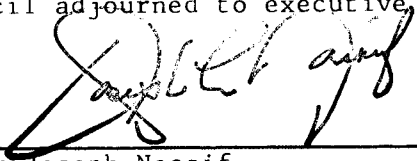


Executive Session

The Manager requested the Council adjourn to executive session to discuss litigation. On motion by Council member Howes, seconded by Council member Thorpe, the Council adjourned to executive session after which the meeting was adjourned.




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Mayor Joseph Nassif




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Town Clerk David B. Roberts

MINUTES OF A REGULAR MEETING OF THE  
MAYOR AND CHAPEL HILL TOWN COUNCIL  
MUNICIPAL BUILDING  
MONDAY, FEBRUARY 11, 1980  
7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton  
Joseph Herzenberg  
Jonathan Howes  
Beverly Kawalec  
Joseph Straley  
Bill Thorpe  
James Wallace

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council member Smith was absent due to illness.

Resolutions of Appreciation

Mayor Nassif read the following resolutions of appreciation:

## RESOLUTION OF APPRECIATION

WHEREAS, Mr. Melvin F. (Mel) Rashkis was a member of the Boards of Directors of the Chapel Hill-Carrboro Chamber of Commerce and Merchants Association in 1978, and

WHEREAS, Mr. Rashkis served in 1979 as the first president of the Greater Chapel Hill-Carrboro Chamber of Commerce and now serves as a member of the Executive Board of the Chamber as Immediate Past President, and

WHEREAS, Mr. Rashkis has played an important role in numerous projects including Christmas decorations in the downtown area, the Community Display at Raleigh-Durham Airport, the 1979 leadership conference for business and professional persons and many other projects, and,

WHEREAS, by his energetic and conscientious efforts, Mr. Rashkis exemplifies the high principles and standards by which business and professional persons add to the quality of life in Chapel Hill,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the members of the Town Council herewith recognize and express their appreciation to Mr. Melvin F. (Mel) Rashkis for his herewith past, present and future contributions to the life of this community, and

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

This the 11th day of February, 1980.

WHEREAS there exist within the Town of Chapel Hill numerous private streets which serve more than one lot, but which have not been accepted for maintenance by the Town because they are not constructed to Town standards, and

WHEREAS it would benefit the general public safety of the Town if such private streets could be brought under Town maintenance, and

WHEREAS circumstances sometimes prevent existing private streets from being brought up to Town street standards for new subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby sets the following policy for the improvement and acceptance for maintenance by the Town of private streets within the Town of Chapel Hill.

1. Where neighboring property development prevents the widening of other improvement of an existing private street to the standards which would be required in a new subdivision, the Town Manager may recommend and the Council determine upon certain improvements which, if completed, will result in the acceptance of said street for maintenance by the Town.
2. If the Town receives a petition for the improvements determined under section (1), above, with 100% of the costs thereof to be assessed against the abutting property owners; and such a petition is signed by all of the abutting property owners; then the Council may consider said project with other paving projects under the terms of Article 10 of Chapter 160A N.C.G.S.
3. This policy shall apply to:
  - a. Streets built in public rights of way which were dedicated before the adoption of this policy; and
  - b. Streets built in rights of way which may have been dedicated after the adoption of this policy; and
  - c. Private streets which have been used by the general public and for which right of way has been dedicated.

This the 28th day of January, 1980.

Council member Kawalec asked if the list included all private streets in Chapel Hill. It included all except those covered by homeowners associations. THE MOTION WAS CARRIED UNANIMOUSLY.

#### Planning Board--Vacancy

The Council was notified of a vacancy on the Planning Board created by the resignation of Edward Kaiser. The term would expire June 30, 1983.

#### Historic District Commission--Appointment

Nominations for the position were Doug Johnson and Knox Tate. Those voting for Mr. Tate were Council members Herzenberg, Howes, Kawalec, Straley and Mayor Nassif. Council member Thorpe cast his vote for Mr. Johnson. Mr. Tate was appointed to a term ending December 31, 1982.

#### Reconsideration of Open Space Study

Ms. White asked for direction for the committee which was formed to consider a bond package for land acquisition. She questioned whether it would be worth spending a great deal of time and whether it would go on the May ballot. Council member Howes agreed with the Manager that this committee's work should be included in the CIP. Mr. Shipman pointed out that to be on the May ballot, work on the bond referendum should be completed by the middle of February. Mayor Nassif said he would be reluctant to place a referendum on the May ballot because the budget outlook was not good at this time.

## RESOLUTION OF APPRECIATION

WHEREAS, the football team, coaches and staff of the University of North Carolina at Chapel Hill are representatives of the people of Chapel Hill and the University, and

WHEREAS, the football team completed the 1979 season with eight victories, and

WHEREAS, the football team defeated the University of Michigan in the Gator Bowl on December 28, 1979, by a score of 17 to 15, and

WHEREAS, the University's football program has enriched the life of the community and is a source of pride for the people of Chapel Hill,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the members of the Town Council herewith acknowledge and express their appreciation for the achievement and success of the football team in 1979, and

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

This the 11th day of February, 1980.

ON MOTION BY COUNCIL MEMBER BOULTON, SECONDED BY COUNCIL MEMBER HERZENBERG, THE RESOLUTIONS WERE ADOPTED BY UNANIMOUS VOTE.

Petitions and Requests

Ms. Hunt, representing Easco Photo, had requested the Council to act on the Easco request for a drive-in business permit. The Council had at its last meeting voted to defer action on this matter until they had considered the proposed zoning ordinance. Mr. Shipman stated that Ms. Hunt had agreed to the deferred action if the Council would consider the portion of the zoning ordinance relating to drive-in businesses quickly. COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, THAT THE COUNCIL DELAY ACTION ON THIS REQUEST WHILE STUDYING THE ZONING ORDINANCE. Council member Boulton objected to delaying projects while doing this study. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBERS BOULTON AND THORPE OPPOSING.

Mr. Woodruff requested the Council to modify some of the stipulations on the special use permit for Timberlyne Office Park North. Council member Wallace moved, seconded by Council member Herzenberg, that the request be considered when the Council considered the special use permit. The motion was carried unanimously.

Minutes

On motion by Council member Kawalec, seconded by Council member Howes, the minutes of January 14, 1980, were approved as submitted. On motion by Council member Boulton, seconded by Council member Kawalec, the minutes of January 21, 1980, were approved as amended.

Resolution Denying a Special Use Permit for Graham Court Condominiums

Mr. Jennings stated there were two primary issues raised regarding this request. First was whether the conversion would violate the comprehensive plan and second was whether a special use permit could be issued to a non-conforming use and whether conversion would make the non-conformity more permanent. Although the comprehensive plan encouraged a mix of housing, the primary goal was to make housing more affordable. And, there was no standard for achieving a mix of housing. It was therefore believed by the staff the conversion would not conflict with comprehensive plan.

Non-conforming uses were allowed to continue so long as the non-conformity was not increased. The conversion would be to a different form of ownership with the same number of units and with the building size the same. Improvements to the building were not a part of the conversion request. Therefore, it was not believed the conversion would make the non-conformity more permanent. Although the staff recommended approval of the request, the Planning Board recommended the Council deny the request because it did not comply with the comprehensive plan.

Council member Boulton asked if the Council would be given information on the cost of the improvements as repairs in one year could not be more than 10% of the market value of a non-conforming structure. Mr. Denny explained that this depended on what repairs were included in this cost. The ordinance listed ordinary repairs, non-bearing walls, fixtures, wiring or plumbing. The repairs on these items would not be more than 10% of the value of the structure. The cost of repainting, landscaping or planting would have no relevancy to the matter. Council member Wallace was concerned that granting this permit could serve as a precedent throughout the town. He supported the Planning Board's recommendation. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION DENYING A SPECIAL USE PERMIT FOR GRAHAM COURT CONDOMINIUMS

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

The use meets all required conditions and specifications, 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, and

BE IT FURTHER RESOLVED that the Council hereby denies the Special Use Permit requested for said development.

This the 11th day of February, 1980.

Council member Howes commented that substantial repairs were required for the building and rent levels would probably go up. Denying the permit would not guarantee a continuance of the status quo. However, approving the permit would enlarge the supply of moderate income housing. Since some of the units would be bought by investors they would come back into the rental market. Council member Wallace responded that he did not believe the status quo would remain in any case. Permitting a qualitative alteration would dilute the non-conformity. Council member Kawalec could not find that the use met all conditions and specifications as it was non-conforming. Council member Straley said the fluxion of Chapel Hill demanded that there be rental property. Mayor Nassif stated the Council could not guarantee a price of the units, nor could it guarantee to whom they would be sold or rented. The issue was whether there was a mix of rental and owner occupied homes in Chapel Hill. Because of financial considerations apartments were not being built in Chapel Hill. The town at this time did not have the mix of housing needed for the community. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, KAWALEC, STRALEY, THORPE, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER HOWES OPPOSING.

Resolution Approving a Unified Business Special Use Permit to Village Associates for the Timberlyne Office Park North

Mr. Jennings presented the project which would combine two requests, a special use permit for a 6 acre addition to the Timberlyne Office Park North and a modification to the existing Office Park North. The applicant was also requesting a parking reduction. The staff was recommending that a bond be posted to ensure that improvements to the access road and to Weaver Dairy Road was completed. A portion of the parking area would be in the Duke Power easement. The applicant did not wish to pave all of this area as part of it would be used for storage of vehicles. The recommendation for paving was in accordance with general principles for unified office development.

Mr. Woodruff requested that the bonding be deleted. He thought the widening of Weaver Dairy Road should be tied to completion of Building #3. The bonding would be a financial burden on the developer. The stipulations required that the access road be improved when extended, and he did not believe the bond was necessary. Mr. Woodruff reiterated the request to have a portion of the parking area graveled. It would be fenced for storage.

Mr. Denny explained that the bond was for improvements to the road on the applicant's property which would be used by the applicant. This requirement was a part of the subdivision ordinance and could not be waived. Mr. Jennings added that in a development where one owner owned the entire tract, improvements could be ensured through phasing of development. In this instance, although Village Companies had an option for buying the tract, they did not own it. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A UNIFIED BUSINESS SPECIAL USE PERMIT TO VILLAGE ASSOCIATES FOR THE TIMBERLYNE NORTH OFFICE PARK

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the unified business development proposed by Village Associates if developed in accordance with the plans submitted December 17, 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 in general conformity with the plan of development of Chapel Hill and its environs.

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

WITH REGARD TO HEALTH AND SAFETY

- 1. That detailed construction plans for McClamrock Circle be approved by the Town Engineer prior to construction. Such street shall be constructed to Town standards to a minimum width of 40 feet back to back of curb with curb and gutter. A paved sidewalk shall be constructed along one side of the road for its entire length. Such improvements shall be completed prior to issuance of a certificate of occupancy for the last building within Phase VIII and prior to starting any subsequent phases. Prior to this, construction shall be completed to a point 50 feet beyond the driveway serving any building for which a certificate of occupancy is sought. McClamrock Circle shall be dedicated as a public street with a minimum 70 foot wide right-of-way width. Since the access drive for Phase 1 has been constructed, and since this access drive is not in conformance with the street design standards for McClamrock Circle, the applicant shall submit to the Town Manager a surety bond or letter of credit sufficient to cover the total estimated cost of improving the access drive to the required standards.

This bond shall also cover the required improvements to Weaver Dairy Road fronting Phase I. The type and amount of such bond shall be determined by the Town Manager and such bond or letter of credit shall be submitted to the Town Manager prior to issuance of any certificate of occupancy.

- 2. That additional public right-of-way be dedicated along the frontage of the subject property with Weaver Dairy Road. Such dedication shall measure 45 feet back of the centerline of the road and shall be recorded prior to issuance of any building permit.
- 3. That prior to issuance of a certificate of occupancy for the third building, Weaver Dairy Road shall be widened along the entire frontage of the subject development with the road to a minimum paved cross section of 53 feet back to back of curb with curb and gutter. Such improvement shall also be extended to a point 250 feet west of the western intersection plans for such road improvements shall be approved by the Town Engineer and the North Carolina Department of Transportation prior to construction.
- 4. That all buildings be connected to parking lots and to the paved sidewalk along McClamrock Circle via a network of paved walkways. Such walkway network shall be shown on the detailed landscape plan and approved by the Appearance Commission. Such walkway system shall be completed prior to the issuance of any certificate of occupancy within the applicable phase. Within Phase #1 the sidewalk along McClamrock Circle and the sidewalk connecting Building #1 to the

sidewalk along McClamrock Circle may be bonded in lieu of construction until such time as McClamrock Circle is constructed according to the proposed master plan alignment.

5. That the number, location, and installation of fire hydrants be approved by the Town Engineer. A plan for such improvements shall be approved by the Town Engineer prior to issuance of any building permit.
6. That a paved sidewalk to Town standards be constructed along the frontage of the subject property with Weaver Dairy Road. Plans for such sidewalk shall be approved by the Town Engineer prior to construction. Such improvement shall be completed prior to issuance of a certificate of occupancy for the third building.
7. That within one (1) year of extending municipal water and sewer to the Timberlyne North property, the applicant shall connect the existing office building (building #1) to the municipal water and sewer system. All future buildings (i.e. all buildings except building #1) shall be connected to the municipal water and sewer system prior to issuance of a certificate of occupancy for the applicable building.

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. Such elevations may be submitted in phases corresponding to the development phasing plan, in which case detailed architectural 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.
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. Such plans shall show adequate mechanical means for watering landscaped areas. Such landscape plan 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 certificate of occupancy for any building within the phase.
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 and such protection shall be in place prior to issuance of a grading permit or building permit.
11. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
12. That the parking areas be screened from the view of McClamrock Circle. The proposed method of screening shall be shown on the detailed landscape plan and approved by the Appearance Commission.
13. That the parking areas be screened from the view of adjoining residentially zoned properties by a solid wall, fence, or evergreen screen. The proposed method of screening shall be shown on the detailed landscape plan and approved by the Appearance Commission.
14. That a minimum 50 foot wide permanent buffer strip be dedicated along the project's frontage with Weaver Dairy Road. All existing planting within such permanent buffer shall be retained except that required for the provision of: 1) the standard sight triangles at the intersections of McClamrock Circle with Weaver Dairy Road; and 2) the Duke Power easement along the eastern property boundary. Such buffer strip shall be measured from the proposed 90 foot wide Weaver Dairy Road right-of-way line.
15. That screening of all exterior mechanical equipment be reviewed and approved by the Appearance Commission prior to issuance of a certificate of occupancy.

## OTHER CONDITIONS

16. That the name of the development be approved by the Town Manager as not duplicating or being similar to another existing development within Chapel Hill Township.
17. That sewer and utility easements be dedicated as required by the Town Manager.
18. 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. This requirement shall not apply to the existing portion of Building #1 but will apply to the proposed addition to Building #1.
19. 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 any certificate of occupancy.
20. That all structures connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each structure shall not be permitted.
21. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each structure to be served by the utility. 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.
22. 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.
23. That all off-street parking areas shall be paved. Curb and gutter shall be provided around landscaped islands, vehicle channelization devices, and other areas as determined to be necessary by the Town Engineer. Where curb and gutter is not provided concrete wheel stops shall be installed. Radii on drives shall be improved to provide safe turning movements for fire apparatus as required. The detailed design of all off-street parking areas and drives shall be approved by the Town Engineer.
24. That the applicant be permitted to reduce the number of required parking spaces by up to 33% as provided for in Section 4-C-21-d of the Zoning Ordinance on the findings that such a reduction is justified on the basis of the type of use, that the office use is not expected to need parking in the generally required ratio, no adverse increase in traffic congestion is expected because of the reduction, and the area to be freed from parking will be used for additional landscaping.
25. That all stormwater detention basins shall be privately maintained by the owner or other appropriate entity.
26. That water and sewer lines be installed to Orange Water and Sewer Authority and Town standards.
27. 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 any certificate of occupancy of any building in Phase VIII.
28. That all conditions and improvements, as shown on the approved plans or required as part of the granting of the special use permit for a particular phase of the development shall be completed prior to issuance of any certificate of occupancy within that phase.
29. That a plat dedicating all easements, open spaces and public rights-of-way shown on the sketch plan be recorded at the Orange County Register of Deeds Office prior to issuance of a certificate of occupancy for any building within the Office Park.
30. That a new special use permit incorporating all conditions previously approved for Timberlyne Office Park North as modified herein and the conditions applicable to the subject addition to the office park be recorded.

31. That the use of the portion of the property within the power line easement be in accordance with the conditions of Duke Power Company.
32. 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 Ordinance. Such change shall not be considered a modification of the special use permit.
33. That provisions for garbage collection be approved by the Town Engineer. Pads for bulk trash containers shall be constructed to Town standards.
34. That the location of the buildings and parking areas be modified as shown on the master plan dated 1/8/80. The design of the parking areas shown on the masterplan are considered schematic and are subject to detailed review and evaluation at such time as the detailed plans are prepared for each individual phase.
35. That construction begin by July 31, 1983, and be completed by July 31, 1987.

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 11th day of February, 1980.

Council member Kawalec inquired about the requirement for paving. Mr. Jennings responded that for the use of storing vehicles paving was not necessary; however, he would recommend that there be a delineation between the parking to be used for storage and that to be used for the public. The paving was a general requirement for parking areas. Council members Howes and Thorpe agreed to an amendment to except the northwest corner of the parking lot from the paving requirement. THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE:

A RESOLUTION GRANTING A UNIFIED BUSINESS SPECIAL USE PERMIT TO VILLAGE ASSOCIATES FOR THE TIMBERLYNE NORTH OFFICE PARK

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the unified business development proposed by Village Associates if developed in accordance with the plans submitted December 17, 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 HEALTH AND SAFETY

1. That detailed construction plans for McClamrock Circle be approved by the Town Engineer prior to construction. Such street shall be constructed to Town standards to a minimum width of 40 feet back to back of curb with curb and gutter. A paved sidewalk shall be constructed along one side of the road for its entire length. Such improvements shall be completed prior to issuance of a certificate of occupancy for the last building within Phase VIII and prior to starting any subsequent phases. Prior to this, construction shall be completed to a point 50 feet beyond the driveway serving any building for which a certificate of occupancy is sought. McClamrock Circle shall be dedicated as a public street with a minimum 70 foot wide right-of-way width. Since the access



drive for Phase 1 has been constructed, and since this access drive is not in conformance with the street design standards for McClamrock Circle, the applicant shall submit to the Town Manager a surety bond or letter of credit sufficient to cover the total estimated cost of improving the access drive to the required standards.

This bond shall also cover the required improvements to Weaver Dairy Road fronting Phase I. The type and amount of such bond shall be determined by the Town Manager and such bond or letter of credit shall be submitted to the Town Manager prior to issuance of any certificate of occupancy.

2. That additional public right-of-way be dedicated along the frontage of the subject property with Weaver Dairy Road. Such dedication shall measure 45 feet back of the centerline of the road and shall be approved by the Town Engineer and the North Carolina Department of Transportation prior to construction.
3. That prior to issuance of a certificate of occupancy for the third building, Weaver Dairy Road shall be widened along the entire frontage of the subject development with the road to a minimum paved cross section of 53 feet back to back of curb with curb and gutter. Such improvement shall also be extended to a point 250 feet west of the western intersection plans for such road improvements shall be approved by the Town Engineer and the North Carolina Department of Transportation prior to construction.
4. That all buildings be connected to parking lots and to the paved sidewalk along McClamrock Circle via a network of paved walkways. Such walkway network shall be shown on the detailed landscape plan and approved by the Appearance Commission. Such walkway system shall be completed prior to the issuance of any certificate of occupancy within the applicable phase. Within Phase #1 the sidewalk along McClamrock Circle and the sidewalk connecting Building #1 to the sidewalk along McClamrock Circle may be bonded in lieu of construction until such time as McClamrock Circle is constructed according to the proposed master plan alignment.
5. That the number, location, and installation of fire hydrants be approved by the Town Engineer. A plan for such improvements shall be approved by the Town Engineer prior to issuance of any building permit.
6. That a paved sidewalk to Town standards be constructed along the frontage of the subject property with Weaver Dairy Road. Plans for such sidewalk shall be approved by the Town Engineer prior to construction. Such improvement shall be completed prior to issuance of a certificate of occupancy for the third building.
7. That within one (1) year of extending municipal water and sewer to the Timberlyne North property, the applicant shall connect the existing office building (building #1) to the municipal water and sewer system. All future buildings (i.e., all buildings except building #1) shall be connected to the municipal water and sewer system prior to issuance of a certificate of occupancy for the applicable building.

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. Such elevations may be submitted in phases corresponding to the development phasing plan, in which case detailed architectural 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.
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. Such plans shall show adequate mechanical means for watering landscaped areas. Such landscape plan may be submitted in phases corresponding to the development phasing plan in which case a detailed landscape plan shall be submitted occupancy for any building within the phase.

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 and such protection shall be in place prior to issuance of a grading permit or building permit.
11. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
12. That the parking areas be screened from the view of McClamrock Circle. The proposed method of screening shall be shown on the detailed landscape plan and approved by the Appearance Commission.
13. That the parking areas be screened from the view of adjoining residentially zoned properties by a solid wall, fence, or evergreen screen. The proposed method of screening shall be shown on the detailed landscape plan and approved by the Appearance Commission.
14. That a minimum 50 foot wide permanent buffer strip be dedicated along the project's frontage with Weaver Dairy Road. All existing planting within such permanent buffer shall be retained except that required for the provision of: 1) the standard sight triangles at the intersections of McClamrock Circle with Weaver Dairy Road; and 2) the Duke Power easement along the eastern property boundary. Such buffer strip shall be measured from the proposed 90 foot wide Weaver Dairy Road right-of-way line.
15. That screening of all exterior mechanical equipment be reviewed and approved by the Appearance Commission prior to issuance of a certificate of occupancy.

#### OTHER CONDITIONS

16. That the name of the development be approved by the Town Manager as not duplicating or being similar to another existing development within Chapel Hill Township.
17. That sewer and utility easements be dedicated as required by the Town Manager.
18. 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. This requirement shall not apply to the existing portion of Building #1 but will apply to the proposed addition to Building #1.
19. 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 any certificate of occupancy.
20. That all structures connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each structure shall not be permitted.
21. That prior to paving streets, utility service lines and laterals shall be installed and stubbed-out to each structure to be served by the utility. 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.
23. That all off-street parking areas with the exception of approximately 5,000 sq. ft. located in the northwest corner of the parking lot shall be paved. Curb and gutter shall be provided around landscaped islands, vehicle channelization devices, and other areas as determined to be necessary by the Town Engineer. Where curb and gutter is not provided concrete wheel stops shall be installed. Radii on drives shall be improved to provide safe turning movements for fire apparatus as required. The detailed design of all off-street parking areas and drives shall be approved by the Town Engineer.

24. That the applicant be permitted to reduce the number of required parking spaces by up to 33% as provided for in Section 4-C-21-d of the Zoning Ordinance on the findings that such a reduction is justified on the basis of the type of use, that the office use is not expected to need parking in the generally required ratio, no adverse increase in traffic congestion is expected because of the reduction, and the area to be freed from parking will be used for additional landscaping.
25. That all stormwater detention basins shall be privately maintained by the owner or other appropriate entity.
26. That water and sewer lines be installed to Orange Water and Sewer Authority and Town standards.
27. 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 any certificate of occupancy of any building in Phase VIII.
28. That all conditions and improvements, as shown on the approved plans or required as part of the granting of the special use permit for a particular phase of the development shall be completed prior to issuance of any certificate of occupancy within that phase.
29. That a plat dedicating all easements, open spaces and public rights-of-way shown on the sketch plan be recorded at the Orange County Register of Deeds Office prior to issuance of a certificate of occupancy for any building within the Office Park.
30. That a new special use permit incorporating all conditions previously approved for Timberlyne Office Park North as modified herein and the conditions applicable to the subject addition to the office park be recorded.
31. That the use of the portion of the property within the power line easement be in accordance with the conditions of Duke Power Company.
32. 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 Ordinance. Such change shall not be considered a modification of the special use permit.
33. That provisions for garbage collection be approved by the Town Engineer. Pads for bulk trash containers shall be constructed to Town standards.
34. That the location of the buildings and parking areas be modified as shown on the master plan dated 1/8/80. The design of the parking areas shown on the master plan are considered schematic and are subject to detailed review and evaluation at such time as the detailed plans are prepared for each individual phase.
35. That construction begin by July 31, 1983, and be completed by July 31, 1987.

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 11th day of February, 1980.

Resolution Granting a Unified Business Development Special Use Permit to Guido Demaere and Robert J. Page, Co-Trustees for the Hotel L'Europe/Village Office Park Complex

Mr. Jennings explained that the Council had granted two separate permits, which the developers now requested be combined. The hotel would be increased by 24 rooms; the parking deck would be eliminated; and the parking would be reduced. The applicants also requested that the pool be relocated. The site plan for the office park was being modified and the elevations revised. The applicants explained the request for parking reduction by saying that peak usage of the hotel would be at the off-peak usage for the office park. Overflow parking would go to the office park lot. The staff believed the reduction in parking to be reasonable. There would be more open space in the center of the hotel area, but less overall. There was a buffer between the hotel and the town cemetery, although the buffer was land owned by the town. Council member Kawalec warned that present plans called for the elimination of this buffer. The buffer left by the applicant would be approximately 8'.

Mr. O'Brien stated the modified plan left more landscaping between the rooms and the parking. Mayor Nassif asked if the parking was on grade. It was. Trees would be left in the 8' buffer.

Council member Howes thought the site design better with the modifications. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER WALLACE ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO GUIDO DEMAERE AND ROBERT J. PAGE, CO-TRUSTEES, FOR THE HOTEL L'EUROPE/VILLAGE OFFICE PARK COMPLEX

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

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

1. That the elevations of the office building in Phase 2 of Village Office Park be redesigned so as to be visually compatible with the Phase 1 office building, and more importantly with the hotel complex, as determined by the Appearance Commission.
2. That a new special use permit incorporating all conditions previously approved for both Hotel L'Europe and Village Office Park, as modified herein, be recorded.
3. That a revised site plan for the Hotel L'Europe/Village Office Park development incorporating all required conditions be submitted to and approved by the Town Manager prior to issuance of a building permit or grading permit.
4. That a system of paved walkways be constructed to connect the entrance/exit points of the buildings to the parking area. Such system of walkways shall be continued across Mt. Moriah Road Extension to connect with the proposed bus shelter. The walkway system shall be shown on the site plan and shall be approved by the Appearance Commission.
5. That additional right-of-way be dedicated along the project's frontage with the north side of Legion Road to achieve a right-of-way width measuring 35 feet from the centerline of the road. Such dedication shall be recorded prior to issuances of a building permit for the hotel or second office building.
6. That the northern side of Legion Road be widened along its frontage with the subject development to meet the design requirements for a 33 foot wide street cross section. Such improvements shall include the provision of curb and gutter to Town standards. Such improvements shall be completed prior to issuance of a certificate of occupancy for either the hotel or the second office building.
7. That all off-street parking areas and drives be paved with curb and gutter including those yet to be constructed within the office development. This shall not apply to the existing parking area serving Building #1.
8. 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 Ordinance. Such change shall not be considered a modification of the special use permit.

9. That the final design for fire protection, including location and number of fire hydrants, and location and number of siamese pumper connections, and layout of water lines be approved by the Town Engineer prior to issuance of a building permit. The installation of such hydrants shall be approved by the Town Engineer. Fire hydrants shall be connected by a water line having a minimum diameter of eight (8) inches. The two hotel buildings shall be fully sprinklered.
10. That the following changes be made to the parking/circulation plan as shown on the sketch plan dated 2/11/80. The detailed design of these changes to the parking/circulation plan shall be reviewed and approved by the Town Engineer.
  - a. Redesign the main entrance to the hotel from Mt. Moriah Church Road Extension to increase the separation between the ingress and egress lanes to approximately 20 feet.
  - b. Relocate the existing entrance onto Legion Road. The existing entrance shall be closed.
  - c. Realign the parking area located on the west side of the proposed restaurant/night club to provide approximately 60 feet of vehicle storage space between Mt. Moriah Church Road Extension and the entrance to the subject parking lot. That the ingress/egress point onto Mt. Moriah Church Road located between the restaurant/night club building and the second office building be redesigned to increase the width to 30 feet.
  - d. That the southernmost ingress/egress point onto Mt. Moriah Church Road Extension be deleted.
  - e. That minimum 47 foot turning radii be provided to accommodate fire apparatus on the loop drive around the hotel building and on the internal driveway connecting the hotel and office portions of the subject development.
11. That the access drive of the existing house fronting on Legion Road and located just west of the subject development be relocated so as not to conflict with the proposed extension of Mt. Moriah Road to Legion Road. The location of the driveway to the residence shall be approved by the Town Engineer prior to issuance of a building permit. The well and pump house and septic tank and drain field must be relocated as necessary to avoid conflicts with the construction of Mt. Moriah Church Road Extension.
12. That Mt. Moriah Church Road Extension be paved to a minimum width of 38 feet back to back of curb with curb and gutter.

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 11th day of February, 1980.

Council member Boulton questioned the standards for the size of buffer. Mr. Jennings explained that it depended on the type of activity and the use of the sites. Council member Straley asked if noise had been a consideration in deciding how large the buffer should be. Mr. Jennings responded that the primary noise would be from the restaurant and lounge which would be on the opposite side of the tract. THE MOTION WAS CARRIED UNANIMOUSLY.

#### Community Development

Mr. Shipman had distributed a report on the administrative regulations. Council member Kawalec asked that this be deferred to a work session. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER WALLACE, THAT THE MATTER BE DEFERRED TO A WORK SESSION. THE MOTION WAS CARRIED UNANIMOUSLY. Mr. Shipman suggested that it be considered on the 21st.

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

COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE

BE IT ORDAINED by the Council of the Town of Chapel Hill that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Community Development Block Grant Small Cities Program for the Northside Target Area consisting of a coordinated program of housing and neighborhood improvements, more specifically known as Community Development Block Grant Program Grant No. B-79-DS-37-0006 as awarded by the U.S. Department of Housing and Urban Development. The project includes rehabilitation grants; acquisition and rehabilitation of structures; acquisition of real property; demolition; acquisition of vacant parcels; relocation payments; street construction and the provision of a linear park; and land acquisition for subsidized housing.

Section 2. The Manager of the Town of Chapel Hill is hereby directed to proceed with the implementation of the project within the terms of the grant agreement executed with the Department of Housing and Urban Development and within the funds appropriated herein.

Section 3. The following revenue is anticipated to be available to the Town to complete activities programmed for year 1 of the three year funding cycle:

C.D. Small Cities Program Grant \$700,000

Section 4. The following amounts are appropriated for the project:

Acquisition of Real Property.....	\$ 93,055
Disposition of Real Property.....	700
Public Facilities and Improvements.....	245,385
Clearance Activities.....	4,200
Relocation Payments and Assistance.....	83,110
Rehabilitation and Preservation.....	194,265
General Administration.....	58,995
Non-departmental.....	20,290
	<u>\$700,000</u>

Section 5. All funds expended from the General Fund on behalf of this project shall be repaid to the General Fund from the capital project.

Section 6. The Manager is directed to report annually on the financial status of the project in an informational section to be included in the Annual Budget. He shall also keep the Council informed at each regular meeting of any unusual occurrences.

Section 7. Copies of this project ordinance shall be entered into the minutes of the Council and copies shall be filed within 5 days of adoption with the Manager, Finance Director, and Clerk.

This the 11th day of February, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

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

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

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

ARTICLE I

	<u>CURRENT BUDGET</u>	<u>INCREASE</u>	<u>DECREASE</u>	<u>REVISED BUDGET</u>
GENERAL FUND				
Mayor and Council	94,190	700	--	94,890
Sundry Contingency	15,765	--	700	15,065
TRANSIT CAPITAL GRANT	1,493,673	2,032,723	--	3,526,396

ARTICLE II

TRANSIT CAPITAL GRANT	1,493,673	2,032,723	--	3,526,396
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11th day of February, 1980.

THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBERS BOULTON AND WALLACE OPPOSING.

Ordinance Granting Robbins-Lester, Inc., a Non-Exclusive Franchise to Operate a Limited Customer Transportation Service Within the Corporate Limits of the Town

Council member Boulton asked if the Tijuana Fats bus would interfere with town buses as they would be using the same stops. Mr. Clark Church, the restaurant's representative, answered that there would be no layovers. The bus would pick up anyone wanting to go to the restaurant. There would be no way of stopping others from using this bus just to go down Rosemary Street. Council member Howes asked if this would be an experiment. Mr. Church said he was applying for a franchise for a year and would monitor the response to the idea. Council member Boulton commented that if successful, other businesses might copy the idea. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE GRANTING ROBBINS-LESTER, INC., A CORPORATION, A NON-EXCLUSIVE FRANCHISE TO OPERATE A LIMITED CUSTOMER TRANSPORTATION SERVICE WITHIN THE CORPORATE LIMITS OF THE TOWN

WHEREAS, it appears to the Council of the Town of Chapel Hill, and the Council finds as a fact, that it would be in the public interest, and that public convenience and necessity requires that the Town grant to Robbins-Lester, Inc., a corporation, a non-exclusive franchise to render limited motor bus transportation service as hereinafter provided between points and places within the Town,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL:

That a consent and permission be, and the same is hereby given and granted to Robbins-Lester, Inc., a corporation, to engage in the furnishing of passenger transportation service as hereinafter provided over present and future streets in the Town, along the routes established from time to time as herein provided with the equipment and for the purposes as herein set forth, and to that end it is hereby authorized to operate over, along, and across the streets and highways within the Town, buses subject to the following terms and conditions:

1. Services to be rendered. The operation of buses over streets and highways within the Town shall be as to provide limited motor bus transportation service from Tijuana Fats restaurant located at 403 W. Rosemary Street, which is within the corporate limits of Chapel Hill, for the purpose of transporting its customers from said restaurant to the University of North Carolina at Chapel Hill, North Carolina Memorial Hospital, and to the Central Business District of the Town. It is the sole intent and purpose of this franchise to grant to Robbins-Lester, Inc. the authority and permission to operate over the streets of the Town for the purpose of providing such motor bus transportation to said points along the routes as hereinafter defined, with stops as herein set forth, and with passengers limited as herein provided.

2. Routes. Routes along streets of the Town shall be as provided on the attached map marked "Attachment A". Any change in the route of the buses shall be subject to prior written approval of the Town Manager of Town and the Director of Transportation, and will be shown on a map affixed to a copy of this franchise.
3. Bus Stops. Buses operated pursuant to this franchise shall stop for the purpose of loading and unloading passengers only at points designated on said map attached hereto as Attachment "A" as may be modified from time to time with agreement of the Town Manager and the Director of Transportation. Except for emergency purposes, said buses shall not pick up or discharge passengers at other stops along said route.
4. Passengers. Passengers on said buses shall be limited to bona fide customers of the restaurant known as Tijuana Fats located at 403 W. Rosemary Street, Chapel Hill, Orange County, North Carolina.
5. Charges. No charges will be made for persons riding any of the buses operated pursuant to this franchise.
6. Number and Type of Buses. Permission is herewith granted for the operation of one school-type bus of a height not to exceed 10 feet.
7. Insurance. Robbins-Lester, Inc. agrees to carry, at times when operated over the public streets of the Town pursuant to this franchise, insurance so as to indemnify and save harmless Town from any claims, liability, damages, occasioned by the operation of said buses on streets of Town, and Robbins-Lester, Inc. agrees to indemnify and save harmless Town from any and all such claims, demands, liabilities, actions and causes of actions, occasioned by the operation under this franchise.
8. Duration of Franchise. This franchise shall exist and continue for a period of one year after final action by the Council thereon, and may be renewed for mutually acceptable periods thereafter upon application to and approval by the Town.
9. The franchise granted herein to Robbins-Lester, Inc. by the Council shall in no way prohibit or prevent the Council of the Town of Chapel Hill from granting other franchises, or from the operations of any mass transportation system within or into Town.
10. Assignment. This franchise and the right contained hereunder shall not be sold or assigned, or in any manner transferred without the prior expressed approval of the Council.

This the 11th day of February, 1980.

Mayor Nassif stated that in the past the town had not allowed any other bus to compete with town buses. He was against any bus operating on town streets except town buses. Council member Howes responded that the Transportation Board had considered the matter and did not believe this would interfere with town buses. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO THREE WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, STRALEY AND THORPE SUPPORTING AND COUNCIL MEMBERS BOULTON, WALLACE AND MAYOR NASSIF OPPOSING.

#### Work Sessions

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

#### A RESOLUTION REGARDING WORK SESSIONS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby schedules work sessions as a committee of the whole at 4 p.m. on the Thursdays immediately preceding each regular council meeting, exclusive of quarterly public hearings, in the Meeting Room of the Municipal Building, 306 North Columbia Street, for the purpose of reviewing the regular meeting agendas with the Manager.

This the 11th day of February, 1980.



Council member Thorpe commented that work sessions during the day would lead to a point where citizens could not serve in office because they could not adjust their work schedules. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman had also distributed a tentative schedule of work sessions to review the comprehensive plan.

Resolution Scheduling a Joint Public Hearing on March 25, 1980

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

A RESOLUTION RESCHEDULING THE MARCH, 1980, PUBLIC HEARING

WHEREAS the current schedule of public hearings as provided in the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" provides for a public hearing on rezoning and special use requests on March 17, 1980; and

WHEREAS it will be impossible to have a quorum of the Council present on said date because of a conflict with the Congressional Cities Conferences; and

WHEREAS it is in the interests of justice that developers not be required to delay their proposals until the following quarterly public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds an emergency exists with respect to the consideration of development requests which have or may be filed in time for consideration at the regularly scheduled March, 1980, public hearing in the event said hearing is not held and that a hearing should be scheduled for March 25, 1980; and that the hearing set for March 17, 1980, is hereby cancelled and a special public hearing is hereby set for March 25, 1980;

BE IT FURTHER RESOLVED that the Council hereby calls a public hearing on March 25, 1980, at 7:30 p.m. in the Meeting Room of the Chapel Hill Municipal Building, 306 N. Columbia Street, to consider the petition of Frank Umstead for annexation of an area north of Umstead Drive (Ironwoods Development).

This the 11th day of February, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Committees

The Council was notified of three vacancies on the Historic District Commission created by expiration of the terms of Eleanor Kinnaird, Edward Yaggy and Richard Lamberton.

The Planning Board had submitted the name of William Rohe for nomination to fill the vacancy created by the resignation of Edward Kaiser.

The Transportation Board had requested the Council declare a vacancy as Ms. Dean had not been to several board meetings. Council member Thorpe asked that anyone whose position was being declared vacant be sent a letter so stating, with a copy to the Council. COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION DECLARING A TRANSPORTATION BOARD VACANCY

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares the Transportation Board seat of Marcia Dean vacant, in accordance with the by-laws of said board, and directs the Transportation Board to recommend nominations for said seat.

This the 11th day of February, 1980.

Council member Boulton asked the board to consider another student to replace Ms. Dean. THE MOTION WAS CARRIED UNANIMOUSLY.

Council member Kawalec announced that the Cemetery Committee would be meeting on February 18, 1980, at 4:00 p.m. to consider policy recommendations.

Discussion of Real Property Acquisition (Clearwater)

Council member Boulton suggested the Council direct the Manager and his staff to investigate the possibility of acquiring Clearwater Lake. Recreation Commission studies might have information on this. Council member Wallace also requested the Mayor to indicate to the "Y" that the Town was interested in their offer to sell the land. Mayor Nassif explained that the attorney on instructions by the Council had drafted an option for the purchase of Clearwater. Mayor Nassif suggested the staff could consider whether improvements needed to be made to the lake, the estimated cost of those improvements as well as the cost of the lake itself. Mr. Hooper recommended that as the Town might be in a position to apply for state funding of open space, that they inform the state of negotiations. Council member Kawalec objected that that study would be taking the lake out of the CIP process.

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

RESOLUTION DIRECTING THE MANAGER TO INVESTIGATE THE POSSIBILITY OF PURCHASING CLEARWATER

WHEREAS the Council of the Town of Chapel Hill is interested in the possible purchase of Clearwater Lake,

NOW, THEREFORE, BE IT RESOLVED that the Council directs the Manager, with the assistance of staff, the Recreation Commission and the Planning Board, to investigate the feasibility of purchasing Clearwater Lake, with regard to cost of the property, uses to be made of the property, improvements needed and the estimated cost of such improvements and methods of funding such purchase, to the extent possible without an expenditure of funds;

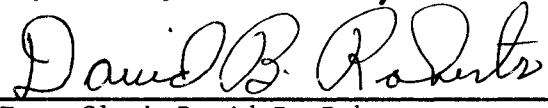
FURTHER, BE IT RESOLVED, that the Council directs the Manager to express its interest in purchasing the property to the YMCA.

This the 11th day of February, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

  
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Mayor Joseph Nassif

  
\_\_\_\_\_  
Town Clerk David B. Roberts

MINUTES OF A REGULAR MEETING OF THE  
MAYOR AND CHAPEL HILL TOWN COUNCIL  
MUNICIPAL BUILDING  
MONDAY, FEBRUARY 25, 1980  
7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton  
Joseph Herzenberg  
Jonathan Howes  
Beverly Kawalec  
Joe Straley  
Bill Thorpe  
James Wallace (late)

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council member Smith was still ill.

Petitions and Requests

There were no petitions.

Minutes

On motion by Council member Kawalec, seconded by Council member Straley, the minutes of January 28, 1980, were approved as corrected. On motion by Council member Kawalec, seconded by Council member Straley, the minutes of February 11, 1980, were approved as corrected.