

STOP SIGNS-CAMERON AVENUE


Alderman Scroggs asked if the stop signs recently erected on Cameron Avenue by the University were legal. Mr. Denny said that it was possible they were but that nothing short of a court determination could make it certain.

Alderman Smith asked about street lighting on Airport Road and a tree that was supposed to be taken down on the street near Marvin Norwoods.

It was asked that past minutes be checked to see if there were any other petitions that had not been satisfactorily handled.

The meeting adjourned at 10:00 P.M.

  
MAYOR

  
Town Clerk, David Roberts

MINUTESBoard of AldermenTown of Chapel Hill

The Chapel Hill Board of Aldermen met at a special meeting at 4:00 P.M. on December 19, 1969 with the following members present: Mayor Lee, Alderman Scroggs, Smith, Coxhead, Nassif and Prothro. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

RESIGNATION-ETHRIDGE


Mayor Lee read a letter from Alderman David Ethridge resigning from the Board of Aldermen effective December 17, 1969. Alderman Scroggs moved, seconded by Alderman Prothro that the resignation be accepted with regret effective December 17, 1969 and ask that a resolution be prepared for adoption by the Board. This was unanimously carried.

VACANCY-BOARD OF ALDERMEN

Mayor Lee told the Board that the floor was open for nominations for the replacement for Mr. Ethridge. Alderman Coxhead nominated Dr. Charles Reap. This was seconded by Alderman Scroggs. Alderman Prothro nominated Steven Bernholz. Alderman Smith moved, seconded by Alderman Nassif that the nominations be closed. This was unanimously carried. On a written vote Mr. Bernholz was elected by a vote of three (3) to two (2). Alderman Coxhead then moved, seconded by Alderman Scroggs that the election be made unanimous. This was carried by a vote of five (5) to nothing (0).

The meeting adjourned at 4:15 P.M.

  
MAYOR

  
Town Clerk, David Roberts

MINUTESBoard of AldermenTown of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M., on December 22, 1969 with the following members present: Mayor Lee, Aldermen Coxhead, Nassif, Smith, Scroggs and Prothro. Planning Board members present were Cleaveland, Weiss and Shearer. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

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## BOARD OF ALDERMEN

Mr. Steven Bernholz was sworn in by the Town Clerk as a new member of the Board of Aldermen to replace David Ethridge who had resigned.

### PUBLIC HEARING

The Mayor announced that the following items had been advertised for a public hearing at this meeting.

#### SPECIAL USE PROTEST PETITION

Mayor Lee told the Board that the proposed amendment would require a three-fourths vote of the Board of Aldermen to issue a special use permit under similar conditions to those when a three-fourths vote was required for a zoning change. Alderman Scroggs explained the proposal noting that a special use permit was legal although there appeared to be some conflicts with the ordinance in the matter of uniformity, particularly in large projects. There is benefit to be gained through special use in the matter of flexibility and control but there may be some inequities because the rezoning can require a three-fourths majority if adjacent property owners protest and the special use does not. It may generate opposition to the rezoning because of the possibilities of the special use after the rezoning. He favored a similar three-fourths majority for special use, at least for certain specified major special uses, if property owners adjacent to or nearby protest. Alderman Nassif agreed in principle and said that he objected to any appeal from the Board of Aldermen's decision to the Board of Adjustment. Dr. Cleaveland said that he felt that for major special uses the effect could be important beyond the adjacent property and felt that the requirements for a protest petition might include property owners beyond that specified in the zoning petition. Attorney Denny told the Board that the zoning enabling act contemplates uniform district and that the special use in Chapel Hill is often equivalent to a zoning change. He felt this was reason to make the special use similar to the zone changing and did not favor any appeal to the Board of Adjustment. Mr. Palmer read a proposed amendment which would make the special use similar to the zoning change. Mr. Denny noted that this was the language used in the state statute and that it could be rewritten for clarification. Alderman Coxhead asked about the desirable distance to be covered by the protest. Dr. Cleaveland said large projects could have an adverse effect for some distance, and in some cases the land adjacent might be benefitted, while that further away was damaged. Alderman Scroggs said he would like for the Planning Board to come up with a logical line or method of determining a line for a protest petition. Alderman Prothro moved, seconded by Alderman Scroggs to refer this to the Planning Board for study and recommendation. This was unanimously carried.

#### REZONING-ROBERSON STREET

Mr. Palmer explained to the Board and the audience the proposal to rezone land between Franklin Street and Cameron Avenue from R-6 to R-4. He noted that there had been an error in the Planning Board minutes and therefore the land before the hearing for rezoning was not exactly that recommended by the Planning Board. Mr. Denny said that lots included in the advertisement could be excluded but that the two lots that were not included in the advertisement could not be rezoned without having had a hearing. Mr. Alton Sadler, resident of the northwest corner of Basnight Lane and Cameron Avenue said that he felt that the district lines were not logically drawn. Dr. Cleaveland said that the zoning subcommittee of the Planning Board had walked this entire area and made the recommendation based on their observations. Mrs. Clark said that all of it should be zoned the same. Mr. Sadler said that he would prefer his property be left out of the rezoning. Several possible rearrangements of the district line were discussed. Mr. W. T. Durham said that his land had been upzoned from RA-6 to R-6 in February and now was being considered for rezoning to R-4 and asked if the land south of Cameron Avenue could also be rezoned to R-4. He said that the

February rezoning had made his apartments non-conforming. Alderman Smith moved, seconded by Alderman Scroggs to refer the matter to the Planning Board for study and recommendation. This was unanimously carried.

The hearing was then closed and the regular meeting started at 8:40 P.M.

#### MINUTES

Alderman Smith moved, seconded by Alderman Prothro that the minutes of the meeting of December 8, 1969 be approved as corrected. This was unanimously carried.

#### FIRE DISTRICT

Mr. Walter Smith of Old Chapel Hill Road asked for fire protection for his property outside of Town and outside of the fire district. He was advised by the Mayor to talk to the Town Manager and bring this matter up again at the meeting of January 12, 1970.

#### SEWER ASSESSMENT

Mrs. Bartholomew, Severin Street, told the Board that she felt she should not have a sewer assessment as she did not need sewer and could not connect directly to the sewer that had been constructed on Wesley Court without crossing other property. Alderman Nassif moved, seconded by Alderman Smith to receive this petition and bring it up at the end of the regular agenda. This was unanimously carried.

#### SALE OF MERCHANDISE ON SIDEWALKS

Mayor Lee read a proposed ordinance amending the existing ordinance concerning sale of goods on East Franklin Street. Alderman Smith moved adoption of the ordinance as read. This was seconded by Alderman Scroggs and carried by a vote of five (5) to one (1) with Alderman Coxhead opposing.

AN ORDINANCE TO AMEND THE ORDINANCE PROHIBITING THE SALE OF MERCHANDISE ON ANY STREET OR SIDEWALK

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

#### SECTION I

That the Ordinance amending the Ordinance prohibiting the sale of merchandise on any street or sidewalk as appears in Book 12, Page 347-348, Official Minutes of the Town of Chapel Hill be, and the same is amended by deleting the period at the end of Section II thereof, substituting therefor a comma, and adding the following language "nor the sale of artificial flowers of any kind".

#### SECTION II

All Ordinances in conflict herewith are hereby repealed.

This the 22nd day of December, 1969.

#### ZONING ORDINANCE-LAND CLEARING AMENDMENT

The proposed ordinance restricting the clearance of land without a permit was read. Alderman Scroggs moved, seconded by Alderman Prothro that the ordinance be adopted as read. This was unanimously carried.

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

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 September 22, 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 to 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 Area", as adopted March 14, 1955, and as subsequently amended, be and the same is hereby further amended as follows:

1. Amend Section 4-D (Page 47) to add the following sentence:  
"All required Special Use Permits shall be obtained prior to beginning any site preparation as specified in Section 8-B of this Ordinance."
2. Amend Section 8-B 1, 2, and 3 (Page 115-116) to read as follows:
  - B. Building Permit
    1. No building or structure or any part thereof designed or intended to be used for other than rural farm or agricultural purposes shall be erected, added to, or structurally altered, nor shall site preparation or modification which shall consist of grading, grubbing, excavation, fill, or site clearance be commenced, (other than for rural farm or agricultural purposes) nor shall any sign be erected, repaired, or repainted (except where specifically authorized by this ordinance) until a permit therefor has been issued by the Building Inspector. However, the requirement of this section shall not apply to site preparation or subsequent site work in connection with the construction of a single family residence for occupancy by the owner of the lot upon which the residence is to be constructed. All uses for which a Special Use Permit is required shall obtain an approved Special Use Permit prior to any site preparation as defined in this section.
    2. Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing accurate dimensions of the lot, accurate dimensions of any structure to be erected, its location on the lot the dimensions and volumes of any site preparation or modification including grading, grubbing, excavation, fill, or site clearance, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats, together with a record of the action taken thereon shall be kept in the office of the Building Inspector.
    3. No permit for clearance, excavation, or other site preparation for any use or purpose, or for the erection, repair, or alteration of any building, shall be issued until a statement of its intended use has been filed by the applicant. In all cases where excavation, clearance, or grading has been undertaken pursuant to a permit issued for the purpose, and in which no further activity incident to the construction of the building has taken place within a period of 12 months from the issuance of the permit, either the permit shall be renewed or the site shall be

reclaimed by the owner. Renewal of the permit for a period of 6 months may be authorized by the Building Inspector; subsequent renewals may be authorized by the Building Inspector only after approval by the Planning Board. Reclamation shall be in accordance with a reclamation plan and time schedule approved by the Planning Board. Reclamation may include regrading or filling to acceptable contours, the preparation of soil and planting of grass, trees, shrubs or acceptable ground covers. Failure to comply with all particulars of an approved reclamation plan shall constitute a violation of this ordinance.

It is the intent of these amendments to minimize the adverse effects to the public health and safety and the depreciation of property values resulting from partially completed building projects, and to insure that site preparation activities shall be conducted in such a manner as to minimize their adverse impact upon surrounding properties and the character of the district in which they occur.

## SECTION II

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

This the 22nd day of December, 1969.

### COMMITTEE FOR THE EMPLOYMENT OF THE HANDICAPPED

The following persons were nominated for this committee: Mrs. Doris McCauley, Mr. Moses Lassiter, Mr. Nelson Parker, Mr. Leonard Hampton, Mr. Thomas A. Stein, Mr. Robert Pace, Miss Sue Flowers, Miss Virginia Hibbert, Mrs. Betty Cogswell, Dr. Liam Daly, Mrs. Vivian Foushee, Mr. Marion Hubbard, Mrs. Robert Lindsay, Dr. David Monroe, Mr. Ben Potter. Alderman Nassif moved, seconded by Alderman Scroggs that the nominations be closed. This was unanimously carried. There were just fifteen (15) nominations for fifteen (15) positions so the Aldermen agreed to dispense with the procedure which called for delay of voting until the meeting following the nominations. Alderman Nassif moved, seconded by Alderman Smith that the fifteen (15) named be approved with the first eight (8) persons named being appointed for one year term and the last seven being appointed for a two year term. This was unanimously carried.

### SUNDAY SALES

The existing ordinance covering Sunday sales was read. Alderman Prothro said that she would vote to rescind this ordinance because it is so obsolete but would like to have a public hearing on this subject at a later time. Alderman Nassif said that he opposed Blue Laws as being restrictive to business. Alderman Bernholz said that a public hearing would probably make a major issue out of what was now relatively unimportant. Alderman Scroggs said that he felt that a hearing would be unwise. The proposed ordinance rescinding the existing ordinance restricting Sunday sales was read. Alderman Prothro moved adoption of the ordinance as read. This was seconded by Alderman Scroggs and unanimously carried. Alderman Prothro said that she had had a number of calls both for and against Blue Laws and felt that a hearing should be called on the matter and noted that the Merchants Association had prepared an ordinance that they would recommend to the Board. Attorney Denny noted that the state statute would require a public hearing if an ordinance restricting Sunday sales were to be proposed by the Board.

### AN ORDINANCE TO REPEAL AN ORDINANCE REGULATING BUSINESSES AND SALES ON SUNDAY

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

## SECTION I

That the Ordinance of October 13, 1937 as appears in Book 6 at Page 613-A of the Official Minutes of the Town of Chapel Hill as amended by the Ordinance of July 14, 1943, as appears

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in Book 7 at Page 158 of the Official Minutes of the Town of Chapel Hill be, and the same are hereby repealed.

## SECTION II

All Ordinances in conflict herewith are hereby repealed.

This the 22nd day of December, 1969.

### BUDGET

Alderman Nassif said that he would like to postpone this item which he had requested and moved that it be continued until the meeting of January 5, 1970. This was seconded by Alderman Smith and adopted unanimously.

### POLICE BONUS

The Mayor told the Board that the University had sent a check for \$5,000 to be used as a police bonus and that he had approved the Town Manager's recommendation for distribution of this money and the distribution had been made but that it should be shown in the budget. He agreed to talk to the University about increasing the amount of this donation.

### SEWER ASSESSMENT

The Town Manager explained Mrs. Bartholomew's problem. She has a septic tank which is currently working adequately but the only possibility of future sewer service would be to use the line that was being constructed on Wesley Drive. An easement across an adjacent lot had been obtained so that she could connect to it when it was needed. The matter was discussed at some length. Alderman Coxhead moved, seconded by Alderman Smith that no action be taken to amend the assessment roll. This was unanimously carried.

### RECREATION PLANNING

Alderman Prothro told the Board that the Recreation Commission would like to have authority to use up to \$4,500 from their contingency fund to contract for preparation of a master plan by recreation consultant. She moved, seconded by Alderman Coxhead that this appropriation be made. The motion was unanimously carried.

### BUDGET

The Town Manager read and explained an ordinance amending the budget to take care of several appropriations which had been approved by the Board of Aldermen over the past month. Alderman Coxhead moved, seconded by Alderman Prothro that this amendment to the budget ordinance be approved. This was unanimously carried.

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1969 AND ENDING JUNE 30, 1970

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, 1969 and Ending June 30, 1970, and to levy taxes and raise Revenue for said Fiscal Year", as duly adopted on July 8, 1969, be and the same is hereby amended as follows:

1. Increase Revenue Account 1610.1 Services U.N.C. by \$5,000.00 to \$119,250.00.
2. Increase Appropriation Account 6210. Police Department by \$9,760.00 to \$373,593.00.

3. Increase Appropriation Account 6323 Drainage by \$4,240. to \$47,240.00.
4. Establish Appropriation Account 6260 Drug Central and appropriate \$1,000.00.
5. Increase Appropriation Account 7000 by \$4,500 to \$104,167.
6. Increase Appropriation Account 8000 G.F. Contingencies by \$10,000.00 to \$37,408.00.
7. Decrease Appropriation Account 7080 Recreation Fund Contingency by \$4,500.00 to \$7,244.00.

#### SECTION II

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

This the 22nd day of December, 1969.

#### MAYOR PRO-TEM

Mayor Lee told the Board that the resignation by David Ethridge left the Board without a Mayor pro tem. Alderman Coxhead nominated Alderman Scroggs, Alderman Smith nominated Alderman Nassif. Alderman Smith moved, seconded by Alderman Prothro to close the nominations. This was unanimously carried. By written ballot vote, Alderman Nassif was elected by a vote of five (5) to one (1).

#### BOARD OF ADJUSTMENT

Mayor Lee told the Board that the appointment of Mr. Bernholz to the Board of Aldermen left a vacancy in the Board of Adjustment. He called for nominations for this Board by the meeting of January 12, 1970. The question was raised about the wording of the policy statement concerning nominations as the increase in the frequency of meetings to four (4) per month might make it impractical to get nominations from the Board or commission in which the vacancy existed by the next meeting following the announcement of the vacancy. No action was taken.

#### HUMAN RELATIONS COMMISSION

Mayor Lee told the Board that there would be six (6) vacancies on the Human Relation Commission and that the commission would be able to get their nominees in by January 5, 1970 meeting and ask that the Board be prepared to present their nominations at that time.

#### OFF STREET PARKING-SMITH LOT

Mr. Denny told the Board that Carl Smith wanted to know if they wanted the Smith lot for parking as he had an opportunity to sell it elsewhere. The Board indicated they were interested and wanted to buy the lot.

The meeting adjourned at 10:55 P.M.

  
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MAYOR

  
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Town Clerk, David Roberts

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