

proposed sanitary sewer lines which could be laid to solve the outhouse problem. He explained that the Board had two alternatives one of which was to condemn the house and move the family out, the other alternative would be to lay a sanitary sewer line into the area and assess it against the property owners. Alderman Bernholz asked if septic tanks could be used. Town Attorney Denny said that septic tanks could not be put in if sewer was available. Alderman Nassif asked if Ridgefield housing was available for the tenants. No one knew. Alderman Nassif felt that the Board shouldn't defer this matter until they found out if Ridgefield housing was available. Mayor Lee asked Mr. Little, his assistant, to check on this.

LIGHTING

Alderman Smith said that he had received a letter from Mr. Geer concerning street lighting. Alderman Coxhead said that this had been referred to the street committee but nothing had been done yet.

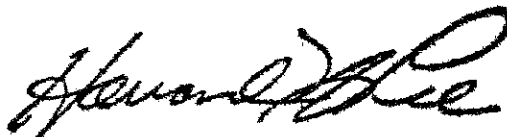
JOBS FOR TEENAGERS

Alderman Smith said that someone should look into the possibility of jobs for teenagers during the summer months.

EVERY MAN'S COMPANY

Miss Hill from Every Man's Company, approached the Board petitioning to have Henderson Street blocked off for a play as was done in May. The play would be given on June 27, 1970. Alderman Coxhead asked how the last play was carried out. Miss Hill said that two hundred people attended the first performance and about six hundred people at the last performance. She said there was not much litter. Mayor Lee said that the reports from citizens were favorable. Alderman Nassif moved, seconded by Alderman Bernholz to allow Every Man's Company to use Henderson Street and that Henderson Street be blocked from 1:00 P.M. on June 27, 1970, 10:00 A.M. on Sunday morning or when they finished with it earlier. The motion passed by a vote of four (4) to nothing (0).

The meeting adjourned at 6:40 P.M.



Mayor



Town Clerk, David Roberts

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on June 8, 1970 at 7:30 P.M. with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Coxhead, Bernholz and Nassif. Alderman Prothro was absent. Also present were Assistant Town Manager Honeycutt, Town Clerk Roberts, Town Attorney Denny and Town Planner Palmer. Town Manager Peck was absent.

MINUTES

Alderman Coxhead moved, seconded by Alderman Smith to approve the minutes of the meeting of June 1, 1970 as corrected. This passed unanimously.

DRAINAGE

A letter of petition from Melvin Clark concerning drainage on his property on Gomains Avenue was read by Mayor Lee. Alderman Nassif moved, seconded by Alderman Smith to receive the petition and place it at the end of the agenda. This passed unanimously.

PAVING-GOMAIN, BYNUM AND CRAIG

Three petitions were received from residents of Gomain, Bynum and Craig streets asking that these streets be paved with curb and gutters. Alderman Nassif moved, seconded Alderman Smith to receive the petitions and place them at the end of the agenda. This passed unanimously.

PAVING-GIMGHOUL ROAD

Mayor Lee read a petition from Jeff Newton asking that the Town pave 100 feet of Gimghoul Road. Alderman Nassif moved, seconded by Alderman Bernholz to receive the petition and place it at the end of the agenda. This passed unanimously.

DRAINAGE-ELLIOTT ROAD

A letter from Robert G. Byrd was read asking that something be done about the drainage on his property. Alderman Coxhead moved, seconded by Alderman Bernholz to receive the petition and place it at the end of the agenda. This passed unanimously.

PAVING-COTTON STREET

Mayor Lee read a petition from residents of Cotton Street asking that the street be paved by the Town. Alderman Nassif moved, seconded by Alderman Bernholz to receive the petition and place it at the end of the agenda. This passed unanimously.

REFUND-COURTS DRUG COMPANY

Mayor Lee read a letter from Ben Courts asking the Town to refund a sewer tax and a garbage collection fee. Alderman Nassif moved, seconded by Alderman Smith that this be referred to the Town Manager for study and recommendation by the next meeting. This passed unanimously.

RESIGNATION-ALDERMAN PROTHRO

Mayor Lee read a letter of resignation from Mary F. Prothro. Alderman Smith moved, seconded by Alderman Scroggs to accept the resignation of Alderman Prothro with deep regret and that a letter of commendation be sent to her from the Town. This carried unanimously. The Board agreed to have a special meeting on June 10, 1970 to appoint a replacement until the next municipal election.

HARRISS-CONNERS

Mr. Simpson presented the landscape plan for Harriss-Connors. Alderman Nassif moved to refer the plan to the Planning Board and the Appearance Commission for their study and recommendations. This was seconded by Alderman Coxhead and passed unanimously.

MCDADE-MERRITT HOUSE

Mr. Honeycutt told the Board he had talked with Ken Scott of the Fire Insurance Rating Bureau, who thought that an isolated incident of declaring one house an historic would not have any affect on the rating of the CBD. Alderman Nassif said that he did not believe the word "think" answered the questions the Board wanted to know. He said the Board needed a letter stating the actual facts from Ken Scott. Mr. Denny said that he was not sure if the Church understood what exactly was going on in this matter. He recommended no formal action be taken by the Board at this time. Alderman Smith moved, seconded by Alderman Bernholz to delay this matter until a future meeting. Alderman Bernholz said that he would like to have the building inspector be here at that time. Mr. Denny said that the Church was not fully aware of the long range effects of formal action by the Board. Also, there were members of the Church who questioned the authority of the committee chairman to make such a request. Alderman Nassif made a substitute motion. He moved to rescind the declaration of the McDade-Merritt structure as a historic site until the Board could get all available information from the Church, the

N. C. Insurance Rating Bureau, and the Building Inspector. Alderman Bernholz seconded. Alderman Scroggs said that he did not agree. He said the front part of the building could be declared historical without question. He said the rear is questionable. Alderman Smith said that the question concerned the authority of the chairman of this committee in relation to the interest of the Church. Alderman Scroggs asked if this rescission would apply to the whole request. Mr. Denny said yes. Alderman Nassif pointed out that the entire building was declared historic at the last meeting. Alderman Scroggs said that the motion last time also put some question on the rear portion of the building. Alderman Coxhead read the motion from the minutes of the last meeting. Alderman Smith said that once the matter is brought in properly then the Board can do something about it properly. The motion carried four (4) to one (1) with Alderman Scroggs opposing.

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

Mayor Lee read a transmittal from the Planning Board recommending disapproval of the rezoning request from R-10A to Limited Business for property located on W. Cameron Ave. between the Hillel Foundation and the University Square parking area. Alderman Coxhead moved, seconded by Alderman Scroggs to disapprove the rezoning request from R-10A to Limited Business for property located on W. Cameron Ave. The motion carried unanimously.

SPECIAL USE FRATERNITY-S. COLUMBIA

Mayor Lee read a transmittal from the Planning Board which unanimously recommended approval of the special use request by Phi Delta Theta Fraternity. Alderman Scroggs moved to uphold the recommendation of the Planning Board except for the stipulations that the brick screen wall on the stairwell on the north side be returned toward the building to provide greater enclosure and that further consideration be given to the design of the addition to make it more harmonious with the existing building. Alderman Scroggs said that the Planning Board was too concerned with the architectural design. Alderman Coxhead agreed. Alderman Bernholz asked if the stipulation asking for two additional feet between the existing structure and the addition was structural. Alderman Scroggs said that it was not structural. Alderman Scroggs said that he thought the stipulations were illegal. Alderman Nassif agreed but said that the first stipulation was not structural. Mr. Denny said that the Board had no control over architecture designs. Alderman Nassif asked about the authority of the Appearance Commission. Mr. Denny said that the general statutes did permit more authority to the Appearance Commission than the Town ordinance provides. Alderman Bernholz asked if the Board could issue stipulations in special use requests. They have to be based on stated purposes in the zoning ordinance. Alderman Scroggs said that the zoning ordinance was a police power. Alderman Smith asked if the reason for the first stipulation was to make two structures of the building or an addition to one structure. The Town Planner showed the model of the structure and said that the intent of the stipulation was based on design. Alderman Scroggs asked to amend the motion and delete all stipulations. Alderman Coxhead seconded the motion as amended. Alderman Bernholz said that the fraternity should take note of the requested improvements rather than require them to do them. Alderman Bernholz made a substitute motion to approve the special use request by Phi Delta Theta fraternity for an addition to the fraternity house located at S. Columbia Street between McCauley Street and the School of Pharmacy and suggest that the fraternity take note of the Appearance Commission's report. This was seconded by Alderman Smith. The motion passed unanimously. The Board agreed that the use would not materially endanger the public health and that the use meets all required conditions and specifications, and that the use will not substantially injure the value of the land around it and that the location and character of the use will be in harmony with the area in which it is to be located. Alderman Nassif said that the Board had not given the Appearance Commission the full power that the statutes enables them to have. He asked if the people thought the Appearance Commission was a devious group of people. Alderman Coxhead said that the Appearance Commission is hurting the Town and that the Town is losing money because businesses are not coming in to the Town because of the Appearance Commission. Alderman Bernholz asked if Alderman Coxhead had documentation on this matter. Alderman Coxhead said that he would get it.

SPECIAL USE FRATERNITY-SIGMA NU

Mayor Lee read a transmittal from the Planning Board which recommended approval of the special use request for the Sigma Nu fraternity addition with stipulations. Alderman Scroggs moved to uphold the recommendation of the Planning Board deleting all stipulations except that the landscaping and fencing shown on page 3 of drawings submitted May 25, 1970, be executed. This was seconded by Alderman Nassif. Alderman Scroggs said that the same reasons for his opposing his stipulations in the last request applied here also. Alderman Smith said that the fraternity had agreed to the stipulations already. Alderman Coxhead said that the fraternity had agreed but that it had done so over protest. Alderman Scroggs said that the stipulations should not be there unless they were legally binding. Alderman Nassif asked why it was worded "with following stipulations recommended by the Community Appearance Commission. Mayor Lee asked to whom the recommendations were to be sent. Town Planner Palmer said that the Planning Board passed along the recommendations to the Board of Aldermen. Alderman Bernholz said that he understood that the recommendations were the end result of discussion between the commissions and boards. He said he placed weight on these recommendations and stipulations. Alderman Scroggs said he disagreed. He said that the Appearance Commission did not have the power or authority to make these stipulations. Alderman Bernholz said that the Board should send it back to the Planning Board and tell them that they do not have the authority to recommend these stipulations. Alderman Scroggs said that he had a valid point. Alderman Scroggs asked if the stipulations were legal. Mr. Denny said that the first three stipulations were not legal and that he was not sure of the other stipulations if they constituted an amendment to the application. The question was called for. There was a tie vote with Bernholz and Smith opposing and Coxhead abstaining. No action could be taken. The Board agreed that the Appearance Commission and its authority should be discussed by the Board of Aldermen and that it had been beneficial to the Town. Alderman Scroggs said the Planning Board had chosen the easy route in going along with the recommendations of the Appearance Commission. He said this was not legal. Alderman Smith said he voted against the motion because he wanted to make a new motion to uphold the recommendation of the Planning Board except for stipulations one and two and the last phrase of number six. He so moved. Alderman Scroggs seconded. Alderman Bernholz said that he was opposed to this motion also. He did not understand Alderman Scroggs second to the motion. Alderman Scroggs explained that he seconded the motion to get discussion. Alderman Nassif said that the Board of Aldermen should make their own motion. Alderman Scroggs said that this was what he wanted also. He said that all stipulations except number seven were beyond the authority of the Planning Board. He asked why the fraternity should suffer because of a misunderstanding. Alderman Nassif made a substitute motion. He moved to approve the special use request by the Sigma Nu fraternity for an addition to their fraternity house located at the western end of fraternity court on S. Columbia Street between Franklin Street and Cameron Avenue and with the stipulation that the landscaping and fencing shown on page 3 of the drawings submitted May 25, 1970, be executed. Alderman Scroggs seconded the motion. The motion carried three (3) to one (1) with Alderman Smith opposing and Alderman Coxhead abstaining because of financial interest. The Board agreed that the use would not materially endanger the public health and safety and that the use meets the required conditions and specifications and that the use will not substantially injure the value of adjoining property and that it is a public necessity and that the use will be in harmony with the area in which it is to be located.

REZONING-R-10A TO CBD-PHI DELTA CHI

Mayor Lee read a transmittal from the Planning Board recommending disapproval of rezoning request by Phi Delta Chi fraternity. Alderman Nassif moved to disapprove the request by Phi Delta Chi for property located on the western side of the end of Fetzer Lane to be rezoned from R-10A to CBD. Alderman Bernholz seconded. The motion passed unanimously.

SPECIAL USE-BOOKER CREEK TOWNHOUSES

Mayor Lee read a transmittal from the Planning Board which recommended approval of the special use request for 118 townhouse units in the Booker Creek subdivision. Alderman Nassif had questions concerning how the people from the two developments of Booker Creek and Middleton Village would be able to get to the 15-501 Highway. He said the Old Oxford Road was a state maintained road. Town Planner Palmer said that there was a 60 foot right-of-way and that the State would put this road on their list for improvements when it was necessary. Mr. Duff stated that State Highway Commission would take no action until there were six families on the road. He said only one family lived there now. Alderman Nassif said the Board should pressure the state. Mr. Duff said that his company would pursue it also. Mayor Lee said that this should be a joint action. Alderman Nassif moved, seconded by Alderman Scroggs to approve the special use request by William Duff for 118 townhouse units in the Booker Creek subdivision with the suggestion that the open space which is used for density credit be appropriately dedicated. Alderman Smith asked how the Board could be sure that the land would be dedicated to the Town. Mr. Denny said that a deed would be drawn up and registered in Hillsborough. There are three requirements of the special use which apply here. Mr. Duff said that the zoning ordinance requires that he take one of the three steps in dedication of the land. He said that he will dedicate the land to the Town. Alderman Smith said that if the Board thinks the Appearance Commission is overstepping its bounds then the Board should inform them as such. Alderman Scroggs said that the issue is within their province to recommend this. The motion carried unanimously. The Board felt that the use would not materially endanger the public health or safety and that the use meets all required conditions and specifications and that the use would not substantially injure the value of the property around it and that the location and character of the use was in harmony with the area in which it was to be located.

TIME LIMITS ON SPECIAL USE PERMITS

Mayor Lee read a transmittal from the Planning Board which unanimously recommended that the amended proposal for amending the zoning ordinance be approved. Alderman Scroggs moved, seconded by Alderman Smith that the Board approve the recommendation of the Planning Board and that a ordinance be prepared. The motion passed unanimously.

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

Mayor Lee read a transmittal from the Planning Board which unanimously voted to recommend disapproval of the rezoning request for 14.2 acres. Alderman Smith moved, seconded by Alderman Scroggs to disapprove the rezoning request for 14.2 acres located at the end of Shady Lawn Road between Piney Mountain Road and Eastwood Road. The motion carried unanimously.

SPECIAL USE-ROBERSON STREET

Mayor Lee read a transmittal from the Planning Board which unanimously recommended approval of the special use request for 15 units of housing for the elderly with stipulations from the Appearance Commission. Alderman Scroggs moved to approve the special use request for 15 units of housing for the elderly with the following suggestions recommended by the Appearance Commission: 1) that the Commission request that the architectural design not be used in future projects (the architectural design is the same in Ridgefield Townhouses, the Airport Road project, the Pritchard Ave. extension project, and the Roberson Street project). 2) that the color of the brick and siding be varied from site to site. 3) that all utilities be underground. 4) that the lighting be so located that it offers no nuisance to adjacent properties. Alderman Coxhead seconded the motion. Alderman Nassif said that he was abstaining because of financial interest but said that stipulations one and two were of a design nature but that stipulations three and four were valid. Alderman Scroggs said that he objects to stipulations of this kind. Alderman Scroggs amended his motion to say that there would be no stipulations. The motion was that the Board approve the

special use request for 15 units of housing for the elderly without stipulations. The motion passed four (4) to nothing (0) with Alderman Nassif abstaining. The Board felt that the use would not materially endanger public health or safety and that the use meets all required conditions and specifications and that the use will not substantially injure the value of the property around it and that the location and character of the use would be in harmony with the area in which it is to be located.

SPECIAL USE-PRITCHARD AVENUE EXTENSION

Mayor Lee read a transmittal from the Planning Board which unanimously recommended the approval of the special use request for 15 public housing units on Pritchard Avenue extension with stipulations recommended by the Appearance Commission. Alderman Scroggs moved to approve the special use request for 15 public housing units on Pritchard Avenue extension with the following stipulations: 1) that screening be provided at the rear of the unit nearest the parking area. 2) that the tree line along the north and east sides be retained. 3) that the screen be provided along Pritchard Avenue adjacent to the parking area and along the southern property line. Alderman Coxhead seconded the motion. The motion passed four (4) to nothing (0) with Alderman Nassif abstaining. Alderman Nassif said that the Appearance Commission got a lot done just by suggesting improvements. The Board agreed that the use would not materially endanger the public health or safety and that the use meets all required conditions and specifications and that the use will not substantially injure the value of property around it and that the location and character of the use will be in harmony with the area in which it is to be located.

ORDINANCE FOR DAILY GARBAGE PICKUP RATES

Mayor Lee read the ordinance for daily garbage pickup. Alderman Coxhead moved, seconded by Alderman Scroggs to adopt the ordinance as changed. The motion carried unanimously.

AN ORDINANCE TO ESTABLISH THE CHARGES FOR SPECIAL TRASH COLLECTION SERVICES FOR BUSINESSES WITHIN THE TOWN OF CHAPEL HILL

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

SECTION I

THAT WHEREAS, garbage collection for the citizens of the Town of Chapel Hill is on a semi-weekly basis, and

WHEREAS, certain businesses situated within the Town of Chapel Hill require special and additional services in the collection of trash and garbage in excess of that provided for citizens of the Town of Chapel Hill, and

WHEREAS, this extra service is of additional cost to the Town and a portion of the cost thereof should be borne by those individuals, firms, and corporations directly benefiting thereby.

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

That Section I effective the 1st day of July, 1970, the charge to be assessed and collected from persons, firms, and corporations operating business within the Town of Chapel Hill which require and receive special collection services with respect to garbage, trash, and rubbish, shall be as follows:

- a. An annual charge of \$8.00 per can with a minimum charge of \$24.00 shall apply to any such business, and
- b. An annual charge of \$24.00 per container larger than a can shall be charged and assessed against any such business, and
- c. In addition to the foregoing charges, an annual time charge of \$8.00 per minute of work time expended in the collection of such trash or garbage in excess of one(1)

minute per can and three (3) minutes per container shall be assessed and collected from each such business.

SECTION II

All ordinances and portions of Ordinances in conflict herewith are hereby repealed.

This the 8th day of June, 1970.

PTRPC

The Research Triangle Regional Planning Commission had asked the Town for \$1,087 to pay expenses for June. Alderman Nassif moved, seconded by Alderman Smith to approve the expenditure of \$1,087 in excess of the Planning budget. The motion carried unanimously. Mr. Honeycutt said that several amendments to the budget ordinance would be brought up at the next meeting, including this one.

REPORT ON JAIL DEFICIENCIES

Mr. Honeycutt said that the jail inspector from the Social Services Department of North Carolina had inspected the jail this past week and that the Town would have to do two things to bring the jail up to standards. The Town would have to get a security door on the west side of the jail and paint the interior of the jail with fireproof paint. Mr. Honeycutt said that the security door was being put into the application to the law and order committee and that the painting of the jail was in the budget for next year. Alderman Bernholz asked about the cleaning of the jail. He said that at times the stench was unbearable. He asked that the Town Manager keep a close watch to see that the jail is well cleaned. He said he would also like to see a copy of the grand jury report on the jail.

OUTHOUSE-McMASTERS STREET

Mayor Lee asked Mr. Little if the people living on Caldwell's property could get into Ridgefield public housing. Mr. Little said that they were not on the list for Ridgefield housing. Alderman Smith said that he had received a call from Mr. Norwood saying that there was sink water running into a hole on the Caldwell property. He said because of a health problem the property should be on sewer. Mayor Lee said that the Town should get at the man who has caused the problem. He said that Chapel Hill residents should have first opportunity in getting places in the Chapel Hill public housing. Alderman Bernholz moved to have the building inspector advise Wilson Caldwell that his house is deficient in the way in which it is, and that if the situation is not corrected then the house will be condemned. He said the building inspector had a form letter for this. Alderman Nassif seconded the motion. The motion carried unanimously. The Board asked that the building inspector make a report on this item.

PARKING LOT CONTRACT-SMITH

Alderman Coxhead moved, seconded by Alderman Scroggs to award the paving contract for the Smith parking lot to the Muirhead Construction Company who had the low bid of \$6,642.50 on a 60 day contract. This passed unanimously.

PAVING

Alderman Coxhead moved, seconded by Alderman Bernholz to refer all paving petitions received tonight to the Town Manager for verification and to place them on the list of streets to be paved. Alderman Smith said that Hillsborough brags that they have no dirt streets. He thought it would be good for Chapel Hill to be able to brag the same thing. The motion passed unanimously. Alderman Smith said that the Town should pave the streets it had and it could and make them one-way streets when they were narrow streets. The subject of oil on streets was brought up but the Board felt that oil caused a messy situation. Alderman Nassif said that the Town makes priorities on streets but there is no time limit on these priorities. He said that it would be good for the Town to have five and six year plans like Durham and other communities.

DRAINAGE-GOMAINS AVENUE

Alderman Smith asked if this problem did not come up five years ago. Alderman Nassif said that the Town may have the obligation to fix this drainage problem. Alderman Smith moved, seconded by Alderman Coxhead to get a cost estimate which would solve the problem and to get a recommendation from the Manager on determination of responsibility. This passed unanimously.

PAVING-GIMGHOUL ROAD

Alderman Bernholz moved, seconded by Alderman Scroggs to refer this petition to the Town Manager for verification of its sufficiency and for recommendation. This passed unanimously.

DRAINAGE-ELLIOTT ROAD

The Board said that it had not taken action on this problem and that it should take action. Alderman Bernholz moved, seconded by Alderman Scroggs to have the Town Manager get a cost estimate of getting sufficient drainage pipe. The motion passed unanimously.

RENOVATION-TOWN HALL

Mr. Honeycutt showed plans for the renovation of Town Hall which included facilities for the handicapped and sufficient public rest rooms. He explained that the new cost of all renovations would be approximately \$135,000. Alderman Coxhead said that this price was out of line. Alderman Nassif said that the Town should try to get this money if it could. Alderman Nassif moved, seconded by Alderman Scroggs to submit application for the \$135,000 renovation with the second plan which cost \$85,000 as a second choice. The motion passed unanimously. Alderman Bernholz asked how the Town Manager selected the architect to do the work on such projects.

SIDEWALK SALES

Alderman Scroggs said that this item had been left off the agenda for this meeting and asked that it be placed on the agenda for the next meeting and that an ordinance be prepared for their discussion at that time.

APPEARANCE COMMISSION

Alderman Smith said the Board should discuss the power of the Appearance Commission. Alderman Scroggs said that we should define their role and re-draft the Appearance Commission ordinance.

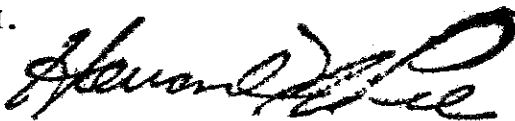
BUDGET

Alderman Nassif had question concerning the expenditures in the departments of street maintenance, street construction, street cleaning and trash collection. He also asked that a letter be written to department heads who had not appeared before the Board to explain to them why they had not appeared before the Board.

ACCESS ROADS

Mayor Lee said that he had received some complaints concerning the problem at the Dairy Queen on 15-501 Bypass. Alderman Scroggs said that the Town should push for access roads in that area. He said the Town Manager should look into this.

The meeting adjourned at 11:21 P.M.



Mayor



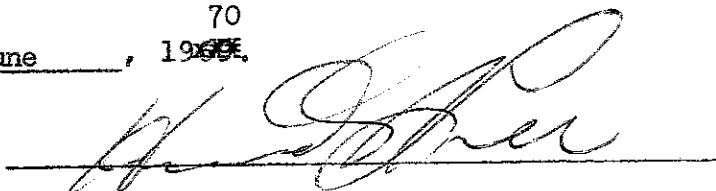
Town Clerk, David Roberts

NOTICE OF SPECIAL MEETING OF THE BOARD
OF ALDERMEN OF THE TOWN OF CHAPEL HILL

TO: Mrs. Mary Prothro
Mr. Ross E. Scroggs
Mr. ~~David Ethridge~~ *Steve Bernholz*
Mr. George L. Coxhead
Mr. Joe Nassif
Mr. Reginald Smith

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Town Hall, at 4:00 P.M., on Wednesday the 10 of June to discuss the replacement of Alderman.

This the 8 day of June, 1970.



ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by to be held in the Town Hall, at 4:00 on the 10 day of June, and hereby waive notice of said meeting.

This the 8th day of June, 1970

