

Alderman Welsh asked about provisions for the inspection and permanent maintenance of required planting and landscaping. Attorney Denny said that a landscaping plan was required and that this could be elaborated on in the stipulations but the Zoning Ordinance did not at the present time require maintenance. Alderman Scroggs said that most people would take care of the planting once it had been put in. Alderman Welsh said that she felt that the maintenance was implied in the ordinance. Attorney Denny said that he did not believe it went that far. Alderman Scroggs asked if a requirement could be made that landscaping be designed by a registered landscape architect? Attorney Denny did not believe it could. Alderman Welsh suggested a minimum expenditure for landscaping at one per cent of the cost of the building.


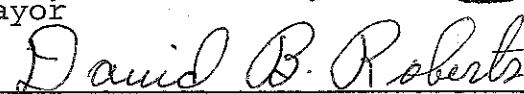
## MUNICIPAL BUILDING

Mayor Lee said that he would like to have a plaque put in the Municipal Building showing the names of the present Board of Aldermen and asked that one be ordered. Alderman Welsh moved that this be done but it was ruled that a motion was not necessary.

## MORGAN CREEK SEWER

Alderman Smith asked that there be some planting around the manholes on Morgan Creek Sewer Line that extended above ground, that the tree roots be checked to see if they were covered and that trees should be planted on the stream banks where they were destroyed.

The meeting adjourned at 7:00 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 at 7:30 P.M. on March 8, 1971 with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Welsh, Bernholz, Coxhead and Nassif. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

## MINUTES

Alderman Nassif moved, seconded by Alderman Welsh to approve the minutes of the meeting of March 1, 1971 as corrected. This was unanimously carried.

Alderman Nassif moved, seconded by Alderman Welsh that the minutes of the meeting of February 22, 1971 be corrected in the paragraph dealing with University Mall modifications, under number 8 of the stipulations, by deleting the period after the words "Town Manager" and adding the following: ", to be completed prior to the issuance of a certificate of occupancy for the Mall." The motion was unanimously carried.

## EMPLOYEE POLITICAL ACTIVITY

The Town Manager told the Board and the newspaper representative that the report in the Chapel Hill Weekly of March 7, 1971 attributing to Town employees certain remarks about a candidate for Mayor was incorrect and that he wanted it on the record that the remarks had not been made by a Town employee.

## SEWER-CHURCH STREET

Mayor Lee read a letter from the Citizens Advisory Committee complaining about a sewer line belonging to Wilson Caldwell on Church Street that apparently had been stopped up a number of times and discharged sewer into the drainage ditch on Church Street. Alderman Bernholz moved, seconded by Alderman Welsh to receive this as a petition and discuss it. The Town Manager was unable to give any first hand in-

formation on this situation. Alderman Smith moved, seconded by Alderman Bernholz that this property be inspected and condemned if necessary and that a report be submitted to the Board of Aldermen by March 15, 1971. Alderman Scroggs said that apparently this was a problem with Mr. Caldwell's sewer, not with the Town sewer. Mr. Paul Caldwell, property owner and resident of adjacent property, said that this was Wilson Caldwell's sewer line that gave the problem but that he had reported it to the Town a number of times and also the County Health Department. He said that the Building Inspector had inspected this line in the past and told Wilson Caldwell to have it repaired but that it had not been done. The motion was unanimously carried.

#### ZONING-TELEPHONE EXCHANGES

Mayor Lee read a transmittal from the Planning Board recommending an amendment to the zoning ordinance to allow telephone exchanges as permitted use in any commercial, industrial or university district. Alderman Nassif moved, seconded by Alderman Bernholz to approve the recommendation from the Planning Board and prepare an ordinance amending the zoning ordinance in this respect. This was unanimously carried.

#### SPECIAL USE-MUNICIPAL BUILDING

Mayor Lee read a transmittal from the Planning Board recommending approval of the special use permit for the Municipal Building and fire station between Columbia Street and Airport Road stipulating that the entire plan as proposed be completed within two years. It was pointed out that the Community Appearance Commission had not reviewed this project at their February meeting. The Town Manager said that the seventeen additional spaces at the corner of Airport Road and Stevens Street would be needed as soon as possible but he questioned the construction of the spaces shown along Stevens Street within that period. Alderman Welsh moved, seconded by Alderman Nassif that the Board find the following: 1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved, 2) That the use meets all required conditions and specifications, 3) That the use will not substantially injure the value of adjoining or abutting property, and 4) That the location and character of the use will be in harmony with the area in which it is located and in general conformity with the plan of development of Chapel Hill; that the planned development be approved as shown on the plans submitted, with the stipulation that it be started within one year and completed within three years of the date of approval (3/8/71); that the Community Appearance Commission review this project and submit its report to the Board of Aldermen. This motion was unanimously carried.

#### REZONING-EAST ROSEMARY STREET-R-10A

Mayor Lee read a transmittal from the Planning Board recommending the rezoning of the Bell property, a portion of lot 39, block B, tax map 80, from R-6 to R-10A. Alderman Coxhead moved, seconded by Alderman Welsh to accept the recommendation of the Planning Board and request the preparation of an ordinance making this change. This was unanimously carried.

Mayor Lee then read a transmittal from the Planning Board recommending that the zoning district line between R-10A and R-6 near the rear of lots 41, 43 and 44 and a portion of lot 34 all in block B, tax map 80 be advertised for consideration of rezoning from R-6 to R-10A. Alderman Coxhead moved, seconded by Alderman Smith that these be advertised for consideration at the next regularly scheduled quarterly hearing, May 24, 1971. This motion was unanimously carried.

#### SPECIAL USE-ELKIN HILLS SHOPPING CENTER

Mayor Lee read a transmittal from the Planning Board recommending approval of a special use permit on the east side of Airport Road near Barclay Road for unified business development with a number of stipulations. Alderman Coxhead moved, seconded by Alderman Scroggs to approve this project with the stipulations as recommended by the Planning Board. Alderman Welsh said that in 1969 a similar request for office building and drive-in bank on that side had been turned down as it was felt that commercial development here was undesirable. She noted the existing development near Homestead Road and Hillsborough Street intersections and said that additional commercial development was not needed in the area. She said that she felt that the fact that it was

presently an eyesore was the owners fault and should not be a reason for allowing additional construction and that this was not harmonious with the existing development. Alderman Scroggs spoke for the island concept of commercial development in contrast with strip development and said that he felt this proposal met that concept and could decrease traffic rather than increase it. He noted that the Appearance Commission had approved this project for appearance. He said that he did have some reservations about the necessity for a service station here. Alderman Smith said that this would adversely affect the adjacent property and was not in harmony and that he did not believe that additional drive-in businesses, particularly service stations, should be located in the area. The vote was 2-2-2 with Aldermen Coxhead and Scroggs voting for, Aldermen Smith and Welsh voting against and Aldermen Nassif and Bernholz abstaining because of financial interest in the project.

Alderman Welsh then spoke about the mushrooming of drive-in facilities in recent years, and noted that service stations were the most undesirable drive-ins. She then moved, seconded by Alderman Smith to disapprove the project submitted, specifically opposing the service station noting that it was a danger to public health and safety and not in harmony with the surrounding development. The vote on the motion was again 2-2-2 with Aldermen Smith and Welsh voting for, Aldermen Coxhead and Scroggs voting against and Aldermen Nassif and Bernholz abstaining because of financial interest.

#### DRIVE-IN BUSINESSES

Mayor Lee read a transmittal from the Planning Board requesting that the Aldermen provide for an inventory of drive-in businesses and development of a policy concerning future development of such businesses and recommending that drive-in businesses be discouraged until such a policy is adopted. Alderman Scroggs said that he agreed to the study but saw no way to discourage applications for drive-in businesses. He noted that all drive-in businesses were not treated equally as some went to the Board of Adjustment, and others as part of the unified business development went before the Board of Aldermen. He moved, seconded by Alderman Welsh, to advertise a proposed amendment to the zoning ordinance which would place all drive-in businesses under the jurisdiction of the Board of Aldermen as special uses and hold a special hearing for this matter on the 2nd Monday in April 1971. The motion was unanimously carried. Alderman Bernholz asked that the Board of Adjustment be notified of this action. Alderman Scroggs said that he favored taking inventory and asking the Planning Board to make recommendations as suggested in their transmittal and moved, seconded by Alderman Smith to ask the Planning Board to study and make recommendations in this matter, if possible having the recommendations prepared within 90 days. Alderman Nassif said that the visual survey should have been completed by this time and would have given much of the information necessary. He said that proliferation of drive-in businesses were damaging to the Town and other businesses. Alderman Scroggs asked how the Appearance Commission was coming with visual survey? Mr. Opdenbrow said that nothing had been done beyond the draft proposal submitted to the Appearance Commission several months back. Alderman Welsh said that the visual survey applied primarily to the CBD and she hoped the Planning Board would consider the problem in the entire planning district. The motion was passed unanimously. Alderman Nassif said that other Planning Board studies needed prompt attention, particularly the flood plain study. Alderman Welsh said that the Planning Board should be requested to make recommendations for renewal of land excavated prior to the ordinance on excavations. Alderman Nassif moved, seconded by Alderman Welsh that these requests be transmitted to the Planning Board. This was unanimously carried.

#### HENDERSON STREET MALL

Mayor Lee introduced 5 high school students: Cathy Vilas, John Comartie Leslie Snell, Phil Manire and Doug Harned who showed the Board a model of Henderson Street developed as a pedestrian mall and asked that the Town Board appropriate \$2,000.00 for construction of the mall. They noted that there would be a service lane from Franklin Street to about midway the block and that the proposed construction would be temporary so it could be removed at a later date. Alderman Coxhead said that this was an interesting constructive idea but questioned whether the traffic should be kept off of this street as there was no other adequate cross-street between Hillsborough Street and Columbia Street. Mr. Harned requested that the street be closed for 90 days for test purposes, funds appropriated for the work and

that the Manager consult with students in construction of the project. He said it could be completed within 2 or 3 weeks. Alderman Scroggs said that the street vending committee and the Appearance Committee were working on a similar idea but with two lanes of traffic on Henderson Street. Alderman Welsh said that traffic was a problem that had to be considered as well as servicing the area with trucks and fire protection and suggested the students consult with Mr. Hausler who was working for the committee on the project and bring a report back to the Aldermen. Alderman Bernholz said that a more thorough study was needed because jumping into a project that has not been carefully thought out could ruin the whole idea for many years. Mayor Lee said that this was a good base and that the student group and the street vending committee could try to develop improvements to it. Alderman Welsh said that there were legal problems and it might be necessary to consider this a public market rather than just a pedestrian mall. Mr. Comartie said that it would not be possible to have both the mall and traffic. Alderman Smith said that service to these buildings was an important consideration and suggested that the students try to use their constructive thinking in other parts of town as well as this. The students agreed that Doug Harned would be the member of their group to work with the street vending committee and Mr. Hausler on this project.

#### DAVIE CIRCLE

Mayor Lee read two petitions from persons living on Davie Circle and Glendale asking for traffic improvements on Davie Circle and a traffic signal at Franklin Street and either Davie Circle or Glendale or both. Mrs. David Godschalk suggested that the speed limit on Davie Circle be lowered or all parking removed or sidewalks built, traffic bumps constructed or traffic made one-way. She said it was difficult to get onto Franklin Street from either Glendale or Davie Circle. She suggested a traffic light at Glendale for eastbound traffic and at Davie Circle for westbound traffic. She said she felt that one-way traffic on Davie Circle were adopted it should start at Jones Street. Alderman Smith moved, seconded by Alderman Bernholz to ask the Highway Department to discuss the traffic light situation with the Street Committee. This was carried unanimously. Alderman Smith moved, seconded by Alderman Nassif to refer the matter of Davie Circle improvements to the Street Committee for study and recommendation. This was unanimously carried.

#### LIBRARY BOARD

The Board voted on nominations for membership to the Library Board to replace Mrs. Robert Wettach whose term ends June 1972. Nominees are Dr. Earl Somers and Robert E. Phay. Dr. Somers was elected to fill the balance of Mrs. Wettach's term.

#### ELECTIONS

Alderman Bernholz said that he felt that a notice concerning registration should be published in all the local papers, the Chapel Hill Weekly, the Anvil, the Village Advocate and possibly the Durham paper and that notices should be put on WCHL. He said that he would be willing to work with the Town Clerk on preparing the notice. He moved, seconded by Alderman Scroggs that this be authorized. Alderman Smith suggested that the advertisement encourage 18 year olds to register. Alderman Welsh said she felt this was appropriate as they could not vote in this election. The motion was unanimously carried.

#### SOLICITOR

The Town Manager reported that the solicitor had asked for funds for a part time typist to be paid by the Town. He asked for \$14.00 per week for the balance of the year and \$88.00 for past typing done making a total of \$318.00. Mayor Lee suggested a work study student be employed as this would only cost the Town \$100.00 for a 15 hour a week work. Alderman Bernholz moved, seconded by Alderman Welsh to prepare an ordinance appropriating \$318.00 from contingencies for this purpose. This was unanimously carried.

Mayor Lee asked that \$100.00 be appropriated to employ work study student for his office for the balance of the semester. Alderman Coxhead moved, seconded by Alderman Welsh that this be approved and an ordinance prepared. This was unanimously carried.

Mayor Lee read a letter from the County saying that they were to discuss ambulance service with the Durham Ambulance Company on March 9, 1971 and invited a representative of the Board to be present. Mayor Lee asked Alderman Smith to represent the Town at this meeting.

#### BUS SYSTEM

Alderman Nassif read a statement on the matter of the bus system saying that the thoroughfare plan was wrong because it was based only on automobiles that the proposed bus routes were inadequate and asking for a vote on May 4, 1971 to give citizens a chance to indicate support of the bus system by voting tax money to subsidize it. He said that if the tax carried that he would want to have one system in the Town not one at the University and one in the balance of Town. Alderman Bernholz agreed that this would make a better sample on which to judge the bus system. Alderman Scroggs said that the layout of the Town was not adapted to mass transit and that he did not expect the bus system to succeed but was willing to go ahead with the experiment. Terry Lathrop, chairman of the Transportation Committee, said that he favored the unified bus system and that he would like to see an expanded system but it probably would mean more subsidy. He said that there were reasons why the systems could not be combined until the Town system was on a sound footing. Alderman Nassif said that if the vote failed that the Town would have to drop the plan for buses but said he felt that the issue could be sold to the voters. He said it would take \$30,000.00 to \$40,000.00 per year in subsidy. Alderman Coxhead pointed out that a combined system would lose the University subsidy to the student system which was now amounting to about \$16,000.00 per year and that the students were getting a high level of service. Alderman Smith said that the school buses had proved that the buses can run in all parts of Town and said that he felt bus service to the schools would help the overcrowding on the school buses. Attorney Denny said there would have to be a formal resolution to put the matter on the ballot on May 4, 1971. Alderman Nassif said that he would take the proposal to Carrboro for their concurrence. Alderman Nassif moved, seconded by Alderman Bernholz to prepare a resolution so that the citizens could vote on a tax ranging from three cents to eight cents for bus subsidy. This was unanimously carried.

Alderman Smith moved, seconded by Alderman Scroggs to approve a contract between the Towns of Chapel Hill and Carrboro and the bus company as read by the Town Attorney and authorize the Mayor and Town Clerk to sign the contract. This was unanimously carried. Alderman Coxhead moved, seconded by Alderman Smith to start the bus system as soon as possible with five bus routes if this is concurred in by the Town of Carrboro. This was unanimously carried.

Alderman Nassif moved, seconded by Alderman Coxhead to approve the franchise for Chapel Hill-Carrboro City Coach Lines, Inc. which passed the first reading on February 15, 1971.

#### AN ORDINANCE GRANTING TO CHAPEL HILL-CARRBORO CITY COACH LINES, INC., A NON EXCLUSIVE FRANCHISE TO OPERATE A TRANSPORTATION SERVICE

WHEREAS, it appears to the Board of Aldermen and the Board finds as a fact it would be in the public interest, and that public convenience and necessity requires that the Town of Chapel Hill grant to Chapel Hill-Carrboro City Coach Lines, Inc., a non exclusive franchise to render motor bus transportation service as hereinafter provided between points and places within the Town of Chapel Hill;

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

That assent and permission be, and the same is hereby granted and given to Chapel Hill-Carrboro City Coach Lines, Inc., its successors, lessees or assigns, to engage in the business of furnishing passenger transportation service as hereinafter provided over present and future streets of the Town of Chapel Hill, along routes established from time to time by mutual agreement between the Board of Aldermen and Chapel Hill-Carrboro City Coach Lines, Inc., and to that end it is hereby authorized to operate over, along and across the streets, avenues, highways, and other public ways, motor vehicles, buses

and coaches or other self-propelled or individually powered vehicles, buses and coaches. The terms and conditions of this grant are as follows:

1. **SERVICES TO BE RENDERED.** The operation of buses over the streets, avenues, highways and other public ways of the Town of Chapel Hill shall be as to provide motor bus transportation service to the public pursuant to a contract between Chapel Hill-Carrboro City Coach Lines, Inc., and the Board of Aldermen of the Town of Carrboro dated the 8th day of March, 1971, and such subsequent contracts as shall be entered into by and between said parties, a copy of which shall be filed with the Board of Alderman. It is the sole intent and purpose of this franchise to grant to Chapel Hill-Carrboro City Coach Lines, Inc., authority and permission to operate over the streets of the Town of Chapel Hill for the purpose of providing motor bus transportation in accordance with such contracts and Chapel Hill-Carrboro City Coach Lines, Inc., shall not have the authority or the duty to provide any transit service within the Town of Chapel Hill to the public except as provided in said contracts.
2. **ROUTES.** Routes along the streets of the Town of Chapel Hill shall be as provided by said contract between Chapel Hill-Carrboro City Coach Lines, Inc., and the Boards of Aldermen of the Towns of Chapel Hill and Carrboro.
3. **INSURANCE.** Chapel Hill-Carrboro City Coach Lines, Inc., its successors, lessees or assigns, shall indemnify, defend and hold the Town of Chapel Hill free and harmless from all liability for damage, loss, costs and expenses caused by reason of negligent operation or maintenance of vehicles and equipment in said transportation service, and shall carry such amounts of public liability insurance as will adequately protect the public and the Town of Chapel Hill or in such amounts as shall be required from time to time by the North Carolina Utilities Commission, the Town of Chapel Hill, or other regulatory authority.
4. **TERM OF FRANCHISE.** This franchise shall continue and exist so long as Chapel Hill-Carrboro City Coach Lines, Inc., shall be under contract with the Board of Aldermen of the Town of Chapel Hill to provide motor bus transportation service in the Town of Chapel Hill, provided that in any event it will terminate on July 1, 1990.
5. **NON EXCLUSIVE.** The franchise granted herein to Chapel Hill-Carrboro City Coach Lines, Inc., by the Board of Aldermen of the Town of Chapel Hill shall be non exclusive, and shall in no way bar, prohibit or prevent the Board of Aldermen of the Town of Chapel Hill from granting other franchises for motor bus transportation service to any point within the Town of Chapel Hill.
6. **ASSIGNMENT.** This franchise and the rights contained herein shall not be sold, assigned or in any manner transferred without prior approval of the Board of Aldermen.

This the 8th day of March, 1971.

This was unanimously carried. Alderman Coxhead moved, seconded by Alderman Smith to designate the transportation commission as the authorized representative of the Town in making the decisions concerning such matters as routes, time schedules, etc. as indicated in the contract. The Commission was also authorized to make recommendations to the Board of Aldermen in matters requiring ordinances. This was unanimously carried.

#### OPEN SPACE RESOLUTION

Alderman Nassif moved, seconded by Alderman Welsh to approve the following resolution concerning open space.

## RESOLUTION

## OPEN SPACE - LAND ACQUISITION POLICY

The Town of Chapel Hill hereby resolves that it will follow all of the rules and regulations of Title VII of the Housing Act of 1961, as amended in the acquisition of open space lands. The Town of Chapel Hill further resolves that its open space land acquisition policy is as follows:

- 1) The Town of Chapel Hill will make every reasonable effort to acquire such real property by negotiated purchase before instituting eminent domain proceedings.
- 2) The Town of Chapel Hill will not require any owner to surrender possession of such property until the Town
  - (a) pays, or causes to be paid, to the owner, the agreed purchase price arrived at by negotiation,
  - (b) or in any case where only the amount of the payment to the owner is in dispute, not less than 75 percent, of the fair market value as appraised by three disinterested court appointed commissioners has been paid to the Clerk of Superior Court of Orange County for the use and benefit of the owner, said value to be approved by the Town and concurred in by HUD.
- 3) The Town of Chapel Hill not require any person lawfully occupying such property to surrender possession without at least 90 days written notice from the Town of the date on which possession will be required.

This the 8th day of March, 1971.

This was unanimously carried.

## STREET NAME

Mayor Lee read a petition from residents of Summit Road asking that the name be changed from Summit Road to Crestwood Lane as there is a duplication of names existing. Alderman Smith moved, seconded by Alderman Bernholz that the necessary resolution be prepared to accomplish this. This was unanimously carried.

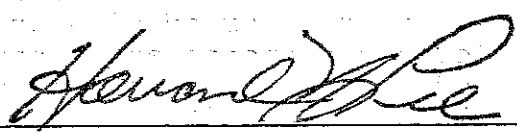
## WALL PLAQUE

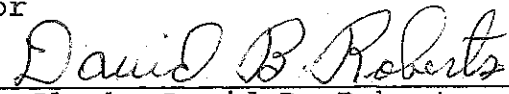
The Aldermen approved the design of the wall plaque to be placed in the new Municipal Building.

## COMMUNITY APPEARANCE COMMISSION

The Mayor read a letter from Mr. Buster Ogburn resigning from the Appearance Commission and asked that nominations be considered to fill this vacancy.

The meeting adjourned at 11:35 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 at 4:00 P.M. on March 15, 1971 with the following members present: Mayor Lee, Aldermen Scroggs, Bernholz, Smith, Coxhead, Welsh and Nassif. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

## MINUTES

## MINUTES

Alderman Bernholz moved, seconded by Alderman Scroggs to approve the minutes of the meeting of March 8, 1971 as corrected. This was unanimously carried.