

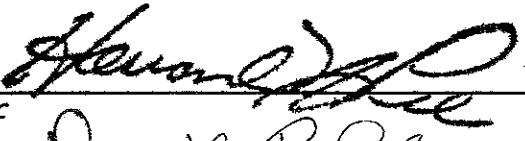
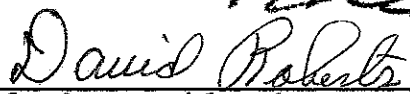
RELEASES AND REFUNDS

Alderman Bernholz moved to grant the refund of \$2,881.75 to Northampton Plaza. Alderman Smith seconded. Alderman Smith questioned whether a certificate of occupancy was given before January 1, 1969. Alderman Bernholz and Smith withdrew their motion. Alderman Bernholz moved, seconded by Alderman Smith to defer action on this matter in order to inquire into the circumstances. The motion passed 3 to 1 with Alderman Coxhead voting no.

STREET REPAIRS

Mayor Lee asked for a report from the Manager on a timetable for repairing streets after a sewer line had been laid. He was concerned particularly with Severin Street, Rosemary Street, and Mitchell Lane.

The meeting adjourned at 6:55 P.M.

  
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 Mayor  
  
 \_\_\_\_\_  
 Town Clerk, David Roberts

MINUTESBoard of AldermenTown of Chapel Hill

The Board of Aldermen met at a regular quarterly hearing at 7:30 P.M. September 28, 1970 with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Welsh, Nassif, Coxhead and Bernholz. Planning Board members present were Weiss, Hemmens, Mitchell, Hurow, Shearer, Locke and Spransy. Also present were Town Manager Peck, Town Clerk Roberts, Town Attorney Denny and Town Planner Palmer.

QUARTERLY HEARINGSPECIAL USE-WILLOW TERRACE-ROMINGER

Mr. Rominger presented a letter to the Board supporting his petition for a special use permit for unified business for all of the Willow Terrace apartment development. He told the Board that there was a proposed shopping center across Willow Drive from his apartments and regional commercial district behind, that he had formally believed that he had regional commercial zoning with a multi-family density, that his proposal would be to allow selected office uses in the apartment with no signs. Alderman Welsh asked if he proposed to put businesses at random in the apartments? Mr. Rominger said that he would allow offices only in the units nearest the street. Mr. Mitchell asked about the required parking for businesses. Mr. Rominger said that he would provide more parking as needed but wanted to keep the grass as long as he could. Dr. Stegman asked about the limitations and said that as a resident near the area he would like to see it remain residential, and that additional parking would damage the appearance of the apartment project. Mr. Rominger said that he would maintain the appearance, that he was planning for years ahead, maybe 5 or 6 years. General Hurow said this was an open ended approach and the Board was being asked to approve something without showing just what would be provided and how. He questioned the present sign at Mr. Rominger's apartment office. Dr. Mitchell said that a normal special use for unified business would allow a lot of signs. Alderman Smith asked how the Systems Science office was allowed in the building? Mr. Rominger said he thought he had regional commercial zoning. Alderman Nassif asked if there would be a time limit on the project? Mr. Rominger said he felt the use would increase as land around him was developed and said that he felt that limited business use was reasonable in the area surrounded by regional commercial and that the apartments nearest the Bypass were currently least desirable. Alderman Bernholz indicated that he didn't think that there was any pressing need for the change at this time. Mr. Rominger felt he needed the flexibility in the operation. He said that his office had only 1 or 2 people that handled the rentals for the apartment complex and some other properties. Mr. Mitchell said that he felt there

should be complete plans for office development if it was to be approved. Alderman Scroggs said that he felt that the matter of an apartment manager with an office in a residential district should be clarified in the zoning ordinance. He said he opposed the open end proposition requested. He also said that the home occupation provision would allow a limited amount of office use conducted by people living in the apartments. Attorney Denny said that he did not feel that the Systems Sciences met the qualifications of a home occupation. Alderman Smith said that he did not like to see the zoning ordinance change just to fit a particular situation. Mr. Rominger pointed out that the original apartments were built in the regional commercial district which was later changed to R-3. Alderman Smith told Mr. Rominger that he was given exactly what he asked for in the way of zoning at that time. Alderman Welsh moved, seconded by Alderman Nassif to refer the matter to the Planning Board for study and recommendation and that the Planning Board consider this in the light of the easter egg plan. Alderman Nassif also asked that they consider the ordinance requirements pertaining to a business office for the manager of an apartment complex. Mayor Lee read a letter from Mr. and Mrs. Womble expressing no objection to the proposal. The motion was unanimously carried.

#### SPECIAL USE-NCBCBS-BOULEVARD

John Manning, representing North Carolina Blue Cross-Blue Shield explained the proposed project for construction of a 225,000 square foot building on the south side of the Bypass, with a proposed second phase building north of the first one. Site plans and sketches were shown. Alderman Welsh asked about the trees that would remain? All possible trees would be saved. Alderman Welsh said that she liked the proposed building and the landscaping and asked whether this would be a tax exempt building? Mr. Manning said that they would continue to pay in lieu of taxes as they have in the past. Mr. Manning then discussed the possibilities of a glare of the sun on the building and said that the architect assured them that this was not a problem. Mr. Wade said that there were no trees to speak of in either the site for the building or the parking and that trees would be added as necessary to complete the landscaping. Alderman Smith asked about a service entrance? There is one shown on the north side of the building. Dr. Mitchell asked that the architect explain the statement that the sun would not glare from the building before the Planning Board hearing. Mr. Hemmens asked about traffic? Mr. Wade said that there would probably be staggered hours, but the present hours are 8:00 to 4:30 did not interfere with the peak loads in other parts of town. Alderman Bernholz asked if the highway department had been consulted? Yes. Mr. Spransy asked what the setback was? About 600 feet from the boulevard, about 400 feet from Old Chapel Hill Road. Alderman Smith asked about the design of the second building? There is no set design on this as it is probably 5 to 10 years away. Mr. Hill pointed out that there was some screening trees along Old Chapel Hill Road.

Mr. Brogden, representing two nearby property owners, objected to the special use, pointing out restricted covenants on the land east of and including some of the project land. He said that they should apply for zoning not for special use and that the zoning should take in his clients property. Mr. O'Neal, resident and owner of property east of the project objected to the traffic and the narrow access road. He said there was a blind corner where this road came into Old Chapel Hill Road and suggested a new entrance to the parking area. He also asked that the road be widened and paved, with curb and gutter. He said that he felt that the parking area would take a number of good trees. He said that there should be some tall trees planted along the east line to hide the main building. He asked about the proposed day care center and how it would be sewerred. Mr. Smith, resident to the south, questioned the view from the south side and objected to the traffic. He wanted all the traffic kept on the boulevard not on the Old Chapel Hill Road. He also asked what the sewage facilities would be and whether there would air conditioning on the roof and how this would affect annexation in the area. Mr. McMahon said that they would be glad to study the entrances and that full landscaping plans, other than the existing trees, had not been completed. He said that the proposal for the day care center on that site was not final, that they might need to put it in a different area and said that the main building would be connected to the Chapel Hill sewer system.

Alderman Smith asked about the effect of the covenants. Mr. Manning said that they were personal covenants for Mrs. Robinson and would not affect it. Mr. Brogden disagreed. Alderman Nassif asked if the map had been provided showing all buildings within 500 feet? Yes. He asked that the Town Attorney give an opinion concerning the restrictive covenants. Mr. Denny said that the Board could proceed with referring this to the Planning Board without any problems and that he would need more information to give an opinion on the covenants. Mr. Manning offered to supply the necessary information. Alderman Welsh said she would like the highway department to study the traffic situation on the boulevard. Alderman Coxhead moved, seconded by Alderman Welsh to refer this matter to the Planning Board for study and recommendation. Mr. Denny asked if this was for phase one or for all phases? Phase one only. Mr. Brogden asked that the consideration be postponed. Alderman Nassif asked about the map showing buildings within 500 feet and said that this should have been put up with the other exhibits as the Board was considering this without complete information. Alderman Scroggs asked that the Planning Board get a complete explanation of the sun line shown on the diagrams. The motion was carried by a vote of 6 to 0.

#### REZONING-CBD-NORTH COLUMBIA STREET

Joe Hakan, representing the owners, asked for the rezoning of 2 lots on North Columbia Street from limited business to CBD so that the parking could be counted toward the required parking for the NCNB Bank building. He said that parking could be put on this lot anyway but because of the ordinance requirement that parking be within the CBD that it could not be counted for the building. Alderman Smith asked what affect this parking lot would have on traffic? Alderman Bernholz asked if this lot had been discussed in the previous discussions of the plans? Only in a general way. The area of the request is about one-half acre. Mr. Hemmens asked about the effect on North Street? There is a buffer strip with 3 houses on it between the proposed CBD zoning and North Street. There was no support or opposition from the audience. Alderman Welsh pointed out that the Board was trying to discourage extension of the CBD along Columbia Street and said that the parking lot should be made attractive with trees and other landscaping. Alderman Bernholz said that we were developing a long row of parking along Columbia Street and that there should be a break of some kind. Mr. Hakan said that the parking north of Rosemary Street would be on several levels which would serve to break the appearance. He agreed to discuss the possibility of tree planting with the Planning Board and consider the possibility of saving existing trees. Alderman Coxhead moved, seconded by Alderman Scroggs to refer this to the Planning Board for study and recommendation. This was unanimously carried.

The Quarterly Hearing was adjourned at 10:00 P.M.

#### REGULAR MEETING

##### MINUTES

Alderman Smith moved, seconded by Alderman Nassif that the minutes of the meeting of September 21, 1970 be approved as corrected. This was unanimously carried.

#### HUMAN RELATIONS COMMISSION

Mayor Lee read a letter from Mrs. Parker recommending appointments to fill vacancies on the Human Relations Commission. Details on the vacancies were not available. Alderman Smith moved, seconded by Alderman Welsh to receive the petition and put it on the agenda for the next meeting. This was unanimously carried.

#### PUBLIC SAFETY

Mrs. Weaver asked that pressure be put on the State to erect a light at Merritt Mill Road and Franklin Street and put up a barricade at the bottom of Knolls Street. Mayor Lee said that the light at Merritt Mill Road was scheduled to be put up when the traffic light synchronization work was done in town, hopefully this fall, and that the barricade was up at the bottom of Knolls Street. Mrs. Weaver then

said she felt there ought to be more traffic lights and some improvements on Brook Street. Alderman Smith moved, seconded by Alderman Bernholz that the petition be received and that the discussion of Brook Street drainage be put on a later agenda. This was unanimously carried.

#### CHAPEL HILL HOUSING AUTHORITY

Mayor Lee told the Board that there was a request for an additional 1,000 housing units, an increase from 350 to 1,350. Mr. Denny said that the cooperative agreement required the removal or forceable upgrading of an equivalent units and that out of town persons moving into the units made it difficult for the Town to do this and suggested the cooperation agreement be amended not only to increase the number of units but to change the section requiring removal. Alderman Smith asked if HUD would approve this. Mrs. Williams said that their intent was only to demolish or improve houses as required and that the Town would not be held to this number. Alderman Smith asked why the citizens of Chapel Hill were not getting into this housing. Mayor Lee said that the matter was under discussion by the Housing Authority but because it had been the only public housing in the County that it had to accept responsibility for all of Orange County. He said that he felt the Town would not be caught in the position of having to tear down more houses than should be torn down. Attorney Denny then read a resolution making the recommended changes in the cooperation agreement. Alderman Coxhead introduced this resolution. Alderman Nassif moved, seconded by Alderman Bernholz that it be approved as read. This was unanimously carried.

#### AMENDMENT NO. 2 TO COOPERATION AGREEMENT

This Amendatory Agreement, entered into this the 28th day of September, 1970, by and between The Chapel Hill Housing Authority (hereinafter called "Local Authority"), and the Town of Chapel Hill, North Carolina (hereinafter called "Municipality").

#### W I T N E S S E T H :

WHEREAS, the Municipality and the Local Authority have entered into a Cooperation Agreement dated November 26, 1962 and amended March 16, 1970 providing for aid and cooperation in respect to low rent income housing projects developed or to be developed and operated by Local Authority with the financial assistance of the United States of America; and

WHEREAS, the Local Authority and the Municipality desire to modify and amend the aforesaid Cooperation Agreement to cover additional low-rent housing units;

NOW, THEREFORE, the Local Authority and the Municipality do agree that the number of units set forth in Section 2 of the aforesaid Cooperation Agreement be increased by 1000, and that the figure 350 be changed to read 1350, and the Local Authority and the Municipality do further agree that Section 4 of said Cooperation Agreement be amended by adding immediately prior to the first proviso of said Section in the following language, "and occupied by persons or families theretofore residing within the corporate limits of Municipality".

IN WITNESS WHEREOF, the Municipality and the Local Authority have respectively signed this Amendatory Agreement, and caused their seals to be affixed and attested as of the day and year first above written.

TOWN OF CHAPEL HILL, NORTH CAROLINA

#### BUS FRANCHISE

John McMurray, representative of the student government operating the bus system, told the Board that he was acting as an agent for the Raleigh Coach Lines in this matter. Mayor Lee said the Board preferred to deal directly with Raleigh Coach Lines not through the student government. Alderman Bernholz said that he would like to have a representative of the University present. Alderman Coxhead said that neither the Raleigh Coach Lines nor the University had been advised that they should be present and wanted to go ahead with action tonight. He moved that the franchise be granted. There was no second

to this motion. Alderman Smith said that he wanted the agreement to provide that there would be no diesel buses. Alderman Welsh said that she felt the terms should be controlled by the Town, particularly the ability to terminate the franchise. Alderman Nassif said that he did not want to hold up the student bus which was in operation but wanted control so it could not block the new franchise for wider service. Mr. Denny said that there should be a memorandum given to the Town on the existing contract showing the terms for ending the contract that this should be approved by the Town. Mr. McMurray said they were presently operating on an oral contract and it could be terminated with 48 hours notice from either party. He said that the students were wanting to cooperate with Chapel Hill and Carrboro on a bus system but they did not want to loose the bus system they had. This is being subsidized by the University and was very useful to the students and suggested that the Town should show its intention to cooperate by approving this franchise. Mayor Lee said the Town wanted to keep its bus system and wanted to keep some control. Terry Lathrop urged favorable consideration of the proposed franchise stating that its intention was clear. Alderman Smith moved, seconded by Alderman Nassif to grant the franchise with an amendment to paragraph 4 concerning termination procedures. The Town Manager suggested that it be set up with a 30 day notice by the Town. This was agreed to and Attorney Denny read a proposed amendment to paragraph 4 which would set up this procedure. The vote was unanimously carried. It was noted that this was a first passage and that it would have to be reconsidered at a second meeting. Mr. McMurray was asked to have a copy of a written agreement with Raleigh Coach Lines by the meeting of October 12, 1970.

#### LOADING ZONES

Mayor Lee read a recommendation from the Police Chief concerning extending and adding to the loading zones. Alderman Welsh moved, seconded by Alderman Bernholz that an ordinance be prepared to amend the loading zone ordinance in line with the recommendation. This was unanimously carried.

#### PARKING FINES

Chief Blake told the Board that in Raleigh \$5.00 parking violation charges were made for parking under certain situations. These were, double parking, parking on the sidewalk, parking in a loading zone, parking at a fire hydrant, blocking a driveway or parking in a traffic lane. Alderman Smith moved, seconded by Alderman Welsh to prepare an ordinance for Chapel Hill similar to the Raleigh ordinance with a \$5.00 charge being made for parking in the enumerated areas but not doing away with the towing procedures. This was unanimously carried.

#### RECREATION COMMISSION

Mayor Lee told the Board that there were 5 persons who had been nominated for 2 vacancies on the Recreation Commission. Alderman Welsh told the Board she felt there should be more program for elderly people and that Mrs. Clifford, one of the nominees, was presently working with older persons. She withdrew her nomination for Mrs. Lassiter who is on the Council for Aging. She also told the Board that one representative of the public schools was required and that Mr. Culton would fulfill this requirement. The Board voted and Mr. Culton was elected for a term ending June 30, 1973 and Mrs. George Clifford for a term ending June 30, 1971.

#### DELAPIDATED BUILDINGS REMOVAL OF CONDEMNED BUILDINGS

The Town Manager reported that the partially burned house on the south side of School Lane was completely removed, and that the old warehouse on the north side was about two thirds down and would be completed on September 29, 1970. He also said that the privy on the north end of Church Street was down. Alderman Smith said that the Caldwell house on the north side of School Lane was down but the lot was not cleared and that the hole was not filled where the privy had been. He moved, seconded by Alderman Nassif that the Caldwell lot be cleared by Tuesday night without fail. This was unanimously carried. He then moved, seconded by Alderman Bernholz that the privy on Church Street be removed from the lot and the

hole filled with gravel or dirt not later than Tuesday afternoon. This was unanimously carried. He said he felt that the house at the north end of Church Street could be connected to the same sewer line that the Ed Caldwell house next door was connected too. He asked for a report at the October 12, 1970 meeting on the condition of all houses owned by Wilson Caldwell on Caldwell Street. He wanted a building inspector to report in person.

#### GARBAGE ORDINANCE

The Town Attorney read a proposed ordinance prohibiting placing of trash cans on the street except between the hours of 11:00 P.M. and 9:00 A.M. Alderman Welsh said she thought this should be limited to the CBD. Alderman Scroggs said he felt this was conflicting with the ordinance of May, 1964. Alderman Bernholz moved, seconded by Alderman Welsh to adopt the ordinance with the amendment limiting it to the CBD. Alderman Smith then moved, seconded by Alderman Scroggs to refer this to the Town Attorney to clean up the entire trash ordinance and eliminate conflicts. This was carried by a vote of 5 to 1 with Alderman Nassif opposing. Alderman Bernholz asked that the cans in front of the New Establishment be checked and if they were not in good condition that a warrant be issued if necessary.

#### TAX RELEASE

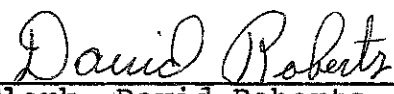
The Tax Collector reported on the Northampton Plaza tax situation and noted that only 40% of the buildings had been approved for occupancy by January 1, 1969 and the County had set 55% of its total valuation as the value of the completed work at that time. Alderman Coxhead moved, seconded by Alderman Smith that this release be approved. This was unanimously carried.

#### ENFORCEMENT OF BOARD REQUEST

Alderman Smith said that he disliked the use of threats to get prompt action on requests by the Board of Aldermen but if that was necessary to get action he would continue to do this.

The meeting was adjourned at 11:40 P.M.

  
Mayor

  
Town Clerk, David Roberts

#### MINUTES

##### Board of Aldermen

##### Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M., October 12, 1970 with the following members present: Mayor Lee, Alderman Scroggs, Welsh, Nassif, Coxhead, Smith and Bernholz. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

#### MINUTES

Alderman Nassif moved, seconded by Alderman Coxhead to approve the minutes of the meeting of September 28, 1970 as circulated. This was unanimously carried.

#### HOUSING INSPECTION

Mr. Glenz, Building Inspector, presented the Board a written report on inspections of houses belonging to Wilson Caldwell as requested. Mayor Lee thanked the Building Inspector for a thorough report. Alderman Smith asked if Mr. Caldwell had a copy of this report? Yes. He then asked when the work would be completed? When the people move out so the work could be done. Mr. Glenz explained that in many cases throughout town there was work that could be done at such time as the houses were vacant. Alderman Smith said that many things such as painting and cleaning could be done without the houses being vacated. Mr. Glenz agreed but said that he was having considerable success with persuasion rather than coersing owners or tenants to make improvements. He agreed that this could be slower than the use of coersion