

Minutes

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Regular Meeting on May 14, 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 April 24 Regular Meeting, and the May 1 Special Meeting were approved as corrected on a motion by Alderman Robinson, seconded by Alderman Walters, and unanimously carried.

Playgrounds - Oakwood Park

Mayor McClamroch read a petition from the Junior Service League wherein they seek to develop the Oakwood Park area, owned by the Town, as a municipal park. They request the Town to install drainage and to provide maintenance. Town Manager stated it would cost approximately \$450.00 for drainage. Alderman Page moved that the Town proceed with this project, using bond funds money, seconded by Alderman Walters, and unanimously carried.

McMasters Sewer Extension

The Board discussed the petition received from residents of McMasters Street wherein they request that the Town's sewer line be extended to accommodate that area. It has been before the Board before. George Tate acted as spokesman for the group. He stated this area was annexed in 1960; that they were promised certain facilities; that because of septic tank problems the Health Board has given them 90 days to improve conditions; that the roads are inadequate. The Mayor stated that at the time this area was annexed, the old sewer policy of the Town extending the line to within 200 feet of the property line, existed; that in 1961 the policy was changed; that the Board should decide what policy affects this area. Town Manager was requested to check through the minutes as to the understanding at the time annexation was made, also about the water lines which are not adequate. The Mayor stated that many areas have not had sewer available as yet; that outfalls to the sewer plants have priority over residential areas requests; that he has asked the Town's engineer to make a list of those areas inside the Town who are not served with sewer facilities.

Mrs. Susan Cobb stated that the storm drain which empties from Church to Cotton past Bynum Weavers Store drains onto peoples lots; that it is a threat to children and unsanitary. Town Manager was asked to check this condition.

R.A. Jolly - Request for Sewer Extension

The Board discussed the letter from Attorney Phipps wherein he questioned the justice in charging about \$1,400 to extend the line in the area of E. Franklin Street where it intersects Roosevelt to serve Mr. Jolly. The Board established this cost as \$700.00 to Mr. Jolly, and \$700.00 to Mr. Ligon, as Paul Lytle who owns a lot in between will not give an easement for a right of way. No action was taken.

Mr. C.V. Cummings - Request for Sewer Extension

Mr. Cummings stated that the Town has built the existing line in front of Mr. Fowler and himself on Mitchell Lane, too high to make it practical to connect to it, and thinks the Town should construct a line making it possible for him to connect. Town Manager was requested to make a recommendation at the next meeting.

Sale of Home Grown Vegetables & Fruits

Mr. Curney Atwater came before the Board seeking permission to sell strawberries from the sidewalk on East Franklin Street. He stated his strawberries are ready to harvest; that he is old and it is difficult for him to make his living expenses. Alderman Giduz moved that the Town Manager in his discretion, locate a spot within the Franklin Street area, where home grown vegetables and fruits can be sold, seconded by Alderman Robinson, and unanimously carried.

Petition - No Parking on Cottage Lane

After discussion by the Board as to Cottage Lane being extremely narrow, Alderman Strowd moved the adoption of the following:

✓ AN ORDINANCE RELATING TO PARKING ON COTTAGE LANE

Be It Ordained by the Board of Aldermen of the Town of Chapel Hill:

Section I

That from and after the 14 day of May, 1962, it shall be unlawful to park an automobile or vehicle of any kind on either side of Cottage Lane for its entire length.

Section II

All ordinances in conflict herewith are hereby repealed.

This the 14 day of May 1962.

Seconded by Alderman Walters, and carried unanimously.

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Re: Blue Laws

Robert Fuller, University student, appeared before the Aldermen. He stated that in 1943 an amendment to the ordinance allowed certain types of stores to remain open on Sunday to accommodate soldiers, and asks that record shops be permitted to remain open on Sundays, to accommodate students. Attorney LeGrand was requested to look into the law in the matter.

Zoning

Alderman Strowd 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 AND RA-10 RESIDENTIAL TO INDUSTRIAL

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 a request for rezoning the area hereinafter described from RA-20 and RA-10 Residential to Industrial; and,

WHEREAS, following said Public Hearing, the Planning Board of the Town of Chapel Hill recommended to the Planning Board of the Town of Carrboro the rezoning of the area hereinafter described, as requested, from RA-20 and RA-10 Residential to Industrial and the Carrboro Planning Board thereafter approved said recommendation, following which the Board of Commissioners of the Town of Carrboro likewise approved said recommendation and transmitted said approvals to the Board of Aldermen of the Town of Chapel Hill; and,

WHEREAS, thereafter, the Board of Aldermen of the Town of Chapel Hill also adopted the recommendation with respect to the

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rezoning of said area;

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 so that the following area be and the same is hereby rezoned from RA-20 and RA-10 Residential to Industrial, and that the uses permitted in areas designated as Industrial, as set forth in said zoning ordinance, shall hereafter apply to the following described area:

BEGINNING at an iron pin at the intersection of Jones Ferry Road and Davie Road, thence along the North side of Jones Ferry Road, North 70 deg. 32' East 403.64 feet and North 66 deg. 52' East 371.54 feet to an iron pin at the corner of the University of North Carolina water plant land; thence with the University line, North 3 deg. 40' West 541.00 feet to a concrete monument; thence South 75 deg. 06' West 776.00 feet to the east right of way line of Davie Road; thence along the east right of way line, South 5 deg. 45' East 623.92 feet to the point of beginning. The tract contains 10.18 acres.

Section II

All ordinances in conflict herewith are hereby repealed.

This the 14th day of May, 1962.

Seconded by Alderman Page, and unanimously carried.

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Transmission Lines

The Board reviewed the matter of Transmission Lines being located under the ground, and agreed that as this involves a major change from the April 24 hearing, so there should be another Public Hearing. Attorney Gordon Battle stated that he is dismayed at the possibility of another three months delay and urged that action be taken. The Board discussed a special meeting but no date was set.

Proposed Zoning Ordinance Text Changes

After much discussion, Alderman Wager moved an ordinance be prepared adopting these provisions as proposed by the Planning Board:

- (1) increase the maximum building height from 45 ft. to 90 ft. in suburban commercial districts where off-street parking is required.
- (2) delete "animal hospitals" from Central Business 2" district.
- (3) add the words "and clinics" after the use "Animal Hospitals."
- (4) add the use "churches" in all except industrial district.
- (5) add the use "Public Utilities and Storage" in Suburban Commercial, Regional Commercial, and Industrial districts.
- (6) delete the words "and private" from the use "Schools, public and private."
- (7) add the use "private schools" in the second line of the Zoning Ordinance Table of Regulations for Special Use Permits under the column titled "Use."

- (8) add the use "dry cleaning plants" in Industrial districts.
- (9) add the use "Laundries" in Industrial districts.
- (10) add the word "commercial" after the use "Automobile off-street parking."
- (11) delete the use "antique shops" from Limited Business district.
- (12) add the use "Bottling plants" in Industrial district.
- (13) add the use "Electric high-voltage power transmission lines, underground" to all districts.
- (14) add the use "Barber and Beauty Shops" to Suburban Commercial, Central Business 1, Central Business 2, and Regional Commercial districts.
- (15) amend Section IV, Subsection 2, page 12 of the document of proposed changes to read

under the heading "Permitted Districts" and in the same horizontal column as "Unified Business Developments" add to the districts "Agricultural, RA-20, RA-15, RA-10, RA-6" the following districts "Central Business 1 and 2, Limited Business, Suburban Commercial, Regional Commercial."

Seconded by Alderman Strowd, and unanimously carried.

Re: Recommended
Zoning Map Changes

The Planning Board recommended that the following areas be rezoned to Regional Commercial:

1. Rezone to Regional Commercial all the property from Lloyd Road, including the present Gardner Suburban Commercial property, and extending all the way to the southeast corner of the George London property and on to a line drawn roughly perpendicular at the first cross-over east of the London tract and to a depth of about 500 feet from the highway right-of-way.

Alderman Robinson moved the above recommendation be approved, seconded by Alderman Giduz, and unanimously carried.

2. Rezone to Regional Commercial the existing Suburban Commercial property at the intersection of the Durham Boulevard and the proposed outer loop road.

3. Rezone to Regional Commercial the property adjoining on the east the property described in paragraph 2 above and bounded on the south by Old Durham Road, on the north by Durham Boulevard, and on east by the east boundary line of the property now owned by the Chapel Hill Weekly.

Mr. B. J. Kednocker opposed rezoning his land. He stated that land values are decreased if its use is limited; that it would surely limit his buyers if he wished to sell; that by being so restricted it will hamper his business. Alderman Strowd stated that as this property does not join the boulevard, he would like to see this area deleted from the Regional Commercial Zoning. Alderman Robinson moved

that Mr. Kednocker's land remain in Suburban Commercial, seconded by Alderman Strowd. Aldermen Wager and Walters and Giduz voted "nay", and Aldermen Page, Strowd and Robinson voted "aye". Mayor McClamroch voted as chairman, voted "aye". The motion was carried. The motion included the Boards approval of the balance of the Planning Boards recommendation contained in this transmittal.

Re: Recommended Zoning Change

At its special meeting of March 20, 1962, the Planning Board voted 4-2 in favor of recommending to the Board of Aldermen that the Zoning Ordinance be amended to rezone to Regional Commercial the two parcels of property fronting on the Bypass and on Durham Road according to the sketches previously submitted to the Board by Mr. Ed Blankstein.

Attorney John Manning asked that action be postponed (he represents the people on N/side of the road) as rezoning might tend to damage this property. Attorney Denny representing the Harwoods, asked that as there is legal involvement existing, action be delayed until it can be decided on its own merits. Alderman Giduz moved that action be tabled on this matter, seconded by Alderman Page, and unanimously carried. Attorney Hodson, representing Ed Blankstein's interests, stated that this matter should be considered at to its proper use, which is business; that his clients have been run to and fro between Boards for more than a year.

After the motion was tabled, and had been unanimously passed, Mr. Hodson, attorney representing Mr. Blankstein, asked if Mr. Giduz who made the motion, would mind stating the reason for making the motion, to which Mr. Giduz replied that it was because of pending litigation.

At its special meeting of March 20, 1962 the Planning Board voted in favor of recommending to the Aldermen that the Zoning Ordinance be amended to rezone to Regional Commercial the property of Mr. E.N. Richards, located between Durham Road and the Bypass 15-501 in the vicinity of Eastgate Shopping Center with the exception of (1) strip 250 ft. deep along Durham Road (2) the strip of Residential Zone along Bypass 15-501 and (3) a strip 250 ft. deep bordering the northeast side of Bolin Creek. Alderman Robinson moved that the Board accept the recommendation to rezone these areas, seconded by Alderman Giduz, and unanimously carried.

Re: Ridgefield Parking Rezoning Request

Request by E. N. Richards to rezone an area about 26 acres now being subdivided on the south side of Ridgefield Park to RA-15. Alderman Page moved that the Aldermen uphold the recommendation of the Planning Board to approve rezoning this area, seconded by Alderman Wager, and unanimously carried.

Request of Ranch House, Inc. to rezone to Regional Commercial about 7 acres on the north side of the Durham Boulevard, Alderman Robinson moved that the Aldermen accept the recommendation of the Planning Board to approve the rezoning, seconded by Alderman Walters, and unanimously carried.

Request of Raymond Andrews to rezone about 3.3 acres on the north side of the Durham Boulevard from RA-20 and Agriculture to Regional Commercial. Alderman Giduz moved that the Board accept the recommendation of the Planning Board to approve this area, seconded by Alderman Robinson, and unanimously carried.

Request of Green-Johnson Heights about 31 acres off the Piney Mt. Road to rezone from Agriculture to RA-10. The Board discussed this together with the Green-Johnson Subdivision Preliminary Plat and were of the opinion that the rezoning the area should be delayed until

the approval of the District Health Department has been had for the indicated location and type of the sewer treatment facilities. A large group of Lake Forest property owners registered opposition to having an area nearly contiguous, rezoned to as low a classification as RA-10. Dr. Ritchie Bell, Dr. Robert Zeppa and Mr. E.C. Leonard, also Mr. Boylan spoke very strongly against any action at this time. Alderman Walters moved that the matter be tabled until the subdivision is re-submitted, seconded by Alderman Robinson, and carried. Five members voted "aye", Alderman Strowd voted "nay".

Apartments

Request of University Garden for Special Use Permit

The Board discussed at length the recommendation from the Planning Board to approve the Special Use Permit subject to (1) the official adoption of an ordinance recognizing RA-6 as a zone in which group housing developments will be permitted, (2) the number of units allowed in the whole area reflecting applicable density standards to the satisfaction of the building inspector, (3) increasing utility easements from 15 ft. to 30 ft. in width, and (4) acquiring direct access to the project from Columbia Street if possible, and (5) an area two acres, more or less, adjacent to Bolin Creek and Umstead Drive be set aside and maintained for recreational purposes. Alderman Wager moved that the Special Use Permit be granted subject to a five (5) year period, being attached, seconded by Alderman Robinson, and unanimously carried.

Request by Emmette E. Haigler for rezoning from RA-10 to Suburban Commercial land on the North side of E. Franklin Street between Radio Station W.C.H.L. and Old Oxford Road. Alderman Wager moved that the recommendation of the Planning Board to disapprove this request, be upheld, seconded by Alderman Giduz, and unanimously carried.

Old Business:

Alderman Giduz inquired as to the progress being made in the matter of fluoridation, and was advised by Town Manager that the Attorney General's office say they will proceed as fast as they can.

New Business:

Re:Flusher

Alderman Page moved that the Board accept the recommendation of Town Manager wherein he advised dust control using oil, applied by the Town, when secured by property owners, instead of the flushing method which is time consuming and expensive, and has but little lasting effects, seconded by Alderman Strowd, and unanimously carried.

Pool Rooms

Board discussed the manner of handling requests for permits to operate pool rooms. Alderman Walters moved that Town Attorney prepare an ordinance requiring Board of Aldermen to approve request before issuance of a permit (that this be done prior to the approval of the University) seconded by Alderman Strowd, and unanimously carried.

Tax Refund

Town Tax, 1961 double listing of J. H. Koon, Jr., Carolina Avenue lot was discussed. Alderman Giduz moved that refund for \$9.24 erroneously charged Mr. Koon, be refunded, seconded by Alderman Page and unanimously carried.

Re: Care of Dogs

The Board requested Town Manager to talk to Dr. Garvin in hopes that a solution can be worked out for a method of handling dogs within the Town limits.

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New Fire Station Costs

Town Manager Peck stated that he renewed the \$65,000 note as at this time the cost of a new fire station cannot be determined; that bonds can be approved later.

Meetings

Town Manager stated the League of Municipalities have invited Town officials to meet with them at the First Baptist Church, Henderson, N.C. at 10:30 a.m. on May 29th, also that on May 26 Chief Blake will graduate from the Municipal Administration School at 11:00 a.m. o'clock.

Alderman Robinson asked about opening up the road next to the playgrounds at Glen Lennox; also that Mrs. Howard Davis, corner of Rosemary and S. Graham has inquired as to the Town paying her for some land (on left side of street) taken when the Town widened West Rosemary Street. She stated the former Town Manager agreed to replace a lattice fence.

Adjournment at 11:11 o'clock.

Robert M. McClamroch

May 14, 1962

MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a special meeting on May 21, 1962 at 4:30 p.m. with the following ~~present~~: Mayor Pro tem Strowd; Aldermen Wager, Giduz, and Page; Town Manager Peck. Absent: Mayor McClamroch and Alderman Walters.

Mr. Strowd stated that the meeting was called to discuss the proposed off street parking project on E. Rosemary Street.

Alderman Giduz moved that the following resolution be adopted:

Be It Resolved that the Town Manager negotiate with Walter Creech and Mrs. Frederic E. Coenen for the purpose of obtaining, for a nominal consideration, unrestricted 90 day options on their properties located on the south side of E. Rosemary Street at the price of \$40,000 for the Creech property and \$35,000 for the Coenen property.

If such options are obtained the Town Manager shall take necessary steps leading to sale and issuance of revenue bonds, for off street parking purposes at this site, prior to the expiration of the options. Seconded by Alderman Page and unanimously carried. Alderman Wager moved that a merchantable fee simple title to the Dale Ransom property on the south side of E. Franklin Street be purchased using funds available in the current budget with the balance to come from the general fund of the 1962-63 fiscal year. Seconded by Alderman Page and unanimously carried.

Library

Alderman Giduz moved the adoption of the following resolution: