

## DAVIE CIRCLE

Alderman Smith asked that there be some follow-up on the complaints of the one-way traffic on Davie Circle.

The meeting adjourned at 5:50 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 May 10, 1971 with the following members present: Mayor Lee, Aldermen Nassif, Scroggs, Smith, Welsh, Bernholz, and Coxhead. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

## MINUTES

Alderman Smith moved, seconded by Alderman Bernholz to approve the minutes of the meeting of May 3, 1971 as corrected. This was unanimously carried.

## ELECTION RESULTS

Mayor Lee read the report of the Board of Canvasses on the election for Mayor and members of the Board of Aldermen.

Alderman Coxhead moved, seconded by Alderman Scroggs that this report be received. This was unanimously carried.

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Mayor Lee then read the report by the Board of Canvassers on the vote authorizing a tax to support a bus system. Alderman Coxhead moved, seconded by Alderman Nassif that this report be received.

CERTIFICATE OF BOARD OF CANVASSERS

We, the undersigned Board of Canvassers, do hereby certify that we met in the Town Hall on Thursday, May 6, 1971, and did canvass the original returns of Registrars and Judges of election of the votes cast for the Public Transportation System at the regular municipal election held on May 4, 1971, and that the following is a true and correct tabulation thereof:

	Northside	East Franklin	Estes Hill	Westwood	Country Club	Glenwood	Ridgefield	Kings Mill	Total
For	457	387	339	311	194	198	323	68	2277
Against	281	359	480	291	278	168	325	100	2282

We, therefore, certify that pursuant to such tabulation we have judicially determined that the Public Transportation System was defeated by a vote of 2282 to 2277.

Francis B. Rowe Member

Elizabeth M. Holden Member

Judith A. Eastman Member

Gloria R. Roberson Member

Kerrie D. Howard Member

Marianna Edgerton Member

Jean B. Stewart Member

Mrs. N. Raymond Andrews  
Chairman, Board of Canvassers

## OATH OF OFFICE

Town Clerk Roberts then swore in the following officials: Mayor Howard N. Lee for a two year term, Aldermen R. D. Smith, Alice Welsh, and James Wallace for four year terms, and Alderman Joe Nassif for a two year term.

Alderman Welsh asked that a letter be written to Alderman Bernholz expressing the Board's appreciation for his work as a member of the Board of Aldermen. Alderman Nassif moved that a resolution be prepared and sent to all candidates for Town offices thanking them for offering their services.

## ORGANIZATION

Mayor Lee told the Board that he hoped that the Board would be able to operate more expeditiously in the coming years and asked that all items be placed on the agenda in advance rather than brought up at the meeting. He also asked that members having an item placed on the agenda do the necessary advance work so it can be quickly handled. He called the Board's attention, particularly the newer members, to the school for newly elected Town officials to be held by the Institute of Government on June 22 and 23, 1971.

Alderman Smith nominated Alderman Nassif as Mayor pro-tem. Alderman Scroggs, noting that Alderman Smith had seniority on the Board and was also the high vote getter in the election, nominated Alderman Smith for Mayor pro-tem. Alderman Coxhead moved, seconded by Alderman Wallace that the nominations be closed. Alderman Smith was elected Mayor pro-tem.

Alderman Scroggs moved, seconded by Alderman Welsh that David Roberts be named as Town Clerk. This was unanimously carried.

Alderman Welsh moved, seconded by Alderman Scroggs that Emory Denny be named as Town Attorney. This was unanimously carried.

Alderman Smith moved, seconded by Alderman Scroggs that Rodenhizer & Umstead CPA be named as auditor for the purpose of auditing the 1970-71 records. This was unanimously carried.

Alderman Welsh moved, seconded by Alderman Scroggs that the days and times for the meetings, as shown in Section 2.3 in the Code of Ordinances be continued. This calls for a meeting on the first and third Mondays at 4:00 P.M., and the second and forth Mondays at 7:30 P.M. Alderman Scroggs suggested that there be an automatic adjournment at 6:00 P.M. for the afternoon meetings. Attorney Denny said that this could have the affect of making illegal any action that took place after 6:00. The original motion was unanimously carried.

Alderman Scroggs moved, seconded by Alderman Wallace to adopt the policy of ending the afternoon meetings at 6:00 P.M. Alderman Nassif objected, saying that he preferred no afternoon meetings, because he felt that some citizens might be deprived of an opportunity of attending, but if they were there for anything on the agenda, that it should be covered. Alderman Welsh asked about the legal significance of this as a policy rather than a permanent ordinance. Attorney Denny said it would not be a violation of any ordinance and the Board could, by mutual consent, continue the meeting after 6:00. Alderman Smith said he felt that the original intention of the afternoon meetings was for discussion only of non-controversial matters. Alderman Welsh said she would prefer to adjourn at 6:00 P.M., but was willing to take the time necessary. She suggested the use of self-discipline by Board members to shorten the meetings. Alderman Scroggs said that he would favor four evening meetings rather than too long afternoon meetings. Mayor Lee asked if there was an objection to the evening meetings on the first and third Mondays? Alderman Smith said that he would have a conflict. The vote on the motion was three to three with Aldermen Scroggs, Coxhead, and Wallace voting for the motion, and Aldermen Smith, Welsh, and Nassif voting against it. Mayor Lee voted against it and the motion was defeated.

## COMMITTEE APPOINTMENTS

Mayor Lee announced the following committee appointments: Finance, the whole Board with himself as Chairman; Streets, Aldermen Coxhead Chairman, Scroggs and Smith; Cemetery, Aldermen Wallace, Chairman, Welsh and Nassif; Recreation, Alderman Welsh; Firemen's Relief Fund, Alderman Wallace; Research Triangle Planning Commission, Mayor Lee, and Michael Brooks; Law Enforcement Committee, Alderman Nassif.

## SCHOOL ART GUILD

Mrs. Eleanor Lunde, representing the Chapel Hill-Carrboro School Art Guild asked the Board for permission to put some paintings by school children in the Town Hall as an exhibit. It was agreed that this could be placed in the main lobby of the new building. Mrs. Lunde then presented the Town a painting by Dorothy Massey, fifth grade student, to be used in the Municipal Building. The Board thanked Miss Massey and her art teacher Mrs. Seng for this gift.

## BUS ELECTION

Mr. George T. Lathrop presented a petition requesting a recount of the votes on the bus tax because of the closeness of the vote. Alderman Smith moved, seconded by Alderman Welsh to receive the petition and place it at the end of the agenda. This was unanimously carried.

## SIDEWALK--EAST ROSEMARY STREET

Mayor Lee read a petition signed by Mr. Paul Smith requesting a sidewalk on the north side of East Rosemary Street between Columbia Street and Henderson Street. Alderman Welsh moved, seconded by Alderman Smith to receive the petition and place it at the end of the agenda. This was unanimously carried.

## PRELIMINARY PLAT--LAUREL HILL

Mayor Lee read a transmittal from the Planning Board recommending approval of a preliminary plat of Lot 2, Section 3, Laurel Hill with the stipulation that a general plan for the total development of Laurel Hill be submitted before or at the same time as the request for final plat approval. Alderman Nassif said that he was concerned with subdivisions that came in one or two lots at a time and recommended a full development plan immediately. Alderman Wallace moved, seconded by Alderman Scroggs to approve this plat for a single lot with the stipulation recommended by the Planning Board. He said that this would put Mr. Hunt on notice and that Mr. Hunt has in the past done a good job of overall development of a subdivision. Alderman Scroggs said that this lot was over an acre and that he could see no problems with approving this particular lot. The motion was carried by a vote of six to nothing.

## CYPRESS ROAD

Alderman Coxhead told the Board that the Street Committee has not met on this matter, but he sees no good answer short of regrading the street by several feet. Alderman Scroggs agreed that this was the best long term solution, but noted that there were a number of situations just like it in Town. Mr. Palmer noted that this problem has been examined by traffic engineers from the Highway Department and he hoped to have a suggestion from them. Alderman Smith moved, seconded by Alderman Wallace to prepare an ordinance requiring the traffic on Cypress Road to stop at Plum Lane. This was unanimously carried.

## BOOKER CREEK TOWN HOUSES

Mayor Lee read a transmittal from the Planning Board recommending that the Board of Aldermen revoke the Building Permit for the Booker Creek Town Houses which are being constructed differently than approved in the Special Use Permit. Alderman Nassif said that no single violation was serious, but there was a series of changes, and the result was far from what had been approved. He noted that Section 4-C-1-k of the Zoning Ordinance indicated that a permit would become void when conditions imposed by the Special Use Permit were not carried out. Alderman Nassif moved, seconded by Alderman Welsh that the Board of

Aldermen determine that there has been a failure on the part of the developer to comply with the terms of the Special Use permit, that it hereby finds that under Section 4-C-1-k the Special Use permit granted for this project is void and of no effect, and order that the developer and Building Inspector be so notified of this action and the provisions of section 4-C-1-k. Town Attorney Denny said that the Building Inspector should take appropriate steps based on the voiding of the Special Use Permit. Alderman Nassif noted that a letter from the Building Inspector in April notified the developer that the buildings were not complying with the permit. The motion was carried unanimously.

#### SALE OF HOUSES--JOLLY LANE

The Town Manager reported that only one bid had been received on the two vacant houses on Jolly Lane and he recommended that this be readvertised. Alderman Wallace moved, seconded by Alderman Welsh to reject the one bid and readvertise. Alderman Smith said that the people living in the area who were subject to evacuation should be given the first opportunity to get these houses. The Town Attorney said that the State law on sale of property would have to be followed. Alderman Welsh suggested that notices of the sale be posted in the area. The motion was unanimously carried.

#### MOTOR VEHICLES ON THE SEWER RIGHTS OF WAY

Mayor Lee read a proposed ordinance prohibiting unauthorized motor vehicles to use sewer rights of way within the Town.

#### AN ORDINANCE TO PROHIBIT THE OPERATION OF UNAUTHORIZED MOTOR VEHICLES ON SEWER RIGHTS OF WAY

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

##### SECTION I

That from and after the 10th day of May, 1971 it shall be unlawful for any person to operate an unauthorized motor vehicle of any kind upon any sewer right of way within the Town.

##### SECTION II

That from and after the 10th day of May, 1971 it shall be unlawful for any person to operate an unauthorized motor vehicle of any kind upon any sewer right of way belonging to the Town of Chapel Hill and located without corporate limits of said Town.

##### SECTION III

All Ordinances and portions of Ordinances in conflict herewith are hereby repealed.

This the 10th day of May, 1971.

Attorney Denny recommended adding a paragraph prohibiting such use of the right of way belonging to the Town that lies outside of the corporate limits. Alderman Smith moved, seconded by Alderman Wallace to adopt the ordinance as corrected. This was unanimously carried.

#### BUS STOPS

Attorney Denny explained that the areas covered by the Bus Stop Ordinance were in a peculiar position because no parking was permitted in the bus stops, but the bus stop signs were down and spaces no longer in use, and he recommended adoption of the following ordinance, taking things back to the conditions they were prior to the enactment of the Bus Stop Ordinances.

#### AN ORDINANCE TO RESCIND AND REPEAL THE ORDINANCE ESTABLISHING AND REGULATING BUS STOPS WITHIN THE TOWN OF CHAPEL HILL

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

## SECTION I

That the Ordinances adopted on March 22, 1971 and April 5, 1971, as amended by Ordinance adopted April 19, 1971, establishing and regulating bus stops within the Town of Chapel Hill be, and the same are hereby rescinded and repealed.

## SECTION II

All Ordinances or portions of Ordinances in effect prior to the adoption of the Ordinances of March 22, 1971, April 5, 1971, and April 19, 1971, establishing and regulating bus stops, effected by the repealing sections of said Ordinance are hereby reinstated, and readopted.

This the 10th day of May, 1971.

The proposed ordinance was read by Mayor Lee. Alderman Coxhead moved, seconded by Alderman Scroggs that this be adopted as read. Alderman Smith suggested postponement until there was a recount on the election. Mayor Lee said that even with a recount that there would be some time before operation could be started again, and suggested going ahead with the change. The ordinance was unanimously carried. The Board asked that the Bus signs be saved.

## CODE REVISION

Mayor Lee read an ordinance revising Section 6-21 and 13-2 of the Code to eliminate reference to race.

AN ORDINANCE TO AMEND SECTION 6-21 AND  
SECTION 13-2 OF THE CODE OF ORDINANCES  
OF THE TOWN OF CHAPEL HILL

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

## SECTION I

That Section 6-21 of the Code of Ordinance, Town of Chapel Hill, North Carolina, is hereby repealed.

## SECTION II

That Section 13-2 is hereby amended by rewriting the second sentence thereof to read as follows: "The application shall state the applicant's name, age, sex, business and residence addresses, name and address of the applicant's employer, and shall furnish in addition at least three (3) references satisfactory to the Chief of Police, as to the applicant's character".

## SECTION III

All Ordinances and portions of Ordinances in conflict herewith are hereby repealed.

This the 10th day of May, 1971.

Alderman Scroggs moved, seconded by Alderman Wallace to adopt the ordinance as read. This was unanimously carried.

## ELECTION PETITION

Attorney Denny said that it was not clear but that references in the law to elections said that the Board of Canvasses could order a recount in any precinct based on irregularities, but that he could find no record authorizing a recount just because a vote was close. No irregularities were cited in the petition, although two ballots had been impounded, this would not be enough to make a change in the election. Alderman Coxhead moved that the petition be denied. Attorney Denny said that no action was required in this matter. Alderman Nassif moved, seconded by Alderman Scroggs to table the petition which had been accepted by the Board. This was unanimously carried.

Mayor Lee asked what the time limit would be for a new election on the buses? Sixty days.


#### SIDEWALK--EAST ROSEMARY

The Town Manager was asked to investigate the matter of rights of way and the possibilities for a sidewalk in this area and report at the next meeting.

#### SUBDIVISION AUTHORITY

Alderman Nassif said that the bill requested of the General Assembly allowing the Town to require Open Space recreation areas in subdivisions had failed, and that the Board had not been given an opportunity to appear before the Sub-committee in this matter. Alderman Welsh said that the Town should request notice of sub-committee consideration when any bill is submitted. She said that she felt that this was a great loss to Chapel Hill citizens. Alderman Scroggs said that it might still be possible within the existing authority.

The meeting adjourned at 9:25 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 May 17, 1971 with the following members present: Mayor Lee, Aldermen Nassif, Welsh, Scroggs, Smith, Coxhead, and Wallace. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

#### MINUTES

Alderman Nassif moved, seconded by Alderman Smith that the minutes of the meeting of May 10, 1971 be approved as circulated. This was unanimously carried.

#### RECYCLING

Mayor Lee read a letter from Girl Scout Troop #59 suggesting that the Town establish permanent receiving stations for bottles and papers at various points in Town. Alderman Welsh moved, seconded by Alderman Smith that this petition be received. This was unanimously carried. Mayor Lee referred this to Alderman Welsh for a study and recommendation.

#### NORTHSIDE SCHOOL PROPERTY

Mayor Lee read a letter from Dr. Lindahl notifying the Board of the public hearing on the recommended sale of Northside School property and inviting interested members to attend the hearing.

#### LEGISLATION

The Town Manager reported that there would be a committee hearing on the Senate Subcommittee studying the proposed bill, creating a commission to study the UNC utilities, and make recommendations on their operation or disposal. He suggested that the Town request representation on this commission. Alderman Wallace moved, seconded by Alderman Nassif to formally request State Senator William Staton to request at the hearing that the Town of Chapel Hill be represented on the Study Commission. This was unanimously carried.

Mayor Lee read the report of the Board of Canvassers on the election for Mayor and members of the Board of Aldermen.  
Alderman Coxhead moved, seconded by Alderman Scroggs that this report be received. This was unanimously carried.

### CERTIFICATE OF BOARD OF CANVASSERS

We, the undersigned Board of Canvassers, do certify that we met in the Town Hall, on Thursday, May 6, 1971, and did canvass the original returns of Registrars and Judges of elections of the votes cast for Mayor and members of the Board of Aldermen of the Town of Chapel Hill, N. C., at the regular municipal election held on May 4, 1971 and the following is a true and correct tabulation thereof:

Candidates for Mayor:	PRECINCTS								Total
	North- side	East Franklin	Estes Hills	West- wood	Country Club	Glen- wood	Ridge- field	Kings Mill	
Howard N. Lee	550	456	456	385	255	205	408	98	2813
Jack Maultsby	194	286	357	219	215	170	237	68	1746
John Fox, Jr.	10	12	6	3	3	1	4	2	41
Douglas M. Holmes	1	3	1	2	2	0	2	0	11
Roland Giduz		2							2

Candidates for Aldermen:	North- side	East Franklin	Estes Hills	West- wood	Country Club	Glen- wood	Ridge- field	Kings Mill	Total
R. D. Smith	573	446	518	404	262	230	421	101	2955
Jim Crisp	235	316	438	248	233	163	307	60	2000
Steven A. Bernholz	428	354	301	291	170	165	298	72	2079
Alice Welsh	482	451	427	362	247	208	344	101	2622
James A. LaBrec	183	262	349	203	203	120	258	52	1630
James C. Wallace	250	450	544	282	342	214	375	129	2586
Joe Nassif	483	405	419	343	213	231	382	90	2566
George Harris						1			1
James Shumaker						1			1
Roland Giduz							2		2

We, therefore, certify that pursuant to such tabulation we have judicially determined that:

For Mayor:

Howard N. Lee having received 2813 votes has been elected Mayor for a term of two (2) years.

For Aldermen:

R. D. Smith having received 2955 votes

Alice Welsh having received 2622 votes

James C. Wallace having received 2586 votes

have been elected members of the Board of Aldermen for a term of four (4) years, pursuant to the provisions of the general laws of the State of North Carolina.

Joe Nassif having received 2566 votes has been elected as a member of the Board of Aldermen for a term of two (2) years, pursuant to the provisions of the general laws of the State of North Carolina.

Mrs. H. Raymond Andrews Member

James B. Reese Member

Elmer K. Robinson Member

Elizabeth M. Holsten Member

Judith H. Eastman Member

Resie D. Howard Member

Jan B. Stewart Member

Mrs. H. Raymond Andrews  
Chairman, Board of Canvassers

Marianna Edgerton