

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
Leafy Spear Pollock	2940	9.25	Property not in Town

PLANNING BOARD APPOINTMENT

Mayor McClamroch read a letter from Andy Shearer resigning from the Planning Board because he was moving out of town. The Board appointed Charles Weiss to replace Mr. Shearer for the remainder of his term.

SPEED LIMITS

The Street Committee recommended that the Board request the Highway Commission to reduce the speed limit to 20 mph on East Franklin Street between the Central Business District and Raleigh Road, and on South Columbia Street between the Central Business District and Cameron Avenue. Alderman Giduz moved the adoption of this report. This was seconded by Alderman Varley and unanimously carried.

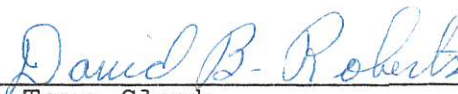
SALE OF GARBAGE BODY

Alderman Ethridge moved, seconded by Alderman Prothro, that a bid of \$325.28 made by James Burnett on a used garbage body be accepted. This was unanimously carried.

The meeting adjourned at 11:40 P.M.



Mayor



Town Clerk

MINUTES

BOARD OF ALDERMEN

TOWN OF CHAPEL HILL

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

MINUTES

Alderman Prothro moved, seconded by Alderman Varley, that the minutes of the meeting of March 25, 1968 be approved as distributed. This was unanimously carried.

RESOLUTION

Alderman Smith introduced the following resolution and moved its adoption:

WHEREAS, on April 4, 1968, Dr. Martin Luther King, Jr. pioneer and promoter of the non-violent activities of the Civil Rights Movement was assassinated and

WHEREAS the Chapel Hill community is deeply grieved at the tragedy that has befallen the family of Dr. King, and the terrible loss this constitutes to the cause of universal brotherhood in this crucial period of our world history.

Be it resolved that the members of the Board of Aldermen on behalf of the Town of Chapel Hill do hereby join millions of other Americans in extending the sympathy of this community to the family of Dr. Martin Luther King, Jr.

Be it further resolved that this great tragic event shall not be the end of a dream but the beginning of making this dream a reality, and that the members of the Board of Aldermen will give their responsibility a greater meaning by uniting the citizens in a true spirit of brotherly love, to the extent that all the inequities faced by any segment of this community shall be eliminated.

Be it also resolved that we deplore violence and at the same time will exert our every effort with all deliberate speed to eliminate all conditions and inequities upon which violence thrives.

Finally, be it further resolved that we will re-activate the Chapel Hill Human Relations Committee with specific instructions to devote its full energies in searching for and recommending to the Board of Aldermen and the community steps necessary to bring about conditions that will make Chapel Hill an ideal Town in the truest sense of a democracy.

This was seconded by Alderman Giduz and unanimously carried. Mayor McClamroch thanked the citizens of the Town for their restraint during the past few days.

OPEN HOUSING PETITION

Hubert Robinson presented a petition requesting an enactment of an enforceable open housing ordinance. He told the Board that it had been signed by 2,264 persons. Mayor McClamroch then read a letter from Robert Travis, President of the UNC Student Body, supporting the petition. Alderman Prothro moved that the petition be accepted and that the Board request the Town Attorney and Town Manager to prepare such an ordinance. This was seconded by Alderman Smith and unanimously carried. Alderman Giduz suggested that a study of this matter had been undertaken in Greensboro and by the Institute of Government and suggested the Attorney investigate these sources and establish the legality of such an ordinance. Alderman Ethridge noted that an open housing ordinance had recently been passed in Birmingham, Michigan. Alderman Prothro told the Board they should be concerned with passing the law not interpreting it. The motion was unanimously carried.

STREET ABANDONMENT - EAST FRANKLIN STREET

The Mayor announced that a hearing had been legally advertized to close a portion of East Franklin Street in front of the property owned by the Zoom, Zoom, Inc. and the Whitehall Antique Shop, east of the Masonic Lodge. Town Attorney Denny explained the situation. There was no opposition. Alderman Varley moved adoption of the following resolution:

RESOLUTION CLOSING A PORTION OF HOLLOWAY STREET BETWEEN E. FRANKLIN STREET AND THE MASONIC LODGE ADJOINING A PORTION PREVIOUSLY CLOSED

WHEREAS, the Board of Aldermen of the Town of Chapel Hill is vested with the authority under Section 9, Subsection (17), Chapter 153, General Statutes of North Carolina to close streets and roads lying within the corporate limits of the Town of Chapel Hill, and

WHEREAS, pursuant to said authority the Board of Aldermen of the Town of Chapel Hill did receive at its regular meeting on March 11, 1968, a petition requesting it to consider the closing of a portion of Holloway Street between East Franklin Street and the Masonic Lodge adjoining a portion previously closed, located within the corporate limits of the Town of Chapel Hill, and

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WHEREAS, said Petition was signed by all of the property owners adjoining said street or road except The Masonic Lodge and whereas the Board of Aldermen did unanimously direct that the proposal to close said street be advertised as required by law for hearing, consideration, and

WHEREAS, notice of said meeting, the matter to be considered, and the action proposed to be taken was duly advertised in a newspaper published in Orange County as required by law, and the Masonic Lodge was given notice as required by law, and

WHEREAS, due notice has been given to all interested parties and persons owning property on said road and in the vicinity of said property, the matter to be considered, and the action proposed to be taken, and

WHEREAS, it appears that said portion of said street has been abandoned by the State Highway Commission for maintenance, and

WHEREAS, it further appears to the satisfaction of the Board of Aldermen that the closing of said street or roadway is not contrary to the public interest and that no individual owning property in the vicinity of said street or road or in the subdivision in which is located said street or road will thereby be deprived of reasonable means of ingress and egress to his property, and that said street or road is not now affording access to any properties except those owned by the persons joining the Petition and request, and

NOW, THEREFORE, be it resolved by the Board of Aldermen of the Town of Chapel Hill that the hereinafter described portion of Holloway Street lying between East Franklin Street and Elizabeth Street within the Corporate limits of the Town of Chapel Hill be, and the same is hereby ordered closed pursuant to the provisions of Section 9, Subsection (17), Chapter 153 of the General Statutes of North Carolina, it appearing to the satisfaction of the Board that the closing of said portion of said street or road is not contrary to the public interest and that no individual, firm or corporation owning property in the vicinity of said street or road will thereby be deprived of reasonable means of ingress and egress to his property. Said portion of Holloway Street being more particularly described as follows:

BEGINNING at an iron stake in the northern right-of-way of the Old Durham-Chapel Hill Highway, southwestern corner of the property of the Zoom-Zoom, Inc. as shown on the deed recorded in Deed Book 208 at Page 815, Orange County Registry; running thence from said beginning point along and with said northern right-of-way line North 55 degs 26' East 69.63 feet to an iron pipe, corner of the Bason property, continuing thence along said northern right of way line North 55 degs 26' East 143.31 feet to a point where said northern right of way line intersects with the right-of-way line of U.S. 15-501A (East Franklin Street); running thence along and with the northern right-of-way line of said U.S. 15-501-A as it curves in a southwesterly direction along a curve with a radius of 1577.89 feet, a distance of 151.01 feet to an iron stake, and a distance of 75.27 feet to an iron stake in said right-of-way line; running thence North 30 degs 33' West 62.88 feet to an iron pipe, the point and place of BEGINNING.

Provided however that this resolution shall not be effective until the completion by the State Highway Commission of Project Number 9.7070301.

And be it further resolved that certified copy of this Resolution and Order shall be filed in the Office of the Register of Deeds of Orange County.

This was seconded by Alderman Smith and unanimously carried.

ZONING-EUBANKS PROPERTY

Mayor McClamroch read a proposed ordinance rezoning the Eubanks property and the lot owned by Anne Queen as approved by the Board at the March 25th meeting. Alderman Kage moved, seconded by Alderman Prothro, that this ordinance be adopted. Alderman Ethridge then asked Town Attorney Denny to discuss this situation. Mr. Denny told the Board that if there was a unanimous vote or a 5-1 vote that there would be no problem, if there was a majority but not two thirds, the ordinance could not be passed at the same meeting in which it was introduced, and if there was not a three quarter vote that there was some question about a petition that had been previously submitted. Attorney Godon Battle discussed the point of the petition for the citizens opposing the zoning. He briefly reviewed the history of this case with the hearing on a rezoning request on November 27, 1967, with Planning Board consideration on December 5th, at which time a petition opposing the development was submitted and the rezoning request withdrawn. A different but similar rezoning request by Allan & O'Hara was later advertised for hearing on March 11, 1968, reviewed by the Planning Board on March 21, and approved by the Aldermen on March 25 by a 4-3 vote. Mr. Battle argued that the intent of the petition as was evident even if ~~some~~ technicalities were lacking and that he believed that the Board should consider the spirit of the ordinance rather than the letter. He suggested that adoption by a three fourths vote after the previous 4-3 vote would be unfair and further suggested that the Board should defeat the ordinance so that there would be no question.

Attorney Robert Page then presented a brief in support of Allen Bros. & O'Hara and NCNB indicating that in his opinion the petition was invalid, noting that the developer had been required to withdraw his first petition and resubmit it in a changed form to meet the letter of the law and he felt that the opposition should be required to do the same. He noted that the petition, addressed to the Planning Board, was general opposition to the development of the lot not specifically aimed at the zoning and that it did not meet the requirements of law being submitted in specific opposition, being submitted to the Town Clerk, and certified by him. Alderman Varley asked the Town Attorney's opinion. Mr. Denny told the Board that the petition had been filed against the original request not the one being voted on at the present time and believes that as a document it was insufficient to require a three-fourths vote of the Board. Mayor McClamroch then called for a vote with Alderman Kage, Varley and Giduz voting for the motion and Alderman Smith, Prothro and Ethridge against the motion. The Mayor ruled that a three fourths vote was not necessary but that, as it had failed to receive a two thirds majority, it would be voted on again at the next meeting.

SPECIAL USE - BOLIN CREEK MEADOWS

Mayor McClamroch read two transmittals from the Planning Board concerning this proposal. Alderman Prothro moved, seconded by Alderman Ethridge, that the recommendation of the Planning Board be accepted and the request be disapproved because the Board could not find that location and character of the use would be in harmony with the area in which it is located and in general conformity of the plan of development of Chapel Hill, and that it would not substantially injure the value of adjoining or abutting property. Alderman Giduz asked Arthur Tuttle, Planning Board Chairman, for a discussion of the Planning Board's recommendation. Mr. Tuttle told the Board he felt that this high density was not compatible with the surrounding territory and that it would have an adverse affect on the value of adjacent property, that the access to the property was questionable and that it had not allowed for implementation of the Thoroughfare Plan. Alderman Kage asked if there would be a different opinion if the thoroughfare shown through here were constructed. Mr. Tuttle said that the design from such an access could be much more satisfactory. Attorney Denny noted that Dr. Nathan had arranged for future dedication of the thoroughfare but wanted credit for this land towards density of the development and did not want to dedicate it without approval of the project. The vote to disapprove was carried by a vote 6-0.

FINAL PLAT - COLONY WOODS

Mayor McClamroch read a transmittal from the Planning Board

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recommending approval of a portion of Section 3 & 4 of Colony Woods subject to the posting of an adequate cash bond and for modification of a street intersection design. Alderman Smith moved, seconded by Alderman Varley, that this final plat be approved with the stipulations recommended by the Planning Board, subject to the approval of the Town Manager. This was unanimously carried.

PRELIMINARY PLAT - THE OAKS

Mayor McClamroch read a transmittal from the Planning Board recommending approval of a preliminary plat of The Oaks Subdivision with stipulations. Alderman Ethridge moved, seconded by Alderman Giduz, that this preliminary plat be approved with the following stipulations:

1. That street profile be provided for location specified by the Town Manager and be approved by the Town Manager prior to construction.
2. That the horizontal alignment of the major thoroughfare plan constituting a portion of the outer loop facility be modified to provide a smoother curve in the thoroughfare alignment and that the modification be approved by the Town Manager with advice of the Highway Commission.
3. That a plan and profile of the sanitary sewer system be submitted and approved by the Town Manager prior to construction.
4. That water lines be approved by the University Service Plants.
5. That the complete design of the drainage system be approved by the Town Manager.
6. That the pumping of sewage from across the county line be approved in this situation because it is a minor part of a total development most of which is in Orange County.

This was unanimously carried.

REZONING - KESSING

Mayor McClamroch read a transmittal from the Planning Board requesting additional time for consideration of the Kessing rezoning request as they had not yet received a report from the Highway Commission on the Thoroughfare Plan in this area. Alderman Giduz moved, seconded by Alderman Ethridge, to extend this time until a report had been received from the Highway Commission. This was unanimously carried.

REZONING - PIZER

The Town Manager reported that a complete description of the property for rezoning as requested by Mr. Pizer had not been received and recommended no action until this had been received. No action was taken.

SPECIAL USE - KINGS ARMS

Mr. Phillips and Mr. Bowles of Greensboro requested modification of a special use permit approved under the name of Plymouth Hills in June 1967. Alderman Prothro moved, seconded by Alderman Varley, that this modification be approved subject to the following stipulations:

1. That any question relating to the property line between this property and Castillian Villa be completely cleared.
2. That a sewer easement be provided from Ephesus Church Road to the eastern property line and the eight inch sewer serving the buildings be located within this easement.

3. That adequate drainage be provided as approved by the Town Manager/
4. That a paved sidewalk be provided along one side of the main driveway.
5. That concrete curb and gutter and paved sidewalk be provided along Ephesus Church Road as shown in the Plymouth Hills Plans.
6. That a pool be permitted as shown on the Plymouth Hills plan but not shown in the presented plans for Kings Arms.

This motion was unanimously adopted.

HOUSING CODE

Alderman Kage moved, seconded by Alderman Prothro, that no action be taken on the proposed HOusing Code until further study is given it. This was unanimously carried.

PARKING FACILITY BONDS

Alderman Ethridge moved, seconded by Alderman Kage, that the Town Clerk be authorized to proceed with the payment of \$5,000 of Parking Facility Bonds on June 1, 1968. This was unanimously carried.

TAX SALE

A statement of delinquent real property taxes and assessments was reported to the Board by the Tax Collector. Alderman Prothro, moved, seconded by Alderman Ethridge, that the Tax Collector be ordered to sell the tax liens of listed delinquents on June 10, 1968 and that the property be advertised as prescribed by law. This motion was unanimously carried.

STOP STREET

Alderman Smith moved adoption of the following ordinance:

AN ORDINANCE TO AMEND THE ORDINANCE RELATING TO VEHICULAR TRAFFIC ON THROUGH STREETS AND AT STOP SIGNS

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

SECTION I.

The ordinance entitled "An Ordinance Relating to Vehicular Traffic on Through Streets and at Stop Signs" as adopted October 9, 1961, which ordinance appears in Book 11, Page 289, of the Official Minutes of the Board of Aldermen of the Town of Chapel Hill, and as subsequently amended, be and the same is hereby further amended by adding, in Section II thereof, under the column headed "Through Streets", the words:

GOMAINS AVENUE

and by adding, in Section II hereof, under the column headed "Stop Streets", the words:

CRAIG STREET

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

This the 8th day of April, 1968.

This was seconded by Alderman Giduz and unanimously carried.

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PLANNING STUDENTS

The Town Manager reported that the Town had for a number of years been using planning students by paying the University \$900.00 per semester as a scholarship for graduate students of the school for City & Regional Planning and that the school had requested this be increased to \$1,200.00 per semester beginning September, 1968. Alderman Giduz moved, seconded by Alderman Prothro, that this increase be approved. This was unanimously carried.

SUBSTANDARD HOUSING

Mayor McClamroch read a report from the Building Inspector on the properties at 700 Gomains Avenue and 309-A Brooks Street recommending that the Town **remove** these dwellings. Alderman Varley moved the 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 Proceeding for the Repair, Closing and Demolition of Dwellings Unfit for Human Habitation) was duly adopted as appears in Book 11 at Pages 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 set forth 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 for human 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.

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

SECTION I.

The Building Inspector of the Town of Chapel Hill is authorized and directed to proceed with respect to repair, closing or demolition of the dwelling units situated on the following particular properties:

- (a) 700 Gomains Avenue, Chapel Hill, North Carolina
- (b) 309A Brooks Street, Chapel Hill, North Carolina

SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 8th day of April, 1968.

This was seconded by Alderman Ethridge and unanimously carried.

PAYROLL CHECKS

The Town Manager requested that the Town Clerk be authorized to sign payroll checks. Alderman Ethridge moved, seconded by Alderman Varley, that either the Town Clerk or the Town Manager be authorized to sign payroll checks. This was unanimously carried.

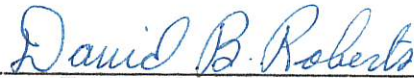
POLICE OVERTIME

Alderman Giduz moved, seconded by Alderman Prothro, that a proposal be made to compensate the Police for the extraordinary services. Alderman Kage made a substitute motion, seconded by Alderman Prothro, that the Police Department be given across the Board a one step raise. The substitute motion was defeated by a vote of 5-1. The original motion was carried unanimously.

The Meeting was adjourned at 10:37 P.M.



Mayor



Town Clerk

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

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

MINUTES

Alderman Giduz moved, seconded by Alderman Varley, that the minutes of the meeting of April 8, 1968 be approved as corrected. This was unanimously carried.

WATERSHED PROTECTION

Mayor McClamroch read a petition from Lawrence Slifkin asking that the Town take action on a proposed trailer park west of Chapel Hill in the watershed of University Lake. He also read a copy of a letter to the County Planning Board, Chairman, from the State Board of Health suggesting that the proposed density within the trailer park was probably not appropriate for use of septic tanks. It was pointed out that this was a matter of zoning control for the County and was beyond the jurisdiction of the Town. Pearson Stewart suggested that the Town could reiterate its expression of concern adopted at a previous meeting. Alderman Giduz moved that the Town write to the County Planning Board and the County Commissioners expressing their concern for the elimination of potential danger of septic tank pollution in the University Lake watershed, noting the Chapel Hill standards for approval of septic tanks, and ask the County to make an effort to maintain a safe watershed through their zoning authority. This motion was seconded by Alderman Smith and unanimously carried. The Town Manager was also asked to keep up with the developments in this area and report to the Aldermen as he felt necessary.

Housing

Mayor McClamroch called on Attorney Denny to discuss a suggested ordinance on open housing. Mr. Denny told the Board that the legal authority of the Town to adopt such an ordinance was questionable, that the Attorney General and the Counsel for the League of Municipalities both felt that the Town did not have such authority but that other knowledgeable persons had felt otherwise. He told the Board that no definite determination could be made except by a case carried to the Supreme Court. Alderman Ethridge asked if the Town Attorney felt that he could defend such an ordinance in court. The answer was yes, but that an ordinance carefully prepared with the necessary findings of facts and possibly a hearing might be a stronger

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