

## MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on December 7, 1970 at 4:00 P.M. with the following members present: Mayor Lee, Alderman Nassif, Smith, Scroggs, Coxhead and Welsh. Alderman Bernholz came in later. Also present were Town Manager Peck and Town Clerk Roberts. Town Attorney Denny came in later.

## MINUTES

Alderman Coxhead moved, seconded by Alderman Nassif to approve the minutes of the meeting of November 23, 1970 as corrected. This was carried by a vote of 5 to 0.

## CLOSING EAST FRANKLIN STREET

Tom Bello, President of the Student Body, told the Board that he thought it would be a good thing if the Town and the students got together for a Christmas party to improve the University and Town relationship. He said that the three goals of this request would be to improve their rapport between the students and townspeople, to provide some charity for Christmas for those who needed it, and to point up the traffic problem. He asked that East Franklin Street between Henderson and Columbia be closed on Saturday, December 12th from 9:00 A.M. to 2:00 P.M. He said that the the student government would be responsible for development of the program and that Bill Blue and George Butler of the student government would be individuals in charge. Alderman Nassif moved, seconded by Alderman Welsh to receive the petition and discuss it at this time. This was carried by a vote of 5 to 0. Alderman Welsh asked if the State Highway Department needed to approve this? It was agreed that this step could be bypassed. Alderman Nassif then moved, seconded by Alderman Welsh to grant the request and asked that the student government coordinate the program with the Mayor, Town Manager, Police Chief and Merchants Association. This was carried by a vote of 5 to 0.

## TRAFFIC LIGHT-WEST FRANKLIN

Mayor Lee read a letter from Granville Towers asking that a traffic light be placed at the driveway from Granville Towers onto West Franklin Street. Alderman Coxhead moved, seconded by Alderman Smith to receive this petition and consider it at the meeting of December 14, 1970. This was carried by a vote of 5 to 0.

## PARKING-BOUNDARY STREET

Mayor Lee read a letter from Mrs. Page asking for no parking on the east side of Boundary Street near her house. Alderman Nassif moved, seconded by Alderman Welsh to receive this petition and refer it to the Street Committee. This was carried by a vote of 5 to 0.

## SPECIAL HEARING

Mrs. Walters, speaking for the Inter Church Council, asked that a special hearing be approved for January 4, 1971 to hear an application for special use permit for low-rent housing on NC-54 Bypass, and Elliott Road. She told the Board that this was necessary as the HUD officials had given them a deadline of February 13, 1971 to have all the details worked out for this proposed housing, and that the Planning Board held its meeting on January 5, 1971 and would be able to consider the results of the hearing. Alderman Smith moved, seconded by Alderman Scroggs that a special hearing for these projects be set for January 4, 1971. This was carried by a vote of 5 to 0.

## STREET ACCEPTANCE-WEST STINSON STREET

Mr. Edwin Caldwell, Sr. told the Board that he had been told that if

he could obtain a 40 foot right-of-way for the street serving some of his property on the west side of Columbia Street that it would be accepted for maintenance by the Town. He said that he had been able to obtain all of the rights-of-way except one lot, facing Columbia Street, with about 200 feet depth. He said that this owner wanted \$1,000 for the 10 foot easement necessary to get a 40 foot right-of-way. He presented the signed easements from the other property owners. Alderman Nassif moved, seconded by Alderman Smith to refer this to the Manager to check the other rights-of-way and to get an appraisal on the unobtained portion. This was carried by a vote of 5 to 0.

#### SPECIAL USE-HARDEES-ELLIOTT ROAD

Mayor Lee read a transmittal from the Planning Board recommending that the request for special use by Hardees on Elliott Road be denied: 1) because the second building was not considered a principal building, therefore it did not technically comply with the ordinance and, 2) that the Board felt that all of the E & E property along Elliott Road should be developed under one special use permit. Mr. Palmer explained the discussion by the Planning Board and displayed drawings of the project. Alderman Nassif noted that the vote was 3 to 0 by the Planning Board and asked if a quorum were present? Yes, but the chairman did not vote and one member abstained. Robinson Everette, representing the developer, asked that he be allowed to withdraw the project without prejudice for re-submission at a later date. He also questioned the ruling that the building faces on Elliott Road not on US-15-501 Bypass. Alderman Welsh said that there should be an overall plan for renewing the desecrated area along Elliott Road. Mr. Everette agreed, to a certain extent. He noted that the parking required by the Town made it impossible to avoid large expanses of asphalt parking space. Alderman Welsh said that the Appearance Commission had requested that the parking at the theatre be broken up with planning areas but this had not been done. Mr. Everette said that this was under the control of the theatre and that E & E was not able to influence them in this matter. He said that Hardees would like to be able to go ahead with their development without waiting for all of the properties to be developed first. Alderman Smith asked if the Community Appearance Commission recommendation on the theatre was a requirement or a suggestion? A suggestion. Alderman Coxhead moved, seconded by Alderman Welsh to allow the withdrawal of the special use request. Alderman Smith made a substitute motion to deny the request. There was no second to the substitute motion. The motion was passed by a vote of 4 to 1 with Alderman Smith opposing.

#### SPECIAL USE-KINGSWOOD-NC-54 BYPASS

Mayor Lee read a transmittal recommending that this application for modification of the existing Kingswood project to allow additional units be approved with certain stipulations. Dr. Cody, representing the School Board, told the Board that a recommendation will be made to the School Board that they ask the State Highway Department to extend their driveway to serve as an access road along NC-54 Bypass entering the Bypass at a suitable location east of the school property. He said that the additional buildings would be open, some this winter and others later in the spring, and that the amount of traffic both pedestrian and vehicular, at this location would be greatly increased. Alderman Smith asked if there would be a steep bank where the school property met the apartment project? No. Dr. Cody said that the sidewalk proposed by the Planning Board might be more useful at the rear of the property joining the school play area and the apartment project rather than near the street. Mr. Jones, representing Kingswood, agreed that it could be built there and that the developer would build a bridge over the gully on the school property after the construction was completed and the proper location determined by use. Alderman Welsh suggested that the western driveway into NC-54 be closed, and that the access road from the school driveway be continued along the highway right-of-way to the western driveway of the original project which could then be the access onto the highway for the school traffic and the apartment traffic. Alderman Nassif moved, seconded by Alderman Welsh that the Aldermen find that this project would not materially endanger the public health or safety if located and dev-

eloped according to the plan submitted, that it meets all requirements and conditions, that it will injure the value of adjoining or abutting property, and the location character of the use if developed according to the plan would be in harmony with the area in which it is located and in general conformity of the plan of the development of Chapel Hill and its environs; that the requested special use permit be granted with the following stipulations: 1) that the projects will start within one year of the date of approval and be completed within two years of that date, 2) that the total project be indivisible and no portion of it sold separately, 3) that the western access as shown on the plans to NC-54 be eliminated and that either an access be worked out with the Highway Department on their right-of-way to carry traffic from this drive to the drive now located on the original part of the project or that internal driveway changes be made to carry the traffic from the new part of the project to the existing driveway, and 4) that the landscape plan including the sidewalks and plan for revised handling of traffic be submitted prior to the application for a building permit, that these plans be reviewed by the Appearance Commission and referred to the Town Board for final approval. This was carried by a vote of 5 to 0.

#### SPECIAL USE-STRATFORD HILLS-MODIFICATION

Mayor Lee read a transmittal from the Planning Board saying that insufficient data had been submitted and that the developer had agreed to bring additional plans into the Planning Board at their next meeting. No action was taken.

#### SPECIAL USE-BOOKER CREEK-MODIFICATION

Note: Alderman Bernholz arrived at this time.

Mayor Lee read a transmittal from the Planning Board recommending approval of the modification with certain stipulations. Alderman Nassif asked that the Building Inspector discuss the changes. Col. Spiller told the Board that the plans had been changed to a certain degree, that the deletions all met with the building code but were different from the plans submitted at the time of the special use application and the plans submitted for the building permit. Alderman Smith said that the owner had agreed to remodel the houses that were built different from the plans to make them more like the original plans. Alderman Welsh asked Attorney Denny what the legal aspect of the matter was? Attorney Denny said the Town could refuse to allow variation. Alderman Nassif said that this was a substantial alteration in appearance and character. Dr. Cohn, chairman of the Appearance Commission, said that there was a change in the overall character of the buildings, that the architect prior to submission of the special use request had met with the Appearance Commission several times and they had agreed on a particular building design. He indicated that allowing the change would encourage other developers to do likewise and suggested an example be made in this case. Alderman Welsh agreed with Dr. Cohn. Mr. Jones said that this was not an attempt to flout any precedures or laws but that the changes had been made on the spot in error by the foreman.

Alderman Scroggs noted that the ordinance required preliminary elevations and birds eye perspective and indication of character but did not require detail construction drawings and that in his opinion paragraph 4-C-D-K of the zoning ordinance would automatically void the special use permit if any change was made without prior permission. Attorney Denny said that this was a policy question, not a legal question, that there were very few court rulings on special use in North Carolina therefore the whole area was rather vague, that he felt that there were limits to which the Board could control architectural standards. Alderman Coxhead moved, seconded by Alderman Scroggs to approve the modification of the project as recommended by the Planning Board. Alderman Nassif asked whether the present developer has submitted the original plans? No, they were submitted by Mr. Duff and the project later bought by Mr. Roberts, but Mr. Roberts had submitted the plans for the building permit. Alderman Scroggs said that he felt that this was carrying architectural control too far. Alderman Nassif said it was not architectural control merely acceptance of the plans submitted by the developer. Alderman Bernholz

asked if the permit was considered void? Attorney Denny said on the face of it, yes. Alderman Bernholz then said if it was already automatically void that it could not be modified. On the vote on the motion, Aldermen Coxhead and Scroggs voted for the motion, Aldermen Bernholz, Nassif, Smith and Welsh voted against it. Mayor Lee asked the Town Attorney what the status of the special use permit was? Mr. Denny said that if the request for modification were denied, it was up to the Building Inspector and the developer to either make it conform or have it voided. Alderman Welsh moved that the request for modification of special use be denied because the plans had been substantially changed from those submitted. There was no second to this motion. Alderman Nassif asked if the existing buildings could be remodeled to agree with the original plans? Alderman Scroggs said that the developer had offered to make some changes but felt that some would be unreasonable. Mr. Jones said they could add the closets providing the overhang is shown, they will do whatever has to be done. Alderman Nassif suggested that they go back to the original building plans. He then moved, seconded by Alderman Coxhead to refer the matter to the Appearance Commission to work with the owner to study the modification and make a recommendation as to just what change would be acceptable. Alderman Bernholz said that the permit was void automatically and that work would have to stop. Alderman Welsh agreed. Voting for the motion were Aldermen Coxhead, Nassif and Smith. Voting against the motion were Aldermen Bernholz, Scroggs and Welsh. Mayor Lee voted for the motion and declared that it carried. The Town Attorney and Building Inspector were asked to consult and decide what the exact status of this project was.

#### SPECIAL USE-AIRPORT ROAD-MODIFICATION

Mayor Lee read a recommendation from the Planning Board recommending approval of this project with certain stipulations. Mr. Palmer showed drawings of the project and explained the drainage problem and the question concerning the sidewalk. Alderman Scroggs said that the action at the previous meeting had intended to require a sidewalk the full length of the project. Alderman Welsh moved, seconded by Alderman Smith to approve the modification of this project providing that the alignment of the buildings be changed, generally as shown on the proposed plan in order to provide a 20 foot storm sewer easement centering on the portion of the existing storm drain which is not abandoned; that other drainage matters be worked out to the satisfaction of the developer and the Town Manager, and that a five foot concrete sidewalk be constructed the full length of the property. This was unanimously carried.

#### PRELIMINARY PLAT RENEWAL-LAUREL HILLS

Mayor Lee read a transmittal from the Planning Board recommending approval of a renewal of this plat but requiring that a plan be prepared for proper sewerage of the undeveloped lots prior to the submission of a final plat. Alderman Nassif moved, seconded by Alderman Bernholz that the preliminary plat be renewed for an additional year, and that a sewer plan be submitted for approval by the Town Manager and the Public Works Department prior to submission of any final plat. The Town Manager asked if this meant that the sewer plan be prepared or that the sewer be constructed? Mr. Palmer said that the Planning Board had discussed this point and asked that the Board of Aldermen make a policy decision in this matter. Alderman Nassif said that he intended only that workable plan be prepared. Alderman Smith asked what would be done with the plan? The motion carried by a vote 6 to 0.

#### COORDINATION OF PLANNING ACTIVITIES

Mayor Lee read a transmittal from the Planning Board requesting 1) that a member of the Planning Board be appointed to every agency organization engaged in activities related to land use planning and of which the Board of Aldermen appoints members. 2) that copies of all final reports, studies or plans produced by such agencies or organizations be referred to the Planning Board at appropriate points in their preparation. The Town Attorney said that in some cases this would be legally impossible as it would be double office holding and

suggested that the Planning Board should think in terms of providing their own liaison by members attending meetings of the various other commissions. Alderman Smith moved, seconded by Alderman Nassif to carry this matter over for further discussion at a later date. This was unanimously carried.

#### AMBULANCE

Alderman Smith reported that Mr. Weaver of the Chapel Hill Funeral Home had been asked to submit a proposal to the County Commissioners for providing ambulance service. Alderman Nassif said that the ambulance service should be provided by the Town of Chapel Hill. Alderman Smith said that Mr. Weaver had two ambulances and would be able to do a more satisfactory job than the Durham Ambulance Company. The Town Manager pointed out that if the Town provided services only within the city limits that it could leave the County without ambulance service. No action was taken.

#### PARKING-WILLOW DRIVE

Alderman Coxhead asked that this report be postponed until the meeting of December 14, 1970.

#### OPEN SPACE COMMITTEE REPORT

Alderman Welsh asked that this report be postponed until the meeting of December 14, 1970.

#### TRANSPORTATION

A 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

WHEREAS, there is a need for public transportation in the Towns of Chapel Hill and Carrboro, including the University of North Carolina; and

WHEREAS, this matter has been under study for over a year by a committee appointed by the Towns of Chapel Hill and Carrboro and the University; and

WHEREAS, this committee has recommended to the Boards of Aldermen of Chapel Hill and Carrboro that an application be made for a grant to assist in a study by a qualified engineering firm to determine the feasibility of a mass transit system and to determine the best means of obtaining and operating such a system; NOW, THEREFORE,

BE IT RESOLVED, by the Board of Aldermen of the Town of Chapel Hill that the recommendation of the Committee on Transportation be accepted and approved; that an application to the Department of Transportation for matching funds to finance such a study be prepared; that the Mayor and Town Manager of Chapel Hill be authorized to sign such application for the Town; and that the expenditure of funds to finance the Town of Chapel Hill's share of the cost of the study is hereby approved.

A Motion was made by Alderman Bernholz that the resolution be ~~adopted~~ as offered; this motion was seconded by Alderman Scroggs and on being put to a vote was passed with the following Aldermen voting aye. Coxhead, Bernholz, Nassif, Smith, Scroggs and Welsh.

The following Aldermen voted not. None

The resolution was declared passed and adopted on the 7th day of December, 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 the excerpts from the minutes of the Board of Aldermen of this Municipality.

Witness my hand and the official seal of the Town of Chapel Hill, on this the 7th day of December, 1970.

David B. Roberts, Town Clerk  
Town of Chapel Hill, North Carolina

#### YOUTH COUNCIL

Mayor Lee told the Board that he had applied for a \$7,000 federal grant to support interracial activities within the Youth Council, that the Council presently consisted of ten members, five black and five white and that the funds would be used to pay for an adult counselor and to pay the members an attendance fee for meetings and provide activities such as a news letter to be put out by the Council. Alderman Coxhead moved, seconded by Alderman Nassif to approve this application. The motion was unanimously carried.

#### BUDGET-DRIVERS LICENSE EXAMINER

Alderman Nassif moved, seconded by Alderman Smith that the following ordinance amending the budget ordinance be adopted. 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 by 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, and 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. Create appropriation account "6275 Driver License Examiner" with an appropriation of \$180.00;
2. Decrease appropriation account "8000 Contingencies" by \$180.00 to \$50,576.00.

#### SECTION II.

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

This the 7th day of December, 1970.

#### HUMAN RELATIONS COMMISSION

Mayor Lee read a letter from the Human Relations Commission asking that it be increased by four members, two high school students and two university students. Alderman Welsh moved, seconded by Alderman Bernholz that an amendment to the ordinance be drafted providing for four additional members, two to be high school students and two to be university students, each with a term of one year. Alderman Nassif said that in his opinion some of the commissions were getting too large to be workable. The motion was unanimously carried.

#### MAY COURT SEWER

The Town Manager explained that one of the original petitioners for this sewer had withdrawn his support and asked that the resolution previously adopted be changed to show only three petitioners and three properties to be assessed. Alderman Bernholz moved, seconded

by Alderman Smith that the motion adopted on November 23, 1970 be rescinded and that the following resolution be adopted. 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 a 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 four lots which may be served by it, namely lot 43-D-10, owned by Glenn Corley, 43-D-10A, Herman C. Choate, 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 7th day of December, 1970.

#### COMMISSION ON CRIMINAL JUSTICE

Mayor Lee read a letter from the Triangle Commission on Criminal Justice asking that two members be appointed, one from the Police Department and one from the Board of Aldermen to be members of the Policy Committee of the Commission. It noted that the Chief of Police was currently serving in this position. Alderman Coxhead moved, seconded by Alderman Welsh that they confirm the appointment of the Chief of Police and appoint Alderman Bernholz to this position. This was unanimously carried.

#### STREET STANDARDS

Action on this matter was postponed until the next meeting.

#### RELEASES AND REFUNDS

Alderman Smith moved, seconded by Alderman Welsh that the following releases and refunds be approved as erroneously charged. This was unanimously carried.

NAME	RECEIPT #	AMOUNT	REASON
Zerex Inc.	7146 11102.44	\$1,564.43	County did not compute 70% on inventory
Spence, Lester & Crumpton	6848	18.00	Charged sewer in error
David A. Robinson	4932	19.22	Lives at Pro-Shop Finley Golf Course
George Tate	4406 '68	19.84	Property purchased by Town
Robert T. Womble	4930 (1968)	3.49	Property located in Carrboro
Security Life & Trust	7137	165.60	Property was double listed
Fredrick M. Cooper	1234	21.04	County reduced personal property from 2945 to 2725-sewer charged in error

## REFUND

Spence, Lester & Crumpton      6694 (1969)      213.10      Property listed in error  
 listed for outside sewer  
 only

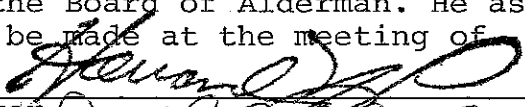
## RECREATION

It was noted that a proposed amendment to the recreation ordinance had been submitted to the Board but action was postponed until a later date.

## COG

Mayor Lee reported that and Industrial Committee of the local COG had been formed and that they wanted two members from Chapel Hill to serve on that committee, one from the Board of Alderman. He asked that nominations for this appointment be made at the meeting of December 14, 1970.

The meeting adjourned at 7:15 P.M.

Mayor   
 Town Clerk, David B. Roberts

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on December 14, 1970 at 7:30 P.M. with the following members present: Aldermen Nassif, Coxhead, Bernholz, Smith and Welsh. Mayor Lee and Alderman Scroggs were absent. Mayor pro tem Nassif conducted the meeting. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

Present for the public hearing were Planning Board members: Locke, Shearer, Weiss, Mitchell, Hemmens, Wallace and Hurow.

## PUBLIC HEARING:

Mayor pro tem Nassif told the audience that a public hearing had been advertised for this time on proposed University zoning, and that the Planning Board and Board of Aldermen would hear the presentation and comments of those present and that they could do no more than refer to the Planning Board for recommendation.

Mr. Palmer, Town Planner, explained the proposed zoning which would establish University A & B district, with certain uses permitted, and located on maps the proposed districts. Discussion drafts of the proposal were distributed to the audience for information. The Town Attorney questioned the advertisement and said that in his opinion it did not cover all of the changes shown in the draft. The Board asked that any deficiencies in the advertising be indicated and advertised for the special hearing called for January 4, 1971. No one in the audience supported the plan. Dr. Lenski, 404 Westwood Drive, said that he favored the general plan but was strongly opposed to extending the district west of Pittsboro Road and Pittsboro Street. He was particularly interested in the land south of Briarbridge Lane and said he represented a number of people from Westwood. Mr. Little asked if fraternities would be allowed? They would but under special use. Dr. Wager supported Dr. Lenski's position but with emphasis on the land north of Briarbridge Lane west of Pittsboro Street. Dr. Underwood objected to fraternities but asked that his property at 206 Vance be included in the University district as this is now rented to the University for office purposes. Joe Patterson, Helmet Leith, Dr. Richardson, and Dr. Pearlman all objected to extending the district west of Columbia Street. Dr. Mitchell said the Planning Board would be willing to consider petitions received before their consideration of the matter concerning these statements of opposition. Alderman Smith asked what land the University owned west of Pittsboro Street? One lot. Alderman Bernholz said that Mrs. McKay had asked him to express her opposition. He said that he supported the University zoning but objected to the district being extended west of Pittsboro Street. Alderman Coxhead moved, seconded by Alderman Smith that this be referred to the Planning Board for study and consideration and that they be asked to consider revision of the district line based on testimony given at the hearing. This was unanimously carried. Attorney