

ASSISTANT TO MAYOR

Mayor Lee reported that Darrell Monroe was no longer his Assistant but that Andy Little had come back and taken the job that he previously had.

PUBLIC HEARINGS

Alderman Nassif asked that better display areas be provided for public hearings.

AIRPORT COMMITTEE

Alderman Nassif said he felt there should be some action started by the Airport Committee. Mayor Lee said that he would contact Mayor Grabarek of Durham again for his appointment and hopes to be able to report action in the near future.

LEGISLATION

Alderman Nassif said that he would propose legislation on separate funds for dogs, open space, sidewalks and paving funds for submission to the 1971 General Assembly and ask that this be placed on the agenda for January 11, 1971.

SNOW

Alderman Bernholz said that certain streets should be designated as streets reserved for sliding during any snow. He asked that the recommendations be made by the Town Manager for suitable streets without regard to the opinion of the residents on the streets which could be taken up later.

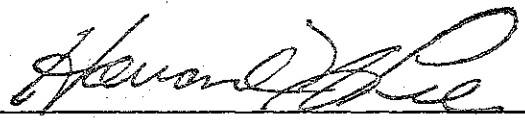
DOGS

Alderman Smith said that money should be appropriated to provide a person to get the list of all dogs licensed in Chapel Hill during the time taxes are being listed. He moved, seconded by Alderman Nassif to prepare a budget amendment appropriating \$450.00 for this purpose. This was unanimously carried.

SALARIES

Alderman Smith told the Board that money had been put in the budget for possible revision of salaries based on the cost of living and asked that this be put on the agenda for discussion on January 11, 1971.

The meeting adjourned at 7:02 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 January 11, 1971 at 7:30 P.M. with the following members present: Mayor Lee, Alderman Scroggs, Nassif, Smith, Bernholz, Welsh and Coxhead. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Nassif moved, seconded by Alderman Bernholz to approve the minutes of the meeting of January 4, 1971 as circulated. This was unanimously carried.

PAVING PETITION

Mayor Lee read a petition for paving without curb and gutter on Kings Mill Road. Alderman Nassif moved, seconded Alderman Welsh to receive the petition and refer it to the Street Committee for recommendation. This was unanimously carried.

SPECIAL USE-APARTMENTS-NC-54 BYPASS

Mayor Lee read a transmittal from the Planning Board recommending approval of this project with certain stipulations. Mr. Palmer briefly explained the proposal. Alderman Scroggs told the Board that he felt that the error in advertising this project, referring to the location as south of the Bypass rather than north of the Bypass, should be recognized and that a re-hearing advertised. He said he felt that this would save considerable time over the possibility of testing it in court. Alderman Welsh agreed. Alderman Scroggs moved, seconded by Alderman Welsh to declare that because of an error in advertising that this was an emergency situation and to call for a special hearing for this matter at the meeting of February 1, 1971. Alderman Bernholz asked Mason Thomas if this would have a serious effect on their construction schedule? It was pointed out that the Planning Board would hold its regular meeting on February 2, 1971 and that based on their recommendation, action could be taken by the Board on February 8, 1971. Mr. Thomas said that this would be satisfactory. The motion carried by a vote of 5 to 0 with Alderman Nassif abstaining because of financial interest in the project.

Alderman Scroggs then said that there had been a question by Dr. Brinkhouse and others on the advertising and procedure in the 1969 rezoning of the land proposed for development by the Inter-Church Council. He asked Dr. Mitchell to clarify this matter. Dr. Mitchell showed copies of the advertisement for the hearings held in January and February on this matter, each one a half page or larger in the newspaper and explained in some detail the affects of the rezoning as explained in the advertisement and pointed out that the question raised about a strip of land between Westwood and Merritt Mill Road could not reasonably be interpreted to mean the land between Westwood and NC-54 Bypass. Alderman Scroggs then pointed out that this strip was a piece that was left over from previous rezonings and that it was handled as a special problem. He said that in his opinion that this argument avoided the substance of the issue and was irrelevant. Questions on this matter were invited from the audience, but there were none. Attorney Denny's opinion was asked and he stated that in his opinion the notice on the zoning was adequate as the advertisement was intended to put people on notice, not necessarily to provide all details.

SPECIAL USE-APARTMENTS-ELLIOTT ROAD

Mayor Lee read a transmittal from the Planning Board recommending approval of this project with certain stipulations. Mr. Palmer gave a brief description of the project. Alderman Bernholz questioned the stipulation concerning a fence on the southern boundary. It was explained that this was a request from a property owner along that boundary asking for something to keep residents of the project from using property between the project and East Franklin Street as a short cut. He noted that the stipulation was for a fence or other pedestrian barrier which could be a hedge all along the southern boundary of the project excepting at the end of Milton Avenue. Alderman Smith moved, seconded by Alderman Bernholz that the Board make the following findings: that if located where proposed and developed in accordance with the plans submitted and approved that this will not materially endanger the public health or safety; that the use meets all required conditions and specifications; that the use will not substantially injure the value of adjoining or abutting property; and that the location and character of the use if developed in accordance with the plans submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plans of development of Chapel Hill; and that the Board approve this project with the following stipulations: 1) That curb and gutter be provided on the entrance drive and parking areas. 2) That sanitary sewer easements and storm drainage easements be provided as recommended by the Public Works Department, and as indicated on plans received by the Building Inspector on January 14, 1971, and on file in the Planning Department. 3) That storm drainage easements, headwalls and 18" concrete pipe be provided as requested by the Public Works Department and indicated on plans received by the Building Inspector on January 14, 1971, and on file in the Planning Department. 4) That an adequate fence or other pedestrian barrier be provided along the southern boundary of the property, except at the northern end of Milton Avenue. 5) That all site preparation be subject to the provisions of any erosion control ordinance which may be in effect on the date such preparation begins. 6) That the architects provide

indication of the exterior building materials proposed, and resolve discrepancies between the elevations shown in the original submission. Alderman Welsh asked the meaning of stipulation number 6 referring to discrepancies in elevations and materials? The discrepancy in elevations was apparently a drafting error and the architect said that the materials would be wood siding. Alderman Bernholz questioned stipulation number 5 concerning erosion control? It was pointed out that the Planning Board was working on an erosion control ordinance and felt that if this project was not started until after adoption of such ordinance that it should be applicable. Alderman Bernholz said that reasonable notice should be given to the developer of any ordinance adopted prior to the start of development or that the ordinance should not be imposed on them. Alderman Scroggs said that he would vote against this motion because he had consistently opposed the development of high density use on two sides of a major highway. Alderman Welsh noted the time limitations as required had not been considered by the Planning Board and should be considered at this time. Mr. Savage, architect with the project, said that it was hoped that they could begin within a month and finish within nine months after the start. The motion was amended to require start of this project within twelve months and completion within eighteen months of the date of approval. The motion carried by a vote of 3 to 2 with Alderman Smith, Welsh and Bernholz voting for, Alderman Coxhead and Scroggs voting against and Alderman Nassif abstaining because of financial interest in this project.

UNIVERSITY ZONING

Mayor Lee read a transmittal from the Planning Board recommending approval of this rezoning with an amendment to the district description eliminating all properties west of Old Pittsboro Road, South Columbia Street to the intersection of Pittsboro Street and west of Pittsboro Street south of the present RA-10 district line. Alderman Nassif said that he opposed the inclusion of an airport as a permitted use. Alderman Smith asked if any private property other than the lots noted on the western side of Pittsboro Street were included? Some church property, the property belonging to Mrs. Mickie on South Columbia Street and a few lots on the east side of Pittsboro Street and some fraternity property. Alderman Bernholz questioned the effect of not including an airport in the permitted uses? Alderman Scroggs said it would be nonconforming, but there would be considerable question because if it was considered just a land use, the ordinance required its discontinuance within 60 days, but if it was a building that was nonconforming, and there are some minor buildings on the property, it could be continued but not enlarged. Attorney Denny pointed out that the state statute G.S. 161-81 specifically gave zoning control to state buildings, but may not have intended that it apply to the use of land. There was some question as to which items in the table of special uses were new, and which were merely continuing the old uses. Alderman Nassif moved, seconded by Alderman Scroggs that copies of the proposed rezoning be sent to the Board indicating which uses were new and any change allowable uses in any district. This was unanimously carried. Alderman Bernholz asked if airports would have been a permitted use if one did not exist? Mr. Palmer said probably not. Alderman Scroggs said that it was customary to zone so as not to make any unnecessary nonconforming uses.

STRATFORD HILLS MODIFICATION

Mayor Lee read a transmittal from the Planning Board recommending approval of this modification with certain stipulations. Alderman Welsh asked if this submission had been compared with the original elevations? There were no original elevations as they were not required at the time the original project was approved. Dr. Mitchell said that the Planning Board considered this a superior proposal to the original as far as the site plan was concerned. Alderman Nassif asked why the Community Appearance Commission had not reviewed and recommended this project? The Appearance Commission meets once a month and the plans for modification had come in subsequent to their last meeting. It was noted that the Planning Board had recently requested that all submissions come in 10 days prior to their meeting, but that this had not necessarily fit in with the Appearance Commission meetings. Mayor Lee suggested that the Appearance Commission should be more flexible and be able to meet at other times to review projects. Dr. Weiss said he felt that the Town Board

should not consider projects until they had been reviewed by the Appearance Commission. Alderman Welsh asked if the stipulations in Phase I of the project had been met? The only difference found was that the sidewalks along Bolinwood Drive beyond the project were grass not Chapel Hill gravel, but was not clear whether it had originally been Chapel Hill gravel and grass grown up on it or not. Alderman Nassif moved, seconded by Alderman Bernholz to approve the modifications of this project with the following stipulations: 1) That curb and gutter be placed on the extension of Bolinwood Drive and that a concrete sidewalk be constructed on the southwest side of Bolinwood Drive to connect to the existing sidewalk. 2) That a recordable plat be provided with all easements and rights-of-way shown. 3) That as built drawings be provided of all utilities after construction. 4) That all steep slopes be stabilized to prevent erosion. 5) That headwalls (not flare joints) be used on each end of the 24 inch storm sewer. 6) That plans for utilities be approved prior to installation. 7) That work on this project be started within 12 months and completed within 18 months of the date of approval. This was unanimously carried. Mr. Tunstall, speaking for the developer, said that he hoped to start work before the end of January and should be completed within 8 months.

BOLINWOOD APARTMENTS-MODIFICATION

Mayor Lee read a transmittal from the Planning Board recommending approval of this modification request with certain stipulations. Alderman Nassif asked why this had not been approved by the Appearance Commission? The new elevation had been submitted last week and it was the developers understanding that the review committee would meet to discuss it, but apparently they did not. Alderman Welsh asked if they couldn't wait until the meeting of January 18, 1971 so that the Appearance Commission could review the project. It was noted that the requirements for submission had been made more extensive since the original submission. Attorney Denny said that the current rules should apply. Alderman Nassif said that he felt that the Appearance Commission should review it. Alderman Bernholz moved, seconded by Alderman Nassif to delay consideration of this project until the Appearance Commission had reviewed it and made recommendations. Alderman Scroggs said that the Board should be careful not to appear to be constructing an obstacle course for developers and suggested the motion be amended that the review must be made this week so that action could be taken on January 18, 1971. This amendment was agreed to. Mr. Umstead was asked what his development schedule would be and asked for two years to start and three to complete. The motion was unanimously carried.

I-40 CORRIDOR

Mayor Lee read a transmittal from the Planning Board recommending that the Town not take a strong position at the public hearing by the Highway Commission on the I-40 Corridor scheduled for January 19, 1971, but to call a special hearing for the citizens of Chapel Hill on the subject and then make definite recommendations to the Highway Commission subsequent to the hearing. Alderman Bernholz moved, seconded by Alderman Smith to accept the recommendations of the Planning Board and call a hearing in Chapel Hill on January 25, 1971. Alderman Welsh asked why the Planning Board had changed from their previous position on this matter. Dr. Weiss said that there had been considerable more information and a number of questions about the alignment and some of the interchanges that made the Planning Board want to look more closely at the project. Alderman Nassif suggested rescinding the original resolution approving the western corridor for I-40 and make no statement at the hearing. Alderman Scroggs said that this had been a rather general and harmless resolution and should be retained. Dr. Weiss said he still favored the number 1 or western corridor but did question some of the details. Alderman Smith said that there would be representation from Chapel Hill at the hearing whether the Town Board was represented or not. The motion was unanimously carried and Dr. Weiss said that he would attend the hearing representing the Planning Board. Alderman Smith said that any statement made in behalf of the Town should defer to the hearing called by the Town on January 25, 1971.

Mayor Lee read a transmittal from the Appearance Commission recommending approval on the landscaping of this project with two stipulations on the details of that landscaping. Mr. Jones, representing the developer, said that he would meet these requests by the Appearance Commission. Alderman Welsh moved, seconded by Alderman Scroggs to accept this as meeting the requirements of the stipulation concerning landscaping included in the stipulation of this project shown in the minutes of December 7, 1970. This was unanimously carried. Alderman Nassif said that he wished the Appearance Commission would use more definite words than "adequate screening."

PUBLIC TRANSPORTATION

Terry Lathrop, chairman of the Transportation Committee, explained to the Board the proposals received from William Rhyne of Gastonia and R. L. Deaton, Raleigh City Coach Lines, for bus service in Chapel Hill. Each member of the Board was given copies of these proposals and copies of projected costs and revenue figures for a year indicating an approximate deficient that would need to be made up by the Towns of Chapel Hill and Carrboro. The basis for dividing these costs was briefly discussed but no conclusion reached. Alderman Coxhead, the Board representative on the Committee, told the other Aldermen that the Transportation Committee had voted in preference to the Raleigh Coach Line proposal by a vote of 5 to 1, primarily because it had a thirty day cancellation clause where the other did not. Alderman Nassif reminded the Board that the object of this activity was to reduce traffic and parking demands and to serve citizens by providing transportation. Mr. Lathrop said that Raleigh Coach Lines could start service within 1 to 2 weeks of the signing of a contract and that Rhyne would take a little longer as he had to buy buses. Action on this matter was postponed until the next meeting.

CODE OF ORDINANCES

The Board discussed the proposed Code of Ordinances prepared by the Municipal Code Corporation. Alderman Scroggs said that he had read it through completely and recommended adoption as soon as possible. The Town Attorney recommended that it be made effective at least 30 days from now so that copies could be printed and distributed prior to its effective day of adoption. He then read an ordinance adopting the Code effective February 15, 1971. Alderman Smith moved, seconded by Alderman Bernholz that this adopting ordinance be adopted as read. This was unanimously carried.

ADOPTING ORDINANCE

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA.

Section 1. That the Code of Ordinances, consisting of Chapters 1 to 24, each inclusive, is hereby adopted and enacted as the "Code of Ordinances, Town of Chapel Hill, North Carolina," and shall be treated and considered as the new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the Town Board on or before July 30, 1970, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such Code shall be in full force and effect from and after the 15th day of February, 1971, and all ordinances of a general and permanent nature of the Town of Chapel Hill enacted on final passage on or before July 30, 1970, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the 15th day of February, 1971, except as hereinafter provided. No resolution of the Town, not specifically mentioned, is hereby repealed.

Section 3. That the repeal provided for in Section 2 hereof shall affect any of the following:

- (1) Any offense or act committed or done or any penalty or for forfeiture incurred or any contract or right established or accruing before the effective date of such Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the Town or authorizing the issuance of any bonds of the Town or any evidence of the Town's indebtedness;
- (3) Any contract or obligation assumed by the Town;
- (4) Any ordinance fixing the salary of any Town officer or employee;
- (5) Any right or franchise granted by the Town;
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the Town;
- (7) Any appropriation ordinance;
- (8) Any ordinance which, by its own terms, is effective for a stated or limited term;
- (9) Any ordinance providing for local improvements and assessing taxes therefor;
- (10) Any zoning ordinance;
- (11) Any ordinance describing or extending the boundaries of the Town;
- (12) Any ordinance dedicating or accepting any subdivision plat;
- (13) Any ordinance designating one-way streets, stop intersections, intersections at which traffic-control signals are to be installed, areas or spaces in which the parking of vehicles is prohibited or limited, intersections at which the turning of vehicles is prohibited, restricted or regulated, or any other ordinance regulating traffic on specific streets or portions thereof or in specific areas of the Town.
- (14) Any ordinance providing for the levying or collection of any tax.
- (15) Any ordinance adopted pursuant to the provisions or the minimum standards housing code.

Section 4. That whenever in such Code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of such Code shall be punished by a fine not exceeding fifty dollars (\$50.00) or by imprisonment for not exceeding thirty (30) days, as provided in Section 1-7 of such Code.

Section 5. That any and all additions and amendments to such Code, when passed in such form as to indicate the intention of the Town Board to make the same a part thereof, shall be deemed to be incorporated in such Code, so that reference to the Code of Ordinances, Town of Chapel Hill, North Carolina, shall be understood and intended to include such additions and amendments.

Section 6. In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in Section 4 of this ordinance and Section 1-7 of such Code shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the Town Clerk, preserved in looseleaf form, or in such other form as the Town Clerk may consider most expedient. It shall be the express duty of the Town Clerk, or someone authorized by him, to insert in their designated places all amendments or ordinances which indicate the intention of the Town Board to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be from time to time repealed by the Town Board. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Chapel Hill to be misrepresented thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 9. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. This ordinance shall become effective on the 15th day of February, 1971.

PASSED AND APPROVED this 11th day of January, 1971.

BIDS-CARPET

The Town Manager reported three bids on providing and installing carpeting in the Municipal Building. He recommended the low bidder. Alderman Welsh moved, seconded by Alderman Smith to accept the bid of Carolina Carpets of Durham, the low bidder. This was unanimously carried.

SLEDDING

The Board accepted a report by the Town Manager on the hills that might possibly be blocked off for sledding. This report was accepted and action postponed until January 18, 1971.

BUDGET

Mayor Lee read the following ordinance amending the budget ordinance to provide additional funds for dog control. Alderman Smith moved, seconded by Alderman Scroggs that this ordinance be adopted 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 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. Increase appropriation account "6252 Dog Control" by \$450.00 to \$1,650.00;
2. Decrease appropriation account "8000 Contingencies" by \$450.00 to \$49,126.00.

SECTION II.

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

This the 11th day of January, 1971.

SALARIES

Alderman Nassif asked that this consideration be postponed for two weeks so the budget could be reviewed more carefully.


RECREATION COMMISSION

The Town Manager reported the resignation of Robert Culton from the Recreation Commission. The Board accepted his resignation and asked that the Recreation Commission make recommendations for this vacancy.

TREES

Alderman Welsh moved, seconded by Alderman Coxhead that \$250.00 be spent for implementing the tree improvement proposal by the Appearance Commission. This was unanimously carried.

The meeting adjourned at 11:30 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 January 18, 1971 at 4:00 P.M. with the following members present: Mayor pro tem Nassif, Aldermen Coxhead, Welsh, Bernholz, Smith and Scroggs. Mayor Lee was absent at the beginning of the meeting. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Bernholz moved, seconded by Alderman Smith to approve the minutes of the meeting of January 11, 1971 as corrected. This was unanimously carried.

I-40

Mayor pro tem Nassif said that he would like to reconsider the position of the Board on the I-40 Corridor and suggested that this be reconsidered at the end of the regular agenda. Alderman Welsh moved, seconded by Alderman Bernholz to receive this request and place the matter at the end of the agenda. This was carried unanimously.

UNIVERSITY ZONING

Alderman Scroggs quickly reviewed the proposed changes in the table of permitted uses. The following items were questioned: airports, university greenhouses under arboretums and botanical gardens, public greenhouses in University B district, hospitals in agricultural districts, municipal buildings in agriculture and residential districts and telephone exchanges. Alderman Nassif asked what privately owned land was within the most recent proposal for University A District? Some churches and fraternities and residential property owned by Jordan, McKee and Mickie. (Mayor Lee arrived at this time) Alderman Scroggs said that he would like to delete "airports, university" from the ordinance and readvertise at a later time with different wording, either prohibiting or changing to airports for university use only. Alderman Bernholz suggested leaving the use in but showing it allowed in no district. Alderman Scroggs said that he was not willing to do this as it would make the airport non-conforming. Alderman Nassif said that he preferred to delete it and consider the wording later. Alderman Scroggs moved, seconded by Alderman Smith that an ordinance be prepared amending the zoning ordinance adopting the proposal of the Planning Board which was advertised and heard with the changes as follows: delete "Airports, University", "including greenhouses" under "arboretums or botanical gardens". Adding "and public" after "greenhouses, private" and allowing this in University B district, allowing "hospitals, private" in the agricultural district and allowing "hospitals, public including medical and dental clinics and offices of the hospital staff members" in the agricultural districts. And adding "commercial" after "public utility offices". This motion was unanimously carried.

Alderman Scroggs then moved, seconded by Alderman Welsh to prepare an ordinance showing the University A and B districts on the zoning map in accordance with the original advertisement with the recommended modification by the Planning Board excluding land on the west side of South Columbia Street and Pittsboro Street from the University A district. This was unanimously carried.