

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting on Monday January 8, 1968 at 7:30 p.m. with the following members present: Mayor McClamroch; Aldermen Smith, Giduz, Prothro, Varley, Ethridge and Kage. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Varley moved, seconded by Alderman Smith, that the minutes of the meeting of December 11, 1967 be approved as corrected. This was carried unanimously.

REZONING-DUBOSE PROPERTY

Mayor McClamroch read four transmittals from the Planning Board all concerning this rezoning application. Alderman Giduz asked about the basic requirements for Multi-Family rezoning. Mr. Tuttle, Chairman of the Planning Board, told the Board that the Zoning Ordinance required for Multi-Family districts a minimum of five acres, location within 500 feet of a major thoroughfare or collector street, adequate sewer outfalls and other utilities and general conformity with the plan of development. Some suggestions were made about re-location of the apartment site, but it was pointed out that only the northern area could be served with sewer by gravity. Alderman Kage noted that this project could be moved into Durham County and still served by sewer. Mr. Tuttle said that this had been considered by the Planning Board. Alderman Kage asked about access to Tinkerbell. Mr. Tuttle told the Board that the developer had said that he preferred no connections to Tinkerbell but would make them if the Board felt it desirable. Town Planner DeMaine presented and explained a table of possible densities based on different types of development. This appeared to indicate that the proposed development would produce fewer dwellings units than could be located in the area under more standard development at RA-15 density. Mr. DeMaine explained the possible development of the Thoroughfare Plan and the lakes as proposed by the Corps of Engineer and the developer. Alderman Prothro moved, seconded by Alderman Smith that the recommendation of the Planning Board to disapprove rezoning carrying 25 acres of RA-10, 15 acres of Multi Family and 7 acres of Regional Commercial be upheld. Alderman Prothro, Smith and Ethridge voted for this motion. Alderman Giduz, Kage, and Varley voted against the motion. Mayor McClamroch then voted no and declared the motion defeated. Alderman Giduz moved, seconded by Alderman Prothro, that the original application for 40 acres of Multi-Family zoning be denied. This was carried unanimously. Alderman Prothro then moved, seconded by Alderman Ethridge, that the 40 acre site for which Multi-Family was requested be rezoned as RA-10. This was carried by a vote of 4-2 with Alderman Kage and Giduz opposing. Alderman Giduz moved, seconded by Alderman Kage, to reconsider the first motion made by Mrs. Prothro concerning the rezoning to RA-10, Multi-Family and Regional Commercial. This was unanimously carried. Alderman Giduz then said that he proposed to make a substitute motion because he felt that the subdivider had answered all the questions raised at the previous meeting by the Board of Aldermen in providing for the roads and the Corps of Engineers' plans for lakes, that he felt that it met all of the criteria listed above. Alderman Giduz moved, seconded by Alderman Varley, to rezone 25 acres to RA-10, 15 acres in Multi-Family and 7 acres to Regional Commercial, as shown on the map presented by the developer within the bounds of the legal advertisement, for rezoning.

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Alderman Smith said that this did not constitute a real compromise by the developer. Alderman Kage noted that in his opinion this was the best possible alternative. Alderman Ethridge noted that the fact that this would be a tax benefit to Orange County should not be considered. Alderman Giduz, Kage and Varley voted for this motion. Alderman Prothro, Smith and Ethridge voted against the motion. Mayor McClamroch voted for the motion and declared it passed. Alderman Giduz moved, seconded by Alderman Kage, to rescind the action to rezone 40 acres to RA-10. Alderman Giduz, Kage and Varley voted for this motion. Alderman Prothro, Smith and Ethridge voted against this motion. Mayor McClamroch voted for the motion and declared it passed.

#### SIDEWALK-ELLIOTT ROAD

Dr. Rollie Tillman told the Board that he had been unsuccessful in obtaining a petition for concrete sidewalks on the south side of Elliott Road but that he still felt there should be sidewalks constructed so that kids could walk to school on a paved sidewalk. Alderman Ethridge moved, seconded by Alderman Prothro, that gravel sidewalk be constructed on the south side of Elliott Road. Mr. Muth presented a petition signed by ten persons owning property on the south side of Elliott Road opposing a gravel sidewalk, stating their preference for grass sidewalks and agreeing to keep up the grass for such use. Mr. Muth said that he did not oppose a paved sidewalk but felt that it should be paid for by all benefitted owners not just the property owners on the south side of Elliott Road. Alderman Ethridge said that the children would not walk on a grass sidewalk. Alderman Kage said that in many cases they didn't walk on a gravel sidewalk but that it was up to the parents to insist that the children use the sidewalk and not walk in the street. Alderman Giduz noted that the Street Committee had in the past recommended a grass sidewalk in this area and the recommendation was still endorsed. Alderman Kage moved, seconded by Alderman Giduz, that the Town seek an enabling act which would allow it to establish sidewalk districts. This was carried by a vote of 6-0.

#### BOND ELECTION

The Town Manager submitted a recommendation calling for a Bond Election on \$850,000 of sewer improvement bonds with which to construct an outfall line on Morgan Creek and on Bolin Creek-Tanyard Branch and to finance construction of sewer collector lines, and for \$450,000 for the construction and furnishings of a new Municipal Administration building behind the Central Fire Station, and \$100,000 for purchase of highway right of way, principally for the extension of McCauley Street, and an undetermined amount for purchase of open space. Alderman Giduz moved, seconded by Alderman Ethridge, that the amount for open space be set at \$100,000. This was unanimously carried. Alderman Ethridge asked that action on this bond issue be held for two weeks so that an estimate could be prepared for an additional item in the Bond Election for Housing & Urban Renewal. Alderman Prothro moved, seconded by Alderman Varley, that the Board approve the items recommended by the Town Manager for a total of \$1.5 million dollars and that action be held up for two weeks for a report on Housing & Urban Renewal. This was unanimously carried. Mr. Smith asked that the drainage study report be completed by that time if possible.

#### SUBSTANDARD HOUSING

Mayor McClamroch read a report of the Building Inspector concerning a building owned by Jack Carlisle at the west end

of Johnson Street and one owned by Brady McLennan at 711 Edwards Street asking authority to carry out duties prescribed by the Minimum Housing Ordinance with respect to these buildings. Alderman Smith moved adoption of the following ordinance:

AN ORDINANCE TO IMPLEMENT THE ENFORCEMENT OF AN ORDINANCE PROVIDING FOR THE REPAIR, CLOSING OR DEMOLITION OF DWELLING UNFIT FOR HUMAN HABITATION, AS ADOPTED JANUARY 23, 1962, AND SUBSEQUENTLY AMENDED

WHEREAS on the 23rd day of January 1962, an Ordinance entitled "An Ordinance Providing for the Repair, Closing and DEMolition of Dwellings Unfit for Human Habitation" was duly adopted as appears in Book 11 at Page 331-333 of the Official Minutes of the Board of Aldermen of the Town of Chapel Hill, and

WHEREAS Section VII of said Ordinance provides that the duties of the Public Officer setforth therein shall not be exercised until the governing body shall have, by Ordinance, ordered the Public Officer to proceed to effectuate the purposes of this ARTICLE with respect to a particular property or properties which the public officer shall have found to be unfit forhuman habitation, and

WHEREAS the Building Inspector of the Town of Chapel Hill is designated and appointed to exercise the powers and duties of the public officer therein provided, and

WHEREAS the said Public Officer has filed with the governing body, a report finding certain properties described therein, and hereafter designated as unfit for human habitation.

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

#### SECTION I.

That the Building Inspector of the Town of Chapel Hill be, and he is hereby authorized, ordered and directed to proceed with all of the duties and procedures described in the Ordinance recorded in Book 11 at Page 331-333 of the official minutes of the Town of Chapel Hill, with respect to the repair, closing or demolition of the dwelling unit situated on the following particular properties:

- (a) Building at the end of Johnson Street (Tax Map 100, Lot 10, Block "E")
- (b) 711 Edwards Street

#### SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 8th day of January, 1968

This was seconded by Alderman Prothro and unanimously carried.

#### SUBSTANDARD HOUSING - JOLLY LANE

The Town Manager reported that seven of the apartment units on Jolly Lane were now vacant, that the owner had approval of the County sanitarian to improve the drain field to the septic tanks and continue use of the houses, and that he had obtained a building permit for bringing four of these units up to standard and said that he would apply for a permit for the other four as soon as the first ones were finished.

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Attorney Denny recommended an ordinance amending the ordinance of December 12, 1967 ordering these houses demolished. Alderman Kage moved adoption of the following ordinance:

AN ORDINANCE TO AMEND THE ORDINANCE OF DECEMBER 11, 1967 IMPLEMENTING THE ENFORCEMENT OF AN ORDINANCE PROVIDING FOR THE REPAIR, CLOSING, OR DEMOLITION OF DWELLING UNFIT FOR HUMAN HABITATION AS ADOPTED JANUARY 23, 1962 AND SUBSEQUENTLY AMENDED

WHEREAS, on the 11th day of December, 1967, an Ordinance entitled an Ordinance to Implement the Enforcement of an Ordinance Providing for the Repair, Closing, or Demolition of Dwellings Unfit for Human Habitation as adopted January 23, 1962, and subsequently amended, was adopted with respect to the property hereinafter referred to, and

WHEREAS, it is desired that said Ordinance be amended.

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

#### SECTION I.

That Section I of the Ordinance entitled an Ordinance to Implement the Enforcement of an Ordinance Providing for the Repair, Closing, or Demolition of Dwellings Unfit for Human Habitation, as adopted January 23, 1962, and subsequently amended be, and the same is hereby, amended to read as follows:

"That the Building Inspector of the Town of Chapel Hill be, and he is hereby authorized, ordered, and directed to proceed with all of the duties and procedures described in the Ordinance recorded in Book 11 at Pages 331-333 of the Official Minutes of the Town of Chapel Hill with respect to the closing, repair, or demolition of the dwelling units situated on the following particular property:

- a. 715 Jolly Lane, Lot 21, Block H, Tax Map 91, Orange County".

#### SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 8th day of January, 1968.

This was seconded by Alderman Ethridge and unanimously carried.

#### ZONING-CBD

Mayor McClamroch read an ordinance re-defining the Central Business District shown on four tax maps designated as official maps of the Central Business District. Alderman Ethridge moved adoption of the following ordinance:

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED MARCH 14, 1955, AND AS SUBSEQUENTLY AMENDED, SO AS TO ESTABLISH THE BOUNDARIES FOR THE CENTRAL BUSINESS DISTRICT AND TO REZONE THE AREAS HEREINAFTER DESCRIBED

WHEREAS, after due advertisement as provided by law, a joint Public Hearing was duly called and held by the Board of Aldermen and the Planning Board of the Town of Chapel Hill on 27 day of November, 1967 to consider requests for rezoning the area hereinafter described; and



WHEREAS, following said public hearing the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen rezoning of certain areas including the area hereinafter described; and

WHEREAS, thereafter the Board of Aldermen adopted the recommendation of the Planning Board with respect to the rezoning of the areas hereinafter described;

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

#### SECTION I.

That the "Ordinance providing for the zoning of Chapel Hill and Surrounding Areas", as adopted on March 14, 1955 and as subsequently amended, be, and the same is hereby further amended so that" (a) the area formerly zoned RA-10 Residential and RA-6 Residential, and included within the boundaries of the Central Business District as shown on the maps referred to in Section II, be, and the same is hereby rezoned from RA-6 Residential and RA-10 Residential to Central Business and the uses permitted in the areas designated as Central Business, as set forth in said zoning ordinance shall hereafter apply to said designated and described areas; (b) those portions of Lot No. 1 as shown on Orange County Tax Map 73, formerly lying within the boundaries of the Central Business District, be, and the same are hereby rezoned from Central Business to RA-10 Residential, and the uses permitted in the areas designated RA=10 REsidential, as set forth in said Zoning Ordinance shall hereafter apply thereto.

(c) That part of Lot No. 9, Block E as shown on the Orange County Tax Map 92 and that part of Lot No. 35, Block L as shown on the Orange County Tax Map 85, both formerly lying within the boundaries of the Central Business District, be, and the same are hereby rezoned from Central Business to RA-6 Residential and the uses permitted in the areas designated RA-6 Residential, as set forth in said Zoning Ordinance shall hereafter apply thereto.

#### SECTION II.

That the location and boundaries of the Central Business District shall be as shown on the maps accompanying this Ordinance being Orange County Tax Maps 80, 85, 86, and 92, which are designated "Official Zoning Maps, Central Business District, Chapel Hill, North Carolina and surrounding areas", and all amendments, notations, references, lot lines, and other information shown thereon are hereby made a part of this ordinance just as if such information were fully described and set out herein.

#### SECTION III.

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of January, 1968.

This was seconded by Alderman Varley and unanimously carried. Mayor McClamroch then read an ordinance which would require 10% open space in connection with special use permits for Commercial Residence Halls. Alderman Smith moved adoption of the following ordinance:

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ORDINANCE TO AMEND THE TABLE OF REGULATIONS FOR SPECIAL USE PERMITS, AS SET FORTH UNDER SECTION III OF THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED MARCH 14, 1955, AND AS SUBSEQUENTLY AMENDED

WHEREAS, after due advertisement as provided by law, a joint Public Hearing was duly called and held by the Board of Aldermen and the Planning Board of the Town of Chapel Hill, on November 27, 1967, to consider changes in the zoning Ordinance with respects to Section III thereof, entitled "Special Use"; and

WHEREAS, following said public hearing the Planning Board recommended to the Board of Aldermen the adoption of the hereinafter described amendments to the Zoning Ordinance; and,

WHEREAS, thereafter, the Board of Aldermen adopted the recommendation of the Planning Board; NOW, THEREFORE,

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

SECTION I.

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted on March 14, 1955 and as subsequently amended, be and the same is hereby further amended as follows:

Amend the Table of Regulations for Special Use Permits by adding the horizontal row headed "Commercial Residence Hall" and in the vertical column headed "Minimum Lot Area", after the word "none", the following " , but outdoor recreation or planted areas equal to ten percent (10%) of the total lot area shall be provided. Also see parking requirement."

SECTION II.

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of January, 1968.

This was seconded by Alderman Prothro and unanimously carried.

RELEASES

Alderman Smith moved, seconded by Alderman Ethridge, that the following taxes be released as erroneously charged. This was unanimously carried.

<u>NAME</u>	<u>REC.#</u>	<u>AMOUNT</u>	<u>REASON</u>
M. A. Abernathy	4	\$ 19.90	Building burned, reduced valuation from 25,610 to 23,880
M. A. Abernathy	6	12.00	Sewer charged in error
W. A. Markham	2436	36.00	Sewer charged in error
Richard A. Birgel	287	12.00	Sewer charged in error
Presbyterian Church	4884	12.00	House torn down at 210 E. Rosemary. Now a Parking Lot.

PURCHASE OF RIGHT OF WAY

Alderman Kage moved, seconded by Alderman Varley, that the Town Manager be authorized to purchase a lot on Southwest Lane which would be needed for extension of McCauley Street and is now for sale, using money appropriated for purchase of right of way and Powell Bill money. This was unanimously carried.

FIREMEN'S ROSTER

Alderman Giduz moved, seconded by Alderman Prothro, that a list of active firemen submitted by the Fire Chief be certified to the Pension Fund. This was unanimously carried.

The Meeting adjourned at 10:35 P. M.



Mayor



Town Clerk

MINUTES

BOARD OF ALDERMEN

TOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting on Monday January 22, 1968 at 7:30 p.m. with the following members present: Mayor McClamroch; Aldermen Varley, Smith, Ethridge, Giduz, Kage and Prothro. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Prothro moved, seconded by Alderman Kage, that the minutes of the meeting of January 8, 1968 be approved as distributed. This was unanimously carried.

AIRPORT

Mayor McClamroch told the Board that the University had applied to the Federal Government for assistance in improving the Horace Williams Airport, and needed a statement from the Town Board stating that these plans did not conflict with any of the Town's long range plans. Mr. Shaeffer, representing the University, told the Board that he or Mr. Williams would be glad to answer any questions that they might have on this project. A letter of endorsement from the Chamber of Commerce was read. Alderman Kage moved, seconded by Alderman Varley, that the Mayor be instructed to address a letter to the University substantially as follows:

January 13, 1968

Mr. J. A. Williams  
Business Manager  
University of North Carolina  
Chapel Hill, North Carolina 27514

Dear Mr. Williams:

In answer to your letter of December 1, 1967 in connection with the development of Horace Williams Airport, the Board of Aldermen of Chapel Hill has ultimate responsibility for planning in this area.

There is no Long Range Community Plan for this area with which the improvement of this airport would conflict.

Sincerely,

Roland McClamroch  
Mayor

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