

Mayor McClamroch stated that because of a misunderstanding between the Planning Board and the District Health Department, he believes it would be in order to rescind the action taken by the Board at the last meeting. Alderman Strowd moved that the action as taken by the Board which requested the Planning Board restudy the Rolling Hills Subdivision, seconded by Alderman Page, and passed. Alderman Wager moved that the recommendation of the Planning Board to approve the Final Plat of the Rolling Hills Subdivision, be accepted, seconded by Alderman Walters, and passed.

NEW BUSINESS:

Whid Powell stated that the Planning Board would welcome any comments on the Subdivision Amendment at the meeting on December 5.

Alderman Robinson discussed sidewalks on W. Rosemary Street. Town Manager stated that when the property owners advise the Town that they will give the needed right of way, the Town will install a cement sidewalk; also that Mrs. Amelia Franklin, who lives at 401 Sunset Drive lacks 1,000 sq. feet to convert her home into two-family dwelling. The Board advised that Mrs. Franklin can seek a variance before the Board of Adjustment.

Adjournment at 10:03 P.M.

Robert M. McClamroch Mayor

Mary Honey Town Clerk

November 27, 1961.

MINUTES

Board of Alderman

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Regular Meeting on December 11, 1961, at 7:30 P.M. o'clock with the following present: Mayor McClamroch; Aldermen Giduz, Robinson, Page, Strowd, Walters and Wager; Town Attorney LeGrand and Town Manager Peck.

Minutes for November 27, 1961, meeting were approved on a motion by Alderman Robinson, seconded by Alderman Wager, and passed.

Delegations

A group of residents from Mt. Carmel who are interested in the proposed transmission power lines of Duke Power, appeared before the Board with John Manning as their counsel. He stated that the residents of Mt. Carmel, Clearwater Lake and Lystra Road oppose the power line being built in that area; that they do not want the University to profit at their expense; that if Duke Power proposes a line through their property, then they want a Public Hearing to be held and everything be brought out into the open. A protest petition signed by 47 persons was submitted to the Board to become a part of the records. The Mayor stated that if Duke Power propose a power line in that area, a public hearing will be had.

N.C. Building Code

Alderman Page moved the adoption of the following:

AN ORDINANCE TO ADOPT THE PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE AND TO INCORPORATE THE PROVISIONS THEREOF AS THE BUILDING CODE FOR THE TOWN OF CHAPEL HILL

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I.

That the provisions of the "North Carolina State Building Code", as set forth and provided in the 1958 Edition of the "North Carolina State Building Code", as published by the North Carolina Building Code Council and the North Carolina Department of Insurance, be and the same are adopted as the official building code for the Town of

BBB913

Chapel Hill, North Carolina, and for the area described in Section 5.82 of Chapter V, Subchapter E. Article 1, of "A Bill to be Entitled an Act to Revise and Reorganize the Charter of the Town of Chapel Hill", as enacted by the General Assembly of North Carolina, Session of 1961, and the terms and provisions of said North Carolina State Building Code, as therein set forth, are hereby adopted and incorporated herein and made a part hereof to the same extent as if herein set forth in detail.

SECTION II.

That the provisions of this ordinance shall apply to the area now embraced within the corporate limits of the Town of Chapel Hill and to the territory described and defined in Section 5.82 of Chapter V, Subchapter E. Article 1, of "A Bill to be Entitled an Act to Revise and Reorganize the Charter of the Town of Chapel Hill", as enacted by the General Assembly of North Carolina, Session of 1961.

SECTION III.

This ordinance shall be in full force and effect from and after the 12th day of December, 1961.

SECTION IV.

All ordinances in conflict herewith are hereby repealed.

This the 11th day of December, 1961.

seconded by Alderman Walters, and unanimously adopted.

Minimum Housing Code

The Board discussed a proposed Minimum Housing Code at length and agreed that it be considered after a public hearing at the second meeting in January.

Speed Limits

The Board considered several recommendations made by the members as to overhead flasher lights during the opening and closing of schools as used by Carrboro; 25 MPH as against 35 MPH in residential zones; Mr. R. D. Smith (Planning Board member) urged that some action be taken to protect school children particularly in areas of Graham Street, the curve at Crooks corner, W. Franklin to Cameron Avenue and all the area surrounding Lincoln High School. The Board agreed that something might be worked out with the State Highway, and requested Town Manager and police to study the matter.

Alderman Giduz moved the adoption of the following:

AN ORDINANCE TO ESTABLISH SPEED LIMITS

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I.

No person shall operate an automobile or vehicle of any kind within the Town of Chapel Hill in excess of the following speed limits:

1. Thirty-five (35) miles per hour on West Rosemary Street between Church Street and Sunset Drive and on Estes Drive from Franklin Street northwardly to the town limits, except on such portions of said streets as are herein designated to be school zones wherein the speed limits shall be twenty-five (25) miles per hour between the hours of 8 A.M. and 4 P.M. on any school day, said school zones being located on West Rosemary Street between North Roberson Street and Sunset Drive and on Estes Drive between Cumberland Road and Caswell Road.

2. Twenty-five (25) miles per hour on all other streets within the Town except that this limit shall not apply to any street which is a part of the North Carolina State Highway system with speed limits fixed by State law.

SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 11th day of December, 1961.

seconded by Alderman Page, and unanimously adopted.

U Turns

Alderman Walters moved the adoption of the following:

AN ORDINANCE RELATING TO TRAFFIC "U-TURNS"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I.

The driver of an automobile or any vehicle traveling on any of the streets or in any of the intersections hereafter named shall not, by making a "U-Turn", reverse the direction of said vehicle and proceed in the opposite direction:

1. At any point on Franklin Street between Raleigh Street and Merritt Street.
2. At any point on Columbia Street between McCauley Street and Rosemary Street.
3. At any intersection of Franklin Street with any other street between Raleigh Street and Merritt Street, inclusive.
4. At any intersection of Columbia Street with any other street between McCauley Street and Rosemary Street, inclusive.

SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 11 day of December, 1961.

seconded by Alderman Strowd, and unanimously adopted.

Recreation

Alderman Page moved the adoption of the following:

AN ORDINANCE RELATING TO THE PUBLIC RECREATION COMMISSION OF THE TOWN OF CHAPEL HILL

WHEREAS, by ordinance dated July 31, 1940, and subsequently amended by ordinances dated October 22, 1951, and November 17, 1958, which original ordinance, together with said amendments thereto, is set forth on Pages 244 and 245 of the "1961 Revised Compilation of Chapel Hill Ordinances", there was created a commission to be known as the "Public Recreation Commission of Chapel Hill"; and,

WHEREAS it is the purpose and desire of the Board of Aldermen to repeal said ordinance and amendments and to substitute, in lieu thereof, a new ordinance, as hereinafter set forth; and,

WHEREAS, in its considered judgment, the Board of Aldermen of the Town of Chapel Hill believes that adequate recreation programs and facilities for the Town of Chapel Hill can best be advanced by placing the recreation system of the Town under the supervision and direction of a Public Recreation Commission, as authorized by Section 160-160 of the General Statutes of North Carolina;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

BBB913

SECTION 1. Repeal of Existing Ordinances and Resolutions. The ordinance dated July 31, 1940, and as subsequently amended by ordinances dated October 22, 1951, and November 17, 1958, which original ordinance, together with said amendments thereto, is set forth on Pages 244 and 245 of the "1961 Revised Compilation of Chapel Hill Ordinances", and all other ordinances and resolutions in conflict herewith, are hereby repealed.

SECTION 2. Creation and Name. There is hereby created a commission to be known as the Public Recreation Commission of Chapel Hill, hereinafter referred to as the Commission.

SECTION 3. Appointment and Term of Office. The Commission shall be composed of twelve (12) members, to be appointed by the Board of Aldermen, which number shall include the Town Manager, who shall be, ex-officio, a member of the Commission and have the same powers as other appointed members. One member shall be appointed from the Board of Aldermen and one member shall be closely affiliated with the Chapel Hill School system. The remaining (9) members shall be appointed at large, all of whom shall be residents and citizens of the Town of Chapel Hill. No member, other than the Town Manager, shall serve more than two consecutive terms. The term of office of the Town Manager and of the member appointed from the Board of Aldermen of the Town of Chapel Hill or from the Chapel Hill School system shall automatically terminate when such member no longer holds the public office by virtue of which his or her appointment to the Commission was made. Upon such termination, the Board shall appoint another to fill the unexpired term, whose official qualification shall be the same as that of the retiring member. The terms of the members of the Commission first appointed pursuant to this ordinance shall be as follows: Four (4) of such members first appointed shall be designated to serve for a period of one year each and, at the expiration of such time, each of their successors shall be appointed for a term of three years. Four (4) of such members first appointed shall be designated to serve for a period of two years each and, at the expiration of such time, each of their successors shall be appointed for a term of three years. Three (3) of such members first appointed shall be designated to serve for a period of three years each and, at the expiration of such time, each of their successors shall be appointed for a term of three years. Whenever the term of office of a member appointed from the Board of Aldermen or from the Chapel Hill School system shall expire, his or her successor shall have the same official qualifications as those of the retiring member. All members shall serve without compensation. Vacancies in the Commission shall be filled for the unexpired term by appointment of the Board of Aldermen.

SECTION 4. Officers and Meetings. Immediately after their appointment, the members shall meet and organize by electing a Chairman and such other officers as it may deem necessary for the orderly procedure of its business and may adopt by-laws, rules and regulations governing its procedure, not inconsistent with the provisions of the Charter of the Town of Chapel Hill and the laws of the State of North Carolina. The Commission shall hold regular meetings at such times and places as it may designate.

SECTION 5. Powers and Duties. The Commission shall from time to time make rules and regulations governing the conduct and operation of the recreation facilities under its supervision. The Commission shall maintain, operate and supervise the public parks and play grounds, athletic fields, recreation centers and other recreational facilities and activities on any of the property owned, controlled or leased by the Town of Chapel Hill and set aside for recreational purposed by the Board of Aldermen. The Commission shall have complete supervision of the facilities provided and activities conducted in connection with such parks, play grounds, athletic fields and recreation centers and may conduct any form of recreation or cultural activity of a constructive and wholesome nature. The Commission may accept any grant, gift, bequest or donation of any personal property offered or made for recreation purposes and, with the approval of the Board of Aldermen, may accept any grant gift or devise of real estate, which shall be held, used and finally disposed of in accordance with the terms or conditions under which such grant, gift or devise is made and accepted. The Commission shall have no authority to enter into any contract or incur any obligation binding the Town

of Chapel Hill other than current obligations or contracts to be fully executed within the current fiscal year and all within the the budget appropriations made by the Board of Aldermen of Chapel Hill.

SECTION 6. Personnel. The Commission shall have the power to appoint or designate someone to act as superintendent of recreation who has the necessary foundation training and who has demonstrated by actual experience his ability to organize and direct a community recreation system. There may be such other trained personnel to help conduct the activities as may be considered necessary by the Commission.

SECTION 7. Finances. Funds appropriated by the Board of Aldermen of the Town of Chapel Hill and budgeted to the Public Recreation Commission shall be disbursed by the fiscal disbursing officer of the Town of Chapel Hill upon vouchers issued by the Commission and within the budget appropriations made. Funds received by the Commission from sources other than budget appropriations shall be deposited by the Town of Chapel Hill to the credit and for the use of the said Commission and disbursed as budget funds are disbursed, except that funds received by gift, bequest or otherwise shall be disbursed in accordance with the terms of such gift or bequest.

SECTION 8. Reports. The Commission shall make full and complete quarterly reports to the Board of Aldermen and other reports from time to time as requested.

SECTION 9. Additional Powers. All such powers as are now provided by the General Statutes of North Carolina or by ordinances of the Town of Chapel Hill relating to the development and operation of recreation systems, parks and play grounds are hereby vested in the Public Recreation Commission, to be exercised by it subject to all restrictions contained in such powers and ordinances.

This the 11th day of December, 1961.

seconded by Alderman Robinson, and unanimously adopted.

Thorofare Plan

Alderman Giduz moved that the Board accept the recommendation of the Planning Board to approve the Major Thoroughfare Plan, and proceed with formal conditions of it in detail, right away, seconded by Alderman Page, and unanimously passed.

REZONING - McArthur

Request of Mrs. Marie McArthur to rezone from RA-6 to RA-10A an area the East side of N. Columbia Street between Longview Street and Stinson Street, Alderman Walters moved that the Board accept the recommendation of the Planning Board to approve this rezoning, seconded by Alderman Robinson, and passed.

Rezoning - Page

Request of R. E. Page, to rezone a lot at #125 S. Graham Street from RA-6 to Business, Alderman Robinson moved that the Board accept the recommendation of the Planning Board to disapprove the rezoning of this lot, seconded by Alderman Wager, and passed.

Rezoning - Special Use - Cobb

Request of Collier Cobb & Associates to rezone from RA-20 to Suburban Commercial, the area at corner of Old Durham Road and Estes Drive, Alderman Walters moved that the Board deny this rezoning but transmit the recommendation of the Planning Board, to the Board of Adjustment for consideration, also that the need for an additional 15 foot right of way be noted, seconded by Alderman Strowd, and passed.

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Rezoning - King

Request of D. W. King to rezone from RA-20 to Suburban Commercial an area on West side of E. Franklin at Meadowbrook Drive, Alderman Page moved that the recommendation of the Planning Board to disapprove the rezoning of this area, be accepted, seconded by Alderman Wager, and passed.

Rezoning - Williams

Request of J. C. Williams to rezone from RA-20 to Suburban Commercial an area on the West side of E. Franklin Street between Meadowbrook Drive and Estes Drive, Alderman Giduz moved that the recommendation of the Planning Board to disapprove the rezoning of this area, be upheld, seconded by Alderman Walters, and passed.

Rezoning - Ray

Request of W. O. Ray to rezone from RA-10 to Commercial an area on the North side of E. Franklin Street between Milton Avenue and Eastwood Lake Road, Alderman Wager moved that the Board uphold the recommendation of the Planning Board to disapprove the area, seconded by Alderman Robinson, and passed.

Proposed Amendments to Subdivision Ordinance

Alderman Walters moved that the recommendation of the Planning Board that the Subdivision Ordinance be amended in accordance with the proposals as set forth in the Proposed Amendment to the Subdivision Regulations dated 12/5/61, subject to adding at the end of the 2nd paragraph, Section 5 (B): "In an RA-6 zone, where in the judgment of the Planning Board relief from paving and curb and gutter requirements are warranted, the Planning Board may recommend and the Board of Aldermen may approve such exception", be upheld, and that Town Attorney be authorized to prepare the ordinance, seconded by Alderman Giduz, and passed.

Special Use - Masterbuilt Homes

Request of Masterbuilt Homes for a Special Use Permit, for property behind Eastgate Shopping Center. Mr. John Manning, counsel for Wm N. Tyler of Milton Avenue, opposed the granting of a special use permit. He stated that Masterbuilt Homes cannot establish ownership and have no legal title or interest in and to the property in question, and are only optionees. Mr. Blankstein, representing Masterbuilt Homes contended that his company had such legal title to the property as would meet the requirements, of the Zoning Ordinance regarding application for a special use permit. Town Attorney LeGrand, was asked by the Mayor for his opinion as to whether Masterbuilt Homes, Inc., was the "owner" of the property within the meaning of the ordinance. Mr. LeGrand stated that in connection with a title examination he had made of adjoining property for Mr. David Henry, it had been necessary to examine the various instruments under which Masterbuilt Homes, Inc., claimed ownership and that, in his opinion, Masterbuilt Homes, Inc., did not have legal title to the property requested to be zoned and that there was a question in his mind if the company had an equitable title. Mr. Blankenstein suggested that there might be a conflict of interest in view of Mr. LeGrand's representation of Mr. Henry in the title examination, and asked that the Minutes show that he had so stated.

After further discussion between Mr. Blankstein and Mr. Manning, Alderman Walters moved that in view of the question of ownership involved that this request by Masterbuilt Homes for a special use permit, be denied, seconded by Alderman Page, and passed.

Rezoning - Masterbuilt Homes

Request of Masterbuilt Homes to rezone from RA-10 to Regional Commercial an area of about 2.62 acres on the Durham Road and from RA-20 to Regional Commercial an area of about 5.66 acres on U.S. 15-501 Bypass, both near Eastgate Shopping Center. The Board noted that the Planning Board denied one piece of land on the Durham Blvd., recommending Special Use but that it does not meet the 5 acre requirement under special use for unified business. Alderman Strowd moved that due to the unsettled condition in Highway Zoning at this time, that the Planning Board's recommendation to deny this, be upheld, seconded by Alderman Walters, and passed.

Final Plat - Richards

Request of E. N. Richards - final plat for a road entering the Durham Road near Estes Drive. Because the Board has not heard directly from the Public Service Company as to removal of gas pumps in order that a possible 90 degree intersection may be had, the Board postponed any action at this time. Alderman Strowd made this a motion, seconded by Alderman Giduz, and passed. The Board requested Town Manager to contact Mr. Richards in the matter.

Final Plat - Klingberg

Request of Frank W. Klingberg - Final Plat Resubdivision, Alderman Giduz moved that the recommendation of the Planning Board to approve the final plat, be upheld, seconded by Alderman Strowd, and passed.

Auditors Report

Mr. E. E. Peacock, auditor, reported that he has examined the November, 1961, vouchers and found them to be in order and properly supported with the exception of one which effects the purchase of property at the triangle on the Airport Road which will be covered by a resolution disposed of later at this meeting. He brought to the attention of the Board that Charles Stancell has not yet paid the Town for the 1961 Town auto tags that he sold; that an accounting should be had; that for some time he has carried on his Accounts Receivable several miscellaneous charges of long standing. The Board requested Mr. Peacock to supply the Town Manager with a list, that satisfactory disposition may be made.

Beer License - Request of Willard Inscoe

Alderman Giduz moved that an ordinance be drawn that will empower the Town Manager, with the Police Department's recommendation, to rule on requests made to the Town for beer and wine licenses, seconded by Alderman Page, and passed. The Board approved the request of Willard Inscoe for "On Premises" beer license. The police said there is no record against him.

Purchase Land - N. Columbia Street

Alderman Wager moved the adoption of the following:

Resolution

Whereas on August 17, 1961, the Board of Aldermen unanimously approved the purchase of the property at the triangle for approximately \$65,000, and:

Whereas, this land has been purchased as follows:

Collier Cobb	-	\$ 5,500
Wilbur Kutz	-	39,500

Mrs. Stella Long trade for a house at 427 Cameron Avenue to be purchased for \$21,500 and repaired at an estimated cost of \$3,526.60, this being a total cost of \$70,026.60 for all the triangle property;

Now therefore, this action is hereby approved

This the 11th day of December, 1961.

That the issue of vouchers in payment of above items is hereby approved, seconded by Alderman Walters, and passed.

Tax Refund

Town Manager stated that James Hickey has been erroneously overcharged on 1961 Town taxes in the amount of \$9.19. Alderman Walters moved that the amount of \$9.19 be refunded to Mr. Hickey for taxes erroneously charged, seconded by Alderman Strowd, and passed.

Taxes

In 1959 an error was made and Huggins Hardware Store was not sent

a notice on taxes for the stock in the store. In July 1960 a proper tax notice was given to Mr. Huggins, but the tax was not yet paid. Motion by Alderman Giduz that the penalty on this tax start from July 1960 making it 4% less than other 1959 taxes. Seconded by Alderman Page and carried.

Signs

Proposed sign regulations were discussed. Alderman Giduz moved that an ordinance be drawn based on the suggested standards and requiring existing signs to be brought into compliance within one year. Seconded by Alderman Walters and passed.

December 26 Board Meeting

The Board agreed that this meeting would be dispensed with.

New Business

Alderman Robinson stated that there is now a need for sewer on McMasters Street.

Alderman Walters suggested that Planning Board inquiries might be referred to the Planning Board at their office in Town Hall, Carrboro, and the local paper advise the public as to when the office will be open.

Alderman Page requested that the Town consider taking over the Chapel Hill Parking lot saying that the association would agree to underwrite it so the Town would not go to any expense; that if the income did not support the lot, the association would meet the difference; Alderman Page and Town Manager were requested to study the matter and report back at the next meeting.

Adjournment - 11:30 P.M. o'clock.

Robert M. McClamroch Mayor

Mary Lovejoy Town Clerk

December 11, 1961

MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Public Hearing, also a Special Meeting on January 4, 1962, at 7:30 P.M. o'clock with the following present: Mayor McClamroch; Aldermen Giduz, Robinson, Page, Strowd, Walters and Wager; Town Manager Peck.

A large group of property owners appeared before the board represented by legal counsel.

Mayor McClamroch stated that the meeting was a Special Meeting as well as an advertised Public Hearing in order that the interested persons could meet with Duke Power Company to discuss the alternate routes that have been worked out to bring electric power into Chapel Hill.

Mr. Wm. Ward, Charlotte attorney for Duke Power Company explained by use of maps, the alternate routes proposed, together with Mr. Mr. Pierson Stewart, advisor for the Research Triangle, acting of spokesman. Mr. Ward brought out the merits and disadvantages in the proposed routes.

Several persons who oppose the originally proposed lines and the alternate routes, strongly urged underground lines, stating that other cities use this method. Mr. Ward stated that to his know-