

MINUTES OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL
MUNICIPAL BUILDING, MONDAY, APRIL 28, 1980
7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

- Marilyn Boulton
- Joseph Herzenberg
- Jonathan Howes
- Beverly Kawalec
- R.D. Smith
- Joe Straley
- Bill Thorpe

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Council member Wallace was excused.

Resolution of Appreciation - Edward Yaggy

Mayor Nassif read the following resolution of appreciation.

RESOLUTION

WHEREAS, Mr. Edward Yaggy served on the Historic District Commission from the appointment of the original Commission members on January 30, 1977 until April 14, 1980, and

WHEREAS, Mr. Yaggy was an active and influential member of the Commission, who gave freely of his time and care to the work of the Commission, and

WHEREAS, Mr. Yaggy brought his special experience and interests and viewpoints to Commission discussions, and took care to balance the general interests of the community with the rights of property owners, and

WHEREAS, Mr. Yaggy has attended to the details that are of particular importance to the Chapel Hill Historic District, and

WHEREAS, Mr. Yaggy is admired and commended for his dedication to historic preservation in Chapel Hill, Carrboro, North Carolina and the nation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Members of the Town Council of Chapel Hill do gratefully acknowledge the good service and fine contributions Mr. Yaggy has so willingly made to our community, and

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

This the 28th day of April, 1980.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

Petitions and Requests

Residents of Clayton Road had presented a petition for stop signs at the corner of Clayton Road at its intersection with Audubon. COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER STRALEY, TO REFER THE MATTER TO THE MANAGER FOR REPORT BACK TO THE COUNCIL. THE MOTION WAS CARRIED UNANIMOUSLY.

Council member Thorpe announced that the following resolution of appreciation would be delivered to Ms. Cannady's home.

WHEREAS, Claudia C. Cannady has been a lifelong resident of our community and involved in the affairs of the Town, and

WHEREAS, she has held several important positions of trust helpful to the Town including that as a Member of the Recreation Commission from June 1967 to April 1975, and

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WHEREAS, as Assistant to Mayor James C. Wallace from February 1976 to March 1980, she always worked conscientiously and diligently to meet the needs and concerns of all citizens who contacted the Mayor's Office, and

WHEREAS, she was chosen by WCHL radio as one of the outstanding twenty-five Chapel Hill citizens for the quarter century 1953-78, and

WHEREAS, through her many kindnesses, she has always kept a positive attitude toward the life of this community, and

WHEREAS, through her unselfish service, she always sought a better life for all;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND MEMBERS OF THE COUNCIL OF THE TOWN OF CHAPEL HILL, that they acknowledge with appreciation, and by these presents do evidence the outstanding contribution of Claudia C. Cannady to the life of this community, and

BE IT FINALLY RESOLVED, that this Resolution be made a part of the permanent records of the Town of Chapel Hill, and recorded in its official minutes.

This the 28th day of April, 1980.

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearings - Transportation and General Revenue Sharing Funds

Mayor Nassif recessed the meeting and called the public hearing to order. The hearing was to give the public an opportunity to comment on bus fares and pass prices for 1980-81. The manager had recommended one schedule of prices with the Transportation Board recommending another schedule.

Council member Straley asked if the level of service could not be maintained with pass prices slightly lower than recommended by the Manager. Mr. Shipman explained that the price was based on an assumed number of trips in a year with the fare at \$.35. He did not want the pass prices so artificially low there would be no income from the farebox. Council member Straley asked what percentage of income was coming from passes, and what income was from passengers. Mr. Shipman responded \$200,000 was from passes. Council member Boulton inquired where the goal of 33% from fares had originated. Mr. Shipman answered this was an industry standard nationwide. Mayor Nassif wanted a chart of incremental increases in pass prices over the years. Mr. Shipman said he would have this information later, and reminded the Council that last year was the first rise in prices for four years.

Mr. Lathrop explained the University's price schedule over the last few years. He stated that although there was a difference between the Transportation Board's recommendation and the manager's recommendation, they were both united in the same goal. The Transportation Board was concerned that the Manager's recommendation was too large an increase at one time. Mr. Lathrop also pointed out the increase in cash fare was limited because of coinage. When asked Mr. Shipman listed other revenues such as those from the University, the intangibles tax and the state emergency funds. Council member Straley asked that the Council be provided with a more detailed breakdown of revenues before they voted on the transportation budget.

Mr. Bob Saunders, Student Body President, supported the Transportation Board recommendation. He believed that setting the pass price higher than that of the parking stickers would cause a decrease in student ridership. The price increases should be phased in gradually.

Council member Howes asked if there was any indication as to what discount the University would give this year. Mr. Shipman had talked with Mr. Temple, but no decision had been made.

Council member Smith commented that even if the Council set the pass price at \$79, the Manager's recommended price, students could not operate a car for the \$7 difference between the pass price and a parking sticker.

Council member Straley asked if the average student would ride 38 times a month, the number of which the pass price was based. Mr. Saunders believed it would be typical for a student who depended totally on the bus. In that case, the pass would provide a good discount.

Mr. Warren Collier, a member of the Transportation Board, also supported the Board's recommendation. He believed that recommendation better for the students.

Council member Smith asked what the University paid last year for passes. Mr. Shipman responded he would have to give the Council this information later. He did not have a total figure as the University paid to different funds.

There were no further comments from the audience. COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif called the public hearing on the application for transit assistance grants to order.

Mr. Shipman stated the grant would be used to purchase 15 buses, 4 sedans, a life-equipped van, 16 fareboxes, and 12 radios with a contingency left over. The town would also be applying for a transit planning grant. It was anticipated that the University and Carrboro would participate in providing the local match for the grants.

Council Member Smith asked why the Town would be buying more radios. Mr. Shipman explained that some of the buses the town was using did not have radios. These would also provide some spares. Mr. Shipman wanted all buses radio equipped.

Council member Boulton asked why the town would be purchasing a life-equipped van if the buses had to be equipped with lifts. Ms. D'Ignazio explained that under federal regulations one-half of the buses had to be lift-equipped. If the town did not receive a waiver of this requirement, it might not purchase the lift-equipped van. She believed the van provided a better service for the handicapped, but it did not meet federal regulations. Lifts would be put on all new buses ordered. The Council would have to determine whether it wanted to continue to operate E-Z Rider. Mayor Nassif asked if there were automatic counters on the buses. There were not. There were no comments from the audience. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER SMITH, THAT THE MATTER BE REFERRED TO THE MANAGER AND THE TRANSPORTATION BOARD. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif called the public hearing for reallocation of 1979-80 General Revenue Sharing Funds to order. Ms. Parker explained that 25% of the revenue sharing funds were not being used as originally programmed. She listed the changes proposed.

Council member Straley asked if the town had decided not to buy park-ride lots. Ms. Parker stated that planning priorities had changed; therefore funds would be used for vehicle replacement. It was believed the University's decision to build an athletic center would provide some relief from the parking problem.

Council member Thorpe commented that the Town should work to keep the revenue sharing program. The Town had become used to these funds each year.

There were no comments from the audience. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER STRALEY, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Nassif called the public hearing on the proposed use of General Revenue Sharing Funds for 1980-81 to order. Ms. Parker stated that the hearing was not only on the proposed use of new funds to be received, \$405,000, but also on \$61,000 remaining in the trust fund this year. The Manager recommended these funds be used for the purchase of capital equipment and for parks maintenance. The revenue sharing funds would not be needed for transportation as in past years because of the availability of operating assistance.

Council member Straley asked why the park-ride lots were not listed in this proposal. Mr. Shipman did not believe it was necessary to develop park-ride lots in this budget year. He explained that the Council in deciding to reallocate funds for the vehicle replacement program had changed its priorities. This decision had been made on the basis of the recommendations made by the manager and the Transportation Planning Committee.

Council member Kawalec wanted the staff to consider ways to have more public participation in the budget. She noted that no one had spoken tonight on the use of revenue sharing funds. Ms. Parker reminded the Council there would be a later public hearing after the budget had been presented. There were no comments from the audience. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER THE MATTER TO THE MANAGER. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing the Town Manager to Submit Highway, Public Transportation and Bikeways Improvement Recommendations to the Governor's Commission on Transportation Needs and Financing

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

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO SUBMIT HIGHWAY, PUBLIC TRANSPORTATION AND BIKEWAYS IMPROVEMENTS RECOMMENDATIONS TO THE GOVERNOR'S BLUE RIBBON COMMISSION ON TRANSPORTATION NEEDS AND FINANCING

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to submit the following recommendations to the Governor's Blue Ribbon Commission on Transportation Needs and Financing:

That the Town receive public transportation assistance for the following projects in the immediate future (one to five years)

1. Annual Operating assistance equal to one-half the net cost of service.
2. Federal and state capital assistance to purchase 30 new transit vehicles.
3. Federal and state capital assistance to purchase 10 paratransit and 2 support vehicles.
4. Federal and state capital assistance to construct park-ride lots on NC 54 East and/or US 15-501 North (the alternative dependent on the University of North Carolina's on-campus parking construction).
5. Continued operating assistance to support the regional ridesharing program.

That the Town receive public transportation assistance for the following projects in the intermediate future (five to ten years):

1. Annual operating assistance equal to one-half the net cost of service.
2. Federal and state capital assistance to purchase 4 new transit vehicles.
3. Federal and state capital assistance to purchase 8 paratransit and 2 support vehicles.
4. Federal and state capital assistance to construct park-ride lots on US 15-501 North or US 15-501 South (the alternative dependent on the University of North Carolina's on-campus parking construction).
5. Continued operating assistance to support the regional ridesharing program.

That the Town receive public transportation assistance for the following projects in the long term (ten to twenty years):

1. Operating assistance equal to one-half the net cost of service.
2. Federal and state capital assistance to purchase 10 new transit vehicles.
3. Federal and state capital assistance to purchase 16 paratransit and 2 support vehicles.
4. Federal and state capital assistance to construct park-ride lots on US 15-501 South and NC 86 or NC 86 only (alternative dependent on University of North Carolina's on-campus parking construction).

That the Town receive highway maintenance assistance for the following projects in the intermediate future (five to ten years):

1. Resurface Airport Road
2. Resurface Manning Drive
3. Resurface Christopher Road
4. Pave Dobbins Drive

That the Town receive highway maintenance assistance in the long term (ten to twenty years) for resurfacing as indicated by regular evaluation of the road surface.

That the Town receive bikeways assistance for the following projects in the immediate future (one to five years):

1. Bike lanes or paths on Estes Drive from Caswell Road to NC 86.
2. Bike lane on the north side of Ephesus Church road from Colony Woods Drive to the Ephesus Road School.
3. Bike land on the west side of Airport Road from Estes Drive to Hillsborough Road.
4. Bike lane on the east side of Airport Road from Hillsborough Road to Rosemary Street.
5. Bike lanes on both sides of the proposed Willow Drive connector.

That the Town receive bikeways assistance for the following projects in the intermediate future (five to ten years):

1. Bike lanes on South Columbia from Manning Drive to the US 15-501 Bypass.
2. Bike path or lane on the south side of Ephesus Church road from Colony Woods Drive to the US 15-501 Bypass.
3. Bike path on the north side of Ephesus Church Road from the Ephesus Road School to the US 15-501 Bypass.
4. Bike path on the south side of Estes Drive from Caswell Road to East Franklin Street.
5. Bike lanes on both sides of the Estes Drive Extension from Umstead Drive to the city limits (with continuation into Carrboro to North Greensboro Street supported).
6. Grade separated bike paths along US 15-501 Bypass from Smith Level Road to Morgan Creek Road; from Laurel Hill road to Hayes Road; and from Willow Drive to Ephesus Church Road.
7. Bike lanes on both sides of Manning Drive from the south campus dormitories to the US 15-501 Bypass.

That the Town receive bikeways assistance for the following projects in the long term future (ten to twenty years):

1. Bike lanes on Merritt Mill Road.
2. Bike lanes on Airport Road from Estes Drive north to the corporate limits.
3. Bike path or lane on the south side of Franklin Street from Park Place to US 15-501 North.
4. Bikepath connecting segments of the access roads on both sides of US 15-501 North.
5. Bike lane along the south side of NC 54 East from Country Club Road to Greenwood Road.
6. Bike lanes along both sides of NC 54 East from Greenwood Road to the corporate limits.
7. Bike lanes on Estes Drive Extension from Umstead Drive to NC 86.
8. Bike lanes on both sides of Seawell School Road from Estes Drive Extension to Homestead road.

This the 28th day of April, 1980.

That the Town receive highway construction funding for the following projects in the immediate future (one to five years):

1. Widen the 15-501 Bypass to a four lane urban cross-section with curb and gutter.
2. Widen Manning Drive to four lanes from Ehringhaus Dormitory to the 15-501 Bypass.
3. Widen South Columbia to four lanes from Manning Drive to the 15-501 Bypass.
4. Widen Ephesus Church Road to four lanes from the US 15-501 bypass to the Ephesus Road School.
5. Paving and extension of the service roads along both sides of US 15-501 Boulevard from the city limits to Franklin Street after a detailed study to determine the need for such facilities has been conducted.
6. Construct a connector between the intersection of Willow Drive and the US 15-501 Bypass and Ephesus church road.
7. Widen Estes Drive to four lanes between Caswell Road and NC 86.
8. Improve US 15-501 South.
9. Improve NC 86 and NC 54 East.
10. Improve Merritt Mill Road as indicated by a revised and adopted thoroughfare plan.
11. Improve South Columbia from Cameron Avenue to Manning Drive as indicated by a revised and adopted thoroughfare plan.

That the Town receive highway construction funding for the following projects in the intermediate future (five to ten years):

1. Improvements to Weaver Dairy Road as indicated by a revised and adopted thoroughfare plan.
2. Improvements to Legion Road as indicated by a revised and adopted thoroughfare plan.

That the Town receive highway construction funding for the following projects in the long term future (ten to twenty years):

1. Improvement to Franklin Street as indicated by a revised and adopted thoroughfare plan.
2. Improvement to the Durham Boulevard as indicated by a revised and adopted thoroughfare plan.
3. Improvement to Estes Drive as indicated by a revised and adopted thoroughfare plan.
4. Improvement to Manning Drive as indicated by a revised and adopted thoroughfare plan.
5. Construct a connector between US 15-501 South and NC 54 East as indicated by a revised and adopted thoroughfare plan.

That the Town receive highway maintenance assistance for the following projects in the immediate future (one to five years):

1. Resurface Old Durham road.
2. Resurface Merritt Mill Road.
3. Resurface Hayes Road.
4. Resurface Franklin Street.
5. Resurface Legion Road.
6. Replace damaged sections of curb and gutter along Franklin Street.
7. Assign snow removal equipment and personnel to Chapel Hill.

That the Town receive highway construction funding for the following projects in the immediate future (one to five years):

1. Widen the 15-501 Bypass to a four lane urban cross-section with curb and gutter.
2. Widen Manning Drive to four lanes from Ehringhaus Dormitory to the 15-501 Bypass.
3. Widen South Columbia to four lanes from Manning Drive to the 15-501 Bypass.
4. Widen Ephesus Church Road to four lanes from the US 15-501 bypass to the Ephesus Road School.
5. Paving and extension of the service roads along both sides of US 15-501 Boulevard from the city limits to Franklin Street after a detailed study to determine the need for such facilities has been conducted.
6. Construct a connector between the intersection of Willow Drive and the US 15-501 Bypass and Ephesus church road.
7. Widen Estes Drive to four lanes between Caswell Road and NC 86.
8. Improve US 15-501 South.
9. Improve NC 86 and NC 54 East.
10. Improve Merritt Mill Road as indicated by a revised and adopted thoroughfare plan.
11. Improve South Columbia from Cameron Avenue to Manning Drive as indicated by a revised and adopted thoroughfare plan.

That the Town receive highway construction funding for the following projects in the intermediate future (five to ten years):

1. Improvements to Weaver Dairy Road as indicated by a revised and adopted thoroughfare plan.
2. Improvements to Legion Road as indicated by a revised and adopted thoroughfare plan.

That the Town receive highway construction funding for the following projects in the long term future (ten to twenty years):

1. Improvement to Franklin Street as indicated by a revised and adopted thoroughfare plan.
2. Improvement to the Durham Boulevard as indicated by a revised and adopted thoroughfare plan.
3. Improvement to Estes Drive as indicated by a revised and adopted thoroughfare plan.
4. Improvement to Manning Drive as indicated by a revised and adopted thoroughfare plan.
5. Construct a connector between US 15-501 South and NC 54 East as indicated by a revised and adopted thoroughfare plan.

That the Town receive highway maintenance assistance for the following projects in the immediate future (one to five years):

1. Resurface Old Durham road.
2. Resurface Merritt Mill Road.
3. Resurface Hayes Road.
4. Resurface Franklin Street.
5. Resurface Legion Road.
6. Replace damaged sections of curb and gutter along Franklin Street.
7. Assign snow removal equipment and personnel to Chapel Hill.

THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTED OF THE FOLLOWING RESOLUTION.

A RESOLUTION AUTHORIZING THE MANAGER TO SUBMIT RECOMMENDATIONS TO THE GOVERNOR'S BLUE RIBBON COMMISSION ON TRANSPORTATION NEEDS AND FINANCING

WHEREAS, the State of North Carolina is experiencing increasing costs for maintenance of existing roads and construction of new roads, and is facing the possibility of declining revenues from gasoline;

AND WHEREAS, the State of North Carolina does not currently have a dedicated funding source for public transportation assistance;

AND WHEREAS, the Town of Chapel Hill is also facing increasing road maintenance and construction costs and static or declining state assistance from the Powell Bill allocation;

AND WHEREAS, the local vehicle registration fee is currently limited to \$1.00/vehicle of which the Town receives only \$.80 per vehicle;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town recommends to the Governor's Blue Ribbon Commission on Transportation Needs and Financing;

1. That state gasoline taxes be increased. In doing so the state should consider the option of a percentage of cost per gallon tax rather than a fixed rate cents per gallon tax.
2. That the state revise the Powell Bill formula and/or increase the statewide total amount of money available to at least maintain, and preferably increase, the state assistance to incorporated municipalities for local road maintenance.
3. That the state institute a dedicated tax or develop some other method to establish a continuous, guaranteed source of public transportation assistance funds.
4. That the state revise current enabling legislation to allow local governments to substantially increase the local vehicle registration fees.

This the 28th day of April, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Regarding the North Carolina Association for the Emotionally Troubled, Inc.

Mayor Nassif introduced the following resolution.

A RESOLUTION REGARDING THE NORTH CAROLINA ASSOCIATION FOR THE EMOTIONALLY TROUBLED, INC. (NCAET)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the Town Manager to provide assistance from Small Cities Grant funds to the North Carolina Association for the Emotionally Troubled, Inc. in an amount determined as follows:

The purchase price of land acquired by NCAET as a site for a six-unit group home, less the amount certified by the Department of Housing and Urban Development as the maximum amount HUD will pay toward said purchase; up to maximum Town commitment of \$5,000.

This the 28th day of April, 1980.

Council member Smith asked if the funds would be a part of the budget. Mr. Shipman explained this was a part of the CD program. Adopting the resolution would be authorization to use the funds. Mr. Hooper stated the funds were originally allocated for land acquisition for low cost housing operated by the Housing Authority. The staff was working with the Housing Authority on finding a site. The proposal from the Emotionally Troubled, Inc. was consistent with the intent of the Small Cities program. Mayor Nassif asked if the Town was prepared to consider other groups which might request similar assistance. Mr. Hooper said it was. Mr. Shipman commented that a request from the Sheltered Workshop would not be funded because it dealt with employment opportunities as opposed to housing. COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE RESOLUTION.

Council member Kawalec asked why the number of people was limited to 6. Mr. Jennings stated that HUD regulations required a specific amount of floor space per person, all units had to be first level, and the operators limited the number to what could be handled without difficulty. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Unified Housing Development Special Use Permit to Goforth Properties for Ironwoods

Mr. Jennings presented the two plans for Ironwoods Subdivision and the four alternative proposals for the Council's consideration. Council member Boulton asked why the staff was recommending improvements to Estes Drive in the plan which had access only to Seawell road. Mr. Jennings answered that the traffic would still go to Estes Drive. The staff wanted the improvements now so there would be no opposition after people had moved into the residences. Mr. Shipman pointed out the engineers recommended the town approve the plan with access both to Estes Drive and Seawell Road. This would better distribute the traffic.

Council member Smith asked for the distance between the two entrances to the condominiums on Seawell Road. It was approximately 400'. The distance from the intersection of Estes Drive to the first entrance was approximately 500' to 600'. Council member Straley did not believe the maps accurately reflected the site distances along Estes and Seawell. Mr. Jennings explained this was because they did not contain the vertical dimension. They had been prepared from aerial photographs and topographic maps of the town.

Mayor Nassif commented that the intersection of Seawell and Estes was dangerous. He agreed with Mr. Reeve's opinion that only one access on Seawell road would increase the likelihood of a signal at the intersection. Mayor Nassif did not believe the developer should be required to widen the small section of Estes Drive as the rest of the road would not be widened for a few years.

Council member Straley asked if the Planning Board or staff had considered having the road through the subdivision one-way. Mr. Jennings said they had not. There would be enforcement problems with a one-way street.

Council member Boulton asked to hear the engineer's opinion on the road system. Mr. Morris reported the results of a traffic study on Estes Drive and Seawell road, taken on April 17 and 18. There had been little difficulty turning from Seawell onto Estes. The site distances were adequate.

COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A UNIFIED HOUSING DEVELOPMENT SPECIAL USE PERMIT TO GOFORTH PROPERTIES FOR IRONWOODS

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Housing Development proposed by Goforth Properties if developed in accordance with the plans marked "Plan B" 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 ACCESS AND CIRCULATION

1. That a deceleration lane serving right turns onto Seawell Road and a turn lane serving left turns onto Seawell Road be provided on Estes Drive Extension prior to issuance of any certificate of occupancy and prior to issuance of any building permit within the single family detached section. Plans for such improvements shall be approved by the town Manager and NCDOT prior to construction. The applicant shall preshoot the subsurface rock along the west side of Estes Drive Extension in preparation for future widening of the road to its ultimate cross-section as recommended by NCDOT. The applicant shall stabilize the banks following the required preshooting as required by the Town manager. The applicant shall dedicate slope easements for the eventual widening of Estes Drive Extension to a five lane road as required by the Town Manager.
2. That prior to issuance of any certificate of occupancy within Phase I-E or any subsequent phase, Seawell Road shall be improved to a minimum paved cross-section of 41 feet back to back of curb with curb and gutter. Plans for such improvements shall be approved by the Town Manager prior to construction. Plans for the intersection of ironwoods Drive and Seawell Road will be approved by the Town manager.
3. that a paved sidewalk be constructed along the subject property's frontage with the southern side of Seawell Road prior to issuance of any certificate of occupancy within Phase I-D or any subsequent phase. That the paved walkway system within Phase I connect with Seawell Road at both entrances to Phase I, and that the proposed sidewalk along the northern side of Seawell Road be deleted. Plans for such sidewalks shall be approved by the Town Manager prior to construction.
4. That a bus shelter with bus turn-off be provided on the south side of Seawell road, and that a bus turn-off be provided on the north side of Seawell Road. That the location, design and installation of the bus shelter and turn-offs shall be approved by the Town Manager. Such shelter and turn-offs shall be installed at such time as improvements are made to Seawell Road and prior to issuance of any certificate of occupancy within Phase I-E of the development or any subsequent phase.

WITH REGARD TO DRAINAGE AND UTILITIES

5. That a sedimentation and erosion control plan be submitted to and approved by the Orange County Erosion Control Officer, and that such plan be implemented prior to issuance of a grading permit or building permit. such plan shall include the provision of temporary sedimentation control basins as required by the Erosion Control Officer. Such basins shall be removed after construction.
6. That for each phase a detailed drainage plan and grading plan including final working drawings for storm drainage with hydrologic calculations be submitted to and be approved by the Town manager prior to issuance of any grading permit and start of construction of improvements. Improvements included in the drainage plan shall be completed prior to issuance of any certificate of occupancy within that phase.
7. That for each phase a detailed utility plan be submitted to and approved by OWASA, Duke Power, or Southern Bell, as appropriate, and by the Town manager prior to issuance of any grading permit or building permit within that phase. Improvements included in the utility plan shall be completed prior to issuance of any certificate of occupancy within the phase. 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 Manager prior to paving any street certifying that all utilities are in place.
8. That all units connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each dwelling unit shall not be permitted.

9. That the number, location and installation of fire hydrants be approved by the Town Manager prior to issuance of any building permits.

WITH REGARD TO APPEARANCE

10. That for the townhouse section 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.
11. That for the townhouse section 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 proposed screening of bulk trash containers and exterior mechanical equipment and a precise delineation of existing natural growth to remain.
12. That the detached housing section be exempted from generally required appearance reviews including an exemption from the requirements for approval of elevations and a landscape plan. However, for each phase a plan showing the screening of building lots from Estes Drive and Seawell Road, as required by the Appearance Commission, shall be submitted to and approved by the Appearance Commission prior to issuance of any building permit within that phase. Any entrance sign(s) proposed for this section shall be reviewed and approved by the Appearance Commission.
13. That within the townhouse section any and all planting which dies during the life of the special use permit shall be replaced with planting of the same species and approximately the same size by the end of the next planting season.
14. That within the townhouse section as much significant planting as possible shall be retained and that such planting shall 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 shall be in place prior to issuance of a grading permit for the applicable section(s) or phases(s). Paved areas shall be set back as far as possible from planting to be retained.
15. 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 CONDITIONS

16. That Phase I-A include construction of the full width of that segment of the private drive located within that phase. That Phase I-B include the construction of the private drive loop back to Seawell Road. In lieu of full construction of the drive to Seawell road, the developer may grade and lay a gravel base with curb and gutter and post a bond sufficient to cover the cost of completing such construction. The developer will be responsible for maintaining any uncompleted segments of the drive to Town standards for unpaved streets. That Phase III include the construction of Ironwoods Drive, including sidewalk, to Estes Drive Extension. That no certificate of occupancy be issued within any phase of development until all improvements and facilities required for such phases have been completed, except as provided for in the townhouse section above.
17. That the open space proposed at the intersection of Ironwoods Drive and Estes Drive Extension be relocated to the general area encompassed by

Lots 89-94, 135, and 136; and that open space also be dedicated at the site of the old iron mine. That any revision of the lot layout necessary to relocate the open space be shown on the revised site plan approved by the Town Manager as being consistent with the approval of special use permit.

18. That the proposed names of all streets be approved by the Planning Department.
19. That the proposed pool provide at least 15½ square feet of water surface area per dwelling unit in the townhouse section.
20. That all lots within the detached housing section have a minimum lot width of 50 feet and have the following minimum setbacks: front - 20 feet; rear - 12.5 feet; side - 10 feet.
21. That a revised site plan incorporating all the above stipulations be submitted to the Planning Department prior to issuance of a building permit or grading permit.
22. That prior to: 1) issuance of any building permit; and 2) sale or recordation of any lots or parcels of land within the single family detached portion of the development, the applicant shall submit a surety bond or letter of credit, in type and amount to be determined by the Town Manager to be sufficient to cover the total estimated cost of all uncompleted improvements within the single family detached portion of the development as shown on the approved plans and described within the conditions approved as part of the issuance of this special use permit. Such surety bond or letter of credit shall be submitted to and approved by the Town Manager. With the approval of the Town manager such bond or letter of credit shall be submitted to and approved by the Town Manager. With the approval of the Town Manager such bond or letter of credit may be provided in parts which reflect the applicant's schedule of development as shown on the development's phasing plan.
23. That for each phase a plat containing all information required by the Town for approval of a final subdivision plat be approved by the Town manager and recorded prior to sale of any lot or parcel of land or the issuance of any certificate of occupancy within that phase. Such plat shall include dedication of all rights-of-way and easements within that phase.
24. That plans and drawings be submitted and approved as required in Subsection 4-C-23-h-13 of the Zoning Ordinance.
25. That a minimum 20 foot wide pedestrian easement be dedicated between the western portion of Ironwoods Drive and the Estes Drive Extension right-of-way as approved by the Town Manager.
26. That construction of each phase begin by and be completed by the following dates:

	<u>To Begin By:</u>	<u>To Be Completed</u> <u>By:</u>
Phase I-A	July 31, 1981	July 31, 1983
Phase I-B	July 31, 1982	July 31, 1984
Phase I-C	July 31, 1984	July 31, 1986
Phase I-D	July 31, 1986	July 31, 1988
Phase I-E	July 31, 1988	January 31, 1990
Phase I-F	July 31, 1989	January 31, 1990
Phase II	July 31, 1981	January 31, 1983
Phase III	January 31, 1982	January 31, 1984
Phase IV	January 31, 1984	January 31, 1986
Phase V	January 31, 1986	January 31, 1988
Phase VI	January 31, 1988	January 31, 1990

Within the single family detached portion of the development, starting and completion dates shall only apply to the site improvements and not to the construction of individuals dwelling units.

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 28th day of April, 1980.

Council member Herzenberg commented that the site of the iron mine was not useable for open space. Council member Straley added that if left open it would be dangerous. Council member Howes argued that if it was a historic site, it should be retained as open space and made safe.

COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO TABLE THE MATTER AND DISCUSS IT AT THE NEXT MEETING. He wanted more time to study the traffic situation. THE MOTION FAILED BY A VOTE OF FIVE TO THREE WITH COUNCIL MEMBERS HERZENBERG, SMITH AND STRALEY SUPPORTING AND COUNCIL MEMBERS HOWES, BOULTON, KAWALEC, THORPE AND MAYOR NASSIF OPPOSING.

Council member Smith did not believe Seawell road as a two-lane road would be safe with the traffic from the subdivision. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF A RESOLUTION APPROVING THE ALTERNATIVE PLAN WITHOUT THE IMPROVEMENTS TO ESTES RECOMMENDED BY THE STAFF. (80-R-76D as modified).

Council member Straley questioned the distances from parts of the subdivision to Seawell road to ride the bus. Mr. Jennings responded that most of the subdivision met the service standard goals for the town.

Council member Boulton asked if the option could be left for another road to be built since the last phase of the subdivision would not be built for 6 years. Mr. Denny informed her the Council could require that a right-of-way be reserved. Mr. Shipman did not think this could be done politically. Citizens would object to a road being built next to their property after they had bought houses.

Mr. Horne stated the recommendations for different plans were because of differences of opinion between the town engineer and himself. He reviewed what he thought to be the advantages and disadvantages of each plan.

Council member Smith withdrew his motion. COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, ADOPTION OF THE RESOLUTION PREVIOUSLY MOVED AND WITHDRAWN (80-R-76D as modified). THE MOTION FAILED BY A VOTE OF TWO TO SIX WITH COUNCIL MEMBERS HERZENBERG AND KAWALEC SUPPORTING AND COUNCIL MEMBERS BOULTON, HOWES, SMITH, STRALEY, THORPE AND MAYOR NASSIF OPPOSING. THE MAIN MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, SMITH, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER STRALEY OPPOSING.

Resolution Granting a Child Day Care Center Special Use Permit to Dottie S. Dallmeyer for a Child Care Facility at 417 Landerwood Drive

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A CHILD DAY CARE CENTER SPECIAL USE PERMIT TO DOTTIE S. DALLMEYER FOR A CHILD CARE FACILITY AT 417 LANDERWOOD DRIVE

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Child Day Care Center proposed by Dottie S. Dallmeyer if developed in accordance with the stipulations and conditions set forth below:

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

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

1. That the building and grounds conform to standards set by the State of North Carolina for child day care centers.
2. That the number of children occupying the day care center at any one time not exceed eighteen (18).
3. That the subject day care center special use permit shall terminate on May 31, 1985 or at such time as the original applicant for the special use permit (Ms. D.S. Dallmeyer) moves from the premises.

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

This the 28th day of April, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Unified Business Development Special Use permit to Heffner/Block Inc. for Office Buildings at 410 Airport Road.

COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A UNIFIED BUSINESS DEVELOPMENT SPECIAL USE PERMIT TO HEFFNER/BLOCK, INC. FOR OFFICE BUILDINGS AT 410 AIRPORT ROAD.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Unified Business Development proposed by Heffner/Block, Inc. if developed in accordance with the elevations and plans dated February 1, 1980 and February 11, 1980 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 be located and in general conformity with the plan of development of Chapel Hil and its environs.

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

1. That an erosion control plan be submitted to and be approved by the Orange County Erosion Control Officer prior to issuance of a grading permit or building permit.
2. That plans as may be required pursuant to Subsection 4-C-22-f-11-d of the Zoning Ordinance be submitted to and approved by the Town Engineer.
3. That provisions for garbage collection be approved by the Town Engineer.
4. That the parking requirement be reduced by 26 percent as provided for in Section 4-C-22-d of the Zoning ordinance.
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.
6. 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.

7. 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.
8. 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 shall be in place prior to issuance of a building permit.
9. That both the addition to the existing building and the second building be constructed simultaneously. That a building permit be issued only upon submission of detailed construction plans for both buildings and that a certificate of occupancy be issued only upon completion of both buildings.
10. That construction begin by May 1, 1982 and be completed by May 1, 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 28th day of April, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Mobile Home Park Special Use Permit to Geneva M. Moody for Tarheel Mobile Court

COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A MOBILE HOME PARK SPECIAL USE PERMIT TO GENEVA M. MOODY FOR TARHEEL MOBILE COURT

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds that the Mobile Home Park proposed by Geneva M. Moody if developed in accordance with the plans dated February 12, 1980, 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 fire hydrant be provided on the site and tht the location and installation of such hydrant be approved by the Town Engineer. Such fire hydrant shall be installed by May 31, 1982.
2. That all existing and proposed wastewater treatment systems, including all septic tanks and sand filters, be approved by the Orange County Health Department or the North Carolina Department of natural resources and community development, as applicable, and any improvements to the wastewater treatment system required by the above mentioned agencies shall be completed by May 31, 1982.
3. That within one year of such time as municipal sewer lines are extended to within 500 feet of the subject mobile home site, the mobile home court be connected to the municipal sewage system. Sewer improvements shall be constructed to the standards of OWASA.

4. That a revised numbering system for the mobile home units be submitted to and be approved by the Town Manager by May 31, 1981. Such plan shall be implemented by May 31, 1982. Such plan may be implemented in phases as approved by the Town Manager. All electrical panels shall be numbered to correspond to the numbering system for the mobile home units.
5. That units designed as numbers 1, 15, 18, 21, 29, 31, 36 and 60 be relocated or removed as necessary to provide required planting strips and single occupancy of individual lots. Units 1, 15, 18 and 21 shall be relocated or removed upon the relocation of its occupant(s) or by May 31, 1982, whichever occurs first. Each of units 29, 31, 36 and 60 shall be relocated or removed upon the relocation of its occupant(s) or by May 31, 1985, whichever occurs first.
6. That a plan showing the screening and planting strips and achieving the screening objectives of the Zoning Ordinance be submitted to and be approved by the Appearance Commission by July 31, 1980. Such screening shall be implemented by December 1, 1980. It is recognized that screening meeting the specific specifications of the Zoning Ordinance cannot be achieved for units 1-6 and an exemption for this situation is hereby granted.
7. That the mobile home park be exempted from the required provision of laundry facilities.
8. That provisions for garbage collection be approved by the Town manager. Pads for bulk trash containers shall be constructed to Town standards. Such approval of garbage collection and completion of improvements shall be completed by May 31, 1981.

BE IT FURTHER RESOLVED that the Council hereby grants a Mobile Home park Special Use permit in accordance with the plans as submitted and approved and the stipulations above.

This the 28th day of April, 1980.

Council member Boulton asked if approving this park would set a precedent for any park to be established. Mr. Jennings believed each mobile home park would be considered individually. By approving this park, the Council would be bringing it into conformity. THE MOTION WAS CARRIED UNANIMOUSLY.

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

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER SMITH, ADOPTION OF THE FOLLOWING ORDINANCE.

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

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

That the property identified as Chapel Hill Township Tax Map 26, part of Lot 27 consisting of that portion of Lot 27 located on the west side of the right-of-way of Weaver Dairy road and containing approximately 1.3 acres be rezoned from Agriculture to R-10.

This the 28th day of April, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving a Preliminary Sketch for the Countryside Section Two Subdivision Located on Cedar Fork Trail

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

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR THE COUNTRYSIDE SECTION TWO SUBDIVISION LOCATED ON CEDAR FORK TRAIL

BE IT RESOLVED by the Council of the Town of chapel Hill that the Council hereby approves the preliminary sketch dated February, 1980 for the Countryside Section Two Subdivision located on Cedar Fork Trail subject to the following requirements:

1. That the extension of Cedar Fork Trail be exempted from the 400 foot cul-de-sac length standard of the Subdivision Ordinance since alternative means of access are not available.
2. That the extension of Cedar fork Trail be exempted from the maximum street grade standards of the Subdivision Ordinance since alternative means of access are not available.
3. That the roadway design be to Town standards and be approved by the Town Manager prior to start of construction. Such access road shall have a minimum paved cross-section of 27 feet back to back of curb with curb and gutter and a dedicated right-of-way 50 feet in width.
4. That the number, location, and installation of fire hydrants be approved by the Town Manager.
5. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each unit shall not be permitted.
6. That prior to paving streets, utility service laterals shall be stubbed-out to the property line of each lot. Sanitary sewer laterals shall be capped-off above ground.
7. That utility easements be dedicated as required by the Town Manager. Such easements to include adequate access for maintenance vehicles to service the proposed sewer line.
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 improvements.
9. That prior to issuance of any grading permit or start of construction of any improvements the Town manager shall be informed in writing from each homeowner within the Countryside subdivision, or the homeowners association, that the applicant's plan to use and replace the open space required for the public right-of-way of Cedar Fork Trail is acceptable.

10. That the sanitary sewer and pedestrian easement extending between Cedar Fork Trail and the Cedar Fork park and located just south of Lot #13 be relabeled a "Utility and Pedestrian Easement."
11. That a 30 foot wide access easement be extended from the end of the proposed cul-de-sac street to the southern boundary of Lots 2-8 as shown on the applicant's plan dated February, 1980.

This the 28th day of April, 1980.

Mr. McAdams objected to having to obtain each homeowner's permission to use the open space as a road. He stated that although it was a minor encroachment, and he could get a large majority of the owners to sign an authorization, not all might sign. Council member Boulton asked if the Council could change this. Mr. Denny explained that the Council would be giving permission to the developer to take an individual's interest in property without compensation. This could not be done.

Mr. Butler thought he should not be required to pave the road to 27', town standards. The road would only serve 4 lots and would not be used in the future as access to other lots.

As a cul-de-sac it would not be used for traffic to the park. Other roads in the area were less than 27'. Mr. Jennings responded that although the road served four lots, they could be subdivided later by another owner. COUNCIL MEMBER BOULTON MOVED TO AMEND THE RESOLUTION TO REQUIRE THAT THE ROAD BE PAVED TO 20'. THE AMENDMENT WAS ACCEPTED. THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE.

A RESOLUTION APPROVING A PRELIMINARY SKETCH FOR THE COUNTRYSIDE SECTION TWO SUBDIVISION LOCATED ON CEDAR FORK TRAIL

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the preliminary sketch dated February, 1980 for the Countryside Section Two Subdivision located on Cedar Fork Trail subject to the following requirements:

1. That the extension of Cedar Fork Trail be exempted from the 400 foot cul-de-sac length standard of the Subdivision Ordinance since alternative means of access are not available.
2. That the extension of Cedar Fork Trail be exempted from the maximum street grade standards of the Subdivision Ordinance since alternative means of access are not available.
3. That the roadway design be to Town standards and be approved by the Town Manager prior to start of construction. Such access road shall have a minimum paved cross-section of 20 feet back to back of curb with curb and gutter and a dedicated right-of-way 50 feet in width.
4. That the number, location, and installation of fire hydrants be approved by the Town Manager.
5. That all lots connecting onto the sanitary sewer system be serviced by gravity flow. Individual pumps for each unit shall not be permitted.
6. That prior to paving streets, utility service laterals shall be stubbed-out to the property line of each lot. Sanitary sewer laterals shall be capped-off above ground.
7. That utility easements be dedicated as required by the Town Manager. Such easements to include adequate access for maintenance vehicles to service the proposed sewer line.
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 improvements.
9. That prior to issuance of any grading permit or start of construction of any improvements the Town Manager shall be informed in writing from each homeowner within the Countryside subdivision, or the homeowner association, that the applicant's plan to use and replace the open space required for the public right-of-way of Cedar Fork Trail is acceptable.
10. That the sanitary sewer and pedestrian easement extending between Cedar

Fork Trail and the Cedar Fork Park and located just south of Lot #13 be relabeled a "Utility and Pedestrian Easement."

- 11. That a 30 foot wide access easement be extended from the end of the proposed cul-de-sac street to the southern boundary of Lots 2-8 as shown on the applicant's plan dated February, 1980.

This the 28th day of April, 1980.

Resolution Denying an Amendment to the Preliminary Sketch and Final Plat for the Argonne Hills Subdivision Located on Shadylawn Road

Mr. Jennings explained at that the time Argonne Hills was approved a cartage-way had existed along the edge of the property providing access to several properties behind Argonne Hills. Provision was made for a 20' easement. The applicant was requesting the easement be moved 30' to the south. Moving the easement would allow more yardage for the lots in Argonne Hills next to the easement. The staff did not believe this easement should be permanent a it created double frontage lots in Argonne Hills. They recommended the Council deny the request leaving the situation as is until a better proposal was made. the new road would also be off-center with Eastwood Road.

Mr. Mc Adams stated the existing easement was not in alignment with Eastwood. He did not believe any of the roads involved to be heavily trafficked.

COUNCIL MEMBER BOULTON MOVED, SECONDED BY COUNCIL MEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING AN AMENDMENT TO THE PRELIMINARY SKETCH AND FINAL PLAT FOR THE ARGONNE HILLS SUBDIVISION LOCATED ON SHADYLAWN ROAD

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the amendment to the preliminary sketch and final plat dated December, 1979 for the Argonne Hills Subdivision located on Shadylawn Road subject to the following requirements:

- 1. That the access road proposed to replace the existing access road be to the same or better standards than the existing gravel roadway.
- 2. That the drainage plan for the proposed roadway be approved by the Town Manager.
- 3. That the existing road not be closed to use until the new road, including drainage improvements, has been completed.

This the 28th day of April, 1980.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER SMITH OPPOSING.

Resolution Granting a Modification of the Special Use Permit for University Mall to Allow Construction of a Restaurant

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBERS STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A MODIFICATION OF THE SPECIAL USE PERMIT FOR UNIVERSITY MALL TO ALLOW CONSTRUCTION OF A RESTAURANT.

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Special Use Permit granted to North Hills, Inc. on September 9, 1968 for a Unified Business Development on South Estes Drive is hereby modified to allow construction of a restaurant as shown on elevations and plans dated April 3, 1980; April 8, 1980 and April 14, 1980 subject to the following:

1. That any modification of the sign plan for University Mall be approved by the Appearance Commission prior to issuance of a building permit. Such modification shall not include a pole sign.
2. That a landscape plan for the restaurant site be approved by the Appearance Commission prior to issuance of a building permit. Such plan to include a solid evergreen hedge sufficient to totally screen the restaurant building, parking and dumpster areas from the abutting church property.
3. That the approved landscape plan for University mall be modified to include a solid evergreen hedge a minimum of three (3) feet high to screen parking areas from US 15-501. Such modification to be approved by the Appearance commission prior to issuance of a building permit.
4. That detailed architectural elevations for the restaurant building be approved by the Appearance commission prior to issuance of a building permit. Such elevations to reflect a design similar to that of the other University Mall buildings.
5. That construction begin by May 1, 1981 and be completed by May 1, 1983.
6. That except as modified herein, all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and that the Council finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.

BE IT FURTHER RESOLVED that the Council finds that the use as modified in accordance with the plans dated April 3, 1980; April 8, 1980 and April 14, 1980 continues to meet the four findings made by the Board of Aldermen on September 9, 1968 (and subsequently modified).

This the 28th day of April, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution in Support of Continued County Parks and Recreation Support Funding

COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER SMITH ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION IN SUPPORT OF CONTINUED COUNTY PARKS AND RECREATION SUPPORT FUNDING

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its appreciation to the Orange County Board of Commissioners for the County's previous funding of the Parks and Recreation Municipal Support Program; and

BE IT FURTHER RESOLVED that the Town Council hereby authorizes Raymond E. Shipman, Town Manager, to submit a request on behalf of the Town of Chapel Hill to Orange County for \$96,884 in Parks and Recreation Municipal Support funding.

This the 28th day of April, 1980.

Council member Herzenberg still did not believe the distribution of funds equitable. Ms. White was concerned the town would be tied to a formula which in the future might result in no funds from the County to the Town. THE MOTION WAS CARRIED UNANIMOUSLY.

Traffic

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER HOWES, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 21-8(D)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Council hereby amends Section 21-8(D) of the Code of Ordinances, Town of Chapel Hill, as follows:

DELETE the lines:

Cameron Avenue & Raleigh Street
Rosemary Street & Roberson Street

and ADD in their place the lines

<u>Street</u>	<u>At</u>	<u>For Traffic approaching from the:</u>
Roberson St.	Rosemary St.	North

This the 28th day of April, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Shipman next recommended that parking be restored to portions of S. Graham, Cameron and S. Roberson Streets, which had been removed to eliminate problems created by customers of Elliot's Nest. Council member Smith asked if the night club still existed. Mr. Shipman responded it was vacant. It was possible for another club to open in the same location if they could get an alcoholic beverage license. Council member Herzenberg asked what the residents wishes were. Chief Stone believed they wanted the parking as it was before being removed. Council member Boulton suggested the parking remain as is until there was indication of what the neighborhood would be. It was changing rapidly. The Council agreed with this suggestion.

Resolution Establishing a Committee on Protocol

Council member Thorpe said the town had needed a committee on protocol for some time in his opinion. He preferred it to be a permanent committee serving two years, and appointed with each new Council. COUNCIL MEMBER STRALEY MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ESTABLISHING A COMMITTEE ON PROTOCOL

BE IT RESOLVED BY THE Council of the Town of Chapel Hill that the Council hereby authorizes the Mayor to appoint a Committee on Protocol for initial terms to expire with the organizational meeting of Council in December, 1981, and for subsequent 2-year terms ending with each organizational meeting of the Council.

This the 28th day of April, 1980.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH COUNCIL MEMBERS HERZENBERG, HOWES, KAWALEC, SMITH, STRALEY, THORPE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER BOULTON OPPOSING.

Resolution Setting a Public Hearing on May 12, 1980, on the Manager's Rcommended Budget

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

A RESOLUTION SETTING A PUBLIC HEARING ON THE MANAGER'S RECOMMENDED BUDGET

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby sets a public hearing on the Manager's recommended budget for 1980-81 and Capital Improvement Program for 1980-85 for its regular meeting at 7:30 p.m. on May 12, 1980 in the Meeting room of the Municipal Building, 306 North Columbia Street.

This the 28th day of April, 1980.

THE MOTION WAS CARRIED UNANIMOUSLY.

Bids

COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR TWENTY-THREE BUS RADIOS AND THREE PORTABLE RADIOS

WHEREAS the Town of Chapel Hill has solicited formal bids on March 4, 1980 and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	
General Electric Co., Raleigh, N.C.	23 bus radios 3 "personal" portable radios	\$31,234.00 <u>3,333.00</u>
TOTAL		\$34,567.00
Motorola, Communications & Electronics, Inc.	23 bus radios 3 "personal" -portable radios	\$31,970.00 <u>4,872.90</u>
TOTAL		\$36,842.90
ALTERNATE BID	Award of all 26 radios	\$34,540.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the alternate bid of Motorola Communications and Electronics Inc., in the amount of \$34,540.

This the 28th day of April, 1980.

Council member Smith asked if the Town received a reduction by buying in a large quantity. Radios for the police department had cost \$500 less than list price when purchased by bids. Ms. Parker reminded the Council that any item costing over \$2,500 must be bid. Mr. Shipman also informed the Council that UMTA reviewed transportation costs to insure that items were purchased at a competitive price. THE MOTION WAS CARRIED UNANIMOUSLY.

COUNCIL MEMBER KAWALEC MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR RESURFACING OF STREETS AND RECONSTRUCTION OF STREETS

WHEREAS the Town of Chapel Hill has solicited formal bids on April 9, 1980 and the following bids have been received:

<u>Item</u>	<u>Bidders & Bids</u>			
	<u>B&B Paving Co., Inc.</u>	<u>C.C. Mangum, Inc.</u>	<u>REA Construction Co.</u>	<u>Nello L. Teer Co.</u>
I. Street Resurfacing				
A. 2,595 tons I-2 asphalt	\$83,688.75	\$80,445.00	\$94,717.50	\$118,072.50
B. 15 tons patching material	740.00	750.00	1,350.00	2,250.00
SUB-TOTAL	\$84,438.75	\$81,195.00	\$96,067.50	\$120,322.50
II. Street Reconstruction				
A. Three Streets: 7,544 sq. yds.	\$94,403.40	\$98,303.00	\$115,878.36	\$156,745.50
B. 1000 cu. yds. undercut	14,500.00	8,000.00	21,000.00	35,000.00
C. French Drains & Connections				
1. 500 ft. French drain	3,500.00	3,000.00	7,500.00	5,500.00
2. 100 ft. French drain	500.00	550.00	1,400.00	1,090.00
3. 7 connections to storm sewer	350.00	350.00	140.00	700.00
D. 70 ft. curb & gutter removal and replacement	700.00	700.00	1,470.00	1,120.00
SUB-TOTAL	\$110,953.40	\$110,802.00	\$147,388.36	\$200,155.50
GRAND TOTAL	\$195,392.15	\$191,997.00	\$243,455.86	\$320,478.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the unit bids of C.c. Mangum, Inc., for street resurfacing of \$31/ton for 12 asphalt and \$50/ton for patching asphalt, total cost not to exceed \$75,925 and the unit bids of C.C. Mangum, Inc. for street excavation and reconstruction of \$13/sq. yd. and related items of \$8/sq. yd. undercut, \$6/ft. and \$5.50/ft. for French drain, \$50/connection and \$10/ft. for curb and gutter, total cost of approximately \$110,802.

This the 28th day of April, 1980.

Council member Straley questioned the amount in the bid. Mr. Hooper explained that the price bid was per cubic yard of undercutting. The total price could be less or more depending on how much work had to be done. Mr. Harris added that the type of material used could change the price. THE MOTION WAS CARRIED UNANIMOUSLY.

Nominations

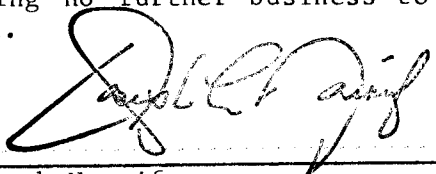
The Planning Board had recommended Gina Cunningham be appointed to the position created by the resignation of Jane Stein, with expiration date of June 30, 1980.

The Council was notified of term expirations as of June 30, 1980, on the Planning Board, Transportation Board, Appearance Commission, Library Board of Trustees, Orange Water and Sewer Authority, Recreation Commission and Board of Adjustment.

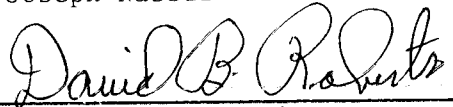
Future Agenda Items

Council member Howes announced that he would not be at the meeting of May 12, 1980, and asked the Council to excuse him. The request was granted.

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



Mayor Joseph Nassif



Town Clerk, David B. Roberts

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL
MUNICIPAL BUILDING
MONDAY, MAY 12, 1980
7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

- Marilyn Boulton
- Joe Herzenberg
- Jonathan Howes
- Beverly Kawalec
- R. D. Smith
- Joe Straley
- Bill Thorpe
- James Wallace

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

Petitions and Requests

Ms. Dorothy Bumphus and residents of Eastwood Road extension presented a petition requesting the town accept for maintenance the road it had approved