

WATER RATES

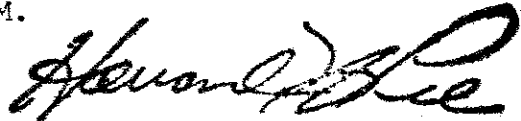
Alderman Coxhead said that this was a University problem and that the Town was not concerned. Mayor Lee said that the Town officials should be concerned about any such problem. Alderman Bernholz said that the University should not take such action unilaterally and that he was dismayed at this action. He said that he felt it was out of line with the State policy of protecting the consumer. Mayor Lee said that he and Alderman Nassif had talked to President Friday and John Temple, Assistant Chancellor, who asked that the Board not take a specific stand at this time on the matter. He said that Mr. Temple had indicated that they were willing to discuss the matter with the Town officials but probably would not change the rates. Alderman Nassif, speaking directly to the newspapers, said that a discussion with President Friday had been very favorable but the action had been taken by the Board of Trustees and that the President and Chancellor could do nothing about it. Alderman Scroggs said that he had read the report to the Trustees and that in order to expand their facilities a large jump in the rates was inevitable. Mayor Lee said that the Mayor and Board of Aldermen should have been informed in advance of the proposed increase. Alderman Nassif asked the Attorney what the Town Board could do? Mayor Lee said that a committee consisting of himself, Alderman Scroggs, Nassif and the Town Manager had been appointed to talk with the University about utilities and asked if the Board objected to this group discussing the matter with the University as soon as possible. There was no objection.

REFUND

Alderman Coxhead moved, seconded by Alderman Nassif, to approve the following refund as erroneously charged. This was unanimously carried.

<u>Name</u>	<u>Rec.#</u>	<u>Amount</u>	<u>Reason</u>
Spence, Lester & Crumpton	6657	\$164.80	House not in Town, was paid by J. Ken Davis, Jr. 821 Emory Drive

The meeting adjourned at 7:22 P.M.



Mayor



Town Clerk, David Roberts

MINUTESBoard of AldermenTown of Chapel Hill

The Board of Aldermen and the Planning Board met at a regular quarterly hearing on May 25, 1970 at 7:30 P.M. with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Coxhead, Bernholz and Nassif. Alderman Prothro was absent. Planning Board members present were: Hemmens, Mitchell, Umstead and Weiss. Also present were Assistant Town Manager Honeycutt, Town Clerk Roberts, and Town Planner Palmer. Town Manager Peck and Town Attorney Denny were absent.

PUBLIC HEARINGREZONING-R-6 to CBD-W. ROSEMARY ST.

Mayor Lee read letters from Thomas Hoyt and George Tate, Sr. asking that their rezoning request be withdrawn. This was so ordered.

REZONING-AGRICULTURE TO R-5-PINEY MT. ROAD

Charles Strickland addressed the Board concerning his request for rezoning from Agriculture to R-5. He then read his petition to the

Board which pointed out his proposal to build clustered apartments on a 14 acre tract of land. He also pointed out that there would be 6 acres of this 14 for beautification and open space. Alderman Scroggs asked Mr. Strickland whether the sunken gardens which were proposed would have apartments. Mr. Strickland said that there would be no apartment in the sunken garden area. Alderman Bernholz asked what were sunken gardens? Mr. Strickland defined sunken gardens as gardens with different types of plants and topography which have a sunken effect. He said there would be various plants and flowers conducive to this area. Alderman Smith asked if Mr. Strickland had considered single family zoning? Mr. Strickland said that he had, but from an investor's point of view this would not be practical. Alderman Scroggs asked Alderman Bernholz if this sunken garden area was not what the Board usually considered open space which is not economically feasible to develop. It would seem so. Dr. Mitchell asked if the sunken gardens were a part of the 14 acres to be rezoned. Yes. Alderman Bernholz asked where the existing residential area was. Mr. Strickland and the Town Planner pointed out that there was some development on Shady Lawn Road and on Piney Mountain Road. Alderman Nassif asked about the elevation of the area. Mr. Strickland showed that there was a drop off off Piney Mountain Road, then, there was a little flat land, and then a deep ravine. The Mayor asked if there were any in the audience who were opposed to the rezoning request. Coach Peerman read a petition which was opposed to this spot zoning and said that he and the signers of his petition did not want the apartments in this area. The petition was signed by twenty four people. The Mayor then read a petition signed by Norman Blacknell and Arthur O'Kelly which opposed the rezoning from Agriculture to R-5 of this plot of land. It was pointed out that this petition met the requirements of Section 10 of the zoning ordinance. Alderman Smith moved, seconded by Alderman Nassif to refer this rezoning request to the Planning Board. The motion carried by a vote of four (4) to one (1) with Alderman Scroggs opposing.

#### REZONING-R-10 TO R-10A-E. ROSEMARY ST.

Mr. Robert Page representing the Sigma, Sigma, Sigma Sorority presented the rezoning request for R-10 to R-10A of the property on the north side of East Rosemary Street. He said that the sorority had bought the land from the Episcopal Church because they thought they would be in a sorority-fraternity area and that no one would object. He said that first of all they plan to make about \$15,000 worth of renovations. Eventually a \$50,000 building would be built. He said that the house would house eighteen girls at first and thirty would be a maximum for this house. He also pointed out the sorority had won a distinguished service award for work in the hospital and that they had contributed much to the community since they had been in Chapel Hill. Alderman Smith asked what property adjoined the site. The Town Planner pointed out that the property east of the proposed zoning was residential. The Mayor asked if there was any opposition to the rezoning request. Mason Thomas, a resident of the area, read from his petition which quoted the Planning Board recommendations of December 6, 1957, which was opposed to extending the R-10A zone. He referred to the residential nature of the area and expressed concern over the increased traffic which would occur as a result of this rezoning. Milton Heath, Jr. of 213 N. Boundary Street also expressed his opposition to the rezoning. Henry Lewis of 407 North Street stated that he had had to sell his property once before when a R-10A zone came into the area where he was living. He did not want this to happen again. Mrs. John Foushee spoke for the sororities and explained that there would not be many more cars in the area because of the sorority. She was in favor of the rezoning. Mr. Preston of 517 North Street asked the Board to consider special rezoning for sororities and fraternities. Norris London said that he lived near a sorority and that they were noisy and littered the walkways. He was also opposed to the rezoning. Carlista Baum asked that all people attending the public hearing who objected to the rezoning request to stand. There were twenty four people who stood up in opposition to the rezoning. Alderman Nassif said that he saw the problem as a long range planning problem and that the University should be involved. He was opposed to the rezoning of this area. Alderman Scroggs said that R-10A zoning had a tendency to creep like the CBD and that the Town needed to have a long range plan for fraternities. He said that he was opposed to the policy of having both a zoning and a special use permit for fraternities. He does not want to see zone R-10A go further down Rosemary Street.

Alderman Bernholz asked when the corner lot on Rosemary and Hillsborough Streets had been zoned R-10A. Town Planner Palmer said that he had seen maps as early as 1955 with this area shown as R-10A. Alderman Smith said that the Town and the University should come up with a solution since such rezoning affects citizens and students. Alderman Smith then moved that the rezoning request not be referred to the Planning Board and a Town and University committee be formed to confer on fraternity zoning. This was seconded by Alderman Scroggs. Alderman Nassif asked Alderman Smith what his intention was in his motion. Alderman Nassif asked if Alderman Smith wished to defer this rezoning request until a committee met or refuse this rezoning request and establish a committee to study fraternity zoning in the future. Alderman Smith concurred with the latter. The Mayor recognized Mr. Page to speak. Mr. Page said that he was opposed to Mr. Nassif's voting on this issue since he was employed by Mr. Hausler. He felt that he was an interested party. Alderman Scroggs answered Mr. Page by saying that Mr. Nassif represents himself and the people who elected him. He said that Mr. Nassif had always removed himself from the Board when there was a question concerning financial gain. Mayor Lee said that only a question of financial gain can call for an Alderman not to vote. The Mayor called for the question. The motion carried by a vote of four (4) to one (1) with Alderman Bernholz opposing.

#### SPECIAL USE-TRI-SIG

Alderman Scroggs moved that this item was inappropriate because of the preceding action. This motion was seconded by Alderman Nassif and was carried unanimously. Mrs. Foushee said that the sorority had supported the hospital and the community and that it was a shame to maybe loose the sorority because of this matter.

#### REZONING-R-10A TO LIMITED BUSINESS-CAMERON AVE.

Gordon Battle spoke for the request by Gerald Bell for rezoning from R-10A to Limited Business. He pointed out that there were only 15,000 square feet of property so that it could not be used for fraternity use. He stated that the property was now being used by the University Population Center for office space. He said that this was the only feasible use of the property. He requested rezoning of the property to Limited Business so that other office use of the property could be made by people other than University. The Mayor asked for those opposed to the request to speak. Mr. Johnson spoke for Mrs. Helen Urquhart. Mr. Johnson read a petition to the Board from the homeowners, residents and institutional representatives living or working on or near W. Cameron Avenue who opposed the rezoning to Limited Business. There were forty two signatures. Miss Queen saying that she represented herself and Mrs. Lewis was also opposed to the request. Mrs. Urquhart said that the parking problem should be considered by a Town and Gown committee or commission. Mayor Lee said that he would make a recommendation to that effect later in the meeting. Mr. London said that the only difference between R-10A and Limited Business is offices. He supported the rezoning request. Mr. Dobbin thanked the Board for not letting University Square come through the sidewalk onto Cameron Avenue. He said that Cameron Avenue has now all the traffic it can stand. He was concerned that people could possibly drive through Mrs. Williams property and achieve the same effect as the request earlier denied to University Square. He said that the Board of Adjustment could not make a variance when it was for financial gain only. He said that a change should be for the betterment of the community and not for one person. He was opposed to a rezoning of this area. Mrs. Urquhart re-emphasized her position on a Town and Gown committee. Alderman Smith said that this was clearly spot zoning and that the Board had been criticized for this before. Alderman Nassif said that because a piece of property borders on a particular zone, the Board had not felt that this was spot zoning in the past. Alderman Nassif felt this was wrong. He also felt that the Board should ask itself and the University what should be the disposition of the area. Alderman Bernholz said that he believed in the expertise of the Planning Board and that the Board of Aldermen should not preclude the Planning Board. Alderman Bernholz moved to refer this rezoning request to the Planning Board. Alderman Coxhead seconded. Alderman Nassif said that he agreed with Alderman Bernholz but that he thought the Board should express itself so the Planning

Board would know where the Board of Aldermen stood before referral to the Planning Board. Alderman Bernholz said that this is built into the planning system and that we should use it. Alderman Scroggs agreed. He said that he would vote for the motion. Alderman Scroggs does not feel that there is any point in referring the matter to the Planning Board if he knows he is not going to change his vote. Alderman Smith said that the University should be brought in on this situation. He said that it was time for the Board to initiate some action. Dr. Mitchell said that he likes to see referrals come down to the Planning Board after some consideration has been given them. He was not in favor of the Board referring items which they know that they will kill when it comes back to them. Alderman Scroggs agreed with Alderman Smith and Dr. Mitchell. He stated that he had sometimes resented the sending back of items which were a waste of time. Alderman Bernholz agreed with Smith that it was time to bring in the University. He also stated that we do not solve problems by killing it at this level. He hoped that the Board's referral will bring added insight into the matter. Alderman Coxhead called for the question the motion to refer the rezoning request to the Planning Board carried four (4) to one (1) with Alderman Nassif opposing. Alderman Nassif said that he would express his views when the matter came back to the Board.

#### SPECIAL USE-FRATERNITY ADDITION-S. COLUMBIA

W. D. Boone, architect for the fraternity, spoke for the special use permit. Mr. Boone said that the building was built in 1927 prior to a state building code. He said that the stairways do not meet the code at this time. He said that the special use permit would allow them to put in a stairway on one end of the building and a fire escape would also be added. He said that three bathrooms would also be added. He stated that there would be no increase in the number of beds in the fraternity. He said he would like to have the project finished sometime in the fall when the students returned to school. Alderman Scroggs asked about the increased number of beds. There is no increase. Alderman Scroggs asked if he would meet the parking requirements. Yes. He also asked if he would meet the zoning ordinance requirements. Yes. Alderman Scroggs moved that the special use permit request be referred to the Planning Board for recommendation to the Board of Aldermen. Alderman Nassif seconded the motion. Alderman Smith asked about the building code and if the building would meet the building code after the renovations. Mr. Boone stated that after the renovations the building would meet the requirements. The motion carried unanimously.

#### SPECIAL USE-SIGMA NU-S. COLUMBIA

George Coxhead presented the proposal for the special use permit to the Board of Aldermen. He said that the requirements by the Appearance Commission would be met. Alderman Scroggs asked will it increase the number of living units. No. Alderman Smith asked what the extension of Pittsboro Street would do to the fraternities property. It would take about 10 foot strip off the property. Alderman Nassif moved to refer to the Planning Board for their consideration along with the thoroughfare plan and that a recommendation be sent back to the Board of Aldermen. This was seconded by Alderman Scroggs. Alderman Smith was concerned with the noise situation. Mayor Lee said this should be brought up with the anti noise ordinance. Dr. Mitchell asked about the parking requirements. Alderman Coxhead said that the proposal would meet parking requirements. The motion passed four (4) to nothing (0) with Alderman Coxhead abstaining.

#### REZONING-R-10A TO CBD-FETZER LANE-FRAT

Michael Levine spoke for the request by Mr. Godwin. He said that his fraternity was a professional pharmaceutical fraternity which sought the CBD zoning in order that it might add to the fraternities assets. Alderman Scroggs asked if the land was to be disposed of by the fraternity. Yes. The fraternity does not wish to use it. Mr. Godwin said that the fraternity would probably hold onto the property for ten years or so. Mr. Hines stated that the property was a residential island surrounded by CBD. He said Mrs. Delany, an adjoining property owner would join in getting this property rezoned. Alderman Smith said that he appreciated the work done by this fraternity and other fraternities, but that the Board does not have the responsibility

to rezone for anyone's individual assets. Dr. Mitchell asked how the property was zoned which surrounded the property in question. Town Planner Palmer pointed out that the area was zoned R-10A on three sides. Alderman Scroggs moved to refer this matter to the Planning Board for recommendation. Alderman Coxhead seconded. Mrs. Urquhart presented a petition containing forty four signatures which read essentially the same as her petition opposing Gerald Bell's request for rezoning. The motion to refer to the Planning Board carried by a vote of three (3) to two (2) with Aldermen Nassif and Smith opposing.

#### SPECIAL USE-BOOKER CREEK TOWN HOUSES

Mr. Anderson spoke for Mr. Duff on this matter. It was brought out that the plan had been worked out with the Planning Board and that the preliminary plat had been approved by the Board previously. Alderman Coxhead asked about the acreage. It was stated that the apartments took up an area of 9.5 acres but when considered with the open space it was 27 acres. Dr. Mitchell said that there would not be a bridge built over Booker Creek. Alderman Scroggs asked if the 27 acres exhausted the park area. Yes. Alderman Smith asked what effect this development would have on surrounding streets. It was said that most traffic would use the Old Oxford Road. Dr. Mitchell asked the status of the Old Oxford Road. Mr. Duff answered that it was a state maintained road. He assumed that the road had a fifty foot ROW. Herbert Farley said that there was no easement through this area. There was just a twelve foot road. He said it was not the policy of the highway department to purchase property. Alderman Scroggs asked if Mr. Duff was to provide part of the width of the road. Mr. Duff did not know the actual situation, but said that the site is not locked in with Old Oxford Road. He said that his property went all the way to Weaver Dairy. Alderman Scroggs commended Mr. Duff as the first developer to put open space in use as the Board would like to have it done by all developers. Alderman Coxhead asked about Middleton Village. Alderman Scroggs said that the Board had approved the subdivision now the question was to approve the apartments or not. Mr. Anderson showed the birds eye prospective and said that this was to be built in one stage. Alderman Smith asked about underground utilities. Mr. Duff said that the utilities would be underground. Alderman Scroggs asked about the dedication of the park land. Mr. Duff said that he intended to dedicate the park areas to the Town. Alderman Nassif said that he commended the subdivision now as he did when it first came in. He asked about the end of Tadley Road. Mr. Duff said that he will dedicate this property to the Town. Alderman Nassif said that the street was not large enough to use and that Middleton Village will have problems too. He said that we needed alternatives to Old Oxford Road. Mayor Lee asked if the Board could start discussions with the state on the use of this road. Alderman Nassif commended the developer for his good work.

Dr. Mitchell asked if Tadley Drive would be extended into Lake Forest. Alderman Nassif said that this will not go into single family dwelling units. Mr. Duff was asked not to carry Tadley Drive any further than last year when he was before the two Boards. Pearson Stewart commended the project. Alderman Coxhead moved to refer the special use permit to the Planning Board for their recommendation. Frank Strong expressed concern over the extension of Tadley Drive. Mr. Duff said that he was going to dedicate the land and that any action that was taken would be taken by the Town. Alderman Nassif said that he was opposed to having Tadley Drive all the way through. The Mayor said that this was the feeling of the Board and that Tadley would not go through. The motion carried unanimously. The Mayor commended Mr. Duff and Mr. Anderson for their good work in this project.

#### AMENDMENT TO ZONING ORDINANCE

There was some discussion by members of the Board over what is a substantial beginning which was referred to in the proposed wording of the paragraph amendment. Town Planner Palmer pointed out that in Hillsborough recently, the payment of architectural fees was considered a substantial beginning by the court. Alderman Scroggs moved to refer this matter to the Planning Board for recommendation.

This was seconded by Alderman Smith. Alderman Bernholz asked what the purpose of this amendment was. He also asked what the Board would do to enforce this. He asked if a statement on each permit would not suffice. Alderman Scroggs said that requirements should be recorded as a protection to the adjoining owners. Alderman Coxhead asked if the Board could rescind a special use permit. Alderman Bernholz asked if the Board would do such a thing. Mayor Lee said that the Board would. Dr. Hemmens asked if the permit could not expire if no action is taken by the developer. The Board agreed that this seemed to be a good idea. Mayor Lee asked if there were any feelings on this by members of the audience. Mayor Lee called for the question. The motion carried unanimously.

The Hearing adjourned at 10:55 P.M. and the Regular meeting was called to order.

#### REGULAR MEETING

#### MINUTES

Alderman Smith moved, seconded by Alderman Scroggs to approve the minutes of the meeting of May 18, 1970 as corrected. This was unanimously carried.

#### OUTHOUSE AND STREET LIGHT PETITION

Mayor Lee read a petition from Marvin Norwood. Alderman Nassif moved, seconded by Alderman Bernholz to receive the petition. Alderman Smith stated that he was under the impression that the outhouse was to be moved. He said that he wished the Board to go on record that the outhouse be removed within one week. Mayor Lee said he and his assistant, Mr. Little, had visited the area and became aware that something was wrong from the smell. He supported Mr. Smith's position. He called it a health hazard. Alderman Smith asked if the Board could require a septic tank. Mayor Lee said that he had the plumbing but would not hook up to sewer. The motion to receive the petition carried unanimously.

Alderman Nassif moved that the part concerning street lights and fire hydrants be referred to the street committee. Alderman Coxhead said that the street committee had already heard these complaints. Alderman Nassif moved for immediate action to be taken by the Town Manager on street lights and that a letter be sent to the owner demanding that he remove the outhouse and get appropriate sewerage by July 6, 1970. This was seconded by Alderman Coxhead. Alderman Scroggs asked if there were lines there for water. The motion carried unanimously.

#### MERRITT-McDADE HOUSE

This petition was deferred until the June 1, 1970 meeting.

#### BANNERS ON FRANKLIN STREET

Alderman Nassif moved, seconded by Alderman Smith to receive a petition from Billy Carmichael III concerning banners on Franklin Street. Alderman Coxhead amended the motion to have the subject put on the agenda for the June 1, 1970 meeting, and that the Town Manager have ordinances for the Board to study. The motion carried unanimously.

#### TOWN AND GOWN COMMITTEE

Mayor Lee proposed a Town and Gown Committee to look into matters concerning both the University and the Town of Chapel Hill. He asked that this be placed on the agenda for the June 1, 1970 meeting.

#### GOMAIN AREA

Mayor Lee said that he had received numerous complaints concerning the street problems in the Gomain area. He said he would bring this up at a later date.



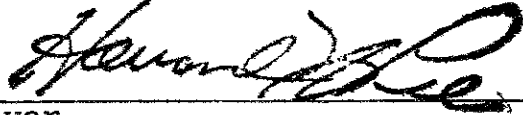
TOWN HALL IMPROVEMENTS

Assistant Town Manager Honeycutt asked if the Board would give its feeling toward the preliminary cost estimates for the proposed renovation of the Town Hall. Alderman Smith moved, seconded by Alderman Scroggs to direct the Town Manager to get a complete breakdown of the cost for this purpose. The motion carried unanimously.

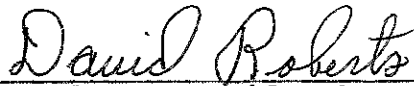
RESIGNATION

Mayor Lee read a letter of resignation from Robert Stipe who was resigning from the Community Appearance Commission.

The meeting adjourned at 11:10 P.M.



Mayor



Town Clerk, David Roberts

MINUTESBoard of AldermenTown of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M., June 1, 1970 with the following members present: Mayor Lee, Aldermen Scroggs, Nassif, Smith, Bernholz and Coxhead. Alderman Prothro was absent. Also present were Assistant Town Manager Honeycutt, Town Clerk Roberts and Town Attorney Denny. Town Manager Peck was absent.

MINUTES

Alderman Coxhead moved, seconded by Alderman Scroggs to approve the minutes of the meeting of May 25, 1970 as corrected. This was unanimously carried.

HISTORIC SITE-McDADE-MERRITT HOUSE

Mr. Jack Davis from University Baptist Church petitioned the Board to declare the McDade-Merritt House a historic structure. Alderman Coxhead moved, seconded by Alderman Bernholz to receive the petition and discuss it at its place on the agenda. This motion passed unanimously.

HOUSING AUTHORITY

Mrs. Williams from the Housing Authority introduced Mr. Midgette, an attorney for the Housing Authority, to present the agreement to be considered by the Board. Mr. Midgette stated that the present interest rate laws have put Chapel Hill out of the Housing Authority business. Mr. Midgette was asking the Town to guarantee the three-eighths of one per cent which was over the six per cent interest rate law. He said the total cost of the fifty six Turnkey housing units would be \$1,256,760.00 and that three-eighths of one per cent would be \$4,712.00. Alderman Coxhead asked how long the Town would have to underwrite this percentage. Mr. Midgette said that the Town would underwrite this percentage until the general assembly changed the law. Town Attorney Denny said that this was a public purpose according to general statutes in his opinion. Alderman Coxhead moved, seconded by Alderman Bernholz to have a resolution drawn up. Alderman Coxhead said that the Town should pick up the difference in interest rates and go ahead. He said the Town should get preference in housing as long as there were units available. Mrs. Williams said that no assignment of the units had been made. Alderman Nassif said that the interest rate problem was being worked on at a national as well as a state level. Alderman Coxhead said that if the Town would underwrite this percentage rate then Chapel Hillians should get first choice as long as units were available. Alderman