

MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Regular Meeting on July 10, 1961, at 7:30 P.M. o'clock with the following present: Mayor McClamroch; Aldermen Robinson, Giduz, Strowd, Page, Wager, and Walters; Town Attorney LeGrand and Town Manager Rose.

Minutes for the June 27 meeting were approved on a motion by Alderman Walters, seconded by Alderman Wager, and passed.

Minutes for the June 30 Special Meeting were approved on a motion by Alderman Giduz, subject to correcting the second paragraph to read P. E. Barrow and deleting P. E. Parrow, seconded by Alderman Robinson, and passed.

Oral Petitions - None at this time.

Written Petitions

Beer Permit request - Elias Eliadis (Leo) for "On Premises" beer at old Andrews Restaurant location on W. Franklin Street. Alderman Robinson moved that the request be allowed for beer on premises, seconded by Alderman Strowd, and passed.

MONTHLY REPORTS:

Report of Auditor Mr. E. E. Peacock reported that he has examined the June vouchers and found them to be in order and properly supported; that collections have picked up a little. (89.2% of 1960 taxes).

Planning Board

Coker Hills Subdivision - Final Plats 78 & 79 Lots.

Alderman Walters moved that the recommendation of the Planning Board to approve the final plat, be accepted subject to the approval of the Town Manager, seconded by Alderman Robinson, and passed.

Re: Special Use Permit - Towne Apts Project - E. Rosemary Street

There was a lengthy discussion by counsel in this matter and a group of interested property owners opposing the Special Use Permit assembled before the Board. Attorney Denny again requested that the matter be considered on its merit, rather than from the standpoint of technicalities, and Attorney Manning requested that the building inspector recall the permit and refund the applicants' money. Alderman Walters moved that the Board concur with the recommendation of the Planning Board, that the Special Use Permit be disallowed, for the reason that the location and character of the use, if developed according to the proposed plan as submitted, will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and environs, seconded by Alderman Wager subject to the motion including "also that the area would not meet the zoning requirement "density of land use", and unanimously passed.

Health Department Report - was examined.

Recorder's Court Report - was examined.

Police Department Report - was examined.

Fire Department Report - none at this time.

Town Attorney:

Alderman Giduz moved the adoption of the following :

AN ORDINANCE TO AMEND THE ORDINANCE ENTITLED, "ORDINANCE TO REPEAL CERTAIN EXISTING ORDINANCES, TO AMEND CERTAIN EXISTING ORDINANCES, AND TO ADOPT NEW ORDINANCE PROVISIONS, IN CONNECTION WITH PROPOSED COMPILATION OF TOWN ORDINANCES", by adding a new Section so as to designate a form of short title reference to said ordinance.

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

SECTION I.

That the ordinance entitled, "ORDINANCE TO REPEAL CERTAIN EXISTING ORDINANCES, TO AMEND CERTAIN EXISTING ORDINANCES, AND TO ADOPT NEW ORDINANCE PROVISIONS, IN CONNECTION WITH PROPOSED COMPILATION OF TOWN ORDINANCES", as adopted the 23rd day of May, 1961, be and the same is hereby amended by adding a new section to be entitled, "Section 3-A", to read as follows:

"Section 3-A"

"This ordinance may be hereafter identified and referred to as, "THE REVISION ORDINANCE of 1961".

SECTION II.

All laws and clauses of laws in conflict herewith are hereby repealed.

This the 10th day of July, 1961.

seconded by Alderman Page, and unanimously adopted.

Alderman Wager moved the adoption of the following:

AN ORDINANCE TO AMEND a portion of SUBCHAPTER F of CHAPTER V of "THE REVISION ORDINANCE of 1961".

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

SECTION I.

That that portion of SUBCHAPTER F of CHAPTER V of "THE REVISION ORDINANCE of 1961", which portion is entitled, "Amendments and New Provisions", be and the same is hereby amended by striking out all of said portion of said subchapter and by inserting, in lieu thereof, the following:

"Amendments and New Provisions"

"It shall be unlawful for any person, other than a law enforcement officer acting in discharge of his duties or a resident acting in defense of his own property, to discharge any gun, rifle, air rifle, BB gun, pistol or firearms of any description, within the town limits, except that, upon written permit given by the Chief Police, an air rifle or BB gun may be used by a resident for the purpose of shooting squirrels or other predatory wild animals while said animals are on the property of said resident".

SECTION II.

All laws and clauses of laws in conflict herewith are hereby repealed.

This the 10th day of July, 1961.

seconded by Alderman Giduz, and unanimously adopted.

Re: Jennings Petition

Mr. William S. Stewart as counsel in this matter, appeared before the Board of Aldermen representing Sion D. Jennings, et ux; Gertrude White, and Burt Kednocker, et wife, relative to rezoning certain properties from RA-20 to Suburban Commercial, and presented an agreement which reads as follows:

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NORTH CAROLINA

AGREEMENT

ORANGE COUNTY

This AGREEMENT, made and entered into this 8th day of July, 1961, by and between SION D. JENNINGS, MARGARET B. JENNINGS, GERTRUDE R. WHITE, BERT J. KEDNOCKER and HELEN L. KEDNOCKER, parties of the first part, and THE TOWN OF CHAPEL HILL, party of the second part,

WITNESSETH:

That whereas, the parties of the first part have pending before the Board of Aldermen of The Town of Chapel Hill a petition known as the Jennings Petition to rezone a certain area from RA-20 to Suburban Commercial, more particularly described in Exhibit A hereto and;

Whereas, the rezoning of this area has been under consideration for a considerable period of time and the Board is desirous of taking action on the petition, and;

Whereas, certain amendments to the Ordinance for the Zoning of Chapel Hill and the Surrounding Area, as contained in Exhibit B. Attached hereto, have been or will be proposed and considered by the Board, but the adoption of the proposed amendments or modifications thereof may take some time, and;

Whereas, the parties of the first part and the Board of Aldermen feel that it is in the interests of the entire community that development of the area proposed to be rezoned be in accordance with the proposed amendments contained in Exhibit B;

Now, therefore, parties of the first part agree that any new use and occupancy of or erection or alteration of any building on said area proposed to be rezoned Suburban Commercial shall comply in all respects with the provisions of Exhibit B as though the said Exhibit B had been duly adopted and become a part of the Ordinance for the Zoning of Chapel Hill and Surrounding Area, and that this agreement shall continue and remain binding on the parties hereto for a period of nine months or until the Board of Aldermen of the Town of Chapel Hill shall adopt and exact into law the amendments contained in Exhibit B or modification thereof, whichever shall first occur. Any amendments to the Zoning Ordinance which are enacted within nine months from the date hereof and which contain the provisions of Exhibit B or modification thereof shall apply to the property described in Exhibit A.

And said parties of the first part further agree that the Town of Chapel Hill may enforce this agreement by applying to the Superior Court for injunctive relief.

and said parties of the first part further agree that this agreement shall be binding on themselves and their heirs and assigns.

IN WITNESS WHEREOF the parties of the first part have herewith set their hands and seals the day and year first above written.

SEAL

SEAL

SEAL

SEAL

SEAL

NORTH CAROLINA

ORANGE COUNTY

I, _____, a notary public of Orange County, North Carolina, hereby certify that Sion D. Jennings, Margaret B. Jennings, Bert J. Kenocker, Helen L. Kednocker and Gertrude R. White personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This day of July, 1961.

Notary Public

My commission expires:

Exhibit A.

Property description on page 190 (Min. Book #11) in advertised Public Hearing as of November 28, 1960.

This agreement including Exhibit B referred to but not herein setforth, has been recorded in Deed Book 182, page 503, Orange County Registry and reference is hereto made to said instrument as therein recorded for the full contents thereof, and the same is hereby incorporated by reference as if fully setforth herein.

Alderman Robinson moved that the Board approve the above agreement and that it be made a part of these minutes, seconded by Alderman Strowd, and passed.

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Alderman Page moved the adoption of the following:

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 REZONE THE AREA HEREINAFTER DESCRIBED FROM "RA-20 RESIDENTIAL", TO SUBURBAN COMMERCIAL".

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 May 29, 1961, to consider a request for rezoning the area hereinafter described from RA-20, RESIDENTIAL, to SUBURBAN COMMERCIAL; and,

WHEREAS, the Board of Aldermen deem it advisable that the property hereinafter described be rezoned, as requested, from RA-20, Residential, to Suburban Commercial;

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

SECTION 1.

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted March 14, 1955, and as subsequently amended, be and the same is hereby further amended so that the following areas be and the same are hereby rezoned from RA-20 Residential to Suburban Commercial, and that the uses permitted in areas designated as Suburban Commercial, as set forth in said zoning ordinance, shall hereafter apply to the following described area:

- Area 1. All that certain lot or parcel of land lying and being on the north side of old N.C. Highway #75 and more particularly described as BEGINNING at an iron stake in the center of said highway; running thence with the center line of said highway South 89 degrees West 365 feet more or less to the Ella B. Parrish line; running thence North 21 degrees 30 minutes West 75 feet to a stake; running thence North 61 degrees 30 minutes East 470 feet to an iron stake in the east line of the T. A. Hudson property; running thence with the east line of the said Hudson property South 4 degrees 30 minutes West 288 feet to the Beginning, as surveyed by J. Ralph Weaver, Registered Surveyor, on Oct. 18, 1951.
- Area 2. All those certain lots or parcels of land situated, lying and being at the Southeastern intersection of Henderson Street and the Chapel Hill-Durham Road and known as designated as Lots Nos. 1 and 2 in Block F of UNIVERSITY HEIGHTS as surveyed by F. M. Carlisle, C. E., on May 21, 1947, plot of which is on file in the Office of the Register of Deeds of Orange County in Plot Book 4, at page 17, and more particularly described as BEGINNING at a stake at the said intersection and running thence along the South property line of the said Highway South 86 degrees 15 minutes East 103.5 feet to a stake, the Northwest corner of Lot. No. 3; running thence with the line of lot No. 3 South 3 degrees 45 minutes West 150 feet to a stake in the line of Lot No. 7; running thence with the line of Lot No. 7 North 86 degrees 15 minutes West 33 feet to a stake in the east

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property line of Henderson Street; running thence along the east property line of the said street North 21 degrees 23 minutes West 165 feet to the BEGINNING.

Area 3 All those certain lots or parcels of land situated, lying and being on the South side of the old Chapel Hill-Durham Road, and known and designated as Lots 3,4,5,6,7,8,9,10,11, 12,13,14,15,16,17 and 18 in Block F of University Heights Development according to plat and survey thereof of Frank M. Carlisle, C.E., on May 21, 1947, plot of which is on file in the Office of the Register of Deeds of Orange County in Plot Book 4, at page 17, and more particularly described as BEGINNING at a stake in the South property line of the old Chapel Hill-Durham Road and running thence with the property line of the said road South 86 degrees 15 minutes East 400 feet to a stake; running thence South 3 degrees 45 minutes West 232 feet to a stake; running thence North 86 degrees 15 minutes West 225 feet to stake; running thence North 3 degrees 45 minutes East 82 feet to a stake; the Southeast corner of Lot No. 9; running thence North 86 degrees 15 minutes West 175 feet to a stake, the Southwest corner of Lot No. 3; running thence North 3 degrees 45 minutes East 150 feet to the point of Beginning.

SECTION II.

All ordinances, laws and clauses of laws in conflict herewith are hereby repealed.

This the 10th day of July, 1961.

seconded by Alderman Robinson, and unanimously adopted.

Town Manager:

Town Manager Rose made the following appointments for the ensuing year:

Chief Police	-	W. D. Blake
Fire Chief	-	J. S. Boone
Building Inspector	-	Howard Stewart
Town Auditor	-	Erle E. Peacock
Tax Collector	-	David B. Roberts
Court Clerk	-	B. J. Howard
Prosecuting Attorney	-	Roy M. Cole

The Board of Aldermen approved the appointments of Town Manager.

Alderman Walters moved that the following biennial appointments be made:

Town Attorney	-	J. Q. LeGrand
Town Clerk	-	Mary Lovejoy

seconded by Alderman Strowd, and passed.

State Highway Commission - Picnic Area

Town Manager read a letter from the State Highway Commission wherein they stated that it is the States policy to locate such a picnic area no closer than 2 miles from a Town; that this area does not qualify as it is close an acceleration traffic lane and ramp.

Institute of Government - Re: Charter & Codification of Ordinances
Town Manager stated that a bill for \$2,500.00 for costs of the above has been received. Alderman Page moved that the Town Manager be authorized to pay this bill, seconded by Alderman Giduz, and passed.

Community Center Repairs

The Board discussed the repairs which Town Manager was requested to get estimated costs. Town Manager stated that \$355.00 should cover the repairs listed as most needed by Mr. Adolphus Clark, and discussed at a previous meeting. Alderman Giduz moved that the repairs not to exceed \$355.00 be made at this time, seconded by Alderman Strowd, and passed. The Board requested that the condition of the ceiling be investigated.

Report of Building Inspector

The Board examined with interest the report showing amounts submitted in the building permits issued during the past year.

Resignation of Thomas D. Rose as Town Manager

Mayor McClamroch read a letter from Mr. Rose wherein he asked to be relieved of duties of Town Manager, but that he would like to be retained as the Town's Engineer and Consultant. The Board express regret on receiving this letter and requested Alderman Giduz to frame the proper resolution. Alderman Giduz moved that the Board accept the resolution and appointment as Engineer as expressed in the letter, seconded by Alderman Walters, and passed. A rising vote of thanks was expressed.

Committee Reports:

Cemetery - The committee recommended that some type of facilities for providing water be made and that preparation be made to carry out the original planting plan and that necessary funds be provided.

Street - Chairman Robinson set Friday afternoon at 4:30 PM as a time for the Committee of the Whole to inspect several sites including Brooks & Cotton Street; Church Street; consider widening Cotton from McDade to Brooks Street before School opens, and black topping School Lane.

Recreation - The Board discussed Recreation Commission Employees being included in the job classification plan as set up by resolution and recently adopted by the Town.

New Business:

Alderman Giduz discussed the possibility of having a left turn only at Columbia and Franklin Streets.

There being no further to be discussed at this time, the meeting was adjourned at 9:53 PM o'clock.

Robert M. McClamroch Mayor

Mary Honeyay Town Clerk

July 10, 1961

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