

## MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Regular Meeting in the Town Hall on December 10, 1962 at 7:30 p.m. o'clock with the following members present: Mayor McClamroch; Aldermen Wager, Page, Strowd, Walters, Giduz and Robinson; Town Attorney LeGrand and Town Manager Peck.

Members of the Planning Board present were: Messrs. Powell, Scroggs, Wallace, Martin and Burns, also Pearson Stewart, Bob Gould, Lucien Foust and Charles Turner.

Minutes of the November 26, 1962 meeting were approved as circulated, on a motion by Alderman Wager, seconded by Alderman Strowd, and unanimously carried.

Petitions:

Re: Carrboro's Request to Claim  
Zoning Jurisdiction

Mr. R. B. Todd came before the Aldermen to support a Resolution wherein the Town of Carrboro now seeks jurisdiction in the western portion of the planning area. Mr. E. J. Phipps, counsel for Town of Carrboro, stated that the resolution is self explanatory; that he believes that Carrboro cannot adopt the Town of Chapel Hill's Zoning Ordinance without a public hearing. The Aldermen discussed the additional responsibilities to the Board of Adjustment and Planning Board; that Carrboro would be required to assume a share of expenses involved (about 1/10). Alderman Giduz moved the adoption of the Resolution as read, seconded by Alderman Robinson, and unanimously carried:

WHEREAS, Chapter 527 of the 1953 Public Laws of the State of North Carolina and as amended vests in the governing body of the Town of Chapel Hill, North Carolina, the right to enact zoning ordinances and regulations for certain designated areas surrounding the Towns of Chapel Hill and Carrboro and creates a Planning Board of 10 members of which 5 are appointed by the Town of Chapel Hill and 5 by the Board of Commissioners of Orange County, and

WHEREAS, Chapter 939 of the 1955 Public Laws of the State of North Carolina and as amended vests in the governing body of the Town of Chapel Hill, North Carolina, the right to enact a subdivision ordinance for the said designated area, and

WHEREAS, the said acts were amended by the 1957 State Legislature by transferring to the governing body of the Town of Carrboro certain controls over the area hereinafter designated when the governing body of the Town of Carrboro adopted ordinances under either or both of the above mentioned acts of the Legislature, and

WHEREAS, the Town of Carrboro has expressed a desire to have the representative from Orange County in the next State Legislature further amend the said acts and transfer the are hereinafter designated to the supervision and control of the governing body of the Town of Carrboro, subject ot the Chapel Hill zoning ordinance and the Chapel Hill subdivision ordinance, until such time as the governing body of the Town of Carrboro may adopt a new ordinance or amend the existing ordinances.

NOW, THEREFORE, be it resolved by the Board of Aldermen of the Town of Chapel Hill that it join with the Board of Commissioners of the Town of Carrboro in seeking an amendment to the 1953, 1955, and 1957 acts of the State Legislature as set out herein which would transfer to the governing body of the Town of Carrboro that area now under the supervision of the Board of Aldermen of the Town of Chapel Hill described as "lying West of a line 250 feet East of and parallel to the center of the Smith Level Road from the Chatham County line Northward to the town limits of the Town of Carrboro and then following the corporate limits of the Town of Carrboro Westward, Northward, Eastward and Southward to the center line of the South-

BBH924

ern Railroad at the point where it leaves the corporate limits of the Town of Carrboro and then follow the center line of the said railroad Northward to the North boundaries of the zoning area."

Be it further resolved that a copy of this resolution be certified to the Representative from the Orange County to the next State Legislature.

\*\*\*

\*\*\*

John Cates Request  
Reduction on Sewer Charge at Tankersley  
Building

Mr. John Cates came before the Aldermen with a request for a reduction for sewer charges made against the Tankersley Building because the air conditioner drains into the storm sewer, not sanitary sewer. Town Manager stated there has been no refund made on 1961 bills; that 1962 may be adjusted at the discretion of the Aldermen; that an extra meter should be installed before January 1, 1963, if the 1962 bill is to be modified. Mr. Cates was requested to submit his compilation of meter readings to Mr. Peck.

Re: Charge for Topographic Maps

The Aldermen read with interest the letter of transmittal 3 of 4 wherein it was indicated that \$6.00 per acre is a reasonable charge for topographic maps to be made available to the public when compared to charges for field surveys. No action was taken.

Subdivision Review

Highland Acres Alderman Strowd moved that the recommendation of the Planning Board to approve the final plat, be accepted by the Aldermen, seconded by Alderman Robinson, and unanimously carried. Alderman Walters requested that the subdivider consider changing the name of the subdivision because of a similarity to Highland Woods.

Sparrow Court. Alderman Strowd moved that the recommendation of the Planning Board to disapprove the preliminary sketch because of discrepancies in the contour lines be accepted by the Board, seconded by Alderman Wager, and unanimously carried.

Brockwell Property. Alderman Walters moved that the recommendation of the Planning Board to approve the preliminary plat, also the final plat of the subdivision, be accepted, seconded by Alderman Page, and unanimously carried.

N.C. Heart Association Property. Alderman Walters moved that the Board accept the recommendation of the Planning Board to approve the preliminary sketch, subject to the indication of a 30-foot wide drainage easement either along the existing creek bed or along Ephesus Church Road, depending on which way the water is diverted, seconded by Alderman Robinson, and unanimously carried.

\*\*

\*\*

RESOLUTION CREATING A CITIZENS ADVISORY COMMITTEE FOR CHAPEL HILL

WHEREAS, the existence of a committee composed of representative citizens of the Chapel Hill community is recommended by the Federal Housing and Home Financing Agency for the purpose of developing a workable program for community improvement and of considering matters relating to community planning, public housing, urban renewal and other related community activities of the Chapel Hill community and it is desirable that a Citizens Advisory Committee for Chapel Hill be appointed for that purpose; and,

WHEREAS, on April 18, 1955, a Planning Board for Chapel Hill and its Environs was established by ordinance duly enacted by the Town of Chapel Hill, which board is fully representative of the community on the basis of residence, race and occupation of its members, is composed of experience members and is adequately staffed; and,

WHEREAS, similar planning boards in other communities have operated successfully as Citizens Advisory Committees, as required by the Federal Housing and Home Financing Agency;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Planning Board of the Town of Chapel Hill and its Environs, in addition to its regular duties as said planning board, be and the same is hereby designated and appointed to be the Citizens Advisory Committee for the Town of Chapel Hill, as recommended by the Federal Housing and Home Financing Agency, and said Planning Board is hereby empowered to appoint such subcommittees as may be required to consider specific problems related of those areas of activity, which subcommittees may consist of members of the Planning Board and other persons not members thereof; that all subcommittee reports of the Citizens Advisory Committee for Chapel Hill be first submitted to the Planning Board of Chapel Hill and its Environs, in addition to its regular duties as said planning board, be and the same is hereby designated and appointed to be the Citizens Advisory Committee for the Town of Chapel Hill, as recommended by the Federal Housing and Home Financing Agency, of said Planning Board is hereby empowered to appoint such subcommittees as may be required to consider specific problems related to those areas of activity, which subcommittees may consist of members of the Planning Board and other persons not members thereof; that all subcommittee reports of the Citizens Advisory Committee for Chapel Hill be first submitted to the Planning Board of Chapel Hill, which shall transmit said reports, together with recommendations of the Planning Board thereon, to the Board of Alderman of the Town of Chapel Hill.

This the 10 day of December, 1962.

Seconded by Alderman Wager, and unanimously carried.

\*\*

\*\*

\*\*

#### Fire Station

Town Manager stated that with the exception of a few minor details the plans are complete; that bids for construction should be considered. He also stated that plans are being made for alteration of this building. Alderman Giduz moved that the Town request bids for the new fire station to be received by January 10, 1963 at 2:00 p.m., seconded by Alderman Robinson, and unanimously carried. (brick or stone alternates).

Alderman Strowd moved that Town Manager be authorized to proceed with the preliminary plans to alter the Town Hall building at a cost up to \$40,000, seconded by Alderman Walters, and unanimously carried.

#### Trucks

Town Manager recommended that the Town accept the low bid on a 1963 Chevrolet truck for the Packer type body recently purchased; that the bid be awarded to Carpenter's Inc., of Durham @ \$3,263.36. Alderman Wager made this a motion, seconded by Alderman Robinson, and unanimously carried.

#### Screening

The Aldermen discussed at length, the suits at law filed by the Harriss Land Company and Colonial Motors in which they have enjoined the Town under a Restraining Order to proceed against them in enforcing the Zoning Ordinance governing screening of Outdoor Storage of automobiles. The Aldermen discussed with John Manning, counselor for the automobile companies and Town Attorney LeGrand the possibility of discontinuing the law suits, as there is a question as to the Court's interpretation of outdoor storage of cars, also parking of cars which might belong to employees. Town Attorney stated that if the suit at law were dismissed and the plaintiff's proceed under the interpretation that screening does not apply to new and

BBH924

used cars displayed for sale, that the ordinance can be amended to clear up what seems to be ambiguous at this time. Alderman Giduz moved that the Town Attorney be authorized to recommend the settlement of this litigation by agreement with opposing counsel; that upon discontinuance of the law suits, a building permit covering construction on the plaintiff's property would require screening of all vehicles other than new and used automobiles displayed for sale, seconded by Alderman Robinson, and unanimously carried.

#### Planning Funds

Alderman Strowd introduced the following resolution, which was read:

"BE IT RESOLVED, By the Board of Aldermen of the Town of Chapel Hill:

1. That the contract between the Town of Chapel Hill and the North Carolina Department of Conservation and Development be and the same hereby approved.

2. That the Mayor and the Town Clerk be and they are hereby authorized to sign and execute the said contract for and on behalf of the Town of Chapel Hill and forward the same to the North Carolina Department of Conservation and Development.

3. That a copy of the said contract be filed with the minutes. Upon a motion of Alderman Walters, seconded by Alderman Wager, said resolution was unanimously passed.

#### Fluoridation

Town Attorney stated he has contacted Assistant Attorney General's office; that he has requested a hearing in January to which they have agreed.

#### Meetings

The Aldermen discussed the regular meeting of the board falling on Christmas Day, also the intervention of but a week between the January 14 and the January 22nd meeting. Alderman Page moved the adoption of the following:

#### Resolution

WHEREAS, the regular meeting of the Board of Aldermen of the Town of Chapel Hill, scheduled for the fourth Tuesday in December, falls on Christmas Day, a holiday;

NOW, THEREFORE, BE IT RESOLVED that said meeting scheduled for that day be cancelled and that the second meeting of the Board of Aldermen to be held in January, 1963, be postponed until and held on January 29, 1963.

This the 10th day of December, 1962.

Seconded by Aldermen Robinson, and unanimously carried.

\*\*\*\*\*

\*\*\*\*\*

#### Highways

As Commissioner MacLamroc of Greensboro was unable to meet with the Aldermen, it was agreed that it would be in order to invite him again, to meet with the Board.

#### Resignation Letter

The Mayor read a letter of resignation received from Mr. Whid Powell wherein he asked to be relieved of his duties as a member of the Planning Board as there is a conflict of interests. Alderman Giduz moved that the resignation be accepted, and that a Resolution of appreciation be written, seconded by Alderman Strowd, Robinson, Page and Wager voted "nay". The motion was defeated. The Aldermen agreed that Mr. Powell had done an excellent job and expressed hope that he will remain on the Planning Board.

# New Business:

Alderman Wager suggested that ownership of the piece of land on the Durham Road directly in front of the Masonic Lodge be ascertained and perhaps something could be worked out with the civic groups to improve the appearance of the area. (Dawson's now own it).

Alderman Walters stated that the Board should proceed to amend the zoning ordinance to clarify "screening", to make clear the intention of the planners for future needs.

Alderman Giduz inquired as to the extend to Town's responsibility in notifying adjacent property owners of a proposed zoning change.

Adjournment: 10:30 p.m.

*Robert M. McClamroch*

Mayor

*Mary Korejay*

Town Clerk

December 10, 1962

\*\*\*\*\*

## MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met jointly with the Planning Board at an advertised Public Hearing in the Town Hall on January 14, 1963 at 7:30 p.m. o'clock with the following members present; Mayor McClamroch; Aldermen Robinson, Giduz, Strowd, Walters, Page and Wager; Town Attorney LeGrand and Town Manager Peck. Planning Board members present were: Messrs. Scroggs, Burns, Wettach, Martin, Wallace, Cleaveland, Powell and Lasley, also Charles Turner, Robert Gould and Lucien Foust.

Mayor McClamroch stated that the purpose of the Public Hearing was to consider the three following requests which have been properly advertised:

1. Request for Rezoning from Agriculture to RA-10 about 5.5 acres of land on the Ephesus Church Road.
2. Request for Special Use permit to construct 86 apartment units on the south side of the Ephesus Church Road on the above property and about 4.5 acres of additional property presently zoned RA-10,
3. Recommendation by Planning Board to rezone from Agriculture to RA-15 the land south of Ephesus Church Road (about 10 acres) between Ridgfield Park and the land owned by C. Whid Powell described above. The Mayor stated that the public is invited to discuss the above requests.

Request #1. Mr. Raymond Dawson representing the property owners of Ridgfield Park, came before the Board. He presented a petition signed property owners who oppose the special use request, and asked that building be spread out over the entire area instead of in a small portion (about 6 acres) that because resulting traffic would be greatly increased in the area the Spruce Street spur should be abandoned; that because 15-501 Bypass now is inadequate no further building be permitted until the Bypass is widened from 2-lane to 4-lane travel. Mr. Whid Powell stated that the 17 acres were carefully studied by the Planners before building plans were prepared; that he has done everything with the thought of the best planning possible.

BBH924