

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular quarterly hearing on November 23, 1970 at 7:30 P.M. with the following members present: Mayor Lee, Aldermen Nassif, Scroggs, Smith, Coxhead, Bernholz and Welsh. Planning Board members present were Shearer, Weiss, Mitchell, Hemmens, Wallace, Hurow and Spransy. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny. Mayor Lee told the audience that five items had been advertised for this public hearing, that they would be explained by the Town Planner after which the public would be given an opportunity to express their opinion on each item. He said that before favorable action could be taken on any of the request that it must be referred to the Planning Board for study and recommendation.

QUARTERLY HEARING

REZONING-COLONY COURT-LIMITED BUSINESS

This was a request by Mr. Kenneth Putnam to rezone from R-6 to Limited Business, lot 86-C-31 on Colony Court. This was located on maps by Mr. Palmer. Kenneth Putnam, Jr. spoke in favor of the rezoning noting the adjacent business at University Square and the pedestrian traffic between University Square and Mallette Street. Dr. Weiss asked if the steps connecting the area with Colony Court had been authorized in the special use permit? Mrs. Lewis said that the steps had been there since the days when Chapel Hill High School was located on this property. She said that additional zoning for commercial use would not resolve the problems of the students and the traffic and the noise but would extend it where it would have more affect on other residential property. She opposed the rezoning. Miss Anne Queen opposed the rezoning on the same grounds. Mayor Lee read a letter from Mrs. Lloyd supporting the rezoning. Mr. Strowd indicated no objection to the rezoning. Mr. Wyler told the Board that the property was not good as a residence, could not be sold as such and that an office would be less objectionable than other commercial development. Alderman Nassif asked about the size of the lot? 50 by 106 feet. He asked about parking requirement for Limited Business? One space per 200 square feet of building. The size of the house? 12 to 1,600 square feet. He asked about the statement that there was an office in the area? The University apparently has leased a house for an office for use by the Population Center but it is not in use at this time. Mr. Wyler wanted the steps removed so that pedestrians from University Square could not use Colony Court. Alderman Nassif opposed the spreading of the commercial district in this direction but would like to protect the residential areas. Alderman Coxhead moved, seconded by Alderman Smith to refer this to the Planning Board for study and recommendation. Voting for the motion were Alderman Coxhead, Smith and Scroggs. Opposing the motion were Alderman Nassif, Bernholz and Welsh. Mayor Lee voted no and the motion was defeated. Alderman Smith then moved, seconded by Alderman Welsh that the eastern end of Colony Court should be closed. Attorney Denny said that this was a public street and could not be closed except by a specifically approved procedures or condemnation. The motion was amended to request the Town Attorney to investigate procedures that could be taken to block this entrance. This was unanimously carried. Alderman Welsh then moved, seconded by Alderman Smith, that the request for rezoning be denied. This was unanimously carried.

REZONING-EPHESUS CHURCH ROAD-R-5

This request was explained by Mr. Palmer. The request was for rezoning from R-15 to R-5 about 10 acres on the south side of Ephesus Church Road between Colony Apartments and Ridgefield Park. He noted that there was a legal protest filed by property owners in the area. Alderman Nassif asked how many apartments there were currently along Ephesus Church Road? Two hundred and ninety four. Alderman Scroggs said that about 1963 when the Colony Apartments were first approved that the area

had been zoned R-15 as a buffer to protect Ridgefield Park and that he did not think it should be changed. Mr. Hemmens asked how many units would be legal in this area if it were rezoned? Seventy three units. Mr. Robert Anderson, speaking for the developer, noted that it was bounded on one side by R-3 zoning and across the street for R-5 and that the request was for density about midway between the R-3 on the west and R-15 on the east. He said that a small portion lay in the flood plain of the one hundred year flood. Alderman Smith told the Board that a promise had been made to the Ridgefield Park owners when the Colony Apartments were built that this would remain zoned R-15. Alderman Scroggs moved, seconded by Alderman Welsh that the matter not be referred to the Planning Board for their consideration. Alderman Nassif noted that this was a congested area with some commercial development and that he opposed the project. The motion was carried by a vote of 6 to 0. Alderman Scroggs then moved, seconded by Alderman Smith that the request for rezoning be denied. This was unanimously carried.

SPECIAL USE REQUEST-EPHESUS CHURCH ROAD

Alderman Nassif moved, seconded by Alderman Smith that inasmuch as this special use request was based on the request for rezoning which had just been denied, that the special use request also be denied. This was unanimously carried.

SPECIAL USE REQUEST-UNIFIED BUSINESS-ELLIOTT ROAD

The description of the proposed project was presented by Mr. Palmer using maps and plans. In brief it is a request for construction of two buildings on the south side of Elliott Road near the 15-501 Bypass. One building to be a Hardee's Restaurant, the other to be used by Hardee or perhaps remodeled at a later time and made into an office. Mr. E. J. Evans, owner of the property, told the Board that it would be possible to crowd a building into the extreme northwestern portion of this property which was zoned R-20 for 250 feet along the Bypass and Regional Commercial west of that point but that it was his understanding that the purpose of this R-20 strip was to provide control for commercial development not prevent it and that he felt the area could best be developed by Unified Business such as was proposed. He discussed the treatment of the creek proposing to rip rap the banks at the present time and possibly extend the culvert later at such time as the highway was widened or an access road built. He said landscaping was planned. Alderman Nassif asked about the use of the property east of the existing theatre? Several proposals are being considered but none decided on. Mr. Spransy asked if all of the land in this area had been cleared was part of the property of the E&E project? Yes. Alderman Welsh said that the people in Town were very sceptical because of the fast amount of clearing and part-way grading that had been done and the condition of the land as it had been left. She suggested that the land between the Bypass and the creek might be dedicated to the Town for development as open space. Mr. Evans said that he would like to see the Town's plans for development of the area and would be glad to consider any proposal they might make. There was no public opposition or support to this project. Alderman Bernholz said that the area was presently unattractive and that some development is needed to improve the looks. He then moved, seconded by Alderman Coxhead to refer this to the Planning Board for study and recommendation. Alderman Smith said that the strip of R-20 along the highway was to protect the Bypass and the traffic problems should be solved before any business was allowed. Mr. Evans said that the particular location of the entrance was required by the Highway Department and this was because of the odd piece of property now under consideration, that they would have preferred to build Elliott Road straight into the highway which would have made good development easier. He noted that the highway right-of-way at this point was 200 feet wide so there was adequate room for future improvement of the highway. Mr. Wallace asked what the rationale was of the R-20 strip? Alderman Scroggs said that it had been maintained for a number of years, not that single family development was expected but rather that unified business was expected in the area and this would provide control by the Board of Aldermen. He questioned whether

the proposal contained two main buildings? Mr. Palmer explained that the second building was 30 by 40 and could be used for office or other use. Mr. Nowell, representing Hardee's, said that it was possible that this would be made into a four or five room office building, that the architecture was similar to that of the Hardee building and that a modification of the special use would be requested for any remodeling of this building. Alderman Scroggs said it appeared to him that the second building was more a way to get around the zoning than anything else. An elevation of this building was shown. Mayor Lee read a report of the Community Appearance Commission suggesting colors for the roof which was agreed to by the developer and that plans be provided for lighting, signs and landscaping. The motion was carried by a vote of 4 to 2 with Aldermen Nassif and Smith voting against. Alderman Nassif said that in his opinion the development of this side of the road should be made part of the special use permit with the development on the other side of Elliott Road.

SPECIAL USE-NC-54 BYPASS-UNIFIED HOUSING

Mr. Palmer explained that this was a request for modification of the existing Kingswood Apartments by the addition of 132 units to the 156 previously approved. The 156 units are now either completed or nearing completion. This area is on the south side of the NC-54 Bypass immediately east of the Frank Porter Graham School and is zoned R-3. Dr. Wallace asked about the density of the new proposal considered by itself? It would exceed the limit by about 6 units but there is land in the early portion which can be used for density credit of the total project. Alderman Nassif noted that this land was a little higher and better than the early part of the project but said that he was concerned with the potential flooding of the lowest units and the driveway connections between the two lots and the entrance onto the Bypass. He suggested that right turn only be allowed onto the Bypass from the western connection. Dr. Mitchell asked about the driveway grades? Twelve per cent or less. He asked about the elevations of the hundred year flood? Three buildings might be affected but could be raised to be above the hundred year flood. Alderman Smith asked about the slope of the land near the school property line? The land along the property line would not be touched so there would be no steep bank here. Alderman Smith then suggested that consideration be given to the school driveway in designing a driveway for the apartment project. Mr. Jones, representing the developer, said that they would build an acceleration lane as they had at the other entrances or allow right turn only at this western entrance. Mayor Lee read the Community Appearance Commission report noting monotonous architecture and requesting landscaping plans and a sidewalk to the school. Alderman Nassif moved, seconded by Alderman Scroggs to refer this to the Planning Board for study and recommendation, specifically requesting study of the entrances, the landscaping, a birds eye prospective or model and the elevation of the flood plain. Alderman Smith noted high density in the area and asked that the motion be amended to request the Planning Board to refer this to the School Board for their review. The amendment was accepted. Dr. Weiss asked that an estimate be made of the potential population of the area that would use the Frank Porter Graham School. Alderman Welsh asked that the internal street grades be considered. Alderman Nassif said that he felt this should be given all the consideration of a new development. The motion was unanimously carried.

The Public Hearing was adjourned at 9:45 P.M. and the regular meeting called.

REGULAR MEETING

MINUTES

Alderman Nassif moved, seconded by Alderman Smith that the minutes of the meeting of November 16, 1970 be approved as corrected. This was unanimously carried.

STRATFORD HILLS

Mr. Tunstall presented plans for modification of Stratford Hills Apartments. Alderman Nassif moved, seconded by Alderman Welsh to receive the plans and refer them to the Planning Board for study and recommendation. This was unanimously carried.

HUMAN RELATIONS COMMISSION

Mayor Lee read a letter from the Human Relations Commission requesting four new members, two University students and two high school students. Alderman Bernholz moved, seconded by Alderman Welsh that this be received and considered at the next meeting. This was unanimously carried.

BUDGET-OFF STREET PARKING

Alderman Nassif moved adoption of the following ordinance. This was seconded by Alderman Scroggs and unanimously carried.

AN ORDINANCE TO APPROPRIATE FUNDS AND TO RAISE REVENUE FOR THE FISCAL YEAR BEGINNING DECEMBER 1, 1970 AND ENDING NOVEMBER 30, 1971 FOR THE OFF STREET PARKING FACILITIES

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

SECTION I.

In accordance with the following schedule of Appropriations, which is attached hereto, incorporated herein, and made a part hereof, the amounts shown, or so much of each item thereof as may be necessary, are hereby appropriated for the operation of the Town of Chapel Hill Parking Facilities for the Fiscal year beginning December 1, 1970 and ending November 30, 1970.

It is estimated that revenue will be available during the fiscal year beginning December 1, 1970 and ending November 30, 1971 to meet the foregoing appropriations in accordance with the following schedule of Revenue, which is attached hereto, incorporated herein, and made a part hereof.

SECTION II.

It is estimated that the revenue from Lots 3, 4, 5, & 6 will be available during the fiscal years as shown on schedule for Rental Lots (3-6), and appropriations are hereby made in accordance with schedule for Rental Lots (3-6), which is attached hereto, incorporated herein, and made a part hereof.

SECTION III.

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

This the 23rd day of November, 1970.

REVENUE

OFF STREET PARKING FACILITIES FUND

Code	Source	1971 Revenue
Revenue Fund 3200		
3210.1	Meters Lot 1	\$13,000
3210.2	Meters Lot 2	13,000
TOTAL		26,000
Operation Fund 3300		
3332	Fr. Revenue Fund	1,000
3380	Prior Balance	-
TOTAL		1,000

Interest & Sinking Fund 3400

3432	Fr. Revenue Fund	25,000
3433	Fr. Leased Lots	4,800
3440	Interest	260
3442	From R.E.&I.	262
3480	Prior Balance	14,346

TOTAL 44,668

REPAIR EQUIPMENT & IMPROVEMENT FUND 3500

3525	Fr. Revenue Fund	-
3540	Interest	262
3580	Prior Balance	5,250

TOTAL 5,512

APPROPRIATIONS

OFF STREET PARKING FACILITIES FUND

Code	Object	1971 Appropriations
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Revenue Fund 4200

4243	To Operation Fund	\$ 1,000
4244	To Interest and Sinking Fund	25,000

TOTAL 26,000

Operation Fund 4300

4334	Operating Cost	725
4336	Audit	275
4338	Improvement	-

TOTAL 1,000

Interest and Sinking Fund 4400

4410.81	Interest	6,500
4410.82	Bond Redemp.	26,000
4410.83	Reserve	3,200
4410.84	Reserve for 12/1/71	8,968

TOTAL 44,668

Repair, Equipment & Improvement Fund 4500

4580	Reserve	5,250
4581	To Interest and Sinking Fund	262

TOTAL 5,512

LEASED LOTS: 3-6

OFF STREET PARKING FACILITIES FUND

Revenue 3200 S

Code	Source	1971 Revenue
3210.3	Lot #3 Meters	\$17,000
3210.4	Lot #4 Meters	5,600
3210.51	Lot #5 Meters	1,600
3210.52	Lot #5 Rental	2,500
3210.61	Lot #6 Meters	2,000
3210.62	Lot #6 Rental	1,600

TOTAL 30,300

Rental Lots - Appropriations 5200

5234	Operation	500
5236	Audit	275
5238	New Meters	2,000
5244	To Interest and	
	Sinking Funds	4,800
5252.3	Lot #3 Rent	12,750
5252.4	Lot #4 Rent	4,200
5252.5	Lot #5 Rent	3,075
5252.6	Lot #6 Rent	2,700

TOTAL	30,300
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SEWER-MAY COURT

Mayor Lee read a resolution concerning the extension of the sewer to serve May Court. Alderman Nassif moved, seconded by Alderman Scroggs that this be adopted as read. This was unanimously carried.

RESOLUTION-SEWER IMPROVEMENT

WHEREAS the Town of Chapel Hill has received a petition for the extension of its sewer system to serve certain houses on May Court now served by septic tanks, and

WHEREAS the sanitary sewer line is considered desirable for all areas within the corporate limits of Chapel Hill, NOW THEREFORE,

BE IT RESOLVED, that the sewer system of the Town of Chapel Hill be extended from a point on Old Oxford Road immediately south of lot 1, Lake Forest Subdivision in a westwardly direction about 300 feet to point on lot 14, Lake Forest Subdivision. This extension shall be made of 8 inch vitrified clay pipe and include 3 manholes. The total cost of this extension shall be assessed equally to the three lots which may be served by it, namely lot 43-D-10, owned by Glenn Corley, 43-D-10A, Herman C. Choate, 43-D-11 and lot 44-C-2 owned by James T. Robey, This assessment may be paid over a period of ten years with one-tenth of the total assessment being due each year and an interest charge of six per cent per annum on all unpaid balances. The acreage charge for these lots shall be added to the assessment.

This the 23 day of November, 1970.

BUDGET AMENDMENT

Mayor Lee read an amendment to the budget appropriating money for the construction of extension of the sewer line to May Court. Alderman Smith moved, seconded by Alderman Nassif to adopt the ordinance as read. This was unanimously carried.

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1970 AND ENDING JUNE 30, 1971.

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

SECTION I.

That the Budget Ordinance of the Town of Chapel Hill entitled "An Ordinance Appropriating Funds for the Fiscal Year Beginning July 1, 1970 and Ending June 30, 1971, an To Levy Taxes and Raise Revenue for the said Fiscal Year" as duly adopted on July 27, 1970 be and the same is hereby amended as follows:

1. Increase appropriation account "7143 Sewer Construction" by

\$3,000.00 to \$35,800.00;

2. Decrease appropriation account "8000 Contingencies" by \$3,000.00 to \$50,756.00.

SECTION II.

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

This the 23 day of November, 1970.

WILLOW DRIVE PARKING

Alderman Coxhead recommended amending the ordinance prohibiting parking on Willow Drive near the 15-501 Bypass to allow two parking spaces east of the first driveway entrance. Alderman Scroggs said that it would be safer without parking on the street at this point and that the lot could be repainted to add four or possibly six spaces. He noted that there were now only 22 spaces for 22 apartment units rather than the 1½ to 1 ratio required in the ordinance. This unit was constructed prior to the adoption of that parking standard. Alderman Coxhead said that he would check with the owner of the apartments and request that the additional spaces be provided in the parking lot.

PARK PLACE

Alderman Coxhead said that the Street Committee had investigated the suggested one-way traffic for Park Place and noted the traffic counts indicated a high left turn movement from Franklin Street into Park Place in the mornings and another high right turn from Park Place onto Franklin Street in the afternoons. Apparently traffic was backed up at the Boundary Street light and found it easier to use Park Place than the traffic light at Boundary and Franklin Streets. He recommended no change in the traffic pattern on Park Place at this time. Alderman Scroggs said that he had talked to Mrs. Bowers who had made the suggestion and that she felt there should be no left turn into Park Place in the mornings but that he felt this would make an impossible situation at Boundary Street as it could not handle all of the traffic wanting to make the left turn in this general area. He suggested that left turn arrows be painted on the inside lane east of Park Place to warn traffic that there would be left turning movements at this point. Alderman Nassif said that some kind of one-way traffic might be necessary eventually but that it should be made part of a larger traffic plan. Alderman Bernholz asked that the traffic accident record be checked with these intersections. The Town Manager was asked to write the Highway Traffic Engineer about this problem.

At this point Mayor Lee left the meeting and Mayor pro tem Nassif presided for the balance of the meeting.

DRAINAGE-RIDGE ROAD

The Street Committee recommended that asphalt be placed on the turn around at the north end of Ridge Road to resolve the drainage problem. This recommendation was accepted by the Board.

SIDEWALK-MERRITT MILL ROAD

The Town Manager reported an estimated cost of \$2,400.00 to put a three foot asphalt sidewalk from Cameron Avenue to Lincoln School along the west side of Merritt Mill Road. Alderman Welsh moved, seconded by Alderman Bernholz to go ahead with this project as rapidly as possible using funds appropriated for sidewalk and recommending a budget change later if necessary. This was unanimously carried.

RENT-DRIVER'S LICENSE EXAMINER

Mayor pro tem Nassif read a letter from Orange County asking that the

Town pay 40% of the required rent for a driver's license examiner in this area. The proposed rent is \$75.00 a month for a location in Carrboro. The County would pay the other 60%. Alderman Scroggs moved, seconded by Alderman Smith to approve this and ask that a budget amendment be prepared. This was unanimously carried.

CONTRACT-POLICE INFORMATION NETWORK

The Town Manager told the Board that a new terminal for the police information network was to be used after the first of year and that a contract agreeing to pay for this terminal was necessary. He noted that the cost of the new terminal would be less than the existing one. Mayor pro tem Nassif read the contract. The following resolution was offered by Alderman Coxhead and the motion was made by Alderman Bernholz that it be adopted. The motion was seconded by Alderman Scroggs and upon being put to a vote was carried by a vote of 5 to 1 with Alderman Nassif opposing. Alderman Bernholz said that he in principle objected to personal data being put in a computer. Alderman Nassif said he was afraid this could be misused although he had no objection to the present use of the system.

Copy of a Resolution Passed by the BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA.

The following resolution was offered by Alderman Coxhead, and a motion was made by Alderman Bernholz that it be adopted, this motion was seconded by Alderman Scroggs, and upon being put to a vote, was carried by a vote of five (5) to one (1) with Alderman Nassif opposing;

WHEREAS, the North Carolina Department of Justice Police Information Network plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to the efficient operation of said agencies such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center, information contained in the State Bureau of Investigation's files, Department of Corrections' files, and information from local law enforcement agencies by the installation of a Police Information Network terminal in the Town of Chapel Hill provided the Town of Chapel Hill agrees to furnish a proper site for installing such terminal, and the necessary personnel to operate said terminal, and further agrees to assume the rental cost of such terminal from the date of installation; that said installation of a Police Information Network terminal is considered to be most necessary to the preservation of law and order and the promotion of public safety within the Municipality; and

WHEREAS, the North Carolina Department of Justice Police Information Network and this Municipality have agreed as follows:

(A) The North Carolina Department of Justice Police Information Network will install and maintain a video terminal and printer connected to the Police Information Network System and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality shall furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality shall assume the rental cost (which cost includes maintenance) of the Police Information Network terminal in the amount of \$152.00 per month from the date of installation thereof.

NOW, THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and it is hereby formally approved by the Board of Aldermen of the Town of Chapel Hill, and that the Mayor and Town Clerk of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the North Carolina Department of Justice Police Information Network.

This Resolution was passed and adopted the 23rd day of November, 1970.

I, David Roberts, Clerk of the Town of Chapel Hill, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the Town Board of this Municipality;

WITNESS, my hand the official seal of the _____
of _____ on this _____ day of _____,
1970.

CLERK

NORTH CAROLINA

STREET CONSTRUCTION STANDARDS

The Town Manager passed out a recommendation for approved street construction standards and asked that the Board review them for discussion at the next meeting.

JUNIOR SERVICE LEAGUE-PRIVILEGE LICENSE

Mayor pro tem Nassif told the Board that the Junior Service League had held a circus at Eastgate to raise money for Christmas House, and that the taxes paid to the state, county and town had exceeded the profit from the circus. He asked that the Town's privilege license tax on this be refunded. Alderman Welsh moved, seconded by Alderman Smith to refund the \$30.00 tax paid to the Town. This was unanimously carried.

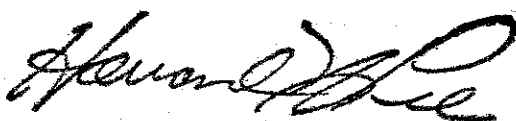
NATIONAL LEAGUE OF CITIES CONVENTION

Mayor pro tem Nassif said that the Mayor had requested \$100.00 expenses to the National League of Cities Convention in Atlanta on December 9, 1970. The Board approved this expenditure.

AMBULANCE SERVICE

Alderman Smith told the Board that there had been very poor ambulance service over the weekend and moved that \$12,000 be appropriated for the next twelve months to contract with Chapel Hill Funeral Home for ambulance service. There was no second to this motion. Alderman Welsh told the Board that there had been a committee appointed and suggested that they be asked to act promptly in consideration of this matter. The committee was composed of Aldermen Smith and Welsh and the Town Manager. The committee was asked to discuss this with the County and with Mr. Weaver of the Chapel Hill Funeral Home. Alderman Scroggs suggested that the Town was better off with both the Durham Ambulance Service and the Chapel Hill Funeral Home available. A report from the Police Chief concerning the slowness of the ambulance in this particular case was requested. Alderman Smith then moved, seconded by Alderman Welsh that the Chapel Hill Police Department should be instructed to call on the Chapel Hill Funeral Home ambulance whenever possible until this matter had been resolved, and ask the Campus Police to do the same. This was unanimously carried.

The meeting adjourned at 11:43 P.M.



Mayor



Town Clerk, David B. Roberts