

MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Regular Meeting in the Town Hall on March 27, 1962, at 7:30 P.M., o'clock with the following members present: Mayor McClamroch; Aldermen Page, Wager, Walters, Strowd, Giduz and Robinson; Town Attorney LeGrand and Town Manager Peck.

Minutes of the March 12, 1962 meeting were approved subject to correction, by Alderman Giduz, seconded by Alderman Wager, and passed.

Petitions:

Fluoridation

Mr. George Harris, representative of the Durham-Orange Drug Club presented the following resolution:

Motion by H.A.K. Whitney, Albert Clay: Be it resolved that the Durham-Orange Drug Club endorse and actively support the fluoridation of the Durham and Chapel Hill water supplies. Motion carried unanimously. From Minutes, February 15, 1962.

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Alderman Giduz urged that the Board take action to no longer delay, and to substantiate the two prior resolutions which are of long standing, and wherein its approval has been shown in the matter of the fluoridating the water supply owned and operated by the University Service Plants. Alderman Giduz moved (1) That the Chapel Hill Board of Aldermen does hereby reiterate its support of fluoridation of the public water supply as stated in its previous resolutions of November 26, 1951 and April 11, 1960 and (2) That the Town Manager & Town Attorney be instructed to confer with University authorities and with the Attorney General of the State of North Carolina, in their discretion to convey the sentiments of this Board on this matter and to urge the University to take immediate steps that will work toward the goal of bringing about its stated intentions to fluoridate the Chapel Hill public water supply; and to keep in touch continuously with the proper authorities in working toward this goal, and that the Town Manager be requested to report back to this Board at regular intervals in the future as the progress being made on this matter. Seconded by Alderman Walters, and carried.

Chapel Hill Housing Authority
Public Housing Commission - Appointments

Mayor McClamroch named the following persons to serve on the Chapel Hill Housing Authority: Mrs. Ruth Mace, Messrs. Wm. Cherry, Collier Cobb, Charlie Mason and Oscar Ewing.

Oakwood Drive Assessment

Mayor McClamroch stated several meetings with Oakwood residents have been had; that he hoped a conclusion can be reached in the matter. A group of property owners again requested relief from the assessment stating that it is excessive because of poor engineering; that the \$8,000 paid by the Town for storm drainage benefitted Rogerson Drive and was of little help to Oakwood; that the residents were misled as to costs. The Board discussed the legal aspect and felt there was little, if any, justification of using the public's money to grant relief in this matter and that it might establish a precedent. After much discussion, Alderman Robinson moved that the assessment be reduced to \$3.53 per front foot instead of \$3.70. Seconded by Alderman Wager. Motion carried five to one with Alderman Giduz voting No. Alderman Robinson moved that the date of the assessment be set at 8:00 P.M. March 27, 1962; that interest date from this time and that 30 days be allowed for payment without interest; that after April 27, 1962 the assessment shall carry an interest charge at the rate of 6% per annum dating from March 27, 1962. Seconded by Alderman Page and unanimously carried.

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Durham Highway Improvement

Alderman Giduz recommended that the request for immediate improvements of East Franklin Street be referred to the Planning Board for a recommendation in light of the overall thorofare plan.

Zoning

Alderman Walters moved the adoption of the following:

AN ORDINANCE TO AMEND THE TABLE OF DISTRICT REGULATIONS AS SET FORTH UNDER SECTION 3 OF THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED MARCH 14, 1955, AND AS SUBSEQUENTLY AMENDED, SO AS TO INCLUDE THE NUMBER 25 IN THE MINIMUM YARD SIZE, REAR DEPTH IN FEET, FOR DISTRICT RA-6, RESIDENTIAL

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 February 26, 1962, to consider the amendment to the Table of District Regulations as set forth under Section 3 of the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted March 14, 1955, and as subsequently amended, so as to include the number "25" in the Minimum Yard Size, Rear Depth in Feet, for District RA-6, Residential; and,

WHEREAS, following said public hearing the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen the adoption of said amendment; and,

WHEREAS, thereafter the Board of Aldermen unanimously adopted the recommendation of the Planning Board with respect to such proposed amendment:

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 March 14, 1955, and as subsequently amended, be and the same is hereby further amended by inserting the number "25" in the column relating to Minimum Yard Size, Rear Depth in Feet, in the Table of District Regulations, as applicable to District RA-6, Residential.

SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 27 day of March, 1962.

Seconded by Alderman Strowd, and unanimously adopted.

Alderman Page moved the adoption of the following:

AN ORDINANCE TO AMEND THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED MARCH 14, 1955, AND AS SUBSEQUENTLY AMENDED, SO AS TO PROVIDE FOR THE PAYMENT OF CERTAIN FEES IN CONNECTION WITH PETITIONS FOR REZONING, FOR SPECIAL USE PERMITS AND FOR APPEALS TO THE BOARD OF ADJUSTMENT

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 February 26, 1962, to consider amendments of the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted March 14, 1955, and as subsequently amended, so as to provide for the payment of certain fees in connection with petitions for rezoning, for special use permits and for appeals to the Board of Adjustment; and,

WHEREAS, following said public hearing the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen the adoption of the following amendments; and,

WHEREAS, thereafter the Board of Aldermen unanimously adopted the recommendations of the Planning Board with respect to such proposed amendments to the said zoning ordinance;

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 March 14, 1955, and as subsequently amended, be and the same is hereby further amended by adding at the end of the sub-section, "A. General", under the section entitled, "Section 4. Special Use Permits", the following: "Each application for a Special Use permit shall be accompanied by a fee in such amount as may from time to time be fixed by resolution of the Board of Aldermen."

SECTION II.

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 by adding at the end of sub-section "C" of the section entitled, "Section 9. Board of Adjustment", the following: "Each notice of appeal to the Board of Adjustment shall be accompanied by a fee in such amount as may from time to time be fixed by resolution of the Board of Aldermen."

SECTION III.

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 by inserting after the period following the word "heard" and before the word, "The" in the second paragraph within the section entitled, "Section 10. Changes and Amendments", the following sentence: "Each petition shall be accompanied by a fee in such amount as may from time to time be fixed by resolution of the Board of Aldermen."

SECTION IV.

All ordinance in conflict herewith are hereby repealed.

This the 27 day of March, 1962.

Seconded by Alderman Wager, and unanimously adopted.

Alderman Walters moved the adoption of the following resolution, which motion was seconded by Alderman Robinson and unanimously adopted:

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

That, pursuant to the ordinance heretofore adopted, entitled "An Ordinance to Amend the 'Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas', as adopted March 14, 1955, and as Subsequently Amended, so as to Provide for the Payment of Certain Fees in Connection with Petitions for Rezoning, for Special Use Permits and for Appeals to the Board of Adjustment", the following schedule of fees is hereby adopted and will continue until changed by subsequent action of this Board:

1. A fee of \$10.00 shall accompany each application for a Special Use permit.

2. A fee of \$5.00 shall be paid at the time each Notice of Appeal to the Board of Adjustment is filed.

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3. A fee of \$10.00 shall accompany each petition filed by an individual requesting a change in Zoning.

Alderman Walters moved the adoption of the following:

A RESOLUTION RELATING TO ZONING CHANGE NOTICES

BE IT RESOLVED by the Board of the Town of Chapel Hill:

That, in addition to the required published notice of a public hearing to consider proposed changes of zoning district regulations affecting the use of properties, the Town Manager shall cause conspicuous signs to be posted on all lands described in rezoning applications setting forth the then existing zoning classification and the zoning classification change petitioned for; provided, that the failure to cause such signs to be posted shall not impair the validity of any amendment to the zoning ordinance otherwise validly enacted.

This the 27 day of March, 1962.

Seconded by Alderman Strowd, and unanimously adopted.

Alderman Giduz moved the adoption of the following:

AN ORDINANCE TO AMEND THE ORDINANCE RELATING TO SEWER TAX AND CHARGES

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

SECTION I.

That the ordinance entitled, "An Ordinance Relating to the Sewer Tax and Charges", as adopted July 25, 1961, and as subsequently amended by ordinance dated October 24, 1961, be and the same is hereby further amended by striking out all of Section II thereof and the amendment thereto and by inserting, in lieu thereof, the following:

SECTION II.

"A sewer tax and charge on each house or building connected to the municipal sanitary sewerage system is hereby levied at the following rates:

A. On each structure located within the town limits, a charge of fifteen cents (15¢) per one thousand (1,000) gallons of water used in such structure during the calendar year immediately prior to the year in which the sewer tax is levied, as recorded and shown on the water meter readings and records of the University Service Plants; provided, however, that regardless of the amount of water used there shall be a minimum charge of Twelve Dollars (\$12.00) per year for each dwelling unit in any structure, which minimum charge shall apply to any building completed the calendar year prior to the year in which the tax is levied; provided, further, than an ice manufacturing plant, whose principal consumption of water ~~is for the manufacture of water~~ is for the manufacture of ice, shall not be charged in excess of twice the minimum yearly charge on plants located either within or outside of the town limits

B. On each structure located outside the town limits, the rates shall be two and one-half ($2\frac{1}{2}$) times those set forth in Subsection A, hereinabove."

SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 27 day of March, 1962.

Seconded by Alderman Page, and unanimously adopted.

Alderman Wager moved the adoption of the following:

AN ORDINANCE RELATING TO FEES FOR GARBAGE AND TRASH DISPOSAL

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

SECTION I.

No person, firm or corporation shall use any land fill area operated by the Town of Chapel Hill for the disposal of garbage or trash collected outside of the town limits without first obtaining a permit for such purpose from the Town Hall and any person, firm or corporation using any land fill operated by the Town of Chapel Hill for the disposal of garbage or trash collected outside of the town limits shall from and after July 1, 1962, pay fees to said town at the following rates:

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|---|-----------------|
| 1. For dumping from passenger cars | \$0.50 per load |
| 2. For dumping from pickup trucks | 1.00 per load |
| 3. For dumping from trucks above the size
of a pickup truck | 2.00 per load |
| 4. For dumping from trucks above the size
of a pickup truck where twenty (20)
or more loads per month are carried | 1.75 per load |

Where the vehicle used does not come within any of the above classifications, charges shall be made according to the classification which, in the opinion of the fill operator, most nearly applies.

SECTION II.

The fill will be open for dumping during working hours on Monday through Friday, except on holidays. Dumping must be done only when the fill is open and in the place indicated by the operator.

SECTION III.

All ordinances in conflict herewith are hereby repealed.

This the 27 day of March, 1962.

Seconded by Alderman Walters, and unanimously adopted.

Alderman Wager moved the adoption of the following:

AN ORDINANCE TO AMEND THE ORDINANCE ENTITLED "AN ORDINANCE RELATING TO SIGN STANDARDS".

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

SECTION I.

That the ordinance adopted January 8, 1962, entitled, "An Ordinance Relating to Sign Standards", as recorded on Page 321, Book 11, Official Minutes of the Board of Aldermen, be and the same is hereby amended by striking out all of Sub-section 1(f) in Section II, entitled, "Signs in Business Zone", and by inserting in lieu thereof the following:

f. A marquee shall not extend more than ten (10) feet from the building nor be less than ten (10) feet above the ground or sidewalk at the lowest point, provided, that where the slope of the ground in front of the store or adjacent stores is such that

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strict observance of the ten (10) feet minimum height limitations for marquees would cause the marquee to be more than twelve (12) feet above ground level at any point and where the architecture of the building is such that it is impractical to have a break in the elevation of the marquee, the Board of Aldermen may, on application from the owner, permit a variation in the ten (10) feet height limitation, but in no case shall the marquee be less than nine (9) feet above the sidewalk level at any point. No marquee shall be permitted that will interfere with any street tree.

SECTION II.

All ordinances in conflict herewith are hereby repealed.

This the 27th day of March, 1962.

Seconded by Alderman Robinson, and unanimously adopted.

Zoning

On the request of the Planning Board for a Special Hearing to consider the recommended revision of the zoning of Commercial Areas and the establishment of commercial zones along the Durham Road, the Board set April 24, 1962, to consider this and other requests.

Proposed Municipal Building

The Mayor read a letter from "City Planning & Architectural Associates" wherein they propose to supply:

1. Site planning for the town property at N. Columbia Street and Airport Road for \$500.00, and architectural service for a new building on this site at 6.5% and for remodeling the existing Town Hall for 7%.

Alderman Page moved that the Board approve the proposal for the site plan, as recommended by the Town Manager, seconded by Alderman Giduz. Carried

Sewer

The Board discussed the request from Ray Jolly, 806 E. Franklin Street, for a short sewer extension to serve his house. Town Attorney advised that an effort be made to split the costs between Mr. Jolly and the owner of a large lot which would be benefitted by the extension; that a petition by Mr. Jolly stating as to how payment would be made and a letter from the Health Department establishing this as a necessity, could be considered. Town Attorney and Town Manager were requested to study the matter and arrange with owner of the lot involved.

Sewer Assessments

Alderman Robinson moved that the period for payment of sewer assessments be set as ten years, with 6% on unpaid balance, seconded by Alderman Ströwd. Carried.

Ice Cream Trucks

Several complaint have been registered with the Police Department and the Town Office of the ice cream trucks that retail in residential areas because of the noise, and danger of young children running into traffic following the trucks. As there are a few privilege licenses granted that will not run out until July 1, no action was taken at this time.

Parking

The University has requested that no parking be allowed on either

side of Ridge Road at the Institute of Government. Alderman Page moved that Town Attorney be authorized to prepare an Ordinance prohibiting parking on both sides for 300 feet, seconded by Alderman Walters, and carried.

Subdivision Ridgefield Park

Alderman Walters moved that the Board of Aldermen accept the recommendation of the Planning Board to approve the Preliminary Sketch of Ridgefield Subdivision Section #4, subject to: (1) the dedication of a 30 ft. wide sewer easement from the end of the proposed sewer outfall where it intersects Long Leaf Road to the 15-501 Bypass at the northwest corner of Ridgefield Park, (2) the dedication of the 60 ft. wide cross connection from Swain Street to adjoining property on the south, and (3) lots conforming in size to the zoning districts as established. Seconded by Alderman Page. Carried.

Durham Road at Estes Drive

The Board discussed the possibility of purchasing land from J. C. Williams trading with Collier Cobb to improve the intersection of Estes Drive and E. Franklin Street. Alderman Strowd moved that this matter be referred back to the Planning Board for study in connection with the Thorofare Plan, seconded by Alderman Walters. Carried.

Sewer Line - McMasters Street

Alderman Robinson urged that a sewer line be considered on McMasters Street for the following reasons: that when that area was annexed the people were of the understanding that sewer would be available soon (1/26/60); that the old policy of running line to within 200 feet of property lines should be followed as that policy was in force at time of annexation; that the people are depending on it. Alderman Robinson moved that the Town proceed as soon as possible under the old sewer policy, to extend the sewer line to serve McMasters Street. The motion failed for want of a second. The Board discussed the need for an extension of the Glen Lennox Pumping Station - which services a large area, also the relationship between existing properties and the effect Urban Development may have on such properties. Alderman Robinson inquired if the Town has received a letter from the Civic Club in regard to appointing negroes to serve as officials on Election Boards. As there is no municipal election this year, the matter will be considered at a later time.

Doak Matter

Town Attorney stated that the Judge of Superior Court allowed our motion to deny George Doak's appeal from the curb and gutter assessment on Old Mill Road. He also stated that the Harriss Land Company and the Masterbilt Homes, Inc., suits were continued.

Minimum Housing Standards Act

Alderman Giduz stated that the 90 day period will elapse on April 10, 1962. Town Manager stated that the Building Inspector will proceed to inspect sub-standard housing at that time.

Adjournment: 10:09 P.M.

Roland M. McClamrock

Mayor

Mary Loney

Town Clerk

March 27, 1962.

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