements, as shown on the approved plans or required as part of the granting of the special use permit, shall be completed prior to issuance of the certificate of occupancy.

WITH REGARD TO APPEARANCE

8. 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.
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 parking area be screened from view from Airport Road. Such screening shall be shown on the landscape plan.

WITH REGARD TO PUBLIC HEALTH AND SAFETY

12. That a system of paved sidewalks be constructed to connect the individual apartment units to the parking area. Such on-site sidewalk system shall be extended to connect with the existing sidewalk along Airport Road. The sidewalk system shall be shown on the site plan and shall be approved by the Appearance Commission.
13. 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.

OTHER STIPULATIONS

14. That sewer and utility easements be dedicated as required by the Town Manager.
15. That the location of bulk trash containers be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
16. That a paved surface for active recreation be provided within the area dedicated as open space.
17. That construction begin by October 31, 1981, and be completed by October 31, 1983.

BE IT FURTHER RESOLVED that the Council hereby grants a unified housing development special use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Portable Building Special Use Permit to Mary Alice Danziger for Farmers Fair Market

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

A RESOLUTION GRANTING A PORTABLE BUILDING SPECIAL USE PERMIT TO MARY ALICE DANZIGER FOR FARMERS FAIR MARKET

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Portable Buildings proposed by Mary Alice Danziger if developed in accordance with the plans submitted August 3, 1979, 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 all portable buildings, portable displays and vehicles be removed from the site each day at the close of business which shall in no case extend beyond 7:00 p.m., and such buildings, displays and vehicles shall not return to the site prior to the opening of business on the following day which shall in no case occur earlier than 6:00 a.m.
2. That design of all portable buildings and portable displays which are free-standing structures shall be approved by the Appearance Commission. Such approval shall include but shall not be limited to the materials and colors of the structure. The interpretation of whether an individual display is or is not a freestanding structure subject to the approval of the Appearance Commission shall reside with the Town Manager.
3. The use of any portable building and any portable display located on the subject property shall be limited to the sale of farm products exempted under North Carolina General Statutes 105-53(c) and food items prepared by the seller. No other products shall be sold on the subject property.
4. All refuse shall be removed from the site on a daily basis. The members of the farmers market shall keep the site clean and in a neat and orderly appearance.
5. All portable buildings, portable displays and vehicles shall be located parallel to and in proximity to the eastern and western property lines, and shall leave a vehicular/pedestrian circulation corridor running in a north-south direction down the center of the property. Such corridor shall have a minimum width of 40 feet.
6. The members of the farmers market shall appoint one or more local representatives who shall ensure that the conditions of this special use permit are observed. The name(s) of the local representative(s) shall be forwarded to the Building Inspector.

BE IT FURTHER RESOLVED that the Council hereby grants a portable building special use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 12th day of November, 1979.

Council member Boulton commented that the location for this market was unsightly. All types of vehicles parked here. Mr. Shipman responded that he had asked the Building Inspector to review the situation. It appeared to be a non-conforming parking lot. Council member Howes reiterated his opinion that Umstead Drive should be realigned. Council member Kawalec was against the resolution as the property was zoned residential. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER EPTING, THAT THE RESOLUTION BE AMENDED TO LIMIT THE SPECIAL USE PERMIT TO TWO YEARS. Council member Boulton asked that the lot be brought into compliance with the zoning ordinance. Mr. Shipman pointed out that the town was receiving benefit from the lot's being used for parking. Mr. Drake explained that there were a number of parking lots in existence before the zoning ordinance. The town had only attempted to forbid new ones. THE MOTION TO AMEND WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS COHEN, EPTING, HOWES, SMITH, THORPE, VICKERY AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER KAWALEC OPPOSING.

A RESOLUTION GRANTING A PORTABLE BUILDING SPECIAL USE PERMIT TO MARY ALICE DANZIGER FOR FARMERS FAIR MARKET

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Portable Buildings proposed by Mary Alice Danziger if developed in accordance with the plans submitted August 3, 1979, 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 all portable buildings, portable displays and vehicles be removed from the site each day at the close of business which shall in no case extend beyond 7:00 p.m., and such buildings, displays and vehicles shall not return to the site prior to the opening of business on the following day which shall in no case occur earlier than 6:00 a.m.
2. That design of all portable buildings and portable displays which are free-standing structures shall be approved by the Appearance Commission. Such approval shall include but shall not be limited to the materials and colors of the structure. The interpretation of whether an individual display is or is not a freestanding structure subject to the approval of the Appearance Commission shall reside with the Town Manager.
3. The use of any portable building and any portable display located on the subject property shall be limited to the sale of farm products exempted under North Carolina General Statutes 105-53(c) and food items prepared by the seller. No other products shall be sold on the subject property.
4. All refuse shall be removed from the site on a daily basis. The members of the farmers market shall keep the site clean and in a neat and orderly appearance.
5. All portable buildings, portable displays and vehicles shall be located parallel to and in proximity to the eastern and western property lines, and shall leave a vehicular/pedestrian circulation corridor running in a north-south direction down the center of the property. Such corridor shall have a minimum width of 40 feet.
6. The members of the farmers market shall appoint one or more local representatives who shall ensure that the conditions of this special use permit are observed. The name(s) of the local representative(s) shall be forwarded to the Building Inspector.
7. This permit shall be valid until 1981.

BE IT FURTHER RESOLVED that the Council hereby grants a portable building special use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 12th day of November, 1979.

Resolution Granting a Special Use Permit for Elliott Road Offices Unified Business Development

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

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO GOFORTH PROPERTIES, INC. FOR ELLIOTT ROAD OFFICES

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Business Development proposed by Goforth Properties, Inc. if developed in accordance with the plans dated August 3, 1979, 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: 1) the proposed access drive be extended to the property located just south of the subject development (identified as Chapel Hill Township Tax Map 46, Lot 9) and that such access drive shall be made available, through a recorded private easement to such property; or 2) that the applicant secure and record an easement for the property identified as Chapel Hill Township Tax Map 46, Lot 9 to have access across Lot 10, of this same Tax Map to Elliott Road. This stipulation shall be complied with prior to issuance of a certificate of occupancy and a copy of the easement shall be submitted to the Town Manager.
2. That the applicant dedicate an easement across the southeast corner of the subject property to provide access for the property identified as Chapel Hill Township Tax Map 46, Lot 9 to have direct access to Elliott Road. Such easement shall be recorded prior to issuance of a certificate of occupancy and a copy of such easement shall be submitted to the Town Manager.
3. That a paved sidewalk, designed in conformance with Town standards, be constructed along the frontage of the subject development with Elliott Road. Plans for such improvements shall be approved by the Town Engineer prior to construction. The length of such sidewalk shall extend a minimum distance of 380 feet from the proposed sidewalk along the northern property boundary. Such sidewalk shall be completed prior to issuance of a certificate of occupancy for any building.
4. That the proposed connection to Couch Road as shown on the site plan prepared by the applicant be deleted.
5. That a detailed drainage plan and grading plan be submitted to and approved by the Town Engineer prior to issuance of a grading permit, building permit, or start of construction of improvements. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy. Such improvements may be completed in phases as approved by the Town Manager.
6. 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, building permit and start of construction of improvements.
7. That the paved areas and proposed buildings be placed as far as possible from the drainageway passing through the center of the property. This condition shall be reflected on the required site plan and shall be approved by the Appearance Commission.
8. That the design and construction of the private drives and parking areas serving the development be reviewed and approved by the Town Engineer prior to construction.
9. That a system of paved sidewalks be constructed to connect the individual buildings to the parking area. Such on-site sidewalk system shall be extended to connect with the sidewalk proposed along the northern property boundary. The sidewalk system shall be shown on the site plan and shall be approved by the Appearance Commission.
10. That an improved public pedestrian path be constructed between Couch Road and the subject property's frontage with Elliott Road. A public pedestrian easement shall be recorded along such path. The location of such path shall be shown on the site plan and shall be approved by the Appearance Commission. This condition shall be complied with prior to issuance of a certificate of occupancy for any building.

WITH REGARD TO APPEARANCE

11. 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.
12. 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.
13. 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.
14. That the parking areas be screened from view from Elliott Road and the adjoining residential properties. Such screening shall be shown on the landscape plan and shall be approved by the Appearance Commission.
15. 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

16. 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.
17. That all internal streets and parking lots be paved with curb and gutter.
18. That sewer and utility easements be dedicated as required by the Town Manager.
19. That the location of bulk trash containers be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
20. That water and sewer improvements shall be to the standards of OWASA and that all utilities be placed underground.
21. That a revised site plan incorporating all the above stipulations be submitted to the Building Inspector prior to issuance of a building permit or grading permit.
22. That the name of the office development be approved by the Town Manager as not being similar to another existing development within Chapel Hill Township.
23. That construction begin by October 31, 1980, and be completed by October 31, 1984.

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

This the 12th day of November, 1979.

Council member Howes commented that he believed the low density residential-style office building an appropriate transition between the commercial development at Kroger Plaza and the residential development to take place. He added this might have an effect on the zoning map amendments being considered. THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS BOULTON, EPTING, HOWES, KAWALEC, SMITH, THORPE, VICKERY AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER COHEN OPPOSING.

Resolution Approving a Preliminary Sketch for the Forest Creek Subdivision Located on Piney Mountain Road and Identified as part of Lot 3 of Chapel Hill Township Tax Map 29

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

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR THE FROEST CREEK SUBDIVISION LOCATED ON PINEY MOUNTAIN ROAD AND IDENTIFIED AS PART OF LOT 3 OF CHAPEL HILL TOWNSHIP TAX MAP 29.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the preliminary sketch dated October 5, 1979, for the Forest Creek Subdivision located on Piney Mountain Road subject to the following requirements:

1. That all streets be paved to a minimum paved cross-section of 27 feet back-to-back of curb with curb and gutter except for Street "A: which shall be paved to a minimum paved cross-section of 33 feet back-to-back of curb with curb and gutter. Plans for such improvements shall be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT), if applicable, prior to start of construction. No street grade shall exceed 8%.
2. That 5 feet of additional right-of-way be dedicated along the frontage of the subject subdivision with Piney Mountain Road.
3. 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.
4. That sewer, drainage, and utility easements be dedicated as required by the Town Manager.
5. 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, building permit, start of construction of improvements, and submission of an application for final plat approval.
6. That a detailed drainage plan and grading plan be submitted to and be approved by the Town Engineer prior to issuance of a grading permit, building permit, start of construction of improvements, and prior to submission of an application for final plat approval.
7. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.
8. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each lot. 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.
9. That no proposed street names duplicate or be similar to existing street names within Chapel Hill Township. Such proposed street names shall be approved by the Town Manager.
10. That prior to the sale of any lots within the development, a sign indicating that Street "E" is subject to future extension shall be placed at its western terminus.
11. That an easement be dedicated to allow the future extension of the Booker Creek sewer line to North Forest Hills Subdivision. Such easement shall be shown on the final plat.

This the 12th day of November, 1979.

Ms. Stewart asked that the council require a pedestrian easement along the Creek. Mr. Jennings stated a 100' easement had been designated on the plat. Council member Smith wanted some type of traffic control at Piney Mountain Road and Airport Road as more development was put on Pine Mountain Road. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Denying a Special Use Permit for McDonald's Restaurant Drive-in Business

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

A RESOLUTION DENYING A SPECIAL USE PERMIT FOR McDONALD'S RESTAURANT DRIVE-IN BUSINESS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby fails to find that:

The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved, and

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.

BE IT FURTHER RESOLVED that the Council hereby denies the special use permit requested for said development.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Unified Housing Development Special Use Permit to Marquis Corporation for Winchester Court Condominiums

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

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO MARQUIS CORPORATION FOR WINCHESTER COURT CONDOMINIUMS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the unified housing development proposed by Marquis Corporation if developed in accordance with the plans submitted August 3, 1979, 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 a paved sidewalk, to Town standards, be constructed along the frontage of the subject property with E. Franklin Street. Such sidewalk shall be completed prior to issuance of a certificate of occupancy and the plans for such improvement shall be approved by the Town Engineer prior to construction.
2. That a system of paved sidewalks be constructed to connect the individual apartment units to the parking area. Such on-site sidewalk system shall be extended to connect with the required sidewalk along E. Franklin Street. The sidewalk system shall be shown on the site plan and shall be approved by the Appearance Commission.
3. That a detailed drainage plan and grading plan be submitted to and approved by the Town Engineer 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.
4. 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, building permit and start of construction of improvements.

WITH REGARD TO APPEARANCE

5. 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. Such site plan shall show the location of all existing trees having a diameter, at breast height, of one foot. The site plan shall be prepared with the objective of retaining as many significant trees as possible.
6. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing trees and planting shall be protected during construction by appropriate fencing or barriers. Provision for such protection shall be shown on the landscape plan.
7. 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.
8. 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.
9. That the parking area be screened from the view from Franklin Street. Such screening shall be shown on the landscape plan and shall be approved by the Appearance Commission.
10. That paved areas be set back as far as possible from trees to be retained.
11. That the applicant identify on the landscape plan those trees which require a tree feeder system to ensure the continued provision of proper tree nourishment, including adequate water, air, and nutrients to the root system of said trees. The design specifications for such a tree feeder system and the proposed specifications for its installation shall be shown on the landscape plan, and shall be reviewed and approved as part of the landscape plan.

OTHER STIPULATIONS

12. That the design and construction of the private drives and parking areas serving the development be reviewed and approved by the Town Engineer prior to construction.
13. That all existing curb cuts onto E. Franklin Street not used as part of the proposed development be closed with curb and gutter to Town standards. Plans for such improvements shall be approved by the Town Engineer prior to construction.
14. That all sewer service be by gravity flow and that all utilities be placed underground.
15. 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.
16. That the easternmost access drive be designated for one-way-in traffic and that the westernmost access drive be designated for one-way-out traffic.
17. That sewer and utility easements be dedicated as required by the Town Manager.
18. That the location of bulk trash containers be approved by the Town Manager. Pads for bulk trash containers shall be provided and shall be constructed to Town standards.
19. That construction begin by October 31, 1981, and be completed by October 31, 1983.

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

This the 12th day of November, 1979.

Council member Smith asked about visibility problems at the drives. Mr. Jennings answered that the drives would be one-way in and one-way out. Council member Howes commented that the architecture was not compatible with surrounding architecture in the area.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO TWO WITH COUNCIL MEMBERS BOULTON, COHEN, EPTING, KAWALEC, THORPE, VICKERY AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBERS HOWES AND SMITH OPPOSING.

Ordinance Rezoning From R-15, R-5 and R-20 to Limit Business, a Tract of Land Located on Eastowne Drive

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE REZONING FROM R-15, R-5 AND R-20 TO LIMIT BUSINESS, A TRACT OF LAND LOCATED ON EASTOWNE DRIVE

BE IT ORDAINED by the Council of the Town of Chapel Hill:

SECTION I

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" be amended so that the following area be rezoned from R-15, R-5 and R-20 to Limited Business, and that the uses permitted in areas designated Limited Business in the Zoning Ordinance shall hereafter apply in the following area:

BEGINNING at a point, said point being the Northwest corner of Tract I; thence North 08 degrees 48 minutes 43 seconds East 45.00 feet to a point; thence North 25 degrees 03 minutes 30 seconds East 98.33 feet to a point; thence North 09 degrees 11 minutes 30 seconds East 199 feet to a point; thence North 17 degrees 38 minutes 30 seconds East 220.00 feet to a point; thence South 76 degrees 51 minutes 30 seconds East 200.00 feet to a point; thence North 02 degrees 15 minutes 22 seconds East 85.00 feet to a point; thence North 57 degrees 25 minutes 33 seconds East 871.00 feet to a point; thence South 83 degrees 39 minutes 35 seconds East 298.00 feet to a point; thence South 65 degrees 51 minutes 49 seconds East 238.00 feet to a point; thence South 17 degrees 44 minutes 42 seconds West 253.16 feet to a point; thence South 17 degrees 44 minutes 42 seconds West 253.16 feet to a point; thence South 26 degrees 02 minutes 59 seconds West 222.73 feet to a point; thence South 18 degrees 46 minutes 41 seconds West 316.87 feet to a point; thence South 07 degrees 00 minutes 04 seconds West 242.52 feet to a point; thence with a curve to the left having a radius of 1300 feet an arc distance of 247.96 feet to a point; thence South 81 degrees 24 minutes 03 seconds West 310 feet to a point; thence with a curve to the left having a radius of 406.55 feet an arc distance of 271.05 feet to a point; thence North 35 degrees 03 minutes 48 seconds West 89.70 feet to a point; thence with a curve to the right having a radius of 360.86 feet an arc distance of 199.97 feet to a point; thence North 80 degrees 24 minutes 58 seconds West 399.18 feet to the point and place of Beginning containing 28.01 acres more or less.

SECTION II

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This is the 12th day of November, 1979.

Council member Howes stated the Town would relinquish its control over the property by the rezoning. Council member Kawalec responded the developer had demonstrated a desire to follow the Town's guidelines. The development had changed conditions since the original zoning. Mr. Jennings pointed out the objective of a map amendment was the use of the land. THE MOTION WAS CARRIED BY A VOTE OF EIGHT TO ONE WITH COUNCIL MEMBERS BOULTON, COHEN, EPTING, KAWALEC, SMITH, THORPE, VICKERY AND MAYOR WALLACE SUPPORTING AND COUNCIL MEMBER HOWES OPPOSING.

Resolution Granting a Unified Business Development Special Use Permit to Edward P. Pizer for Carolina Courts Recreation Facility

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

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO EDWARD P. PIZER FOR CAROLINA COURTS RECREATION FACILITY

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Business Development proposed by Edward P. Pizer if developed in accordance with the plans dated August 3, 1979, and September 2, 1979, 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 prior to issuance of a certificate of occupancy for phase 1, a paved sidewalk shall be constructed along the frontage of the subject property with Eastowne Drive, and along the frontage of the subject property with Racquet Ball Drive. Such improvements shall be to Town standards and shall be approved by the Town Engineer prior to construction.
2. That prior to issuance of a certificate of occupancy for phase 1, both Eastowne Drive and Racquet Ball Drive shall be paved to Town standards for the length of the frontage of the subject property with such roads. Racquet Ball Drive shall be paved to a minimum cross-section of 33 feet back-to-back of curb with curb and gutter. The construction standards for the existing portions of Eastowne Drive shall be continued on the portion of the road required to be improved under this condition. Detailed plans for paving the roads shall be approved by the Town Engineer prior to construction.
3. That prior to issuance of a certificate of occupancy for phase 3, the road providing access to this phase shall be paved to Town standards with a paved sidewalk on the west side of the street. Such paving shall extend along the frontage of the subject property with the road. The street shall have a paved cross-section of 33 feet back-to-back of curb with curb and gutter. Detailed plans for the above improvements shall be approved by the Town Engineer prior to construction.
4. That a drainage plan be submitted to and approved by the Town Engineer 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 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, building permit and start of construction of improvements.

WITH REGARD TO APPEARANCE

6. 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. Such plans may be submitted in phases corresponding to the development phasing plan, in which case plans shall be submitted prior to issuance of a building permit for any building within the phase. Architectural plans shall specify materials, color, and exterior elevations.
7. 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 plans may be submitted in phases corresponding to the development phasing plan in which case a detailed landscape plan shall be submitted prior to obtaining a building permit for any building within the phase. The landscape plan shall include the location and proposed screening of bulk trash containers and a precise delineation of existing natural growth to remain.

WITH REGARD TO STANDARDS AND SPECIFICATIONS

- 11. That the parking requirement be reduced by twelve and one-half (12.5) percent as provided for in Section 4-C-22-d of the Zoning Ordinance.
- 12. That the portions of the rights-of-way of Eastowne Drive and Racquet Ball Drive, which abut the subject development, be dedicated to the public prior to issuance of a building permit. Such dedication shall be by a recordable plat approved by the Town Manager and recorded by the applicant with the Register of Deeds.

OTHER STIPULATIONS

- 13. That sewer and utility easements be dedicated as required by the Town Manager.
- 14. That provisions for garbage collection be approved by the Town Manager. The location of bulk trash containers shall be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards. Upon annexation to the Town, the owner shall provide trash collection facilities meeting the standards of the Public Works Department. The provision of such facilities shall not be a modification to the approved permit.
- 15. 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.
- 16. That all internal drives and parking areas be paved with curb and gutter.
- 17. That all outdoor lighting, including that used for the recreation facilities, be designed with the objective of directing illumination only within the property boundaries. Such lighting shall be shown on the detailed landscape plan and shall be approved by the Appearance Commission.
- 18. That provisions be made for parking bicycles. Such provisions shall be shown on the detailed landscape plan and approved by the Appearance Commission.
- 19. That a bus shelter be provided to serve users of the Chapel Hill Transit system. The location of such shelter shall be approved by the Town Manager and the design and location of the shelter shall be shown on the detailed landscape plan. Such shelter shall be installed prior to issuance of a certificate of occupancy for phase 1.
- 20. That construction begin by October 31, 1982, and be completed by October 31, 1984.

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

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Traffic Ordinances

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

AN ORDINANCE CREATING A NO PARKING ZONE

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-27 of the Code of Ordinances, Town of Chapel Hill, to ADD the following:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Lindsay Street	South	Church Street	A point fifty (50) feet west of Church Street

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

AN ORDINANCE AMENDING SECTION 21-27 (No Parking Zone)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-27 of the Code of Ordinances, Town of Chapel Hill, as follows:

ADD:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
McMasters Street	North	A point fifteen (15) feet east of Church Street	A point forty (40) feet west of Church Street

This the 12th day of November, 1979.

Council member Smith asked if there was adequate parking off-street for the houses. Mr. Shipman did not know. COUNCIL MEMBER SMITH MOVED TO TABLE THE ORDINANCE UNTIL THE NEXT REGULAR MEETING WHEN MR. SHIPMAN WOULD REPORT ON THE MATTER. THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER EPTING MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE CREATING A 25 MPH SPEED ZONE

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-11 of the Code of Ordinances, Town of Chapel Hill, as follows:

DELETE from 21-11(3)(j)

Merritt Mill Road (SR1927) from Cameron Avenue to the western corporate limit.

ADD to 21-11(2) Twenty-five miles per hour

(e) Merritt Mill Road (SR1927) from Cameron Avenue to the western corporate limit.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Council member Cohen asked if the residents of the apartments along Greene Street knew of the proposed prohibition of parking. Mr. Shipman responded the Public Works Department had surveyed the apartments, and there was room for off-street parking. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HOWES, THAT THE MATTER BE TABLED UNTIL THE NEXT MEETING TO ALLOW TIME TO NOTIFY RESIDENTS OF THE PROPOSED CHANGE. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Requesting Deletion from State Maintained System of SR 1904

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

A RESOLUTION REQUESTING DELETION FROM STATE MAINTAINED SYSTEM OF SR 1904 (MASON FARM ROAD) LYING WITHIN THE TOWN OF CHAPEL HILL, NORTH CAROLINA, AND FORMERLY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS

WHEREAS, the Department of Transportation, Division of Highways has maintained SR 1904 (Mason Farm Road) lying within the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill will now assume responsibility for SR 1904 (Mason Farm Road) lying within Chapel Hill; and

WHEREAS, the Town of Chapel Hill and the Department of Transportation, Division of Highways have been over the matter and designated on a map the road to be deleted from the System, the total mileage being 1.04 miles Urban System as shown on attached Form SR-5, Secondary Road Abandonment Investigation Report, and map, both being a part of this Resolution:

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

That said Town hereby agrees to provide all necessary maintenance on the 1.04 miles of road in question, as set forth on attached map and SR-5;

And the Department of Transportation, Division of Highways, effective January 1, 1980, will discontinue all maintenance on said roads and streets as of this date.

This the 12th day of November, 1979.

Resolution Requesting Deletion from State Maintained System of Certain Roads and Streets Lying Within the Area Annexed by the Town of Chapel Hill, North Carolina, and Formerly Maintained by the Department of Transportation, Division of Highways

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

RESOLUTION REQUESTING DELETION FROM STATE MAINTAINED SYSTEM OF CERTAIN ROADS AND STREETS LYING WITHIN THE AREA ANNEXED BY THE TOWN OF CHAPEL HILL, NORTH CAROLINA, AND FORMERLY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS

WHEREAS, the Department of Transportation, Division of Highways has maintained certain roads and streets lying within the area annexed by the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill will now assume responsibility for the roads and streets lying within the annexed area, with the exception of those roads and streets designated as System Roads or Streets; and

WHEREAS, the Town of Chapel Hill and the Department of Transportation, Division of Highways have been over the matter and designated on a map the roads and streets to be deleted from the System, the total mileage being 4.72 miles Rural System as shown on attached tabulation and map, both being a part of this Resolution; NOW, THEREFORE,

BE IT RESOLVED by the Council of the Town of Chapel Hill:

That said Town hereby agrees to provide all necessary maintenance on the 4.72 miles of roads in question, as set forth on map and attached tabulation;

And the Department of Transportation, Division of Highways, effective January 1, 1980, will discontinue all maintenance on said roads and streets as of this date.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting a Public Hearing on Sale of Community Development Property

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

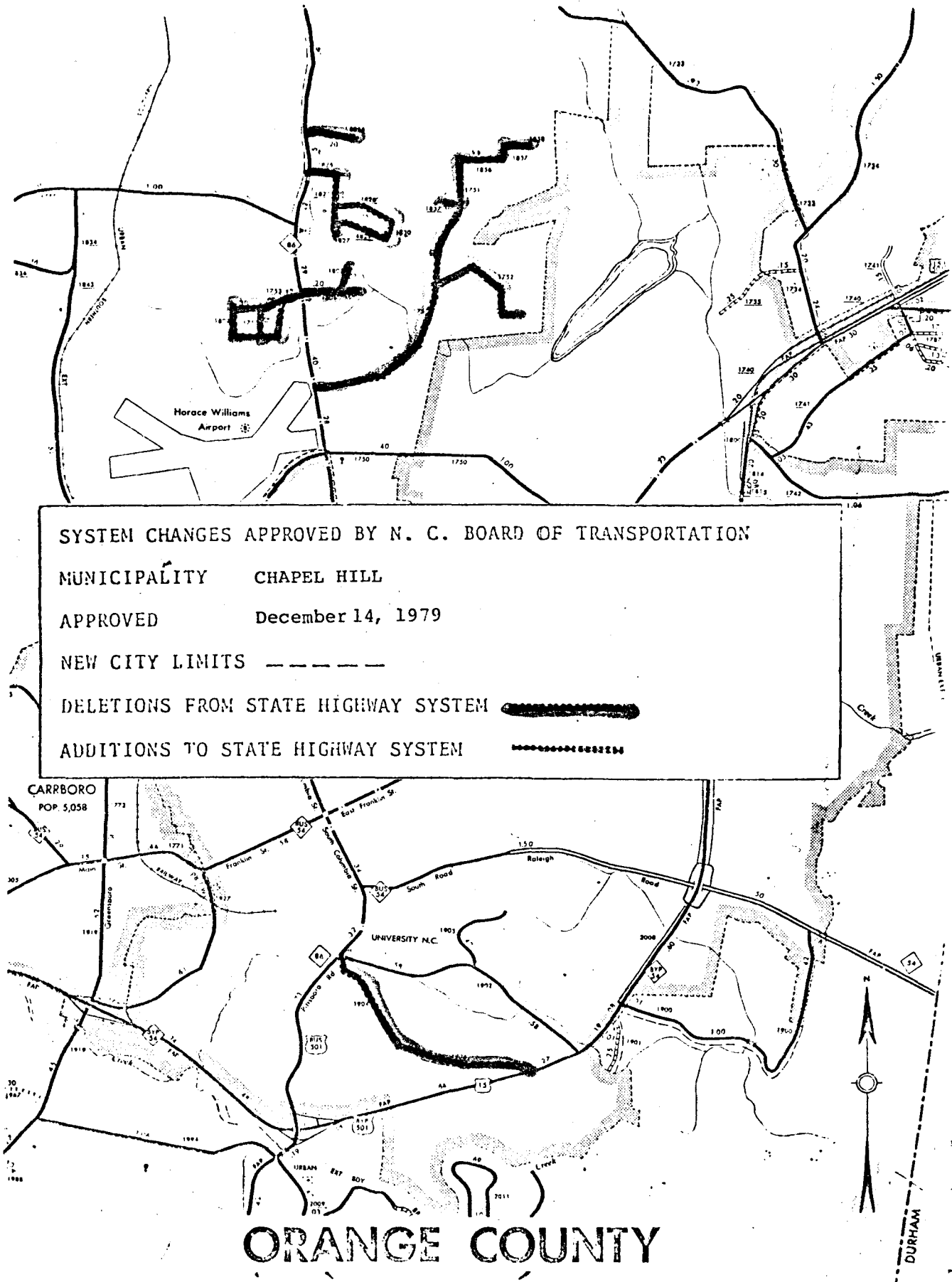
A RESOLUTION SETTING A PUBLIC HEARING ON SALE OF COMMUNITY DEVELOPMENT PROPERTY (Helen Merritt)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public hearing on December 10, 1979, at 7:30 p.m. in the Meeting Room of the Chapel Hill Municipal Building, 306 N. Columbia Street, to consider the private sale of property at 304 Sunset Drive (Tax Map #93-L-27) to Mrs. Helen Merritt, a relocatee of the Redevelopment Program, under the provisions of Session Laws 1973, Chapter 346.

This the 12th day of November, 1979.

NOTICE OF PUBLIC HEARING
ON SALE OF REAL PROPERTY

The Town Council of the Town of Chapel Hill will hold a Public Hearing on December 10, 1979, at 7:30 p.m. in the meeting room of the Chapel Hill Municipal Building, 306 North Columbia Street, Chapel Hill, North Carolina, to consider the private sale of property located in the Community Development Program Area to a relocatee of the redevelopment program under the provisions of session laws 1973, Chapter 346, and described as follows:



304 Sunset Drive
Tax Map #: 93-L-27

Mrs. Helen Merritt

A map and plat showing the parcel may be seen in the office of the Chapel Hill Housing Authority, 402 West Rosemary Street, Chapel Hill, North Carolina.

Bids

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR UNIFORM RENTAL SERVICE

WHEREAS the Town of Chapel Hill has solicited formal bids on October 25, 1979, and the following bids have been received:

<u>Bidder</u>	<u>Unit Price/Week</u>	<u>Unit Price/Week Executive Uniforms</u>	<u>Cost for 110 Employees for 52 Weeks</u>
Durham Linen Service Durham, N.C.	\$5.00	\$6.50	\$28,990.00
Farthing Fabricare, Div. of Johnson- Forrester, Inc.	4.87	6.50	28,280.20
Testilease Corporation Durham, N.C.	5.25	6.40	30,329.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Farthing Fabricare, Division of Johnson-Forrester, Inc. at the unit prices of \$4.87 per week per employee for work uniforms and \$6.50 per week per employee for executive uniforms during the period December 17, 1979, through March 31, 1982.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE DIESEL-POWERED, SANI-TARY LANDFILL COMPACTOR

WHEREAS the Town of Chapel Hill has solicited formal bids on October 26, 1979 and the following bids have been received:

Bidders and Bids

<u>Alternates</u>	<u>E. F. Craven Co.</u>	<u>Gregory Poole Equip. Co.</u>
Alternate A: Total cost without trade-in	\$108,431 (Initial outlay \$154,181)	\$118,561 (Initial outlay \$156,238)
Alternate B: Total cost with trade-in	\$81,731 (Initial outlay \$127,481)	\$93,561 (Initial outlay \$131,238)
Alternate C: Straight purchase without trade-in	\$122,571	\$156,238
Alternate D: Straight purchase with trade-in	\$95,871	\$131,238
Alternate E: Offer to purchase used compactor only	\$16,750	\$10,000

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of E. F. Craven Co. on Alternate C in the amount of \$122,571.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

A RESOLUTION DIRECTING SALE OF A SANITARY LANDFILL COMPACTOR

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares the following item of personal property surplus to the needs of the Town:

One Rex 350 Trashmaster Sanitary Landfill Compactor

AND BE IT FURTHER RESOLVED that the Council hereby directs the Purchasing Agent to dispose of said compactor under the provisions of General Statute 160A-274 to Robeson County, N.C., for the sum of \$27,500.

This the 12th day of November, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Execution of a Grant Agreement

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

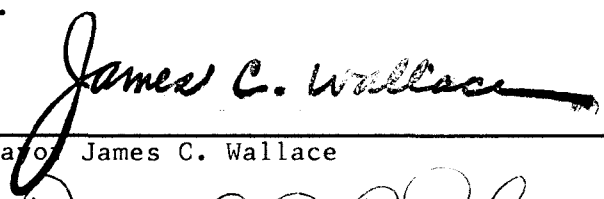
A RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager of the Town of Chapel Hill is hereby authorized to execute an agreement related to the assistance application for funds for additional transit vehicles and related equipment with the North Carolina Department of Transportation.

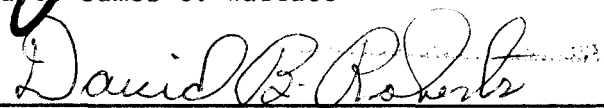
This the 12th day of November, 1979.

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 REGULAR MEETING OF THE
MAYOR AND CHAPEL HILL TOWN COUNCIL
MUNICIPAL BUILDING
MONDAY, NOVEMBER 19, 1979
7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Marilyn Boulton (late)
Gerald Cohen
Robert Epting
Jonathan Howes
Beverly Kawalec
Bill Thorpe

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

Petitions and Requests

Ms. Frances Crittenden had submitted a petition requesting the town to allow left turns onto the by-pass at either Mason Farm Road or Otey's Road. Council member Epting moved, seconded by Council member Thorpe, that the Council receive the petition and refer it to the Manager. The motion was carried unanimously.

Mr. David Hinds presented a petition requesting an emergency fare increase, to take effect December 1, for taxis. This would be temporary until the Transportation Board made its recommendations on the fare structure. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER EPTING, TO REFER THE PETITION TO THE MANAGER FOR A REPORT ON DECEMBER 3. She did not want to act on the petition at this meeting in violation