



PUBLIC TRANSPORTATION

The Board agreed to meet at 4:00 P.M. on August 17th to discuss the Transportation Study recently completed by Kimley-Horn and Associates and asked that other interested persons be notified of the meeting.

The Meeting adjourned at 9:48 P.M.



Mayor



Town Clerk

MINUTES

BOARD OF ALDERMEN

TOWN OF CHAPEL HILL

The Board of Aldermen and the Planning Board met at a regular quarterly hearing at 7:30 p.m. on August 28, 1967 with the following members present: Mayor McClamroch; Aldermen Prothro, Giduz, Smith, Varley & Kage. Alderman Ethridge was absent. Planning Board members present were Tuttle, Kyle, Wilson, Shearer, Scroggs, Umstead, Welsh and Cleaveland. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny and Town Planner DeMaine.

Mayor McClamroch announced that this was a regular quarterly joint meeting of the Board of Aldermen and the Planning Board and that eleven zoning items had been advertized to come before the hearing. He advised the audience that any person wishing to be heard on any of these matters should speak at this time as they would not be permitted to speak during further consideration of these matters by the Planning Board or Board of Aldermen.

REZONING-RA-6 TO INDUSTRIAL-CREST DRIVE

Mayor McClamroch told the Board that this was the matter requested by the Board of Aldermen for hearing at this time, that it involved a portion of Lot 9, Block J, Orange County Tax Map #92 with frontage on Crest Drive which had been zoned Industrial under Carrboro, but had recently been rezoned RA-6 after annexation by Chapel Hill. There were no proponents or opponents of this matter. Alderman Kage moved, seconded by Alderman Varley, that this be referred to the Planning Board for study and recommendation. This was carried unanimously.

REZONING-MULTI FAMILY-SMITH LEVEL ROAD

Mayor McClamroch submitted a petition by George Tate for rezoning of a tract of land on the east side of Smith Level Road, partially in the Chapel Hill Planning district and partially in the Carrboro Planning district. The lot is shown on Orange County Tax Map #122 as Lot 16, Block B. George Tate, owner of the property in question, spoke for the rezoning. He told the Board that the Carrboro Planning Board had recommended such zoning to the Carrboro Town Board, and that apartments were needed and he planned to build some on this land. He stated that there was no objection to this rezoning from the adjoining property owners. He told the Board that University water and Carrboro sewer was available to the site. Alderman Kage asked that Carrboro be consulted as to their possible action on this matter. Alderman Prothro moved, seconded by Alderman Smith, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

REZONING-RA-10-HOWELL STREET

Mayor McClamroch presented the Board a petition submitted by Mr. C. V. Cummings for rezoning to RA-10 a portion of Lot 19, Block C, Orange County Tax Map #71, on the east side of Howell Street south of Purefoy Road. This lot is presently partly RA-10 and partly RA-20 and the rezoning requested would make it all RA-10. Gordan Battle, representing Mr. Cummings, spoke for the rezoning. There was no opposition. Alderman Smith moved, seconded by Alderman Prothro, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

REZONING-CBD-TO RA-10A-EAST ROSEMARY STREET

Mayor McClamroch presented a petition from Mrs. Frankie K. Weaver for rezoning her property at 137 E. Rosemary Street from Central Business to RA-10A so that it could be sold to a fraternity. This is shown on Tax Map #80 as Lot 17, Block C. Judge Phipps, representing Mrs. Weaver, told the Board that this would be an unobjectionable location for a fraternity, Mrs. Weaver would like to be able to sell her property for this use, and that it was his understanding that there was no objection from the neighbors. Mrs. Bush, owner of the house adjacent to Mrs. Weaver's, stated that she had very strong objections to allowing fraternity in that she had very strong objections to allowing fraternity in that location. Alderman Kage asked if a fraternity would be allowed in the Central Business District. Fraternities are allowed only in RA-10A Zone. Alderman Varley moved, seconded by Alderman Smith, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

SPECIAL USE-FRATERNITY-EAST ROSEMARY STREET

Mayor McClamroch presented a special use request for fraternity use of Mrs. Weaver's property if it is rezoned. There was no discussion on this matter. Alderman Prothro moved, seconded by Alderman Giduz, that it be referred to the Planning Board for study and recommendation. This was unanimously carried.

REZONING-RA-6- TO BUSINESS

Mayor McClamroch presented a request by Mrs. Nell Cole Spear for rezoning her property at 109 Mallette Street from RA-6 to Central Business. This is Lot 36, Block C, Orange County Tax Map #86 and is adjacent to the Hardee Hamburger property. Judge Phipps, representing Mrs. Spear, spoke for the rezoning and indicated it would be sold to Hardee's. Mr. Kenneth Putnam, property owner in the neighborhood, spoke for the this rezoning and said that he thought considerably more property in this area should be rezoned to Central Business. Alderman Prothro said that she had three calls from residents of Mallette Street objecting to the rezoning. Mr. J. C. Fox, 106 Mallette Street, supported the rezoning and wanted to know who opposed it. Mr. Putnam told the Board that they should disregard telephone calls in favor of people who came to the hearing and expressed opinions. Alderman Giduz moved, seconded by Alderman Varley, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

REZONING-RA-15-ESTES DRIVE

Mayor McClamroch presented a request by Buck Barnett for rezoning his property on the south side of Estes Drive from Agriculture to RA-15 as shown on Orange County Tax Map #29 as Lot #5. Mr. Battle, representing Mr. Barnett, spoke for the rezoning and told the Board that it was adjacent to Estes Hills which was zoned RA-15 and that Mr. Barnett wanted to develop his two and one-half acres and could do so better at an RA-15 than Agriculture. There was no opposition. Alderman Smith moved, seconded by Alderman Prothro, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

CCD346

ZONING ORDINANCE AMENDMENT

Mayor McClamroch presented a proposed amendment to the Zoning Ordinance which would prohibit storage of junked automobiles on private property in the Planning Area. Mr. Scroggs asked the Attorney's opinion on the legality of this proposed amendment. Attorney Denny stated that the first part of the proposal was an expansion and clarification of the existing ordinance and that he had no question about it, that the second part dealing with authority of the Town to remove vehicles could be questioned, but that in his opinion was legal. Alderman Giduz stated that junked cars could be health hazards and could be treated on this basis. Mr. Scroggs stated that he was in sympathy with the objectives of the proposed ordinance but thought it was stretching the interpretation of the law and questioned the method being used. He further stated that he had no suggestion as to a better method of handling the problem. Alderman Giduz moved, seconded by Alderman Smith, that this be referred to the Planning Board for study and recommendation.

ZONING ORDINANCE AMENDMENT-PARKING

Mayor McClamroch read a proposed amendment to Paragraph 6B of the Zoning Ordinance changing the definition of a parking space from 200 square feet to 180 square feet with a minimum width of 9 feet. The Town Manager told the Board that 9 feet was generally standard, except at such places as grocery stores where many people were carrying packages, and that the old definition had no minimum width and that the Board was sometimes asked to accept parking spaces less than 9 feet in width and unnecessarily long. Alderman Smith moved, seconded by Alderman Prothro, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

ZONING ORDINANCE AMENDMENT

Mayor McClamroch read a proposed amendment to the Zoning Ordinance which would create a classification entitled "Commercial Residence Hall for Students" as a special use item to be allowed in the Central Business District and Limited Business District and setting criteria for such a permit. Alderman Giduz said that he would prefer a "paved" parking area to a "stabilized" parking area and asked the Planning Board to consider this change. Alderman Kage moved, seconded by Alderman Varley, that this be referred to the Planning Board for study and recommendation. ~~THIS WAS CARRIED UNANIMOUSLY~~ This was carried unanimously.

ZONING ORDINANCE AMENDMENT

Mayor McClamroch read a proposed amendment to the Zoning Ordinance which would permit a commercial parking lot in an RA-10A District under special use, and suggested criteria for such use. Judge Phipps opposed permitting commercial parking in the RA-10A Zone. He said he had no objection to use of the lot on the corner of McCauley and Pittsboro Street for this purpose but no other lot. Mr. Tuttle said that this proposal by the Planning Board gave the maximum legal control over such parking lots and he believed it was the best way to handle such parking. Mrs. Lineberger spoke in opposition to the proposed amendment. Mr. Yaggy said that he generally opposed such use, and suggested that if it was permitted that very strict limitations be placed on it particularly time limits or restrictions as to change of ownership. Mr. Putnam supported the amendment. Mrs. Cheek suggested that if the ordinance was adopted it should limit its use to the particular lot owned by Mr. Best. Mr. Best said that they had always had parking on the lot at the corner of Cameron and McCauley and just wanted it to continue this use. Mr. Denny, commented on a question, said that the reason a change was required was that Mr. Best wanted to expand and elaborate on the present parking system not just

maintain a non-conforming use. Mr. Best said there would be very limited expansion and that the main problem was maintaining control over parking and ingress and egress..He said that it should be allowed under the "grandfather clause". Mr. Scroggs said that would not be a matter for a "grandfather clause" but it would be non-conforming use of land and that such use was limited by time. Dr. Dobbins opposed it as being a general breakdown in zoning control. Alderman Giduz moved, seconded by Alderman Prothro, that this be referred to the Planning Board of study and recommendation. This was unanimously carried.

The Public Hearing adjourned at 8:55 P.M. and the Aldermen continued in their regular meeting.

MINUTES

Alderman Smith moved, seconded by Alderman Kage that the minutes be approved as corrected. This was unanimously carried.

MARQUEES

Mr. Watson, representing Carolina Construction & Realty Co. and the Hub, asked that they be allowed to build a marquee with the height of nine feet above the sidewalk instead of the ten feet required by the sign ordinance. He noted that the building next door, Sloan Drug Co., had a marquee nine feet high and 6 feet wide. This marquee was built prior to the enactment of the sign and marquee ordinance. There is no marquee on the building adjacent on the other side but on the second building to the east, Huggins Hardware, there is a ten foot high marquee. Alderman Varley said that nine feet was more practical than ten feet. It was pointed out that it was set at ten feet because of the State Building Code which required 10 feet. The 1967 version of the Building Code was then inspected, and was found that the regulation had been changed to nine feet in the new edition. The Board felt that this was sufficient justification for issuing a permit for a marquee nine feet above the sidewalk.

BRANDON DRIVE

The Street Committee reported that it had examined Brandon Drive to consider the use of traffic bumps as requested by residents of the area. The Committee did not recommend that bumps be used but did suggest that speed signs be erected and strictly enforced.

SIDEWALK SITE ON ELLIOTT ROAD

The Street Committee reported that it had inspected Elliott Road, and that it generally was graded properly behind the curbs and the yards kept mowed, so pedestrians could walk behind the curbs. They recommend that a questionnaire be sent to residents of Elliott Road to get their reaction to possible sidewalk.

SUBSTANDARD HOUSING

Mayor McClamroch read a report from the Building Inspector concerning houses at 426 & 428 Hillsborough Street owned by Mrs. Durham which did not have bathrooms, therefore did not meet the Minimum Housing Code. The report stated that Mrs. Durham had refused to make the necessary improvements. Alderman Smith moved, seconded by Alderman Prothro, that the Board condemn these houses, and notify the owner and the tenant of this action, ask the tenants to try to find other living accommodations and instruct Mrs. Durham that when these tenants move out, no new tenants can move in until the improvements have been completed. This was unanimously carried.

CCD346

LAKE FOREST SEWER

Following inspection by individual members of the Board of the sewer situation on the Nunley property on Shady Lawn Court, the Board asked that she be notified that in the Board's opinion the sewer was satisfactory to serve this lot.

RECREATION SITE-NEUSE RIVER RESERVOIR

The Board looked at maps of the Neuse River Reservoir and heard Pearson Stewart, Executive Director of the Research Planning Commission, concerning possible recreational site development adjacent to the proposed Neuse River Reservoir. Alderman Giduz moved, seconded by Alderman Prothro, that Mayor McClamroch express interest in this project and without committing the Town, keep in touch with the progress and keep the Board informed. This was unanimously carried.

EAST FRANKLIN STREET

The Town Manager reported that the Highway Commission had considered the Town's suggestion that East Franklin Street be straightened to ease the curves, but believed that it would be satisfactory as originally planned and did not recommend the change.

BIDS-TRACTOR

The Town Manager reported a bid for a tractor-loader of \$22,665.00 plus State sales tax, and told the Board that the University would pay 50% of the cost of the tractor excepting the sales tax. Alderman Prothro moved, seconded by Alderman Varley, that this bid be accepted. This was unanimously carried.

BIDS-GARBAGE BODY

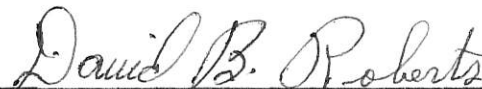
The Town Manager reported receipt of two bids on a Pak-Mor garbage body and recommended the low bid of \$8,320.00 submitted by E. Nelson O'Neal & Associates of Raleigh, N.C. Alderman Varley moved, seconded by Alderman Kage, that this low bid be accepted. This was unanimously carried.

INTANGIBLE TAX

The Town Manager reported that the Intangible Tax received from the State was nearly \$12,000 below the estimate, and about \$6,000 below the tax received in 1966. He reported that the State Tax Division had received less from Orange County in 1967 than in 1966 and therefore had less to distribute. He noted that this will greatly jeopardize the contingency fund.

The meeting adjourned at 10:20 P. M.



Mayor

Town Clerk