

# 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 Kovey*

Town Clerk

December 10, 1962

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## 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 Ridgefield 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 Ridgefield 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.

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Attorney Midgette speaking for property owners stated that very recently he has had conversation with members of the State Highway Department, and that it is accepted that 4-lane traffic is needed; that flared intersections are needed at Ridgefield Park, also an access on service road. He suggested closing Ephesus Church Road into Ridgefield Park as he thinks they cannot absorb any more traffic. He requested that Spruce and Ephesus Church Road not be connected.

Requests 2 and 3 were considered and discussed, with many persons speaking. Town Manager read a letter from Attorney Smith of Pittsboro wherein he stated that his clients do not oppose the rezoning.

Alderman Giduz moved that Request #1 Rezoning from Agriculture to RA-10 about 5.5 acres on the Ephesus Church Road, be referred to the Planning Board for recommendation, seconded by Alderman Stowd, and unanimously carried.

Request #2. Alderman Giduz moved that the request for a Special Use to construct 86 apartment units on the south side of the Ephesus Church Road, about 10 acres, between Ridgefield Park and land owned by Whid Powell, be referred to the Planning Board for recommendation, seconded by Alderman Stowd, and unanimously carried.

Request #3. Alderman Giduz moved that the recommendation by the Planning Board to rezone from Agriculture to RA-15 the land south of Ephesus Church Road, about 10 acres, between Ridgefield Park and the land owned by C. Whid Powell, be referred to the Planning Board for recommendation, seconded by Alderman Stowd, and unanimously carried.

Chairman of the Planning Board stated that these referrals be considered at a Special Meeting, and that interested parties be notified. Alderman Stowd made this a motion, seconded by Alderman Wager, and unanimously carried.

Adjournment: 8:05 p.m.

The Board then convened in a Regular Meeting.

Minutes of meeting of December 10, 1962 were approved as circulated on a motion by Alderman Page, seconded by Alderman Robinson and unimously carried.

#### Auditor's Report

Mr. E. E. Peacock, auditor stated that he has examined the vouchers for the months November and December, 1962 and has found them in order and properly supported.

Petitions:

#### Human Relations

Alderman Robinson moved the adoption of the following:

WHEREAS, it has come to the attention of the Mayor and Board of Aldermen that Sunday, February 10, 1963, is being observed by many religious groups in our community as "Brotherhood Sunday", and

WHEREAS, we in Chapel Hill have long been conscious of and working for good relationships between the races and between all men;

THEREFORE WE, THE MAYOR AND BOARD OF ALDERMEN OF CHAPEL HILL DO PROCLAIM FOR OUR ENTIRE COMMUNITY THAT SUNDAY, FEBRUARY 10, 1963 SHALL BE OBSERVED AS "BROTHERHOOD SUNDAY," AND WE CALL UPON EACH CITIZEN TO OBSERVE THIS DAY IN APPROPRIATE MANNER:

AND FURTHER, we call upon all citizens of our community to work for the brotherhood of men in the coming year in this community: on the one hand, encouraging and striving for equality of opportunity for all -- the opportunity to get good jobs, the opportunity to have a good education, the opportunity to be a human being first and a member of a race secondarily; and on the other hand, honestly facing up to the responsibility that every citizen has to work hard together for the welfare of the community.

Seconded by Alderman Giduz, and unanimously adopted.

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#### Recreation

On the recommendation of the Recreation Commission presented by Robert Boyce, chairman, Alderman Strowd moved that the Board authorize Attorney LeGrand to prepare an ordinance to provide a bond vote to permit levy of a tax between 3 and 10 cents per \$100.00 valuation for support of Public Recreation at the regular May election. Seconded by Alderman Walters, and unanimously carried.

#### Institute of Government

Mr. James Dweder came before the Board and stated that he would like to meet with each member of the Board to discuss Council-Manager relations as part a survey being conducted by the Institute of Government. The Aldermen stated they will advise Town Manager as to when they can meet with Mr. Kweder.

Old Business:

#### Fire Station

Don Stewart, architect for the proposed fire station stated that he was working with the low bidders in an effort to bring the cost of the fire station within the limits set by the Town.

#### Awnings

Several merchants appeared before the Board and discussed their individual problems, as to why the awning and marquee ordinance works a hardship. Mr. Laycock stated that the sun bleaches his window display of shoes, which would cost him several hundred dollars per year. Mr. Danziger stated that his display of expensive candies and confections are melted and made unsaleable. Other merchants spoke, and inquiry was made as to the difference between awnings and marquees. Alderman Strowd moved that an ordinance be drawn to amend the present ordinance so that no rigid part be lower than 8 feet; but that a flexible cloth skirt be allowed to extend 12 inches below the frame. Seconded by Alderman Robinson, and unanimously carried.

Written Petitions:

#### Request for Loading Zone

The Manager of the Carolina Inn has requested that 2 parking spaces in front of the loading and unloading zone, be set aside, and not be metered. The Board asked Town Manager to look into the matter and bring back a recommendation to the Board, at the next Board meeting.

#### Cates Sewer Charge

On the request made by John Cates for a refund on a sewer charge on Dr. Newton's office in the building owned by Catherine Chris, the Board believed the refund is justified. Alderman Giduz moved that the refund of \$29.83 charged on the 1962 tax bill, be refunded, seconded by Alderman Strowd, and unanimously carried.

#### Fluoridation

Alderman Giduz thanked the Town Attorney for his diligence in this matter, and noted the date of January 21, 1963 as being the scheduled hearing in Hillsboro.

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### Cheek Subdivision

The Planning Board has recommended that action be deferred in the matter of the Preliminary Sketch of the Annie Cheek Subdivision until after the next regular meeting of its Board, so that legal counsel can determine the enforcement of the 1200 feet maximum block length as specified in the subdivision ordinance. Alderman Wager moved that the recommendation of the Planning Board be upheld, seconded by Alderman Walters, and unanimously carried.

### Morgan Creek Power Line

Members of the Chapel Hill Planning Board presented the following resolution which had been unanimously approved by the Planning Board and urged its adoption by the Board of Aldermen.

BE IT RESOLVED, that in the application of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas electrical power transmission towers are deemed to be "structures" within the meaning of Section 8 (B) (1) of said Ordinance and therefore the erection of any such structure requires the issuance of a building permit by the Building Inspector. Further, that such structures are not now a permitted use in any district except an Industrial District that, consequently, no building permit may be issued for the erection of one or more electrical power transmission towers except in instances wherein they are proposed to be erected within an Industrial District.

BE IT RESOLVED, that the Building Inspector shall promptly notify all utility companies supplying or proposing to supply electrical power to Chapel Hill and its environs of the content of these resolutions.

Alderman Walters moved adoption of the resolution, which motion was seconded by Alderman Giduz.

The following letter signed by Mr. William Aycock, University Chancellor and Mr. J. A. Branch, University of N. C. Business Manager to Mr. Ross Scroggs, Chairman of the Planning Board, was read:

January 11, 1963

Dear Mr. Scroggs:

In January, 1960, it was apparent that the electrical power requirements of the University and the Chapel Hill Community would soon exceed the output of our generating plant and the supplemental quantity of power we were at that time buying from Duke Power Company. We, therefore, began negotiations with Duke Power to increase the amount of power they were furnishing us and stipulated that it should be available not later than August 1, 1961. There were two reasons for this particular date:

1. Additional power would be needed by then.
2. We knew Duke Power Company would require time to increase the capacity of its high voltage transmission line from Eno Station and add to the capacity of the Cameron Avenue substation.

Duke Power Company decided to change the course of this high voltage transmission line and approached us for new rights of way over two tracts of land we own to the North of Chapel Hill. These requests were approved by the Board of Trustees, the Council of State, and we were satisfied that the time limitation for the delivery of the additional power would be met by Duke Power.

Sometime later, we were surprised to learn from a private property owner that Duke Power Company had surveyed a right of way across our Mason Farm property and some private property adjoining the Farm. We immediately got in touch with Duke Power Company officials and learned that they were planning a second line into Chapel Hill. This line would come from the Research Triangle area to a substation they proposed to build on property they had acquired on the bypass road to the southwest of Chapel Hill.

Their purpose, they said, was to serve the community with this line, if the Eno line failed. We did not request a second line into Chapel Hill, nor were we aware that one was being planned until after the course had been surveyed. The loop line is not essential for the needs of the University. However, in the event the Eno line were to break down, the loop line would be essential to supply the needs of the Town.

As you know, the University has long range plans for an arboretum and botanical garden in the area in which Duke Power Company proposed to erect this second line. As a matter of fact, the Trustees have reserved approximately 225 acres for this purpose. We much prefer that these lines not be visible from these gardens.

Sincerely yours,

/s/ W. B. Aycock

J. A. Branch

gW

cc: Mayor Sandy McClamroch, Jr.

A lengthy discussion followed. Property owners from the lower Morgan Creek area over whose land rights of way had been condemned by Duke Power Company for construction of a proposed high voltage power line were present, represented by their Attorney, Mr. Gordon Battle. During the discussion which followed, Mr. Battle stated that no part of the check which had been deposited by Duke Power Company in the office of the Clerk of Superior Court in Hillsboro in payment of the condemnation awards had been as yet distributed to the property owners. He further said that, as attorney for all the affected property owners, other than the Morgan Creek Land Company, he was authorized to state that if Duke Power Company would abandon the project or if the Town of Chapel Hill, by enforcement of its Zoning Ordinance, would prevent erection of the proposed high voltage power line and if Duke Power Company would release the easements which had been condemned across his clients property the sums awarded as damages to his clients would be released to Duke Power Company.

Mr. Barry Winston, associated with the firm of Stewart & Midgette, who represented the Morgan Creek Land Company, stated in effect that his clients would pursue a somewhat similar course.

After further general discussion the vote on the motion to adopt the resolution was called for. Whereupon Alderman Walters, Giduz and Robinson voted "aye", and Aldermen Strowd, Wager and Page voted "nay". Mayor McClamroch, voting because of the tie, voted "aye", and the motion carried.

Thereupon Alderman Giduz moved that the Mayor appoint a Special Committee to consult with representatives of the University and Duke Power Company relative to abandonment of the project in view of the resolution adopted.

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#### Request by Thurman Atkin

Thurman Atkins, operating as Atkins Enterprise, requested that he be permitted to add one more taxi-cab to his fleet of cabs which is now eight; that one more is badly needed. Alderman Robinson moved that the Board allow the additional cab, subject to Town Manager's checking into the matter as to need of another cab, seconded by Alderman Page, and unanimously carried.

#### Firemen's Relief Fund

Alderman Walters moved that Alderman Strowd be reappointed for two years. (Jan. 24. 1963-65) as a trustee on the Fireman's Relief Fund, seconded by Alderman Giduz, and unanimously carried.

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Re: Firemen's Pension Fund

Alderman Walters moved that the list of firemen as submitted as members of the State Pension Fund be approved and that the Town Manager be authorized to sign for the Town, seconded by Alderman Wager and unanimously carried.

4" Sewer Extension

Town Manager discussed the advantages of an 8" sewer line over a 4" line, and recommended that no 4" lines be permitted to serve more than one lot.

Mr. John Cates came before the Board in opposition to restrictions suggested and questioned the policy. Alderman Giduz moved that the Town Manager bring in an alternate recommendation for 4" sewer lines, at next meeting, seconded by Alderman Walters, and unanimously carried.

4" Sewer Line - Pine Lane

Two residents of Pine Lane, Doctors Calhoun and Holmes came before the Aldermen requesting that an 8" sewer line be built which would take care of the 4 or 5 houses in that area; that at present time they are connected to a 4" line which seems to be inadequate. After much discussion, Alderman Giduz moved that the present 4" line be repaired by the property owners; that they give R.O.W. to the Town, and that the Town assume maintenance of the line from manhole to the point where the two lines (Tatum's and Weedon's) lines connect, seconded by Alderman Walters, and unanimously carried.

Correction of Minutes of Aug. 13, 1962

Town Manager stated that inadvertently omitted from Minutes of August 13, 1962 is the following which should be corrected. Alderman Wager moved that said minutes be corrected, seconded by Alderman Robinson, and unanimously carried:

Colony Woods

Minutes Book 12, page 14

Alderman Page moved that the Preliminary Sketch of Colony Woods Subdivision subject to:

1. indication of culvert sizes and drainage areas according to State Highway Commission requirements,
2. indication of drainage easements along the creek on lots 256 and 298,
3. indication of fire hydrant locations,

as recommended by the Planning Board, be upheld by the Aldermen, seconded by Alderman Robinson and unanimously carried.

New Business:

Alderman Walters inquired as to the progress being made about shrub planting at the cemetery, also 2 crepe myrtles at front of the new fire station.

Alderman Robinson stated there are holes in Church Street that should be repaired; that at back of Varsity Theater there is trash littered about; that he hopes a "Clean Up Campaign" can be arranged.

Alderman Giduz inquired about signs in 4 or 5 areas. The building inspector answered this by reporting the following:

Projecting signs	58 signs	32 - been corrected
Ground signs from R.O.W.	54 "	22 - " "
Marquees	2 "	2 - non conforming
Drop type awnings	28	8 - corrected
Wall signs	6	6 - non conforming

45.5% compliance

The Aldermen requested the Building Inspector to continue in his endeavor to bring the signs into conformance under the requirements of the Zoning Ordinance.

Adjourned: 12:04 o'clock

*Robert M. McClamroch* Mayor  
*Mary Honeycutt* Town Clerk

January 14, 1963.

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Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a regular meeting on January 29, 1963 at 7:30 p.m. with the following present: Mayor McClamroch; Aldermen Robinson, Giduz, Strowd, Page, Wager and Walters; Town Attorney LeGrand and Town Manager Peck.

#### Recreation Tax Election

Town Attorney LeGrand reported that the election could be held in conjunction with the regular Town election in May 1963, and that the necessary ordinance would be prepared for the February 11, meeting.

#### Fire Station

Proposed changes in the specifications agreed to between the low bidders and the architect were discussed by the Board. Motion by Alderman Giduz that the recommendation by the architect marked "A" showing a cost of \$78,745.29 be approved, that changes reducing this amount approved by the Town Manager and the architect be allowed; that agreement concerning the cost of adding electrical door operation be made with the contractor so that this item may be added before completion of the building if it proves feasible. Seconded by Alderman Page and unanimously carried.

#### Sewers

The Board agreed that the acreage charge provided in the sewer policy would apply to the lots in Pinebrook Estates to which John Cates has recently extended a 4" sewer.

A committee to study a recommendation prohibiting 4" sewers was requested. Mayor McClamroch named Aldermen Strowd and Giduz, and himself to investigate this matter and report back to the Board.

#### Subdivision

Motion by Alderman Walters, seconded by Alderman Wager that the subdivision submitted by H. W. Ray and approved on December 12, 1962 be reapproved subject to changing the name Highland Acres to something that is not similar to our existing subdivision, approval of the name be left to the discretion of the Town Manager. This action was recommended by the Planning Board at their January 28, meeting.

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