

PRIVILEGE LICENSE

Alderman Wallace moved adoption of the following:

AN ORDINANCE TO LEVY A PRIVILEGE TAX ON TRADES, PROFESSIONS
FRANCHISES FOR THE FISCAL YEAR ENDING JUNE 30, 1972

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

SECTION I

There is hereby levied a Privilege License Tax on trades and professions carried on and franchises enjoyed within the Town of Chapel Hill for the Fiscal Year ending June 30, 1972, at the same rates effective for such taxes during the fiscal year ending June 30, 1971, and as are set forth in detail in an ordinance entitled, "An Ordinance to Levy a Privilege Tax on Trades, Professions and Franchises for the Fiscal Year ending June 30, 1961", as enacted by the Board of Aldermen of the Town of Chapel Hill at a regular meeting held on July 11, 1960, which ordinance is set forth in detail and recorded on the official minutes of the Board of Aldermen of the Town of Chapel Hill in Minute Book 11, on pages 148 to 152, inclusive, reference being hereto made to said ordinance the terms of which are hereby adopted and incorporated herein by reference and made a part of this ordinance effective for the fiscal year ending part of this ordinance effective for the fiscal year ending June 30, 1972, to the same extent as if herein set forth in detail.

SECTION II

All ordinances in conflict herewith are hereby repealed.

This the 22nd day of July, 1971.

Seconded by Alderman Nassif, and carried unanimously.

This is an exact copy.

The meeting adjourned at 11:25 A.M.

Howard Lee
Mayor

David B. Roberts
Town Clerk, David B. Roberts

August 2, 1971

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M. on August 2, 1971 with the following members present: Mayor pro tem Smith, Aldermen Coxhead, Wallace, Scroggs, and Welsh. Mayor Lee and Alderman Nassif were absent. Also present were Town Clerk Roberts and Town Attorney Denny. Town Manager Peck was absent.

MINUTES

Alderman Wallace moved, seconded by Alderman Coxhead to approve the minutes of July 26, 1971 as corrected. This was unanimously carried.

MINUTES

Alderman Coxhead moved, seconded by Aldermen Scroggs to approve the minutes of July 27, 1971 as circulated. This was unanimously carried.

BOUNDARY STREET PATHWAY

Mrs. Catherine Johansson presented a petition for the immediate improvement of a pathway on Boundary Street around the curve, across from the back of the Forest Theatre. Alderman Welsh moved, seconded by Alderman Wallace to receive this petition and refer it to the Street Committee. This was unanimously carried.

KESSING CONSTRUCTION - WEST FRANKLIN STREET

Alderman Welsh stated that she would like to discuss the Jonas Kessing barricades on East Franklin Street. Alderman Welsh moved, seconded by Alderman Wallace, to place this on the end of the Agenda for discussion. This was unanimously carried.

TWO NEW POLICE

Alderman Welsh stated she would like to discuss the hiring of two more Police Patrolmen. Alderman Welsh moved, seconded by Alderman Scroggs to place this on the end of the Agenda for discussion. This was unanimously carried.

VENDING

Alderman Coxhead presented a petition from business and professional people with stores and offices on Franklin Street. They desired no change in the ordinance, and they felt that the present Ordinance served in the best interest of the community. Town Attorney Denny reported that Chapel Hill for many years did not regulate vending and generally street vending was permitted. The merchants and businessmen on Franklin Street began putting goods and wares on the sidewalk and therefore an ordinance was passed to prohibit sidewalk and street vending of all types. This ordinance was rewritten and updated in 1964 so as to grant an exception to the flower ladies. This situation remained with total prohibition except for natural homegrown flowers until a couple of years ago when the question arose about the sale of artificial flowers at which time the ordinance was amended to permit the sale of artificial flowers and remained until the recent court decision determining that this exception was an unreasonable classification, although the court ruled that it was within the authority of the Town to prohibit or regulate vending on its streets and sidewalks. Thus, he advised that from a historical point of view the merchants were the reason for the past regulations and that traditionally, except for the flower ladies vending has been prohibited. He further advised the Board that in his opinion under the general statutes the Town of Chapel Hill was clearly granted the authority to permit, prohibit or regulate vending on the streets and sidewalks.

Alderman Scroggs said that the basic question which the Board needed to answer first was whether the Town could or should permit the use of Town property, owned by all citizens, for the private use of a small group of citizens. Only if this question is answered in the affirmative is it necessary to consider what may be appropriate regulations as to place and manner of vending. Alderman Welsh stated that it appeared from her own research that the Town clearly could permit and regulate vending on public property. She further stated that appearance and location seem to be the main points of dissatisfaction with those opposed to vending and if these points could be cleared, the Aldermen could more easily decide the basic issue. Alderman Welsh further stated that it seemed to her that since it was clearly within the authority of the Aldermen to permit vending that some discussion as to the type, location and appearance should now be considered.

Alderman Scroggs suggested that this approach failed to answer the basic question which must yet be determined. Alderman Coxhead stated that he did not believe that those who objected to the vending would be satisfied if it were limited to certain points on Franklin Street.

972
GENERAL ASSEMBLY OF NORTH CAROLINA

1971 SESSION

HOUSE DRH9131



Short Title: Chapel Hill-Carrboro Transp. Comm. (Local)

Sponsors: Representatives Smith of Orange and Andrews.

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO AUTHORIZE THE TOWNS OF CHAPEL HILL AND CARRBORO TO
3 ESTABLISH A JOINT PUBLIC TRANSPORTATION COMMISSION.

4 The General Assembly of North Carolina do enact:

5 Section 1. The Chapel Hill Board of Aldermen and the
6 Carrboro Board of Aldermen are authorized at any time to create
7 a joint public transportation commission, which shall serve as
8 the planning and administrative commission for the operation of
9 a public transportation system within the Towns of Chapel Hill
10 and Carrboro. Such a creation shall be effected through the
11 adoption by each of said governing bodies, acting individually, of
12 a joint resolution. Said resolution shall provide for a
13 membership of not more than ten persons which shall include five
14 residents of the Town of Chapel Hill to be appointed by the Board
15 of Aldermen of the Town of Chapel Hill and five residents of the
16 Town of Carrboro to be appointed by the Board of Aldermen of the
17 Town of Carrboro, the terms of the members, the procedures for
18 removing or replacing members, the method of determining the
19 financial support to be given the commission by each governmental
20 unit concerned and the budgetary procedures to be followed. Said
21 resolution may be modified, amended, or repealed at any time

1 through unanimous action of the governmental units concerned,
2 each unit acting individually. Either the Town of Chapel Hill or
3 the Town of Carrboro may withdraw from such agreement at any time
4 on giving six months notice to the other governing board
5 concerned.

6 Sec. 2. If a joint public transportation commission is
7 created as provided under Section 1 hereof, it shall be empowered
8 to exercise the powers, duties, and functions as the
9 administrative agency for the operation of a public
10 transportation system within such towns, to establish routes,
11 hours, and terms of service of such public transportation system.
12 The appropriation of all public funds, and fiscal commitments of
13 either town, however, shall remain the responsibility of the
14 individual governing units.

15 Sec. 3. In addition to other powers conferred upon
16 either the Town of Carrboro or the Town of Chapel Hill by their
17 charter or by general or special law of the State of North
18 Carolina, each governing unit is specifically authorized and
19 empowered to acquire, establish, operate, maintain, franchise,
20 subsidize, or contract for the operation of a public
21 transportation system for each said governing unit or for both
22 said governing units and if deemed expedient, enter into
23 contracts and agreements with respect thereto with the University
24 of North Carolina in Chapel Hill and with the Chapel Hill -
25 Carrboro City Board of Education to operate such system as it
26 deems advisable both within and without the town limits of both
27 said towns, and to provide for the financing thereof through the

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1 expenditure of public funds, the issuance of bonds, notes and
2 other evidences of indebtedness as provided by law.

3 Sec. 4. In addition to the other powers conferred upon
4 either the Town of Carrboro or the Town of Chapel Hill by their
5 charter or by general or special law of the State of North
6 Carolina the governing body of either municipality, in its
7 discretion, may submit to the voters at a special election, the
8 question of whether a special tax shall be levied for the support
9 and subsidy of a public transportation system. Such question
10 shall be submitted to the voters at the next general election for
11 the officers of the municipality or a special election to be
12 called at any time by the governing body of the municipality or
13 other political subdivision of the State for that purpose,
14 provided, that no special election shall be held within 60 days
15 of any general election for State, county or municipal officers.
16 Such special election shall be conducted according to laws
17 governing general elections for officers in such municipality
18 provided that the maximum tax levy to be submitted to the voters
19 shall be determined by the governing body of such municipality,
20 which maximum shall in no event exceed ten cents (10¢) on one
21 hundred dollars (\$100.00) valuation of property.

22 Sec. 5. This act shall become effective upon
23 ratification.

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GENERAL ASSEMBLY OF NORTH CAROLINA
1971 SESSION
RATIFIED BILL

CHAPTER 361

HOUSE BILL 774

AN ACT TO AMEND G.S. 116-44.1 TO PERMIT THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA TO AUTHORIZE ITS EXECUTIVE COMMITTEE TO MAKE RULES AND REGULATIONS WITH RESPECT TO USE OF STREETS, ALLEYS, DRIVEWAYS, ETC., ON THE CAMPUSES OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G.S. 116-44.1(b) is amended by adding the following sentence at the end thereof::

"The board of trustees may authorize its executive committee to exercise all powers conferred on the board by this subsection."

Sec. 2. All laws and clauses of laws in conflict with this law are hereby repealed.

Sec. 3. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times/and ratified, this the 10th day of May, 1971.

H. P. TAYLOR, JR.

H. P. Taylor, Jr.

President of the Senate

PHILIP P. GODWIN

Philip P. Godwin

Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
1971 SESSION
RATIFIED BILL

CHAPTER 334

HOUSE BILL 675

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ORANGE COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of Orange is hereby authorized and empowered to prescribe regulations as to the type and form of oath, or declaration, and the manner of administering the same to persons, firms, and corporations listing property for taxation in Orange County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. The provisions of G.S. 105-306(26), G.S. 105-308, G.S. 105-309, and G.S. 105-310 shall be applicable to Orange County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Orange County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this act.

Sec. 3. The provisions of G.S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Orange County. If

the Board of County Commissioners of Orange County has adopted regulations relating to any matter covered by this act, the listing in Orange County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G.S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 4. This act shall apply only to Orange County.

Sec. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of May, 1971.

H. P. TAYLOR, JR.

H. P. Taylor, Jr.

President of the Senate

PHILIP P. GODWIN

Philip P. Godwin

Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
1971 SESSION
RATIFIED BILL

CHAPTER 227

HOUSE BILL 462

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL (CHAPTER 87, SESSION LAWS OF 1961), AS AMENDED, SO AS TO AUTHORIZE THE IMPROVEMENT OF STREETS AND THE ASSESSMENT OF THE COSTS THEREOF WITHOUT PETITION.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Chapel Hill, Orange County, North Carolina, as the same appears in Chapter 87, Session Laws 1961, as amended, is hereby amended by adding a new section following Section 6.02 to read as follows:

"Section 6.03. Street Improvements When Petition Unnecessary, Assessment of Costs.--Notwithstanding other provisions of this Charter or of any other laws, whenever there is an unimproved portion of a continuous street between improved portions thereof, or from an improved portion of said street to an improved street, or where there is an unimproved street between improved parallel streets, and a majority of the owners owning a majority of the lineal footage of property abutting the street or unimproved portion thereof, are unwilling or fail to petition for its improvement, and the Board of Aldermen shall find by a personal inspection by each member of the Board that the public interest requires that the paving and improvement of said street is necessary by reason of heavy traffic, safety, or is necessary in the public interest, the Board of Aldermen may, without petition,

order the making of such improvement and the assessment of the cost thereof against abutting property in the same manner as such assessment would be made upon petition. Before any order is made requiring such street improvement under the provisions of this section, the Board of Aldermen of the Town of Chapel Hill shall give at least ten (10) days written notice of such proposed action to each owner of property to be assessed of a public hearing to be held by the Board of Aldermen for the purpose of considering such order at which all persons to be affected by said order shall be given the opportunity to be heard.

"In ordering improvements without a petition and in assessing the costs thereof under authority of this section, the Board of Aldermen shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes or any statute amending or replacing it, except those provisions relating to the petition of property owners and the sufficiency thereof. The effect of the acts of levying and confirming assessments under authority of this section shall for all purposes be the same as if the assessments were levied and confirmed under authority of and pursuant to Article 9, Chapter 160 of the General Statutes or any statute amending or replacing it."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1971.

H. P. TAYLOR, JR.

H. P. Taylor, Jr.

President of the Senate

PHILIP P. GODWIN

Philip P. Godwin

Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
1971 SESSION
RATIFIED BILL

CHAPTER 102

HOUSE BILL 346

AN ACT TO AUTHORIZE RESIDENTS OF THE TOWN OF CHAPEL HILL RESIDING
IN DURHAM COUNTY TO REGISTER WITH THE ORANGE COUNTY BOARD OF
ELECTIONS FOR CERTAIN PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Subchapter B of Chapter II of Section 1 of
Chapter 87 Session Laws of 1961 is hereby amended by adding new
paragraphs at the end of Section 2.23 to read as follows:

"So long as the Town of Chapel Hill is making use of the
Registration Books of Orange County pursuant to the provisions of
this section, or any other law which provides for the use of the
Registration Books of Orange County in all municipal elections
conducted within the Town of Chapel Hill, the Board of Elections
of Orange County is authorized to register qualified residents of
the Town of Chapel Hill who reside in Durham County in the
Registration Books of Orange County, such registration to be
clearly marked to indicate that such registration is for the
purpose of voting in municipal elections only. Any resident of
the Town of Chapel Hill authorized to be registered by this
section, who has been provisionally registered prior to the
effective date of this act, shall upon ratification hereof be
deemed to have been validly registered for the purpose of voting
in all municipal elections of the Town of Chapel Hill.

The Registrars appointed by the Board of Aldermen of the Town of Chapel Hill for the election precincts lying in whole or in part within the County of Durham are hereby authorized and directed to permit all persons registered pursuant to the provisions of this section to vote in all municipal elections.

The authority granted herein is supplemental to all Special Acts authorizing or establishing election procedures within the Town of Chapel Hill, and it is not intended to repeal or supercede any such act, but is supplemental thereto."

Sec. 2. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of March, 1971.

H. P. TAYLOR, JR.

H. P. Taylor, Jr.

President of the Senate

PHILIP P. GODWIN

Philip P. Godwin

Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
1971 SESSION
RATIFIED BILL

CHAPTER 45

HOUSE BILL 194

AN ACT TO AMEND CHAPTER 87 OF THE SESSION LAWS OF 1961 RELATING
TO THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. Section 4.181 of the Charter of the Town of Chapel Hill as set forth in Section 1, Chapter 87 of the Session Laws of 1961, as amended, is amended by striking therefrom the phrase "within the territorial jurisdiction of the Chapel Hill Records Court", and substituting in lieu thereof "within five (5) miles thereof within Orange County."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1971.

H. P. TAYLOR, JR.

H. P. Taylor, Jr.

President of the Senate

PHILIP P. GODWIN

Philip P. Godwin

Speaker of the House of Representatives

GENERAL ASSEMBLY OF NORTH CAROLINA
1971 SESSION
RATIFIED BILL

CHAPTER 51

HOUSE BILL 166

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF CHAPEL HILL TO CREATE AND ESTABLISH SPECIAL CAPITAL RESERVE FUNDS AND TO MAKE CERTAIN APPROPRIATIONS TO SAID FUNDS AND TO PROVIDE FOR THE WITHDRAWAL AND USE OF SUCH FUNDS FOR PUBLIC PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other funds now authorized by law, the Town of Chapel Hill is hereby authorized and empowered to establish and maintain certain capital reserve funds in the manner hereinafter provided.

Sec. 2. When the governing body of the Town of Chapel Hill elects to establish a capital reserve fund, it shall adopt an ordinance creating the fund. In such ordinance, the governing body may provide that all or a part of the fund shall be used specifically for any one or more of the purposes enumerated in Section 6.

Sec. 3. Upon the adoption of an ordinance establishing a capital reserve fund, the governing body may pursuant to the provisions of the municipal fiscal control act make appropriations from the general fund of the municipality for payment to the capital reserve fund, provided, however, that appropriations to such funds as may not be necessary expenses within the provisions of Section 7, Article VII of the Constitution of North Carolina may be made only from such funds

as may be legally available therefor. Thereafter, appropriations may be made in the same manner at any time from time to time in the discretion of the governing body.

Sec. 4. In the ordinance creating the capital reserve fund, the governing body shall designate some bank, banks, or trust company in this State as depository in which monies of the fund shall be deposited. All such deposits shall be secured as provided by G.S. 159-28 of the local government act.

Sec. 5. Pending their use for the purposes hereinafter authorized, all or part of the monies in the capital reserve fund may be invested as provided in G.S. 160-431.

Sec. 6. Subject to the provisions of the ordinance establishing the capital reserve fund, expenditure of monies in the fund may be made at any time or from time to time in the manner hereinafter provided for all or part of the costs of the following purposes:

1. Construction or reconstruction of sidewalks.
2. The acquisition of parks, recreational areas, and open space.
3. The acquisition or construction or enlargement of a municipal animal shelter, capital equipment, or other capital uses in connection with animal control.

Sec. 7. The governing body, by resolution, shall authorize the withdrawal of monies in the capital reserve fund in accordance with the provisions of G.S. 160-433.

Sec. 8. It shall be unlawful to withdraw or expend or to cause to be withdrawn and expended, all or any part of a

capital reserve fund, for any purpose other than the purposes authorized by this act.

Sec. 9. If any section or any part of this act is declared to be invalid for any reason, such declaration shall not affect the remaining portions, and it is declared to be the legislative intent that such remaining portions would have been enacted separate and apart from that portion so declared to be invalid.

Sec. 10. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 11. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1971.

H. P. TAYLOR, JR.

H. P. Taylor, Jr.

President of the Senate

PHILIP P. GODWIN

Philip P. Godwin

Speaker of the House of Representatives

Alderman Wallace stated that those citizens he had talked to were not the merchants and that their concern was from the stand point of traditional Chapel Hill. He further stated that the issue should not be confused, that even though it may be clearly with the authority of the Board of Aldermen to permit or regulate vending this does not necessarily imply that they should do so. He said that the real issue is whether or not the cost to the public in permitting such activities is counterbalanced by the good to be derived from it. He further stated that he understood the concern of the merchants. That rental and property values on Franklin Street were about \$6,000.00 per foot and that this high rent had changed the character of the street for the bad and has run a lot of small markets away. He stated that in his opinion that a marketplace for the small vendors was in the public interest and a legitimate public purpose for the Town. He did not believe that an appropriate place was on the streets or sidewalks of Franklin Street, but that the parking lot between the North Carolina National Bank and the Post Office should be double decked, improved in appearance with trees, shrubbery, possibly a fountain, and a Town marketplace with attractive stalls to accommodate the vendors be built thereon. The construction of such a facility could be through a revenue bond issue which would be self liquidating.

The Board requested that this item be placed on the agenda for the September 6 meeting for further discussion.

CHANGE OF MEETING DATES

Alderman Coxhead moved, seconded by Alderman Wallace that the Board of Aldermen not meet on August 23 and 30. This was unanimously carried.

DISPLAY OF ART

Alderman Welsh presented recommendations for the display of art in the Municipal Building.

RECOMMENDATIONS FOR DISPLAY OF ART IN THE MUNICIPAL BUILDING

The Committee appointed to consider the display of art in the Municipal Building recommends a modification of the proposal by Mr. Gene Allcott for one-man shows in the outer lobby of the Building.

The Committee believes that the display of art can enhance the appearance of the Municipal Building and is desirable. To achieve this, local artists shall be afforded the opportunity of displaying their works where the public can view them. To this end the Committee has recommended the following procedures for the display of art in the Municipal Building.

1. That a Selection Committee be appointed (by the Mayor or the Board of Aldermen) to review art works, either paintings or sculptures, which artists desire to display in the Municipal Building. The Committee would have the responsibility of notifying local artists of exhibit dates and procedures and the authority to determine the number of works to be exhibited, as well as to select, assign space for, and supervise the display of such works.
2. Works of art shall be displayed for a period not to exceed six months.
3. Permanent wall hangers shall be provided by the Town on the plaster board walls of the interior lobby on the main floor of the Building, and along the hall on the upper floor of the Building. Paintings shall be suitably framed and made ready for hanging by the artist.
4. The title of the work, the name of the artist, the medium and the date of the work shall be attached to the front of the painting or sculpture. Identification information: name, address and telephone number of the artist will be placed on the back of the painting.

5. Spaces for displaying art within the Building may be changed from time to time on the recommendation of the Committee.

6. The Town shall not be the selling agent, nor be responsible for paintings and sculpture displayed in the Building. Forms releasing the Town from this responsibility shall be provided and must be signed by the artist before works will be accepted.

7. The artists will be responsible for removing their works from the Municipal Building at the close of the exhibit period.

Respectfully submitted,

Alice Welsh, Chairman
Emery Denny
Robert H. Peck

Alderman Wallace moved, seconded by Alderman Welsh, that these recommendations be approved as amended. This was unanimously carried.

LAUREL RIDGE APARTMENTS

Mayor pro tem Smith read a transmittal from the Planning Board recommending that the request for modification of a Unified Housing Special Use Permit for Laurel Ridge Apartments be approved, subject to the stipulations of Transmittal #4 of 12, dated July 6, 1971, and of the Public Works report, dated January 30, 1971, as follows:

1. That the following stipulations, imposed by the Board of Aldermen on June 10, 1968, shall continue to be binding:
 - a. That distances between buildings be increased to the minimum permitted by the Zoning Ordinance;
 - b. That the following recommendations of the Appearance Commission be included in the landscape plan:
 - (1) That the monotony of the large parking areas be broken up with interspersed planted areas;
 - (2) That the steep grade in the southwest corner (the proposed commercial area) maintain a two to one or even three to one slope and to be planted with a ground cover providing easy maintenance as well as attractiveness;
 2. That curb and gutter be provided for all drives and parking areas;
 3. That all recommendations of the Public Works Department be complied with;
 4. That the project shall be started within one year and completed within three years of the date of this approval.
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1. See town Planner for proposed thoroughfare along the eastern property line.
 2. Get State approval for all storm sewer pipe on N.C. 54 right of way.
 3. The Town will accept maintenance on sanitary sewers that conform to all local standards and requirements.
 4. 30 foot easements for sanitary sewer lines as indicated on site plan reviewed by this department.
 5. A recordable plat dedicating all easements and rights of ways.
 6. As built drawings of utilities.
 7. Bulk garbage containers will be required.

Alderman Coxhead moved, seconded by Alderman Scroggs that this request for modification of a Unified Housing Special Use Permit for Laurel Ridge Apartments be approved with the stipulations. This was unanimously carried.

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SEWER CONTRACT

Alderman Coxhead moved, seconded by Alderman Wallace, that the low bid of \$149,238.50, submitted by Central Builders of Rocky Mount, N.C., be accepted on sewer service for Purefoy Road, Whitehead Circle, and Chase Avenue, subject to the contractor's agreement to proceed at this time (more than 30 days after bids have been taken) and that the proper Town officials be authorized to sign the contract. This was unanimously carried.

Mayor pro tem Smith read a proposed ordinance establishing no parking areas under the Code of Ordinances of the Town of Chapel Hill.

AN ORDINANCE TO AMEND CHAPTER 21, CODE OF ORDINANCES, TOWN OF CHAPEL HILL:

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

SECTION I

That Chapter 21, Code of Ordinances, Town of Chapel Hill, is hereby amended by adding the following to Section 21-27, No Parking as to particular streets:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Ransom Street	West	Vance St. Ext.	a point 140 feet north of said Street

SECTION II

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

This the 2nd day of August, 1971.

Alderman Welsh moved, seconded by Alderman Wallace, that the ordinance be adopted as read. This was unanimously carried.

BOOKER CREEK TOWNHOUSES

The Town Attorney read a modification to the Special Use Permit for the Booker Creek Townhouses.

TOWN OF CHAPEL HILL

NORTH CAROLINA
ORANGE COUNTY

MODIFICATION TO
SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s) ROBERTS CONSTRUCTION COMPANY having applied to the Town of Chapel Hill for a modification to the Special Use Permit for the use and development of the property hereinafter described, and the same having been granted July 26, 1971 the terms of which are as follows:

DESCRIPTION OF PREMISES

Orange County Tax Map 27, Block A, Lot 2 as more fully described in Special Use Permit recorded in Book 225 at Page 1869, Orange County Registry.

PROPOSED SPECIAL USE

Town House Development of 118-units as modified.

SPECIAL TERMS AND CONDITIONS

1. Special terms and conditions contained in the Special Use Permit recorded in Book 225 at Page 1869, Orange County Registry are continued in effect except as modified herein.
2. Each window in the project shall consist of 4 horizontally oriented panes (8-panes in a double window installation) as shown on the prospective sketch dated June 2, 1971, through the removal of the snap-in vertical mullions.
3. All exterior front doors are to be of flush solid core construction and not of six panel type.
4. Wing Walls are to be constructed as shown on drawings in initial application and prospective dated June 2, 1971 of brick identical to the veneers of the buildings.
5. Screen planting for the brick ends of buildings in cul-de-sac one are to be provided in accordance with revised landscape plan dated

June 1, 1971.

6. Eaves may be boxed as currently built and as shown on prospective sketch dated June 2, 1971.
7. Projections over doors in cul-de-sac one may remain as currently constructed and as shown on prospective sketch dated June 2, 1971 in cul-de-sac one. In other structures, these projections shall be extended horizontally in both directions so that the end of the projections line up vertically with the brick veneer of the lower story.
8. Horizontal casing boards as now exist may remain as installed.
9. Absence of roof over-hang at gables as shown on prospective sketch dated June 2, 1971 is approved.
10. Panel doors in rear entries rather than glass doors is approved.
11. Vertical siding divided by a horizontal member on the ends of some of the buildings is approved.
12. As a specific condition of this Modification to the Special Use Permit, it is agreed that except as herein modified the plans and specifications in connection with this application are to be construed as specific and binding, and any deviation, modification or omission therefrom shall constitute a material modification of the special use permit and the building permit issued pursuant thereto. Failure to follow such detailed plans and specifications and the approved conditions stated herein shall be grounds for revocation of the building permit and special use permit, and the denial of further permits for construction or occupancy, such condition being agreed to by the Owner in consideration of the granting of this modification.

IN WITNESS WHEREOF, The Town of Chapel Hill has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said Special Use Permit as a covenant running with the land.

ATTEST

The Town of Chapel Hill
BY _____

Town Clerk

ACCEPTED

(Seal)

Owner

(Seal)

Owner

Corporate Name

ATTEST

By _____
Title

Secretary

NORTH CAROLINA
ORANGE COUNTY

I, _____, a Notary Public in and for said county and State, do hereby certify that _____, Town Manager of the Town of Chapel Hill, and _____, Clerk, Town of Chapel Hill, personally came before me this day and being by me duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that _____, Town Manager of said Town of Chapel Hill, and _____, Clerk for the Town of Chapel Hill, subscribed their names thereto; that the corporate seal of the Town of Chapel Hill was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Chapel Hill.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the _____ day of _____, 19____.

Notary Public

My commission expires: _____

NORTH CAROLINA
ORANGE COUNTY

I, _____, a Notary Public in and for said State and County do hereby certify that _____,

owners, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS My Hand and Notarial Seal, this the ____ day of _____, 19__.

Notary Public

My commission expires: _____

NORTH CAROLINA
ORANGE COUNTY

This ____ day of _____, 19__, personally came before me, _____, a Notary Public of Orange County, N.C., who being by me duly sworn, says that he knows the common seal of the _____, and is acquainted with _____, who is president of said corporation and he, _____ is the Secretary of said Corporation, and saw the said President sign the foregoing instrument and that he, _____, Secretary as aforesaid, affixed said seal of said instrument, and he, the said _____, signed his name in attestation of the execution of said instrument in the presence of said President of said Corporation.

WITNESS my Hand and Notarial seal, this the ____ day of _____, 19__.

Notary Public

My commission expires: _____

Alderman Wallace moved, seconded by Alderman Welsh that this modification be adopted as read. This was unanimously carried.

HANDICAPPED

Mayor pro tem Smith read a letter from Mrs. Paul W. Harvel thanking the Board for helping the handicapped with parking spaces.

JONAS KESSING

Alderman Welsh stated that Mr. Kessing had not lived up to the agreement he had come to at the meeting on July 19th on the barricades, as no improvements to date have been made. Alderman Wallace moved, seconded by Alderman Welsh, that the Building Inspector be advised that the Building Permit for Mr. Kessing is no longer in effect, and that the Building Inspector be instructed to notify Mr. Kessing immediately of this action. The motion carried by a vote of three to two, with Aldermen Wallace, Welsh, and Smith voting for, and Aldermen Coxhead and Scroggs voting against.

Alderman Wallace moved, seconded by Alderman Welsh, that Mr. Kessing be advised (ten days from August 3, 1971) to remove the barricades and fill in the Town's property that had been removed, within 10 days, and that Mr. Kessing be notified of this immediately. This was unanimously carried.

NEW POLICE

Alderman Welsh moved, seconded by Alderman Wallace, that the Chief of Police be authorized to hire two additional patrolmen immediately. This was unanimously carried as authorized in the Budget.

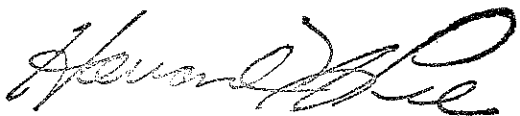
UNC CONTRIBUTION

Alderman Wallace suggested that the Town and University discuss the Universities contribution for the following year several months before adoption of the budget.

BEER ORDINANCE

Alderman Scroggs suggested that the Board discuss the Beer Ordinance at the next meeting in light of recent statutory changes in the ABC laws of the State.

— The meeting adjourned at 5:58 P.M.



Mayor


Town Clerk, David B. Roberts