

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting on Monday January 27, 1969 at 7:30 p.m. with the following members present: Mayor McClamroch; Aldermen Prothro, Smith, Varley, Giduz and Kage. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny. Alderman Ethridge was absent.

MINUTES

Alderman Prothro moved, seconded by Alderman Smith, that the minutes of the meeting of January 13, 1969 be approved as corrected. This was unanimously carried.

Alderman Giduz moved, seconded by Alderman Smith, that the minutes of the Special Meeting of January 20 be approved as circulated. This was unanimously carried.

ZONING - R DISTRICTS

Mayor McClamroch told the Board that the Planning Board had recommended that all land designated RA-20 be designated R-20, that all land now designated RA-15 be designated R-15, that all land now designated RA-10A be designated R-10A, and that all land now designated MF be designated R-3. Alderman Giduz moved, seconded by Alderman Prothro, that the recommendation of the Planning Board be approved. This was unanimously carried.

Alderman Varley moved adoption of the following ordinance placing land in the R-20, R-15, R-10A and R-3 Districts.

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED MARCH 14, 1955 AND AS SUBSEQUENTLY AMENDED, FOR MAP CHANGES

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 January 13, 1969 to consider the following change in the Zoning Ordinance, and,

WHEREAS, following said Public Hearing the Planning Board of the Town of Chapel Hill recommended the Board of Aldermen adoption of the following amendments to the Zoning Ordinance; and,

WHEREAS, thereafter the Board of Aldermen adopted the recommendation of the Planning Board; 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 on March 14, 1955 and subsequently amended, be and the same is hereby further amended so that the following areas be and the same are hereby rezoned as shown below and the uses permitted in the appropriate district, as set forth in the Zoning Ordinance, shall hereafter apply:

A. All land which is now presently in the district designated "RA-20" shall be placed in the district designated "R-20";

B. All land which is presently in the district designated "RA-15" shall be placed in the district designated "R-15";

C. All land which is presently in the district designated "RA-10A" shall be placed in the district designated "R-10A";

D. All land which is presently in the district designated "M-F" shall be placed in the district designated "R-3".

SECTION II.

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of January, 1969.

This was seconded by Alderman Prothro and unanimously carried.

RE-HEARINGS - RA-10 & RA-6

Mayor McClamroch told the Board that the Planning Board had recommended re-hearing before assigning the land in the present RA-10 and RA-6 Districts to the R-10, R-6, R-5 or R-4 Districts. Alderman Prothro moved, seconded by Alderman Giduz, that this be advertised for re-hearing for February 24. This was unanimously carried.

ZONING AMENDMENT-NOTIFICATION

Mayor McClamroch told the Board that the Planning Board had recommended amending the Zoning Ordinance to require applicants for rezoning and special use permits to provide information concerning nearby property owners so that these persons may be more adequately notified of the hearing. Alderman Prothro moved, seconded by Alderman Kage, that this be advertised for the February 24th hearing. This was unanimously carried.

REZONING-CAMELOT II

Mayor McClamroch read an ordinance rezoning about 10 acres south of Bolin Creek, west of the Bypass, from R-20 to R-3. Alderman Giduz moved adoption of this ordinance. This was seconded by Alderman Kage. This motion passed by a vote of 3-2 with Alderman Giduz, Kage and Varley voting for and Aldermen Smith and Prothro voting against. Mayor McClamroch ruled that as this vote was not being a two-thirds majority, the ordinance would have to carry over until the next meeting of the Board.

SIDEWALK DISTRICT

The Board discussed the advantages and disadvantages of a proposed special act which would allow construction of a sidewalk on one side of a street, the cost of which would be assessed to the property owners on both sides of the street. Alderman Kage moved, seconded by Alderman Prothro, that such special legislation be requested from the General Assembly. This was unanimously carried.

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EXCHANGE OF PROPERTY

Alderman Varley moved, seconded by Alderman Giduz, that a special act be requested of the General Assembly to allow the Town to trade land with Frank Umstead, the unused portion of the Old West Chapel Hill Cemetery for specified land around the Umstead Recreation Center building. Mr. Umstead said that he was agreeable to the trade but that he felt that this trade and the future development of the land for recreation by the Town and the fact that he had previously donated land in this area for recreation use by the Town should not adversely affect the use he could make of his remaining property. The motion was unanimously carried.

PLANNING DISTRICT

The Board discussed the situation under which Chapel Hill had annexed land in the Carrboro Planning area and Carrboro had annexed land in the Chapel Hill Planning area and under the terms of the present special act dividing the planning area between Carrboro and Chapel Hill were not able to zone within their own city limits. It was also pointed out that Chapel Hill might in the next few years annex land to the north beyond the Town's planning district into the area under the jurisdiction of the County or eastward beyond the planning district into Durham County. Town Attorney Denny said that he believed that zoning and planning authority would automatically come with any annexation into the County planning district or into Durham County. Alderman Giduz moved, seconded by Alderman Smith, that a special act be requested which would rectify the situation with Carrboro covering existing and future annexations, and that unless it was an automatic change with annexation into the county planning districts to cover this also. This was unanimously carried.

EXTENSION OF THE PLANNING DISTRICT

The Board discussed the need for extending the Chapel Hill Planning District so that some degree of control could be exercised by the Town in the areas where development was taking place which might in the foreseeable future be annexed by the Town. Attorney Denny suggested that a modification of the special act to authorize use of certain features of the general act for planning districts particularly the automatic extension of the planning district for one mile beyond the city limits when ever any annexation becomes effective. Alderman Smith, moved seconded by Alderman Prothro, that such an act be requested of the General Assembly. This was unanimously carried.

ELECTIONS

Alderman Varley moved, seconded by Alderman Kage, that a special act be requested amending the Charter provisions concerning Elections bringing them in line with the general law on elections. This was unanimously carried.

OFF STREET PARKING FUND

Alderman Smith moved, seconded by Alderman Kage, that a special act be requested to the General Assembly to establish a fund which could be used, if the Zoning Ordinance were properly amended, to receive any payment to the Town in lieu of provision of off street parking in the Central Business District. Use of this fund would be limited to acquisition of land and the development of additional off street parking. This was unanimously carried.

PLANNING BOARD

Mrs. Stewart asked if consideration should be given to changing the makeup of the Planning Board because the five members in Town represented so many more people than the five members living outside of the Town in the Planning District. Alderman Prothro said that the recent rulings on a one man one vote principal could make it desirable to change this ratio but the fact that less than half of the land in the Planning District was within the corporate limits could make the present representation proper. She said that it was a question in her mind whether the Planning Board should be representing the people or the land. Mr. Scroggs, Chairman of the Planning Board, objected to the idea. He told the Aldermen that the Planning Board had over a good many years been made up of good men, interested in Chapel Hill, and who took their job seriously, and that this suggestion seemed to infer that this was not so. He said that the present alignment had worked well and he expected that it would continue to do so. Alderman Kage agreed with this statement. No action was taken.

DISTRICT COURT

Attorney Denny suggested that some changes in the Charter referring to the Recorders Court possibly should be deleted by a special act. He said that he would check on this and report to the Aldermen on his findings.

RECORDING OF SPECIAL USE PERMITS

Alderman Prothro moved, seconded by Alderman Giduz to advertize an amendment to the zoning ordinance requiring that special use permits must be recorded. This would be a descriptive document, making reference to maps and plans, in the form of a permit issued by the Town, signed by the Town Clerk, and signed by the owner of the property involved as acceptance of the stipulations. It would include, in addition to all stipulations imposed by the Board of Aldermen, a standard stipulation that a copy of the permit must be recorded by the owner prior to the issuance of a building permit.

WEST CHAPEL HILL CEMETERY

Alderman Prothro moved, seconded by Alderman Smith, that no more burials be permitted in the West Chapel Hill Cemetery, that persons owning lots in the West Chapel Hill Cemetery be offered lots in the Memorial Cemetery in exchange and that the Town Manager study the cost and feasibility of moving all graves from the West Chapel Hill Cemetery to the Memorial Cemetery. This was unanimously carried.

POLICE CAR BIDS

The Town Manager reported that bids for police cars had been received from Harris-Conners Chevrolet Co. and Crowell-Little Motor Co., and that Harris-Conners was low. He recommended approval of this bid. Mayor McClamroch then read a letter from James Allen, representing Yates Motor Company, objecting to the procedure of throwing out all bids on police cars at the January 13th meeting and calling for re-bids. The Town Manager told the Board that this letter had been discussed with Jake Wicker, Purchasing Expert for the Institute of Government, and that Mr. Wicker's opinion was that the Board had acted legally, and if they believed that Mr. Harris had made an honest mistake in overlooking the air conditioning for the cars had acted properly and ethically. Attorney Denny told the Board that he agreed completely with Mr. Wicker.

CCB099

He said that he prepared a brief answering the allegations in Mr. Allen's letter one by one which would be available to Board members interested. The Town Manger pointed out that Mr. Harris's original bid was for \$11,764 and that he had told the Board that the cost of the air conditions had been omitted and that this amounted to \$1,900 making a total of \$13,664, and that Mr. Yates' bid had been \$15,000. He further pointed out that the re-bid by Harris-Conners was \$13,591 and the bid by Crowell Little Ford was \$13,997.36, both well under the \$15,000 for Yates Motor Company. Alderman Giduz moved, seconded by Alderman Varley, that the low bid by Harris-Conners Motor Co. be accepted. This was unanimously carried.

RECREATION BUDGET

Alderman Kage told the Board that the Recreation Commission had recommended transferring all of their Contingency funds into the Operating Funds for the Recreation Department, that this was necessary because the recreation programs had been more successful than they had been anticipated. Alderman Smith moved, seconded by Alderman Kage, that the following ordinance be adopted. (7-1)

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1968 AND ENDING JUNE 30, 1969

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, 1968 and Ending June 30, 1969, and to levy taxes and raise Revenue for said Fiscal Year, as duly adopted on July 22, 1968, be and the same is hereby amended as follows:

1. Increase Acct. 7000 Recreation by \$8,000 to \$92,867.
- 2.. Increase Acct. 7070 Pool by \$865 to \$7,215
3. Reduce Acct. 7080 Operating Contingency by \$4,914 to zero
4. Reduce Acct. 7090 Capital Contingency by \$3,951 to Zero

SECTION II.

All ordinance or portions of ordinances in conflict herewith are hereby repealed.

This the 27th day of January, 1969.
This was unanimously carried.

REFUNDS & RELEASES

Mayor McClamroch read a list of refunds and releases on taxes and sewer charges recommended by the Tax Collector. It was pointed out that one of these was for sewer and went back to 1954. The Town Attorney said that he felt that no refund could be made for more than eight years. Alderman

Varley moved, seconded by Alderman Smith, that the refunds and releases be approved for the reasons shown, within the limits of the law. This was unanimously carried.

<u>Name</u>	<u>Rec. #</u>	<u>Amount</u>	<u>Reason</u>
H. F. Watts	4710	\$13.95	Was not connected to sewer
Roy Cooper	4524	30.00('69)	Double listed & paid
Charles M. Almond	62	26.69	Personal Property located in Tar Heel Trailer Park
Richard Chalcraft	804	21.94	Personal Property located on Weaver Dairy Road

REFUNDS

1. Mr. Carper G. Lamb paid his taxes under protest on June 28, 1968. December 5, 1968 Orange County reduced his valuation from 26,720 to 25,700.. He is due a refund of \$4.00.

2. Mr. Rue W. Gober wrote and asked that he be refunded \$23.12 for a car that was listed in 1967 to him and Eston Laboratories, both were paid. Valuation of this car was \$2,000.

3. Mr. H. F. Watts on East Franklin Street is asking for a refund on Sewer Rent charged from 154 through 1968. This amounts to \$85.05. He connected to the sewer on August 1968.

1964 - 20.10	1962 12.00
1965 13.20	1963 14.25
1966 12.00	
1967 13.50	
1968 (asked it be released)	

<u>Name</u>	<u>Rec. #</u>	<u>Amount</u>	<u>Reason</u>
George Walters & Ann Hamby	1899	\$57.88	Lot in Lake Forest picked up in error was paid 12/30/68
Aubrey P. Joan Miller	3152	59.10	Overpayment of Sewer tax. Charged \$72.00 should have been \$12.90.

POST OFFICE

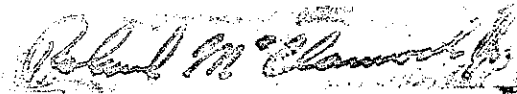
Alderman Kage brought the Board's attention of rumors that the Post Office at the corner of Franklin and Henderson was to be relocated and that he would like to see the Board oppose this action. Mayor McClamroch, Alderman Giduz and Alderman Prothro all spoke in favor of this suggestion. Alderman Kage moved, seconded by Alderman Smith, that a letter be written to the appropriate post office officials with copies to Congressman Galifianakis and Senator Erwin favoring retaining the post office at its present location continuing all of its present service and adding additional federal services if room permits. This was unanimously carried.

CCB099

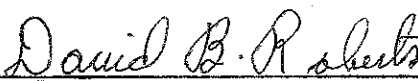
WATER SUPPLY

Alderman Kage asked about the progress that was being made to improve the Chapel Hill water supply. The Town Manager agreed to ask the University for a monthly progress report on this situation.

The meeting adjourned at 9:25 P. M.



Mayor



Town Clerk

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting on Monday February 10, 1969 at 7:30 P.M. with the following members present: Mayor McClamroch; Aldermen Prothro, Varley, Giduz, Smith and Kage. Alderman Ethridge was absent. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Varley moved, seconded by Alderman Smith, to approve the minutes of the meeting of January 27, 1969 as distributed. This was unanimously carried.

WEST CHAPEL HILL CEMETERY

Mrs. Herring told the Board that the unused portion of the West Chapel Hill Cemetery property should be kept for public housing and not traded for recreation property. Alderman Prothro said that this should be investigated further by the Board. Alderman Giduz said that it was investigated three months ago and considered unacceptable by the Housing Authority. Alderman Smith said that the Housing Authority now wanted to consider it. Alderman Kage moved, seconded by Alderman Varley to refer the matter of the possible use of the West Chapel Hill Cemetery site for housing to the Planning Board for study and recommendation. This was unanimously carried. Alderman Smith moved, seconded by Alderman Prothro, that the Board of Aldermen also study this property and ask the Chapel Hill Housing Authority to consider it and advise the Aldermen of their position on this property. This was unanimously carried. The Board agreed to meet at 4:30 p.m. on February 17, 1969 at the Town Hall and go to the site for inspection. They asked that members of the Housing Authority be invited to go with them. The Town Manager was asked to have suitable maps of the area prepared.

REZONING-CAMELOT II-R-3

Mayor McClamroch read an ordinance rezoning land south of Bolin Creek west of the Bypass from R-20 to R-3.