

MINUTESBoard of AldermenTown of Chapel Hill

The Board of Aldermen met at a regular meeting on June 22, 1970 at 7:30 P.M. with the following members present: Mayor Lee, Aldermen Bernholz, Scroggs, Smith, Nassif and Coxhead. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Nassif moved, seconded by Alderman Smith that the minutes of the meeting of June 15, 1970 be approved as distributed. This was unanimously carried.

AIRPORT

Mr. John Heintz presented a petition to the Board asking that the use of Horace Williams Airport be limited to University planes. Alderman Smith moved, seconded by Alderman Bernholz to receive the petition and discuss it at the end of the regular agenda. This was unanimously carried.

SEWER REFUND

Mayor Lee read a request by Mason Thomas, North Street, asking for a refund on sewer which had been paid since 1963 for a building that was not connected to sewer. Alderman Bernholz moved, seconded by Alderman Nassif to receive the petition and authorize the refund as erroneously charged. This was unanimously carried.

Mayor Lee then read a petition by Mrs. Hanks, Lake Forest, requesting refund of sewer charge for one year for a building that was not connected to the sewer. Alderman Smith moved, seconded by Alderman Nassif to receive this petition and authorize the refund as erroneously charged. This was unanimously carried.

NEW ALDERMAN

Mrs. Alice Welsh was sworn in by the Town Clerk as a member of the Board of Aldermen to replace Mrs. Mary Prothro who resigned. This appointment is for the period until the next general municipal election.

SIDEWALK SALES

Alderman Scroggs asked that Dr. Donald Misch tell the Board his proposal for street vending. Dr. Misch's suggestion was for a series of zones, with sale of flowers only allowed on East Franklin Street and other wares being sold in other parts of Town, possibly Rosemary Street. His written proposal was not read. Alderman Scroggs then asked Mrs. Merzbacker to give her feelings on the matter. She said that she very much favored the selling of flowers on the street and did not feel that these persons were peddlers, that they provided free decoration for downtown Chapel Hill, but she objected to the sale of anything other than flowers on the sidewalk. Alderman Coxhead said that he would prefer selling only flowers, but that he would consider a suitable location for sale of other things if one could be found. Alderman Nassif then proposed an amendment to the ordinance which had been considered at the June 15, 1970 meeting and the proposed changes to that ordinance which had been sent out with the agenda. He then moved adoption of the ordinance with his recommended changes. This was seconded by Alderman Coxhead.

AN ORDINANCE REGULATING THE SELLING OF MERCHANDISE ON STREETS AND SIDEWALKS

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

SECTION I

That it shall be unlawful for any person, firm, corporation or organization to display, sell, rent, offer for sale, or rent

any goods, wears, merchandise or commercial products of any kind on the streets or sidewalks of the Town of Chapel Hill, except that civic organizations and other groups engaging in charitable or fund raising drives for community services may apply directly to the Town Manager for a permit, and except that the following exempted articles may be sold in the Central Business District: natural home grown or artificial flowers, subject to the following regulations:

- a. Any person desiring to sell articles permitted under this Ordinance shall first apply to the Town Clerk of the Town of Chapel Hill for a privilege license or permit to do so, specifying the nature of the articles to be sold, and the place or places where it is proposed to offer them for sale.
- b. Each individual person engaging in such selling or offering for sale shall obtain a separate license or permit.
- c. Permits provided for in Subsection a shall be issued to the vendor pursuant to the provisions of the Ordinance providing for the levying of privilege licenses within the Town of Chapel Hill.
- d. No selling shall be permitted within 50-feet of the right-of-way at any intersection.
- e. The holder of a permit or license may display articles for sale on the sidewalk, in such a manner as not to block any cross-walk or impede the orderly flow of pedestrian traffic on any sidewalk or street.
- f. No individual seller shall be permitted to display articles for sale over an area more than 10-feet in length, nor in any vehicle.
- g. No table or booth may be used for display or sale of articles.

#### SECTION II

The provisions of Section I shall not apply to sale of such articles on private property of the University of North Carolina, nor to the sale of newspapers or magazines, nor food products permitted under North Carolina General Statute 105-53(c), provided such sales do not interfere with nor impede the orderly flow of pedestrian or automotive traffic.

#### SECTION III

All Ordinances in conflict herewith are hereby repealed.

This the 22nd day of June, 1970.

He said that he would like to have the committee which originally studied this matter to continue to function and see if they could improve on the ordinance as suggested at this time. Alderman Bernholz suggested tabling the motion and referring the matter back to committee for further study. He also said that he thought there should be a public hearing. He suggested that Mrs. Welsh replace Mrs. Prothro on this committee. Alderman Scroggs said that some kind of control is necessary and supported Alderman Nassif's motion. Alderman Nassif said that this ordinance would provide necessary control and order in this situation until something better could be found. Mayor Lee said that this ordinance would take the pressure off the committee to come up with an immediate answer. Alderman Smith asked if it could be enforced? Mr. Peck said that the provision for a license would be a great help in enforcing it. The motion was passed by a vote of five (5) to one (1) with Alderman Bernholz opposing. Mayor Lee asked that the committee of Aldermen Scroggs, Bernholz and Welsh continue to study this matter.

### APPOINTMENTS

The following appointments were made: Alderman Nassif moved, seconded by Alderman Smith that the following persons be appointed to the Advisory Personnel Board for terms as shown: for term ending June 30, 1971: Frank Hall and Marion Hubbard; for term ending June 30, 1972: Major Geer; for terms ending June 30, 1973: Jake Wicker and Walt Baucom. This was unanimously carried. Planning Board. Alderman Smith moved, seconded by Alderman Scroggs that Dr. George Hemmens be appointed for a term ending June 30, 1975. This was unanimously carried. Board of Adjustment. Alderman Bernholz moved, seconded by Alderman Welsh that Werner Hausler and John E. Evans be appointed to the Board of Adjustment for terms ending June 30, 1973. This was unanimously carried. Recreation Commission. By written ballot the Aldermen appointed Bill Hall, Gary Giles, Claudia Cannady, Tommy Gardner and Andy Miketa to the Recreation Commission for two year terms ending June 30, 1972. Community Appearance Commission. Alderman Nassif moved that the nominations be re-opened. This was seconded by Alderman Welsh and unanimously carried. Alderman Nassif then nominated W. J. Ogburn. Alderman Scroggs moved, seconded by Alderman Welsh that the nominations be closed. This was unanimously carried. By written ballot the following members were appointed for three year terms ending June 30, 1973: Jim Webb, Mrs. William Marshall and W. J. Ogburn. Library Board of Trustees. Alderman Smith moved, seconded by Alderman Nassif that Mrs. Richmond Bond and Mr. Alton Sheldon be appointed to the Library Board for six year terms ending June 30, 1976. This was unanimously carried. Mayor Lee told the Board that he had appointed Vivian Foushee to the Chapel Hill Housing Authority. Nominations were requested for the following vacancies to be made at the July 6, 1970 meeting: Planning Board, one vacancy to fill the unexpired term of Mrs. Welsh. Citizens Advisory Committee, two year terms, for the expiring terms of eight members. Plumbing Board of Examiners, one two year term. Auditor, one year term. Tax Collector, one year term. Firemen's Relief Fund, three year term. Redevelopment Commission, one five year term.

### URBAN REDEVELOPMENT

Mayor Lee reported to the Board on discussions he had with Mr. Patterson of HUD in Atlanta who had suggested that any applications for federal programs be submitted prior to September 1, 1970. He suggested that an amendment be prepared to the NDP application based on a consensus of persons residing in the area. He asked that Alderman Scroggs and Alderman Smith work with the Town Planner on the possibilities for a CRP (or CIP) application. He asked that the Recreation Director complete a questionnaire concerning the neighborhood facilities program and return to Atlanta as soon as practical. Mrs. Welsh was appointed to the Open Space Committee to replace Mrs. Prothro.

### STREET PAVING

Mayor Lee told the Board that certain unpaved streets were so dusty that it was a serious problem. Alderman Smith asked for an estimate for paving all of the north side area. He suggested getting oil for the streets in the meantime. Mr. Little said that the residents were trying to obtain the oil and that the Town would oil the streets for them. It was suggested that the Town ask for a special act which would allow them to improve streets without a petition and assess the adjacent property owners. Alderman Smith said he thought all dirt streets should be paved, without curb and gutter if necessary. He suggested that money appropriated for resurfacing be used for paving. It was pointed out that street paving could not be done without a petition unless a special act was obtained. Alderman Bernholz said he felt that petitions should be accepted for paving without curb and gutter.

Alderman Coxhead made the following report for the Street Committee: He recommended that a policy be adopted which would allow paving without curb and gutter on existing streets, where there is a

maximum grade not exceeding 4%, limited traffic, no off street parking, with the understanding that the cost of this paving be paid completely in advance and that it be understood that any curb and gutter which was petitioned for later would assessed at the full amount. Alderman Bernholz said he favored this recommendation. Alderman Nassif said he was favor of this but suggested special treatment for poor areas. Alderman Bernholz moved, seconded by Alderman Nassif to prepare a resolution adopting such a policy with the necessary explanation. This was unanimously carried.

#### CROSSWALKS

Mayor Lee read a proposed ordinance eliminating the pedestrian crosswalk on West Franklin Street near the NML Building. Alderman Nassif moved, seconded by Alderman Scroggs this ordinance be adopted as read. This was unanimously carried.

#### ORDINANCE TO REPEAL CERTAIN PROVISIONS OF AN ORDINANCE RELATING TO VEHICULAR TRAFFIC AT MARKED CROSSWALKS

WHEREAS, April 28, 1969 the Board of Aldermen adopting Ordinance related to Vehicular Traffic at Marked Crosswalks, and

WHEREAS, a portion of said Ordinance provided that the Town Manager shall cause to be marked on West Franklin Street, specifically, approximately 316 feet West of Columbia Street, a crosswalk for pedestrians traffic, and

WHEREAS, said crosswalk is no longer necessary or desirable.

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

#### SECTION I

That that portion of the Ordinance related to the vehicular traffic at marked crosswalks adopted April 28, 1969 with respect to the crosswalk to be marked on West Franklin Street specifically, approximately 316 feet west of Columbia Street be, and the same is hereby repealed.

This the 22nd day of June, 1970.

#### INTERIM APPROPRIATIONS

Mayor Lee read an ordinance providing for the operation of the Town in the fiscal year 1970-71 prior to the time that the regular budget is adopted. Alderman Smith moved, seconded by Alderman Scroggs that this ordinance be adopted as read. This was unanimously carried.

#### INTERIM BUDGET ORDINANCE

WHEREAS, G.S. 160-410-9 provides for an interim appropriation where a budget has not been officially adopted by the first day of the fiscal year; and

WHEREAS, the 1970-71 Budget for the Town of Chapel Hill will not be adopted prior to July 1, 1970.

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

#### SECTION I.

That appropriations be and the same are hereby made for the payment of salaries, principal and interest of indebtedness, and usual ordinance expenses of the municipality for the interval between July 1, 1970 and to date of the adoption of the annual budget ordinance for 1970-71.

#### SECTION II.

The interim appropriations are made at the rates shown in

the 1969-70 Budget Ordinance and shall be chargeable to the several appropriations, respectively, which shall hereafter be made in the annual budget ordinance for the year 1970-71.

### SECTION III.

All ordinances in conflict herewith are hereby repealed.

This the 22nd day of June, 1970.

### TRAFFIC

The traffic problem on the By-pass near the entrance to the Dairy Queen was discussed. Access roads on both sides of the By-pass were suggested running from Ephesus Church Road to Willow Drive. Alderman Welsh moved, seconded by Alderman Bernholz to write to the highway commission and ask that this matter be studied and improvements made. This was unanimously carried.

### DRAINAGE

The Town Manager explained the drainage problem and a request from Mr. Clark for drainage assistance on Comains Avenue. He noted that the only change in the situation occurred when the Housing Authority built its units next to Mr. Clark and diverted some drainage from across their property to the property line between them and Mr. Clark. Alderman Smith moved, seconded by Alderman Welsh that the Town write to the Housing Authority asking them to investigate this situation and take appropriate steps to remedy any problems. It was agreed that if the Housing Authority would provide the pipe and that a right-of-way could be obtained that the Town would install the pipe in accordance with its usual policy. The motion was unanimously carried.

### RATS

The Town Manager reported on a letter from the County Board of Health saying that there were rats in certain areas of Town and suggesting that bait boxes and poison be used to help control them. Alderman Smith moved, seconded by Alderman Welsh that this be followed up and handled in cooperation with the Health Department. This was unanimously carried.

### LAW AND ORDER

Mayor Lee asked that Alderman Nassif be the Aldermen's representative on the Law and Order Committee replacing Alderman Ethridge. No appointment was made as the liaison person between the Board of Aldermen and the Recreation Commission.

### AIRPORT

Mr. Heintz's petition was discussed. Alderman Smith said that no action be taken on this at this time as the matter was on the agenda for discussion with the Governor. Alderman Nassif said that the University was a very small user of the airport compared to the private planes and that it was increase in the use of private planes that was objectionable. Mr. Heintz said that he felt that if only the University were allowed to use Horace Williams airport that other users would be forced to find a more suitable site. Mayor Lee said that he felt that Raleigh-Durham Airport Authority would help find a site if private flying was prohibited at the Horace Williams airport.

### CONTRIBUTIONS

Mayor Lee said that he had received the usual request for contribution to the North Carolina Symphony Orchestra. Alderman Welsh said that she would like also to support the State Art Museum.

WATER RATES

Alderman Nassif said that he still did not feel that the University had provided complete justification for the increased water rates.

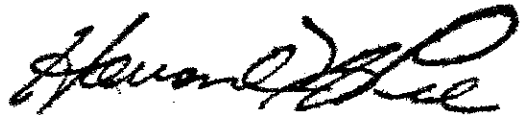
NORTHAMPTON PLAZA SIGN

Attorney Denny reported that the court had ruled that the Northampton Plaza sign was in violation but that they should have a reasonable time to replace it and he had set that time as September, 1971. The concensus was that the Town should not appeal this ruling.

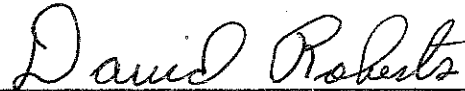
SYSTEMS SCIENCE INC.

Alderman Smith moved, seconded by Alderman Bernholz to ask the Attorney to take the steps necessary to get this office out of the residential area. This was unanimously carried.

The meeting adjourned at 11:00 P.M.



Mayor



Town Clerk, David Roberts

MINUTESBoard of AldermenTown of Chapel Hill

The Board of Aldermen met at a regular meeting on July 6, 1970 at 4:00 P.M. with the following members present: Mayor Lee, Aldermen Welsh, Coxhead, Nassif, Smith, Scroggs and Bernholz. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Nassif moved, seconded by Alderman Smith to approve the minutes of the meeting of June 22, 1970 as corrected. This was unanimously carried.

SEWER-CAROLINA AVENUE

Carl Durham requested that the Town construct about 400 feet of sewer on Carolina Avenue to serve five lots. Alderman Nassif moved, seconded by Alderman Bernholz to receive the petition and consider it at the end of the agenda. This was unanimously carried.

APPOINTMENTS

Alderman Coxhead moved, seconded by Alderman Smith that David Roberts be re-appointed as Tax Collector for the 1970-71 fiscal year. This was unanimously carried.

Alderman Nassif moved, seconded by Alderman Welsh that Rodenhizer and Umstead be employed to audit the Town books for the fiscal year 1969-70. This was unanimously carried.

Alderman Scroggs moved, seconded by Alderman Smith to re-appoint Mr. W. E. Huskey to a two year term on the Plumbing Board of Examiners. This was unanimously carried.

Alderman Scroggs moved, seconded by Alderman Coxhead to appoint Alderman Bernholz as a member of the Firemen's Relief Fund for a three-year term. This was unanimously carried.