

MINUTES OF A PUBLIC HEARING BEFORE THE MAYOR AND COUNCIL  
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,  
MONDAY, MAY 19, 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.

Public Hearing to Consider the Preliminary Assessment Roll for Street  
Improvements to Markham Drive and Markham Court

Mr. Shipman stated the Council had decided to make improvements to Markham Drive and Markham Court on April 10, 1977. Pursuant to the town code the property owners would be assessed 50% of the final engineering and construction costs. A copy of the preliminary assessment roll had been mailed to each of the property owners.

Mr. Craig informed the Council the petition for paving had included Markham Drive and Old Oxford Road. The petition had been signed by little more than 50% of the owners. Mr. Harris had estimated the cost to be \$8 per foot. Since then because of a technicality Old Oxford Road had not been included. The cost was now \$13 per foot. Mr. Craig had been told the project had been included with other streets on which the company had lost money, with the profit to be made from Markham. With the many problems on the paving, Mr. Craig also questioned whether there had not been blunders by the town.

Ms. Ruth Ewell asked how the frontage had been calculated. She had more frontage than there was paving. Mr. Harris explained that the frontage was calculated for assessment at the right-of-way, whereas the pavement might be anywhere within the right-of-way.

Mr. Denny added that this calculation was by statutory provision. It could not be calculated any other way.

Ms. Helen Adelman stated she had been away while the paving was done. The contractor had dumped gravel on her drive so that it couldn't be used. She had paid to have this cleaned up. The front of the property had also been disturbed. Mr. Harris had promised to fix this but had not. Council member Smith asked if this cleanup should have been the responsibility of the contractor. Mr. Shipman said it was. Mr. Morris explained that the gravel put in the drive by the town had been pushed into a pile by another contractor hired by the owner to put in a concrete drive. He would however see that the town helped Ms. Adelman.

Council member Howes questioned the allegation that this project had covered losses on another project. Mr. Shipman responded that Markham Drive had been grouped with streets in the Community Development area to lower the unit price of paving. The Manager had reluctantly given an estimate of the paving at the first hearing only after Council had insisted that he give one. When the bids had come in so much higher than the estimate residents had been notified.

Mr. Craig asked for an explanation of the problems incurred on the job. Mr. Morris responded that the contractor at times would make mistakes in grades or in the mixture of concrete on drive. This however, did not cost the residents extra; it cost the contractor. Also, because of difficulties the town had terminated one engineering company and employed another. This caused some delay in the project.

\*Recommending purchase of 8 chair caddies (\$240.80) and 30 folding tables (\$1,362.90) only.

\*\*Recommending deletion of this item.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Carolina Office Supply for the underlined items in the amount of \$210.84 and the bid of Brame Office Products for the underlined items as amended in the amount of \$7,551.25.

This the 12th day of May, 1980.

Council member Smith asked if the cabinets would hold all of the chairs. Mr. Shipman said they would. THE MOTION WAS CARRIED UNANIMOUSLY.

#### Nominations and Appointments

The Planning Board had nominated Virginia Cunningham to fill the position created by the resignation of Jane Stein.

Mr. Reeve had requested Ms. Cunningham also be appointed for a full term effective July 1, 1980. Mr. Denny advised that although the Council could appoint Ms. Cunningham until June 30, as Council member Howes was absent it could not appoint her for a full term. COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO TAKE NO ACTION AT THIS MEETING AND PLACE THE MATTER ON THE AGENDA OF THE NEXT MEETING. Council member Kawalec wanted to take some action at this meeting because Ms. Cunningham had been waiting for several weeks for a decision. THE MOTION WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH COUNCIL MEMBERS BOULTON, HERZENBERG, KAWALEC, WALLACE, AND MAYOR NASSIF OPPOSING.

COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO APPOINT MS. CUNNINGHAM FOR UNEXPIRED TERM OF JANE STEIN. 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 SMITH OPPOSING. Council member Thorpe explained he had voted for the motion to delay action because he did not believe it appropriate to appoint someone for only 30 days.

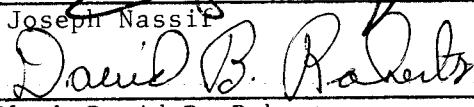
The Library Board of Trustees had submitted the names of Tobin Savage and Lallie Godschalk for nomination for positions on the Board. Council member Boulton inquired why the Board of Trustees served for terms of 6 years rather than 3 as most of the boards and commissions. Mr. Denny thought the term probably set by the General Statutes. After discussion, the Council agreed to have a resolution changing the terms on the next agenda for consideration. Council member Smith pointed out this should not affect members which would be appointed to the two positions coming vacant June 30.

#### Future Agenda Items

Council member Kawalec asked for a recommendation from the staff on reducing parking rates at the municipal lots in the evenings.

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

Mr. Wil Morse inquired what percentage of the cost of the project was for extras caused by poor engineering. Mr. Harris explained that the engineers' fee had been reduced by the amount poor engineering was estimated to have cost the residents. Mr. Morris asked if the contract had an escalation clause. Mr. Harris said it did not.

Council member Straley questioned whether the residents could not have been notified at an earlier time that the cost would be more than originally estimated. Mr. Denny explained the assessment process. The town had deviated from this process only when it had notified the residents of the bid amounts. This had not been a legal requirement. At that time the residents had also been asked for their opinion on whether the project should be continued. When they could not decide Council had voted to complete the paving. Mr. Denny then reviewed the Council's options for action at this time.

Mr. Craig stated his house was an old one and on a corner lot. He asked the Council for some help with the assessment. Mr. Shipman informed the Council there were two corner lots involved. If the Council reduced these assessments as allowed by statute, the amount reduced would be distributed among the other property owners. Mr. Craig responded he had been told the town would pay for the reduction. Mayor Nassif asked how it had been paid for in past situations. Mr. Denny said it had been done in both ways. If the cost was redistributed, the Council would need to call another hearing. There were no further comments. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER THORPE, THAT THE PUBLIC HEARING BE CLOSED. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Zoning Map Amendment to Reclassify 0.62 of an Acre on the West Side of U.S. 15-501 South Near Smith Level Road from R-20 to R-3

Mayor Nassif called the public hearing to order. Mr. Jennings pointed out the location of the property. The surrounding uses were residential with a shopping center and variety store. The Land Use plan designated the Watts area as an activity center with surrounding area as high density. Concern at the public discussion had centered around the effect of increased density on the residential areas. A protest had been received from Robert Steel.

Mr. Marvin Poythress represented his brother who was opposed to the rezoning. He believed the property too small for both apartments and the parking that would be required. The owners had bought the property with low density residential zoning. Mr. Poythress thought any additional traffic on 15-501 would be a hazard. The area would be served by the Carrboro fire department and Orange County Sheriff's Office. The shopping center already created much noise. The rezoning would be hardship on the adjoining property owners. Mr. Poythress commented there were adjacent property owners who were not notified of the hearing.

Mr. Robert McDuffy stated that although there was a need for high density development in the community, at this distance from the town this rezoning would not serve the problem. It would only increase traffic and create a need for services which could not be provided. It would be years before this area was annexed. The town should not allow a radical change in zoning while conducting a study to change the zoning map. Mr. McDuffy did not believe the town should encourage additional populations in an area to which services could not be provided.

Mr. Archie Dollar supported Mr. Poythress' comments.

Ms. Carrie Dollar reminded the Council that part of this property was in the Carrboro planning district. The Carrboro comprehensive plan was in conflict with Chapel Hill's plan. They did not intend to have high density development in this area. OWASA did not plan to extend sewer lines to this area in the immediate future. The Heritage Hills pump station was already overloaded and could not be added to.

Council member Howes asked if a request for rezoning the remainder of the property had been made to Carrboro. It had not.

Mr. Hazard pointed out the request for rezoning was consistent with the plan of development for Chapel Hill. He noted that had the residents attended the planning meetings on the comprehensive plan, the plan might have shown different zoning. The owner bought the property conscious of the land use plan. The accident rate in the area was low.

Mr. Charles Burns stated the plan did not meet the needs of the community. He had not been aware of the development of the land use plan. But, at that time the area had already been developed in residential property. The night noise was loud. There would be an increase in traffic when the convenience store opened.

Council member Herzenberg asked for a response to the assertion that the residents were not notified. Mr. Jennings said the same question had been raised at the public discussion. He had requested anyone who had a question to come to his department so that he could check but no one came. Mr. Denny added that the town was required to publish notice in the newspaper which it had. Although not required to, Chapel Hill also posted notice on the property and mailed notice to residents within 500 feet of the property. The developer was responsible for getting the names of adjoining property owners. The town attempted to verify this list. Since the residents were in attendance they knew of the project.

Council member Smith inquired as to how much land in the area was designated high density. Mr. Jennings answered the land use plan indicated the area from Watts to Cole Drive would be high density. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER KAWALEC, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing To Consider a Zoning Map Amendment to Reclassify 4.11 Acres on the Southwest Side of Farrington Road from R-20 to R-15

Mayor Nassif called the hearing to order. Mr. Jennings pointed out the location of the property on Farrington Road. Surrounding properties were single family, low density. The land use plan designated the area as low density. The whole area was zoned R-20 along the road and agricultural in the interior. All lots exceeded the R-20 zoning because there was no sewer in the area.

Mr. Hazard stated the owner wanted to put duplexes on the property. He was not sure the Health Department would allow this but wanted the property subdivided into lots regardless. He thought one acre lots would be reasonable for the neighborhood.

Council member Smith pointed out R-15 was not one acre lots. He asked why the applicant had not determined whether the Health Department would allow the duplexes before making the zoning request. Mr. Hazard said the owner asked for R-15 zoning because it would allow duplexes.

Mr. A.D. Fowler wanted the zoning kept as it is.

Mr. James Horn supported Mr. Fowler. He added that the property could be subdivided and sold as one acre lots with R-20 zoning. There was no need for a rezoning.

Ms. Elizabeth Gervais reiterated the current zoning would permit one acre lots. The neighbors did not object to this. They were opposed to any lower zoning. There was no water or sewer in the area and no fire protection except from North Chatham. She also requested permission to file a petition at a later time which would be signed by residents unable to attend the meeting.

Council member Kawalec questioned the Health Department issue. Mr. Jennings explained that the County Health Department might not require but one acre or less for a duplex on a septic tank but the town staff interpreted the ordinance to require two acres for a duplex on septic tank. There were no further comments.

COUNCIL MEMBER SMITH MOVED, SECONDED BY COUNCIL MEMBER WALLACE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION.

Public Hearing to Consider a Request for an Auditorium Special Use Permit  
for a 22,000 Seat Arena and Recreational Area on 19.79 Acres on the South-  
west Side of Manning Drive

All witnesses were sworn. Mr. Jennings showed the location for the auditorium. Two accesses would be from Manning Drive. Total parking on the site would be 950 spaces. The Land Use Plan indicated the area as institutional. Concerns at the public discussion were the effect of the project on nearby residential areas, overflow parking, traffic, noise and light, as well as the effect of the traffic on the campus.

Mr. Rutherford stated the auditorium would not be a commercial arena but would be used only as a campus facility. The facility needed to be readily accessible to the main body of the students. After determining the site, the University had attempted to integrate the facility into the campus, especially minimizing the traffic to the facility. The University would make use of surrounding parking facilities to provide additional parking for the auditorium. Mr. Hakan presented slides of the site and surrounding buildings. Mr. Geiten presented his analysis on the traffic around the site. He reviewed traffic patterns and parking facilities near the site. Mr. Geiten recommended improvements to Manning Drive, Mason Farm Road extended, channelization along the by-pass. Mr. Hakan then continued with his slide presentation. A 10' high fence would separate the facility from Mason Farm Road to discourage visitors from parking on Mason Farm Road. There would be special parking for buses and handicapped and lighted walkways to the main campus for pedestrians. A fire lane would be left open around the building with an entrance into the building for fire trucks or ambulances. Although the arena was 10 stories in height, with the difference in grade level, the top of the arena would be only 30 feet above the height of Hinton-James dorms.

Mr. Egan summarized his report on noise reduction for the arena. With the fabric dome on the arena Mr. Egan had calculated the noise which would reach Mason Farm Road and believed it would be within the ordinance levels. Mr. Egan suggested that if residents were concerned about rock concerts, the Council require the University to get special permission to hold such concerts.

Council member Straley questioned the advantages of the fabric opening. Mr. Haken explained the opening would provide better ventilation and would reduce the temperature at the floor level. The building would not be air conditioned. The opening would also allow more natural light during the day to lower the use of electricity. In response to Council member Straley, Mr. Egan reviewed his method for calculating noise levels at Mason Farm Road. Council member Straley asked what recourse the town would have if the University was continually in violation of the noise ordinance. Mr. Hakan said the town could request the University to put an acoustical liner under the opening to absorb the noise. He did not however, believe this would be a problem.

Council member Straley then asked if there were any calculations on the noise created by cars honking horns. Mr. Egan did not have these calculations not believing them to be significant, but could gather such data if the Council wanted it.

Council member Smith inquired about the student traffic anticipated during the day and how it would be controlled. Mr. Hakan assumed the same measures as now applying in parking lots around dorms would apply.

Council member Smith then asked if the University would request the State to speed up the widening of the by-pass. Mr. Rutherford answered the University had attended hearing of the State Department of Transportation supporting the town's position on road improvements.

Council member Boulton asked about the feasibility of having an acoustical liner which could be removed during the day but used for large crowds. Mr. Haken said this would be very expensive. He did not believe the possibility of excessive noise great enough to warrant the expense unless the noise became a reality.

Mr. Hakan continued reviewing the four findings to be made. The site would have three detention basins to hold water from the 100 year flood. In such a flood, the parking lots would overflow.

Mr. Rashkis stated that proximity to the University was an advantage for any property. Although the complex would have some effect on the property nearby, there would be no significant effect because people would always be trying to find homes within walking distance of the University.

Mr. Heffner agreed that the proximity to the University would have an influence over the market value. There would be no appreciable impact on the adjacent property values. The architects had provided a good screen to improve the appearance of the structure from residential neighborhoods.

Mr. Hakan then described the complex to be of natural cast architectural stone and glass. He submitted the statement of justification, the acoustical report by Mr. Egan, and the traffic report and slides for the record.

Mr. Rindfuss asked what effect removal of the trees would have on the noise reduction. Mr. Egan thought noise would be increased by 10 decibels. However, the buffer was at least 200' and in some places 400'.

Ms. Baity objected to the auditorium being built near a residential neighborhood. The noise from football games was very loud. Litter was left in yards after the games. She asked that the town control rock groups.

Mr. Bob Saunders, Student Body President, encouraged the town to approve the project as it would serve the entire University. He suggested that the town revitalize the park-ride committee to continue communication with the University. He believed the noise could be controlled without the town controlling the concerts. The students had formed an intramural club program which created the need for athletic facilities.

Mr. Irving Nach said there was no alternative offered if the fabric opening did not abate the noise. He asked that the University be required to limit to a specific number their events held in a year. If the University would be making money from the auditorium, it should be paying taxes on the property. Mr. Nach also questioned whether there was sewer capacity for as large a crowd as would be attracted to the structure.

Ms. Ruth Landsberger agreed with Mr. Nach. She believed the funds for the auditorium should be spent on education not sports. With two-thirds of the students living off campus, the auditorium would not be accessible to most of the student body.

Mr. Philip Rees questioned whether the buffer would hide the building from the adjacent residences, especially in winter. Possibly more screening would be needed. He suggested blowers and garbage containers be located away from the residential side of the building to reduce noise in that direction. Manning Drive would need curb and gutters to discourage parking on the sidewalk. Mr. Rees requested that Mason Farm Road be closed on game days to prevent disturbing the neighborhood. Parking could be reduced with the use of shuttle buses. He wanted the fence erected before construction of the building. Limiting the number of events would not be economically sound, but the town could restrict the type of events. The University should also pay for additional police, garbage collection and services needed especially during events at the auditorium. Permits could be issued for musical events to control noise.

Mr. Richard Wolfenden stated that objections to the development of this facility had been filed in 1978 during the rezoning of the Baity property. At that time plans for the building had not been available, and the residents had not had time to assess the impact and complete a traffic study. Mr. Wolfenden believed the project would affect property values on Mason Farm Road and might affect Otey's Road residents as well as the botanical gardens. He requested the hearing be continued to allow these residents time to conduct a traffic study and get real estate appraisals on the property.

Mr. Rutherford objected to continuing the hearing. He stated the architects had included the fabric roof because of the advantages it offered and because they felt the noise ordinance could be met. However, if the Council could not accept the roof, it would be made solid.

Ms. Margaret Rees asked if other than University events would be held in the facility. Mr. Rutherford said the intent was to operate the facility. Mr. Rutherford said the intent was to operate the facility in the same manner as Carmichael. It would not be rented to outside groups. Mr. Rees then asked where parking would be provided if it was later decided more was needed. Mr. Jennings responded if the parking on the 19 acre site was modified substantially, the University would need a modification of the special use permit.

Ms. Anita Cotrell believed the arena to be a legitimate university function. She asked however, that residents be protected from rock concerts. These could be held in Carmichael.

Mr. Wesley Egan said the traffic needed to be considered. Cars leaving would create noise. He requested a continuation of the hearing to allow for such study. As a realtor, Mr. Egan also disagreed with the statements of Mr. Rashkis and Mr. Hevner.

For the benefit of Ms. Cotrell and others, Mr. Hakan traced the boundaries of the property covered by the special use permit. The rest of the tract would be left for future university use. He added that the proposal had been submitted early in April.

Council member Straley inquired about the number of students required to form an organization which could then request the use of the auditorium. Mr. Rutherford did not know, but Council member Boulton believed it to be only two or three.

When questioned, Mr. Denny advised that the Council could continue the hearing to a date certain if the Council did not believe it had enough information on the project. Mr. Egan requested 45 days. Mr. Denny objected to the 45 day recess. He suggested the next meeting of the Council. Mr. Reeve noted that the plans had been presented at the May 6 public discussion and had been presented to part of the Planning Board in March. They had been available for several months. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO RECESS THE HEARING UNTIL MAY 26, 1980, at 7:30 p.m. Council member Boulton was concerned this would set a precedent for recessing hearings. This project had been publicized and residents could have gotten information in time. Mayor Nassif informed the Council there would not be a quorum of the Planning Board present on May 26. COUNCIL MEMBER HOWES MOVED, SECONDED BY COUNCIL MEMBER BOULTON, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. He added that if the Planning Board did not have enough information, they could request the Council to hold another hearing. Council member Howes stated he would vote against this substitute motion because he wanted to give all citizens an opportunity to present evidence. THE MOTION WAS SUBSTITUTED BY A VOTE OF SIX TO THREE WITH COUNCIL MEMBERS BOULTON, HOWES, SMITH, STRALEY, WALLACE AND MAYOR NASSIF SUPPORTING AND COUNCIL MEMBER HERZENBER, KAWALEC, THORPE OPPOSING. THE MOTION WAS SUBSTITUTED WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Request for a Unified Housing Development  
Special Use Permit for 5 Housing Units on .56 Acres at 430 Hillsborough  
Street

All witnesses were sworn. Mr. Jennings presented the proposal for five townhouses. The property zoned R-4 and R-10.

Ms. Vaupel opined the project would fit in with the neighborhood. Buildings and parking had been planned to save natural vegetation. The area between the buildings and the parking would be landscaped. She submitted the statement of justification for the record.

Council member Smith asked if the parking could be in the rear of the property behind the buildings. Ms. Vaupel answered this would destroy much of the vegetation. Trees would be cut. Council member Herzenberg asked if there

could be more landscaping between the parking and the road. Ms. Vaupel responded in that case the parking would be pushed closer to the building and there would be no one space for landscaping between the parking and the building. Ms. Cunningham interjected that if the kitchen was in the front of the unit she would want the parking in front also. There were no further comments from the audience. COUNCIL MEMBER HERZENBERG MOVED, SECONDED BY COUNCIL MEMBER THORPE, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Request for a Unified Business Development special use Permit for Converting a 1,400 Square Foot Building to Office Use and for Construction of a 2,048 Square Foot Building with Drive-In Facilities

Witnesses were sworn. Mr. Jennings presented the proposal for a unified business development to be located off 15-501. The primary issue was the drive-in window which was prohibited by policy adopted by the Council.

Mr. Ballentine stated the existing building would be renovated for office space. The new building would house the banking facilities and drive-in window. Access would be by the service road to 15-501 and Old Durham Road. Most significant trees would remain and the developer would be planting others. The property was zoned regional commercial and had a car dealership and fast food restaurant on either side.

Mr. Roupas explained that the Eastgate branch of the bank would be relocated to the new facility. Eastgate had grown over the last few years and was now at capacity. The location on 15-501 would allow more storage of automobiles at the drive-in window, as well as more parking. Without the drive-in window, it was improbable that the bank would move their facilities from Eastgate.

Mr. Page reviewed the four findings to be made. As Blue Cross/Blue Shield, Hardees and the bank would have different peak hours, he did not believe there would be traffic conflict. The existing building was non-conforming but would be made conforming by the special use permit. Although the Council had adopted the policy prohibiting drive-in windows, Mr. Page believed banks should be added to the exceptions. He submitted the statement of justification. Council member Boulton inquired about the plans for the old facility. It would subleased or the lease would be broken. COUNCIL MEMBER THORPE MOVED, SECONDED BY COUNCIL MEMBER HERZENBERG, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Request for a Unified Business Development Special Use Permit for (1) an Existing 3,783 Square Foot Building, (2) a proposed, 3,038 Square Foot Addition to the Existing Building, and (3) Construction of a 1,200 Square Foot Building

As the applicant was not present, COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER SMITH TO RECESS THE HEARING TO JUNE 9, 1980, AT 7:30 P.M. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider a Request for a Unified Business Development Special Use Permit for (1) An Existing 1,500 Square Foot Residential/Office Building, (2) an Existing 800 Square Foot Garage Building and (3) a Proposed 600 Square Foot Addition to the Existing Garage Building

Witnesses were sworn. Mr. Jennings presented the project located on Airport Road. Although the property was zoned R-4, the existing use was commercial. The land use plan had intended to allow existing commercial to continue.

Mr. Anderson explained that parking on the property was for employees. The residence served as an office for the garage. The addition to the garage was to add a bay to the garage which would accommodate ambulances. The owner serviced Orange Rescue Squad ambulances and currently performed the work outside in all kinds of weather. Mr. Anderson pointed out the landscaping around the property screening it partially from Airport Road. Disabled cars were not allowed to collect on the lot. The addition to the residence under construction was a bathroom for the convenience of the owner. The garage had been operating since 1948. Mr. Anderson reviewed the four findings to be made. He submitted the statement of justification.

Mr. Johnson stated he serviced between 4 and 8 cars a day. He had been servicing the South Orange Rescue Squad vehicles for 7 years.



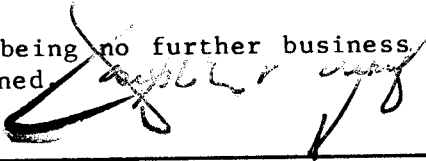
Mr. Jones, a member of the South Orange Rescue Squad, supported the request. He commented there were few garages which could repair the ambulances quickly because of the extra wiring for equipment. Mr. Johnson always made them his first priority.

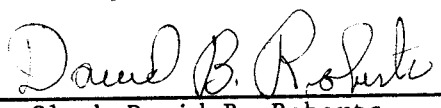
Council member Smith stated that this garage never had dilapidated cars outside as many do.

Ms. Parker had been a client of Mr. Johnson's for years. She said cars from his garage were not parked on the road. She asked that the permit be granted to make the business conforming.

There were no further comments. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER HOWES, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

There being no further business to come before the Council, the meeting the 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 COUNCIL  
 OF THE TOWN OF CHAPEL HILL,  
 MUNICIPAL BUILDING, MONDAY, MAY 26, 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.  
Annexation of the Fire Station North Property - Public Hearing

Mr. Jennings stated the Planning Board had considered the annexation at its last meeting, and without adverse comments at this hearing would recommend approval. Mr. Jennings reviewed the three findings to be made for the satellite annexation. There were no comments from the audience or the Council. COUNCIL MEMBER WALLACE MOVED, SECONDED BY COUNCIL MEMBER SMITH, TO ADJOURN THE HEARING. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Council member Wallace, seconded by Council member Howes, the minutes of April 14, 1980, were approved as amended. On motion by Council member Smith, seconded by Council member Wallace, the minutes of April 28, 1980, were approved as amended.

Petitions and Requests

Council member Howes announced that he had chaired the meeting on Community and Economic Development and had placed material from the meeting in the Mayor's office for Council and public to view.

Argonne Hills Subdivision Easement

Mr. Page represented some of the property owners at the end of Eastwood Road. The easement had been relocated at the request of Mr. Abernathy. The staff at the time of consideration had recommended denial of the request to move the