

## MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M. on August 9, 1971 with the following members present: Mayor pro tem Smith, Aldermen Coxhead, Scroggs, Welsh, and Wallace. Mayor Lee and Alderman Nassif were absent. Also present were Town Manager Peck and Town Attorney Denny.

## MINUTES

Attorney Denny told the Board that there were a number of corrections that should be made to the minutes of August 2, and suggested that no action be taken on these until they were corrected. Alderman Welsh moved, seconded by Alderman Coxhead that approval of these minutes be deferred until August 16. This was unanimously carried.

## KESSING BARRICADE

Jonas Kessing told the Board that he had been unable to improve the appearance of the barricade on East Franklin Street as ordered by the Board of Aldermen and agreed to by himself by the deadline of August 2, but that it was now completed, and he asked that the action of the August 2nd meeting be rescinded as that would require him to move the barricade onto his own property and fill in the front and it would have to be rebuilt before construction could be started on the building. The action at the meeting of July 19th allowed Mr. Kessing two weeks to improve the barricade and 90 days to start construction of a building. Alderman Scroggs asked what improvements had been made? Alderman Coxhead said that the barricade had been painted and a top row of wood shingles had been added to improve the appearance and some planting had been done in front of it. Alderman Coxhead moved, seconded by Alderman Scroggs to rescind the action of August 2, 1971 ordering the barricade moved. Attorney Denny said that the building permit had expired and suggested that the motion be to approve the present appearance of the barricade and continue the 90 day limit for starting a building, dating from July 19th rather than to rescind the motion. Alderman Coxhead and Scroggs agreed to this form of the motion. Alderman Welsh said that she would prefer to see the barricade removed as Mr. Kessing was delinquent in carrying out his commitments. Mr. Kessing said that moving it back onto his property would not approve the appearance and that this apparently was the reason for the action. Alderman Smith said that Mr. Kessing had been allowed to set his own time for making the improvement, but had failed to do so, and then had not even appeared at the August 2nd meeting to explain why he had not met his deadline. Alderman Wallace said that he would go along with Mr. Kessing's request, but with reluctance. Alderman Scroggs asked if the fact that the excavation had been made would be considered as starting the building, and thereby validating the permit? Mr. Denny said that the excavation at the time it was done did not require a permit, and that a foundation permit was issued sometime after the excavation work was completed, but that no foundation had been started. Alderman Wallace called for the question, which carried by a vote of three to two with Alderman Welsh and Smith opposing. Mr. Kessing assured the Board that he would meet future deadlines.

## BICYCLE ROUTES

Craig Hemmens and Paul Kinnaird presented a petition to the Board asking for a published map of the bicycle routes. Alderman Welsh moved, seconded by Alderman Scroggs that this be received and discussed immediately. This was carried unanimously. She said that she thought that the map was a good idea, and asked that one be prepared. It was suggested that this be put on the back of the set of instructions which had been prepared by the Town. Alderman Wallace suggested that the Chamber of Commerce might be able to include this information in their publications. Alderman Welsh said that the League of Women Voters was preparing a brochure and it might be included in that.

## SPECIAL USE - SERVICE STATIONS

The Aldermen discussed the recommendation by the Planning Board in their transmittal #3 of 4, recommending that a hearing be advertised

for September to amend the zoning ordinance to establish a separate special use for service stations, and prohibit them within the Central Business District. Alderman Scroggs questioned the prohibition under paragraph g-1 which would allow service stations on only two corners of an intersection. He said that he felt that this violated the principal of uniform zoning within a district. Alderman Welsh said that it was used in other cities, and suggested that there could be overlapped districts in which service stations would be permitted or prohibited. Mr. Opdenbrow, Planning staff, told the Board that the penalties for non-conforming use were less stringent for service stations under the proposed plan than for non-conforming uses. Alderman Scroggs raised the problem of an intersection with service stations now on three corners, questioning which of the three existing service stations would become non-conforming. Alderman Smith asked if it could be advertised in this form and changed after the public hearing? Attorney Denny said yes, if it were made less restrictive rather than more restrictive. Alderman Scroggs said that he would like to have the Attorney make a ruling on the matter of uniform zoning, if such information were available. He also questioned paragraph e-2, and asked what the purpose of the wall in front of the service station would be? He said that he felt it would be useful if it were to separate the cars from the pedestrians, but not otherwise. It would be required on the service station property. Mr. Berger said that it would serve as a screen for headlights. Alderman Coxhead noted that the requirement called for continuous wall along the street without allowing for driveway cuts. Alderman Wallace suggested that the Planning Board look at these points, and report back to the Board of Aldermen. It was noted that the Planning Board would not meet in time to refer to the Board of Aldermen again, and still advertise for the September hearing. Alderman Wallace then moved, seconded by Alderman Welsh that the Planning Staff and Town Attorney study these points and return the report to the Board of Aldermen. This was unanimously carried. Alderman Welsh suggested that the service area of a gasoline station be placed behind the building rather than in front or on the side.

#### CHURCH STREET APARTMENTS

Transmittal #1 of 4 from the Planning Board recommending approval of the apartment project at the north end of Church Street was read also a memorandum from the Appearance Commission recommending submission and approval of landscaping plan. Mr. Opdenbrow pointed out to the Board the changes in the site plan which met previous criticisms by the Planning Board. Alderman Welsh questioned whether there was access to this project from a major street. Attorney Denny said that the access to a major street was a requirement of R-3 zoning, not special use, and that the Town had found that this requirement was met when they zoned the area R-3. Alderman Welsh said that this was similar to a project which had been rejected last year by the Board of Aldermen, that it didn't fit the area, the land was too steep, there was a drainage problem, and the housing was not the type that should be encouraged. She said that there was too much public housing in this area. Alderman Smith questioned the requirement of a sidewalk to McMaster Street? Mr. Opdenbrow said that this was probably an oversight on the part of the Planning Board, that the sidewalk should have gone to Pritchard Avenue. Alderman Smith said that this was not a suitable location for public housing, that the banks were steep and dangerous, and he felt that there would be a drainage problem, and that he was opposed to this project. Mr. Opdenbrow said that the Public Works Department considered the drainage acceptable. Alderman Scroggs said that the drainage and grades here were not greater than those of the Interchurch Council project on NC 54. Alderman Welsh said that there was much more cut and fill on this project than on the Interchurch Council project. Alderman Coxhead moved, seconded by Alderman Scroggs that the Board find that this project would not endanger the public health and safety if located where proposed, and developed according to the plan approved, that the use meets all required conditions and specifications, that the use will not injure the value of adjoining or abutting property, and the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs. He further moved that the Board of Aldermen approve the

proposal for 40 dwelling units to be constructed north of the north end of Church Street with access on Pritchard Street as proposed in the plans submitted by Mr. Paul Seibel entitled Church Street Apartments, prepared by City Planning and Architectural Associates with the latest revision date of 7/23/71, with the following stipulations:

1. That a final plat be recorded showing all easements,
2. That a paved sidewalk be shown on the plans and constructed from the project to Pritchard Avenue and/or McMaster Street,
3. That the design and size of all proposed sanitary and storm sewers be approved by the Public Works department,
4. That the location of the container for garbage be approved by the Public Works Department,
5. That all cuts and fills as shown on the project topographical map and plan be treated in the following fashion:  
Grades less steep than one vertical to 1½ horizontal shall be seeded; grades steeper than 1 vertical to 1½ horizontal but less steep than 1 vertical to 1 horizontal shall be covered with rip rap; grades steeper than 1 vertical to 1 horizontal shall have retaining walls. This treatment of grades shall be indicated on a plan which shall be submitted for approval by the Town Manager prior to issuance of a Special Use Permit;
6. That a detailed landscape plan be reviewed and approved by the Appearance Commission prior to the issuance of a building permit, this plan specifically to include ground cover adequate to prevent damage by erosion,
7. That the project be started within one year, and completed within three years of this date.

The motion was seconded by Alderman Scroggs. Alderman Wallace said the lot, while steep, was not unbuildable, and that he would go along with this project. The motion was carried by a vote of three to two with Aldermen Wallace and Smith opposing.

#### PRELIMINARY PLAT - NORTHSIDE SCHOOL

Alderman Scroggs told the Board that the School Board was considering a revision in this plat and requested that any consideration by the Board of Aldermen be postponed until the School Board had made a final decision. He moved, seconded by Alderman Coxhead, to delay consideration of this plat until August 16th. This was unanimously carried.

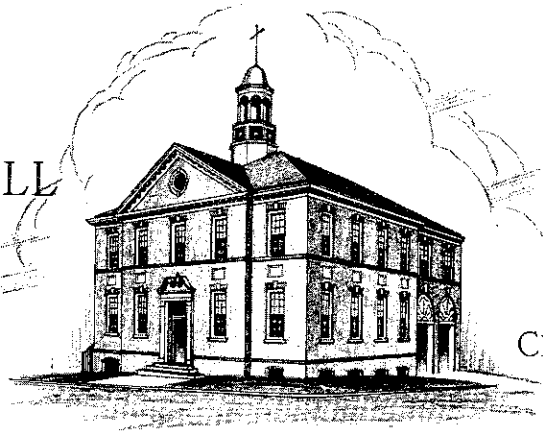
#### OFF STREET PARKING

Mr. Mike Levine, representing Mr. Ralph Taylor, asked that the Board approve the leasing of 16 spaces in the proposed NCNB parking building as meeting the requirement for off street parking for a building to be constructed by Mr. Taylor on the southwest corner of Rosemary and Columbia Street. He said that Mr. Taylor had an option for the 16 spaces for 15 years with three renewable five year periods. He said that Mr. Longiotti had proposed a parking deck for 240 cars, of which 200 were required by the NCNB building. Mr. Wallace asked how this would be enforced at the end of 15 or more years? Mr. Levine said that this could be enforced by revoking the Certificate of Occupancy if the parking were not renewed, or provide parking elsewhere. Alderman Scroggs said that this would require considerable bookkeeping by the Town. The Town Manager said that he felt that a procedure could be worked out with annual reporting by the owner of the building on parking available. Alderman Welsh said there should be a contract which would involve Longiotti and Taylor and the Town. The Town Manager suggested that a resolution be prepared by himself and the Town Attorney establishing procedures for this type of parking and meeting the parking requirements which could be presented to the Board of Aldermen at the next meeting. Alderman Wallace moved, seconded by Alderman Coxhead that the concept of this type of parking be approved and that the Town Manager be asked to prepare a resolution adopting this as a policy at the meeting of August 16. This was unanimously carried.

#### STREET PAVING ASSESSMENT

The Town Manager reported that Mr. D. P. Dorgan of 1206 Hillview owned a very narrow strip of land, 3 to 5 feet in width, on the south side of Hargrave Terrace, for which he was assessed when the street was improved. Mr. Dorgan had asked that the Town accept this piece of property in lieu of the assessment. This was recommended by the

# TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

NORTH CAROLINA  
ORANGE COUNTY

I, Howard N. Lee, do solemnly swear that I will support the Constitution of the United States; so help me, God.

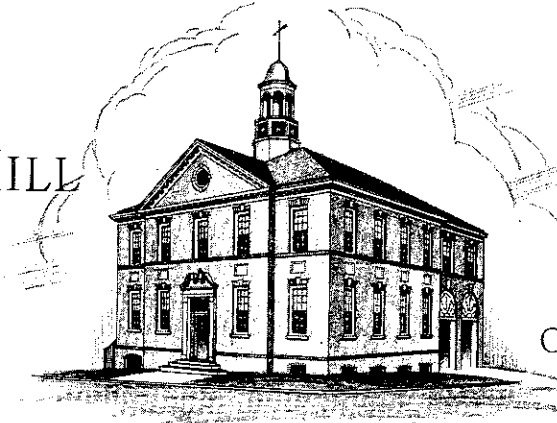
I, Howard N. Lee, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Howard N. Lee, do solemnly swear that I will dilligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement all the duties of the office of Mayor of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

The above oaths were this day, May 10, 1971, subscribed and sworn to before me.

David B. Roberts  
TOWN CLERK

# TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

NORTH CAROLINA  
ORANGE COUNTY

I, James C. Wallace, do solemnly swear that I will support the Constitution of the United States; so help me, God.

James C. Wallace

I, James C. Wallace, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

James C. Wallace

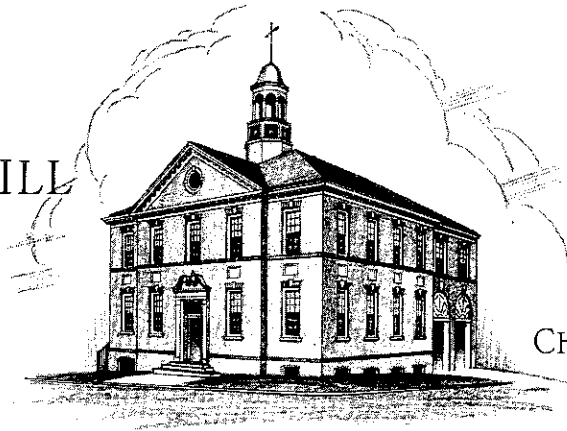
I, James C. Wallace, do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

James C. Wallace

The above oaths were this day, May 10, 1971, subscribed and sworn to before me.

David B. Roberts  
TOWN CLERK

# TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

NORTH CAROLINA  
ORANGE COUNTY

I, Alice Welsh, do solemnly swear that I will support the Constitution of the United States; so help me, God.

Alice Welsh

I, Alice Welsh, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

Alice Welsh

I, Alice Welsh, do solemnly swear that I will dilligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

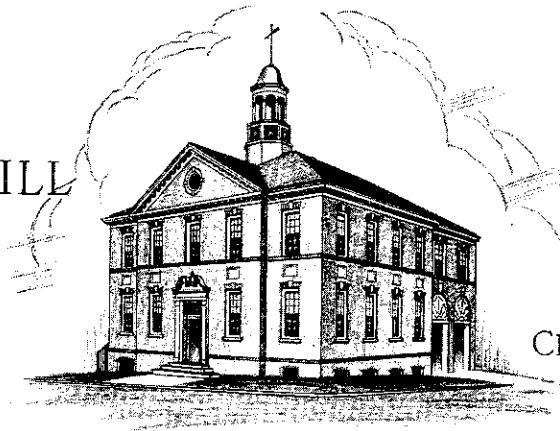
Alice Welsh

The above oaths were this day, May 10, 1921, subscribed and sworn to before me.

David B. Roberts

TOWN CLERK

# TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

NORTH CAROLINA  
ORANGE COUNTY

I, R. D. Smith, do solemnly swear that I will support the Constitution of the United States; so help me, God.

R. D. Smith

I, R. D. Smith, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

R. D. Smith

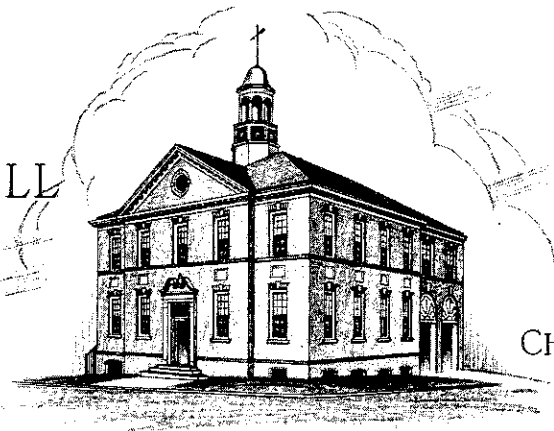
I, R. D. Smith, do solemnly swear that I will dilligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

R. D. Smith

The above oaths were this day, May 10, 1951, subscribed and sworn to before me.

David B. Roberts  
TOWN CLERK

# TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

NORTH CAROLINA  
ORANGE COUNTY

I, Joe Nassif, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, Joe Nassif, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Joe Nassif, do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill, and judgement all the duties of the office of Alderman of the Town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the Town; and in the discharge of my duties I will do equal justice in all cases whatsoever, so help me, God.

The above oaths were this day, May 10, 1971, subscribed and sworn to before me.

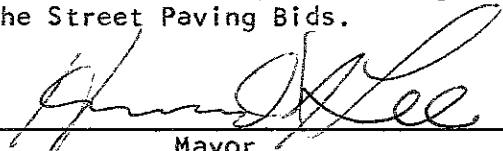
David B. Roberts  
TOWN CLERK



NOTICE OF SPECIAL MEETING OF THE BOARD  
OF ALDERMEN OF THE TOWN OF CHAPEL HILL

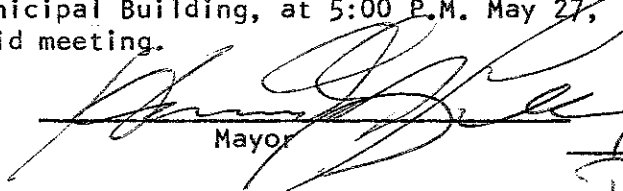
TO: Mrs. Alice Welsh  
Mr. Ross Scroggs  
Mr. Joe Nassif  
Mr. James Wallace  
Mr. George Coxhead  
Mr. Reginald Smith


You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Municipal Building, at 5:00 P.M. on May 27, 1971, to discuss the Street Paving Bids.

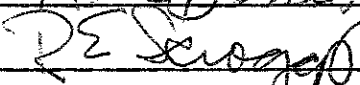
  
\_\_\_\_\_  
Mayor

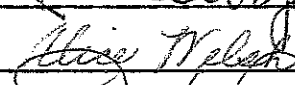
ACCEPTANCE OF NOTICE

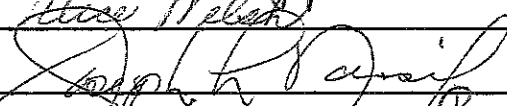
We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable Howard N. Lee, Mayor to be held in the Municipal Building, at 5:00 P.M. May 27, 1971, and hereby waive notice of said meeting.

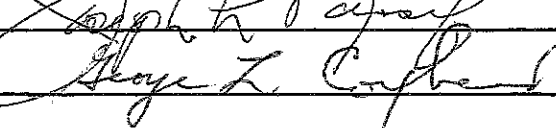
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
R. D. Smith

  
\_\_\_\_\_  
R. E. Scroggs

  
\_\_\_\_\_  
Alice Welsh

  
\_\_\_\_\_  
Joseph H. Nassif

  
\_\_\_\_\_  
George L. Coxhead

\_\_\_\_\_

Town Manager. Alderman Wallace moved, seconded by Alderman Coxhead that the Town should agree to accept this strip of land from Mr. Dorgan and cancel the assessment against him. This was unanimously carried.

#### SOLICITOR

The Town Manager presented a letter from the district solicitor requesting that the Budget be approved by the Town in support of the Assistant Solicitor's office be revised to \$1,768.00 in personnel for which to employ a law clerk for \$2.00 an hour for 17 hours per week, taking the additional \$568.00 from the furniture account in the Budget. The total budget for the Assistant Solicitor's office would not be changed. Alderman Coxhead moved, seconded by Alderman Wallace that this be approved, but that the total budget should not be increased. This was unanimously carried.

#### PARKING FACILITY BONDS

The Town Manager reported that the owner of the Sport Shop had lost two Parking Facilities Revenue Bonds and asked to have them replaced. The Town Attorney told the Board that general statutes provided the proper authority for replacing these bonds, but that an indemnity bond, for double the value of the lost bonds and interest were required. These had been obtained by the owner. Alderman Coxhead moved, seconded by Alderman Wallace that the following resolution (See below) covering the replacement of these bonds be adopted. This was unanimously carried.

#### RESOLUTION

WHEREAS, it has been made to appear that the Town of Chapel Hill, North Carolina, Parking Facilities Revenue bonds, Numbers 157 and 423, in the principal amount of \$500.00 each, due 12/1/2000 have become lost; and

WHEREAS, the owner of said bonds, The Sport Shop, Inc., T/A Varsity Men's Shop, 1301 E. Morehead St., Durham, N.C., has made a request to the Town of Chapel Hill, North Carolina, to pay the amount of same; and

WHEREAS, the owner of said bonds has complied with the requirements of G.S. 98-19 and G.S. 98-20 by filing an indemnity bond in double the amount claimed by reason of the loss of said bonds, as required by the statutes referred to above:

NOW, THEREFORE, on motion of Alderman Coxhead, seconded by Alderman Wallace, the Town Clerk of The Town of Chapel Hill, North Carolina, is authorized and empowered to make settlement for or issue new bonds for said bonds herein described.

#### COMMUNITY APPEARANCE COMMISSION

Alderman Scroggs questioned whether the requirement that the type of material on the exterior of a building should be specified for review by the Appearance Commission which effectively tied down the developer to use of that material was a legal procedure. Mr. Jim Webb, representing the Appearance Commission said that he felt that the material was so closely associated with building design that it was necessary to consider it, but that he did not feel that it should be an absolute limitation placed on the development of the building. Alderman Scroggs said that if the material was indicated on the plan and the plan approved as submitted, that it became a requirement that could not be changed without going through modification procedures. He suggested that this be a matter that could be discussed with the developer but not made part of the application. Alderman Welsh said that the material could be very important in some places. Mr. Opdenbrow said that the ordinance required that the roof line, height, and exterior building materials be specified. Alderman Scroggs questioned the legality of this requirement. Alderman Wallace suggested that the Appearance Commission develop a form which could be submitted by the developers and not be considered part of the plans and therefore not binding. He asked that the Appearance Commission prepare such

110 a document. Mr. Opdenbrow said that the check list now used by the Appearance Commission contained most of this information and could be revised to provide what was needed. Alderman Wallace complimented the Appearance Commission on their contribution to Chapel Hill. Attorney Denny said that the Board should continue its study of this matter and decide to what extent detail would be binding on special use permits.

#### CORRECTION TO MINUTES

Alderman Welsh moved, seconded by Alderman Wallace, that the minutes of the meeting of July 12th be corrected as follows:

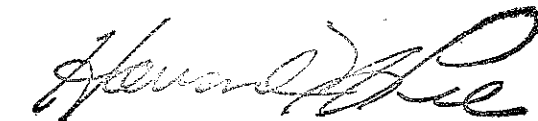
#### CORRECTION TO THE MINUTES OF THE MEETING OF JULY 12, 1971 OF THE BOARD OF ALDERMEN

#### CITIZEN'S ADVISORY COMMITTEE

The following persons were re-appointed to two year terms but were omitted from the minutes of July 12, 1971: Mrs. Diane Brown, Mr. George Harris, Mrs. Rebecca Clark, Mr. Howard Sumka.

This was unanimously carried.

The meeting adjourned at 9:55 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 August 16, 1971 with the following members present: Mayor pro tem Smith, Aldermen Scroggs, Coxhead, Welsh, Wallace, and Nassif. Mayor Lee was absent. Also present were Town Manager Peck and Town Clerk Roberts.

#### MINUTES

Alderman Welsh moved, seconded by Alderman Coxhead, to approve the minutes of the meeting of August 2, 1971 as corrected. This was unanimously carried.

Alderman Wallace moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of August 9, 1971 as corrected. This was unanimously carried.

#### NORTHSIDE SCHOOL PROPERTY

Alderman Nassif asked that the proposal for the Town to purchase some of the land belonging to Northside School be discussed when the subdivision of this property was discussed.

#### SEWER SERVICE - APARTMENTS IN CARRBORO

The Town Manager explained that Mr. Bobby Roberts had plans for construction of 296 apartment units in the Town of Carrboro at the eastern end of Pleasant Drive which is below the pump station serving that area of Carrboro, and had requested that he be allowed to build a sewer outfall to be served by Chapel Hill's Bolin Creek outfall. He pointed out that the long range plans for Carrboro, indicate the desirability of eventual connection of the northeast portion of Carrboro to the Chapel Hill sewer system at Bolin Creek, but that this was not feasible from Chapel Hill's point of view until new treatment facilities were available in the Little Creek basin and larger outfalls were constructed on Bolin Creek. An acceptable solution from both Chapel Hill's and Carrboro's point of view would be a temporary connection to be constructed by Mr. Roberts to the Chapel Hill system with the understanding that Carrboro would, within the next few years,