

Minutes

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a regular meeting on April 8, 1963 at 7:30 p.m. with the following members present: Mayor McClamroch; Alderman Page, Walters, Wager, Strowd, Giduz, and Robinson; Town Attorney LeGrand; Town Manager Peck; and Town Clerk Roberts. Members of the Planning Board present were: Messrs. Scroggs and Burns.

Minutes

Alderman Walters moved that the minutes for the meetings of March 11, March 26, and March 28, 1963 be approved as distributed. Alderman Robinson seconded this motion which was unanimously adopted.

TOWN CLERK-OATH

Mayor McClamroch administered the oath of office as Town Clerk to David Roberts.

TRAFFIC-AIRPORT ROAD

Dr. Burns requested that the 35 mph zone on Airport Road (NC86) be extended northward to include the entrance to the Towne House Apartments. Alderman Giduz moved that this request be transmitted to the State Highway Commission and it be pointed out to them that the present zone was established before the Towne House Apartments were built. Alderman Wager seconded this motion which was unanimously adopted.

SPECIAL USE REQUEST-CARLISLE

Alderman Giduz moved that on the application for forty apartments between Bolin Creek and Sparrow's Branch on the east side of Hillsboro Street the following findings be made: that the proposed use would not materially endanger the public health or safety if located and developed according to the plan submitted; that the use meets all required conditions and specifications; that the use will not substantially injure the value of adjoining or abutting property; and that the project is in harmony with the area in which it is to be located and is in general conformity with the plan of development of Chapel Hill and its environs.

He further moved that the application for forty dwelling units be approved subject to the following conditions: that the project comply strictly with the zoning ordinance as the area is presently zoned; that a woven wire fence be erected along the creeks as shown on the plans; and that recreation facilities be provided as indicated on the plan. Alderman Strowd seconded this motion, which was passed unanimously.

SPECIAL USE REQUEST-CATES

The transmittal from the Planning Board regarding this request was read. It questioned the validity of the hearing in the matter, and indicated that if the hearing was ruled to be adequate, that the request is recommended subject to certain specified conditions.

Town Attorney, LeGrand, said that there was some question in his mind about the hearing, but that it was a question that could only be decided by a court, if it was challenged, and that if Mr. Cates was willing to risk this, that the Town Board could decide on the merits of the application. Alderman Page moved that the hearing be held to be adequate in the opinion of the Board of Aldermen. Alderman Strowd seconded the motion.

Mr. Cates, in reply to a question, stated that there was no significant change in the plan before this meeting and the one presented at the hearing on February 25th.

Dr. Burns stated that the plans as submitted on February 25th were so inadequate that a proper and legal hearing could not have been possible, and that he feared that acceptance of this application would set a precedent that would reduce the quality of future requests brought before the Board.

The motion was unanimously adopted.

Alderman Strowd moved that the application of John Cates for a special use permit to build 28 additional apartment units on the west side of Hillsboro Street have the following findings made:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. that the use meets all required conditions and specifications;
3. that the use will not substantially injure the value of adjoining or abutting property; and
4. that the location and character of the use if developed according to the plan as submitted and approved will 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 its environs; and that the plat be approved by the Board with the following conditions added: The access along the north boundary of the property be improved and widened to at least 18 feet; that no direct access from Hillsboro Street to the parking area in the S.E. corner of the property be allowed; and that the proposed building nearest Hillsboro Street be relocated from the position shown on the plat so that there can be one row of parking and two lanes of traffic in front of the building.

Alderman Page seconded this motion which was carried unanimously.

AUDITOR'S REPORT

Mr. Peacock, auditor, questioned the expense account turned in by the Fire Chief on a recent trip to Memphis, Tennessee for training purposes. He suggested that a maximum limit be set for daily expenses allowed. The Town Manager was requested to check into this suggestion. He also questioned the payments for radio maintenance of the Fire Department, listing of licenses, and payment of a notary fee for a Town employee. Each of these questions was answered to the satisfaction of the Aldermen.

BUDGET AMENDMENT

Alderman Walters moved approval of the following:

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING July 1, 1962, and ENDING June 30, 1963

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

SECTION I.

That the Budget Ordinance of the Town of Chapel Hill entitled, "AN ORDINANCE APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING July 1, 1962 and ENDING June 30, 1963, AND TO LEVY TAXES TO RAISE REVENUE FOR SAID FISCAL YEAR", as duly adopted on July 24, 1962, be and the same is hereby amended, as follows:

1. That the account entitled "8,000, Contingencies" be reduced by the amount of \$500.00 and that account 6365.01 entitled "Street Cleaning Personnel" be increased by \$500.00.

This the 8th day of April, 1963.

Alderman Strowd seconded the motion which was unanimously carried.

ANNEXATION REPORT

A suggested annexation report was submitted by the Town Manager and read to the Board.

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Alderman Giduz moved that the report be adopted as read and filed with the Town Clerk to be available for public inspection. Alderman Walters seconded the motion which was passed unanimously.

SEWER ASSESSMENTS

A proposed amendment to G.S. 160-241, pertaining only to Chapel Hill, allowing alternate methods of applying assessments for sewer construction, was read. The Town Manager explained that in certain cases the method of assessment provided for under the general act was inequitable, and that this proposed bill would give the Board of Aldermen a selection of methods for assessment.

Alderman Wager moved that Representative Phipps be requested to submit the following Bill to the General Assembly for adoption. Alderman Strowd seconded the motion.

A BILL TO BE ENTITLED AN ACT TO AMEND FURTHER G.S. 160-241, AS AMENDED BY CHAPTERS 369 AND 895, SESSION LAWS OF 1961, SO AS TO PROVIDE ALTERNATE METHODS OF ASSESSING THE COST OF EXTENDING WATER AND SEWER LINES WITHIN PARCELS OF LAND SUBDIVIDED INTO LOTS, TO BE APPLICABLE TO THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. That the General Statutes of North Carolina, Section 160-241, as amended by Chapters 369 and 895 of the Session Laws of 1961, be and the same is hereby further amended by adding at the end of said Section, as amended, the following: "Provided, within areas of land which have been subdivided into lots, the governing body of the municipality, if in its opinion it would be more equitable to do so, may, as alternate methods of assessing the total cost of the extension of a water or sewer line, or both, to, within or through any of said areas, apportion the cost chargeable to such area either (1) equally against each of the lots capable of being served by such extension or (2) on the basis of the frontage of such lots upon a public street by an equal rate per foot of such frontage. When such sewerage and water lines are constructed along both sides of corner lots, the short side of said corner lot, not in excess of 75 feet thereof, may be eliminated in determining the amount of assessment."

Section 2. This Act shall apply only to the Town of Chapel Hill.

Section 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Section 4. This Act shall become effective from and after its ratification.

The motion was unanimously passed.

TAX SALE

A list of delinquent real property taxes, sewer taxes, and assessments was reported to the Board by the Tax Collector. Alderman Giduz moved that the Tax Collector be ordered to sell the tax liens of listed delinquents on June 10, 1963, and that the property be advertized as prescribed by law. Alderman Page seconded the motion which was unanimously adopted.

COKER HILLS SEWER AGREEMENT

Alderman Walters moved the adoption of the following resolution:

SEWER REIMBURSEMENT RESOLUTION

WHEREAS, the Board of Trustees of Coker College, hereinafter referred to as Coker Hills, has caused to be constructed a sewer collection system with an outfall line connecting to the sewer system of the Town of Chapel Hill, North Carolina, hereinafter referred to as the Town; and,

WHEREAS, the outfall line along East Franklin Street can serve not only Coker Hills but other areas of land under other ownership which enhances the value of such land; and,

WHEREAS, the Town did, in November 1961, adopt a policy for financing the cost of sewer extensions, which policy provided for an acreage charge to be made to new areas to reimburse the cost of constructing outfall lines and,

WHEREAS, Coker Hills has requested that an agreement be entered into between themselves and the Town concerning reimbursements for their outfall;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that an agreement be executed with Coker Hills by the Mayor and the Town Manager, on behalf of the Town of Chapel Hill, providing for reimbursement to Coker Hills, in accordance with the provisions of the sewer policy above referred to and heretofore adopted by the Town.

This the 8th day of April, 1963.

Motion seconded by Alderman Giduz and carried unanimously.

THOROFARE PLAN

The Town Manager reported he had received a letter from W.F. Babcock, Director of North Carolina Highway Commission saying that a survey would be made of the proposed radial road in the Morgan Creek area as soon as possible. Two letters from Attorney John Manning threatening legal action if a road through the I.M. Taylor property or the W.C. Coker property were shown on the thorofare plan were called to the attention of the Aldermen.

IMPACT COMMISSION REPORT

Alderman Walters brought to the attention of the Board the recent report released by the Study Commission of which she is a member. The proposal, if adopted by the General Assembly, would be of great help to the Town of Chapel Hill and Orange County because of the large amount of State owned property here.

PARKING

Alderman Giduz requested that a study be made of alternating parking from one side to the other where parking is permitted on one side of the street only.

FLUORIDATION

Alderman Giduz noted that no action had been taken since the last meeting on getting fluoridation for Chapel Hill water.

PLANNING

Mr. Scroggs, Planning Board chairman, asked that a special meeting be arranged between the Board of Aldermen and the Planning Board to consider standards for presentation of requests for zoning or special use and that the legal limits of the Planning Board's area of interest in the proposals be defined. A special meeting was called for 7:30 p.m. on April 30, 1963, for this purpose.

Mr. Scroggs asked that the procedure followed in the John Cates Special Use Request not be considered as establishing a precedent for other requests.

Meeting adjourned at 9:40 p.m.

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