


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

The meeting adjourned at 6:30 P.M.


Mayor


Town Clerk, David B. Roberts

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular quarterly hearing with the Planning Board at 7:30 P.M., Monday, September 27, 1971 with the following members present: Mayor Lee, Aldermen Smith, Welsh, Scroggs, Wallace, and Nassif. Alderman Coxhead was absent.

The Planning Board members present were Chairman Weiss, Mitchell, Shearer, Wallace, Hemmens, Hurow, and Spransy. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny. Mayor Lee told the audience that the usual rules of procedure were to hear a discussion of the proposal by the Planner and the Developer, then questions by the Board of Aldermen and the Planning Board, and questions or statements from the audience, after which the Aldermen could reject the proposal or refer it to the Planning Board for study and recommendation.

SPECIAL USE - SERVICE STATION - WEST FRANKLIN STREET

Mr. J. L. Gullage, Humble Oil Company real estate representative, presented a request for special use permit for construction of a gasoline service station on the south side of West Franklin Street between Merritt Mill and Graham Street. He told the Board that he felt that service stations on corners were desirable, because there are set backs on both sides which provided open corners which are safer than buildings built up to the corner. He cited the large amount of vehicular traffic at this site about 12,000/day, and the small amount of pedestrian traffic about 28, by traffic count, and the large increase in vehicle registration more than double, in the last 10 years in the Chapel Hill area. He showed slides of the development surrounding the site, and its uses at the present time, the proposed plan for the station, and the type of landscaping proposed or used at other station sites, and indicated that he felt this request met all of the requirements for special use. Dr. Cohn said that the Appearance Commission had not seen the latest plans. Mr. Gullage said that he had not been notified of the meetings of the Design Review Committee or the Appearance Commission. Mr. Palmer and Mr. Opdenbrow of the Planning Staff both stated that Mr. Gullage had been informed orally of the times, dates, and places of these meetings. The Board reviewed the project fact sheet as prepared by the Planning Department on this project, the drawings of the proposed location profile, and appearance of the proposed structure, and area map showing the location of the structure. No one else spoke for the project. Walter Creech opposed it because he felt some of the trees would be destroyed. Mr. Gullage said that six trees would be kept. Reverend Manly, speaking for the Citizen's Action Group for Progress, said that the nearby citizens oppose it and that it would be a traffic problem until a traffic light were installed at this intersection. Mr. Berger of the Planning Staff pointed out on an area map showing the number of service stations in this vicinity as being nine in the Chapel Hill Central Business District, and approximately eight in the adjoining Carrboro area. Mrs. Velma Perry opposed this because of the church across the intersection, and the traffic problems. Mrs. Weaver opposed it. Alderman Nassif noted that there was a service station study in progress, questioned the traffic safety, and suggested waiting until the study was complete and any ordinance written based on the study had been adopted. Alderman Smith told the Board that this had been a dangerous intersection for the last 28 years, that at this point five (5) streets intersect, and that the State Highway Commission had been requested many years ago to study this

Alderman Scroggs moved, seconded by Alderman Smith that this be adopted as read. This was unanimously carried.

LEAGUE CONVENTION

Mayor Lee and Aldermen Welsh and Smith said that they planned to attend the convention of the League of Municipalities in Durham on October 10, 11, and 12.

SEWER BID

Mayor Lee read the bids received for construction of a sewer line from Morgan Creek to Whitehead Circle and Chase Avenue. Alderman Coxhead moved, seconded by Alderman Scroggs, that the low bid submitted by T. H. Faulkner, of Kinston, of \$158,295.50 be approved. This was unanimously carried.

HITCHHIKING

Alderman Coxhead reported for the Street Committee on the problem of the traffic hazard caused by hitchhikers on N. Columbia Street, and recommended that an ordinance be prepared prohibiting stopping or standing by automobiles on the east side of N. Columbia Street for a short distance north of Rosemary Street, and for a short distance north of North Street. He moved, seconded by Alderman Smith, that an ordinance be prepared which would prohibit cars stopping in these areas. This was unanimously carried.

WEAVER ROAD RIGHT OF WAY

Alderman Coxhead told the Board that the Street Committee had examined the unopened right of way from Glendale to Roosevelt Drive for which a petition has been received for abandoning the right of way, and recommending that this right of way be retained.

PARKING--NORTH COLUMBIA STREET

The Town Manager explained that the parking should be removed on the east side of N. Columbia Street, and the south side of North Street, near Columbia Street, to permit a left turn lane for northbound traffic on Columbia Street at Airport Road, and recommended an ordinance prohibiting this parking.

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>
N. Columbia St.	West	North Street	A point 122 feet south of the center line of North Street
North Street	South	Columbia Street	A point 136 feet east of the western curb line of Columbia Street

SECTION II

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

This the 20th day of September, 1971

site for the placement of a signal, and over a year ago had approved such installation. That despite repeated efforts by the Board, the calling attention of the State Highway Commission to the need for a traffic control signal at this intersection, to date nothing had been erected. That without such traffic control signal, the intersection with the heavy traffic count was a dangerous intersection, both for vehicles and pedestrians, and that at this time he felt that the proposed service station would add to this hazard. Alderman Smith moved, seconded by Alderman Welsh to deny the request for this special use permit for the reason that at this time the proposed use would materially increase the traffic hazard at this intersection, and increase the danger of public safety at this intersection. Alderman Welsh said that there were too many service stations in this area, and that it was the gateway to Chapel Hill from the west, and that the Appearance Commission was making a survey of the visual aspects in this area and said she thought it would be unwise to allow a new service station in the Central Business District at this time. Alderman Scroggs said that a service station is a permitted use in the CBD under the present ordinance. Attorney Denny said that the Board could reject this on the matter of technical points in the application, but that the motion should be based on something other than the study in progress, and that any motion to deny the request must state the reason. The motion was carried by a vote of five to nothing.

SPECIAL USE - DU FRATERNITY - EAST ROSEMARY STREET

Mayor Lee read a memorandum from the Appearance Commission seeking a new and different solution to the special use permit by a vote of five to three. Mr. Palmer indicated on maps the site of the project. John Ramsey, architect for the project, discussed in some detail the proposal and the reasons for the design as submitted, noted the trees that would be left and the restrictions imposed by the zoning in the matter of parking and set backs and height limitations. He distributed pictures of the neighborhood indicating that he felt that the proposed building would be in harmony with the neighborhood. He indicated that the Dey House could be saved if it were sufficiently valuable as an historical building if the parking could be relaxed. He said that he felt they had met all of the restrictions of the zoning ordinance with their design, except the Appearance Commission's interpretation of "harmony", and that he disagreed with the Appearance Commission in this matter. He noted that this would be one new building replacing four old buildings which were a serious maintenance problem. Dr. Cohn said that the vote had been five to three against rather than four to three as indicated in the memorandum. Mr. Hemmens asked about the location of the outdoor recreation area. A patio at the north side of the building. Roger Foushee, Chairman of the Chapel Hill Historical Society, presented a written statement concerning the historic value of the Dey House and stating that the Historical Society felt that this development threatened the area and that they hoped to preserve a number of historical buildings along East Rosemary Street, and other portions of old Chapel Hill. Dr. C. P. Spruill, spoke in favor of preserving the Dey House, and suggested that the Board adjust the parking if necessary, and asked that action be postponed until a new plan can be submitted. Charles Blake also spoke in favor of the preservation of the Dey House. Mr. Pierce suggested that the fraternity move out to Finley Golf Course. Mr. MacVey, member of the Historical Society, suggested that the old houses be saved by a connection as was done in the Chi Omega House on Franklin Street. Joe Sanders, 507 Rosemary Street, opposed the project. Mason Thomas opposed the project, saying that he felt the new house would be larger, cause more traffic and more noise. Mrs. Dworski objected to the outdoor recreation area and the noise, and said that she felt that the building was too high. Mr. Lawrence London complained of the noise nuisance of a fraternity. Buck Goldstein spoke of the need of a precedent for the preservation of E. Rosemary Street and suggested that this was the place to start. Mr. Walter Kernan objected to the proposal. John Manning spoke in favor of the proposal. He said that he would like to preserve the Dey House, but doesn't want all development on E. Rosemary Street stifled. He said that he felt the proposed plan would be quieter than the present set up with four separate buildings being used. He said that he felt that the area of Rosemary Street would necessarily change and could not be preserved as single-family residential units. He noted that this was the same use now being made of the land only in a

better building, and that other than the Dey House the buildings now in use should be torn down. He said that he would be willing to see the parking relaxed to save the Dey House. Mike Bullock, president of DU, said that the Fraternity worked hard to maintain the character of the neighborhood and noted the support of Miss Alice Noble and Martin Dillan, both nearby neighbors. He said that the DU traffic was well controlled, that the number of members would not be increased because of the building and that they have outgrown the present facility which is a serious maintenance problem. Mr. Smith Freeman, DU alumnus, said that the solution worked out with the Chi Omega building would not work in this case, and noted that this building would be little if any larger than the buildings surrounding it, specifically the ADPi, the Chi Omega, and the Pi Phi buildings. He told the Board there were five sororities and two fraternities within 500 feet of the lot, and that much of the balance of the neighborhood was already student housing. Mr. Peter Hall, Assistant Dean of Men, said that a site at Finley Golf Course would probably not be available even if they wanted to move. Mr. Doug Farnsly, DU, told the Board that the existing buildings were a serious fire hazard. John Ramsay pointed out to the Board that this area was zoned for a fraternity, was currently used by a fraternity, and that the Dey House was of questionable architectural or historical significance. He said that it could be preserved but that it would be costly and that parking concessions would be needed. He asked if the historical society and the Board were willing to assist with the finances and make the parking concession. Wesley Wallace, Planning Board, asked about the number of single-family houses within 500 feet. Roger Foushee named quite a few houses in this category, and mentioned other historical homes in the area. Dr. Cohn said that the Appearance Commission had considered the impact on Rosemary Street east of Hillsborough, not west of Hillsborough Street. Alderman Wallace agreed that the impact was to the east and said that he would like to see the Dey House saved. He moved, seconded by Alderman Welsh to assure DU that with a suitable redesign, saving the Dey House, that the parking would be relaxed to the same requirement for existing houses rather than the more strict requirements for new houses. Alderman Welsh questioned the legality of such a move. Alderman Wallace said that certain regulations could be made applying only to historical districts which would be different from the rest of the Town, and that it might require an amendment to the zoning ordinance. Attorney Denny said that an amendment to the zoning ordinance could be made to do this. Alderman Smith asked what would happen to the cars if the parking requirements were reduced. Alderman Nassif said that the one to one requirement was probably too severe, and suggested that this be sent to the Planning Board for study. Alderman Scroggs noted that very few fraternities could meet this parking requirement, and that he would like to see recommendation concerning parking requirements from the Planning Board. He stated that he was not convinced of the historical value of the Dey House. Alderman Wallace said that the Planning Board should receive a more viable proposal for review, and think about it in terms of preservation and modified parking. Alderman Scroggs noted that there were two separate problems: preservation of Dey House, and specific design of a proposed building. Alderman Wallace said that he was prepared to make a deal to save the Dey House. Alderman Welsh said that she would like to have both the Dey House and a more harmonious design, and that she resented so many decisions being based on automobiles. Alderman Scroggs asked if it would be necessary to keep the Dey House on this site? Alderman Wallace said that he felt it was as this intersection was a critical site. Alderman Wallace and Alderman Welsh then withdrew the previous motion, and Alderman Wallace moved, seconded by Alderman Welsh, to refer this request to the Planning Board with a request that they try to work out with the architect a way to preserve the Dey House. Mr. Ramsey asked if the Board was willing to waive some of the zoning regulations on the property? He asked if it would be required to keep the Dey House independent or connect it and just what parking standards would be required? He noted that the fraternity could not look like single-family houses as the proposal must be to house 40 to 50 boys. Mayor Lee asked that he work with the Planning Board in this matter. Alderman Wallace said that the limit could be set at 3 spaces for each 10 members, the same as that for existing fraternities. Mr. Ramsey said that he would be glad to work on these lines if authorized to do so by the fraternity. The motion was adopted by a vote of four to one with Alderman Smith opposing.

SPECIAL USE - DRIVE-IN BANK - EAST ROSEMARY STREET

Glenn Corley, architect, explained the proposal to have a drive-in bank within the parking structure being built for the NCNB building on the north side of E. Rosemary Street. Alderman Welsh asked about the material? It will be the same as used in the building of the parking structure. She asked about landscaping? As much as possible between the driveways. The bank will be within a parking structure and there could be no landscaping around it. No one spoke against the project. John Wettach told the Board that this replaces the two old drive-in structures on the south side of Rosemary Street. Alderman Smith questioned the traffic safety. Alderman Scroggs said that it would be not much different from the previous set up, except that there would be more cars involved in the parking structure, but not because of the drive-in bank. Alderman Nassif moved, seconded by Alderman Welsh to refer this to the Planning Board for study and recommendation, taking particular notes of the parking, traffic, and landscaping. This was unanimously carried.

SPECIAL USE - UNIFIED BUSINESS - AIRPORT ROAD

Toby Savage, Architect, explained the proposal for professional offices in two sets of buildings to be constructed on the east side of Airport Road, across from Barclay Road. He said that the first stage would be a funeral home and offices and that the second phase would be all offices, and that the buildings themselves would be small, residentially scaled buildings with parking behind the buildings. Dr. Newton Underwood asked if there would be a service station? No. Mr. James Peace asked what uses would be made of the buildings? This was unknown at this time as the offices would be suitable for any professional use, such as Doctors, Dentists, Real Estate, Insurance, etc. Mr. Edmiston said that there would be no sale of goods on the property. Mr. Peace asked for more specific information on tenants. Mrs. Peace said that she would oppose a funeral home being that close to their home, and said that she was afraid that they might have an ambulance which would be noisy. Mr. George Spransy asked if the park, which had been part of the previous proposal, was still part of the proposal? No, not at this time. Alderman Wallace moved, seconded by Alderman Welsh, to refer this to the Planning Board for study and recommendation. Alderman Smith asked that there be a stipulation against the sale of goods in this project, and said that it was like spot zoning. Alderman Scroggs said that stipulations could be added at a later time. The motion was carried by a vote of four to nothing, with Alderman Nassif abstaining because of financial interest in the project.

REZONING - R-10 - COLONY WOODS

Mr. John McAdams told the Board that Spence & Lester was requesting rezoning from R-15 to R-10 all of the lots facing Ephesus Road on the north side between Sharon Road and the eastern subdivision line. He pointed out that all of Colony Woods north of this section was now zoned R-10, and the portion of the Oakes on the south side of Ephesus Church Road in Orange County was zoned R-10. Alderman Wallace asked if the R-15 had originally been intended as a buffer strip? Yes. Alderman Smith moved, seconded by Alderman Scroggs, to refer this to the Planning Board for study and recommendation. This was unanimously carried.

REZONING - R-10 to R-5 - CHASE AVENUE

Mr. Palmer told the Board that because of a number of tax exempt properties, that the list of property owners provided was incomplete and some of the notices went out later than was generally prescribed, but that he felt that the advertising was legal because the newspaper advertising was proper. Charles Weiss suggested that there be another public hearing to clarify this matter. Attorney Denny said that any action would be legal, as it complies with state requirements and the Town zoning ordinance, but that the Board could refuse to hear it at this time re-advertise it. Mr. Palmer told the Board that it was the practice to use the latest tax list from the County in getting names and addresses of the property owners, and that there could be some errors where property had changed hands in the past year. Alderman Nassif suggested that there be a special hearing in a week or so. Alderman Nassif questioned if a petition would be valid if it were put in before such a hearing, or if it would have to be in before this advertised hearing? Attorney Denny said that any protest to be legal, would have to be in prior to the advertised hearing even if the hearing itself were postponed. Alderman Nassif moved, seconded by Alderman Wallace to readvertise the hearing for October

25th and declare that this was an emergency because of failure to comply with certain procedures on the part of the Town. Dr. Weiss said that he felt that the notification should be the responsibility of the petitioner, not the Town. Alderman Nassif said that Durham required the petitioner to give personal notice for zoning actions. The motion was unanimously carried. Alderman Smith then moved, seconded by Alderman Welsh, to request the Planning Board to consider the matter of a notice and make a recommendation to the Board of Aldermen. This was unanimously carried.

FLOOD PLAIN ZONING

Alderman Scroggs said that there were discrepancies in this advertisement, and it should be readvertised. Alderman Nassif said that he didn't like the proposal made by the Planning Board, and would like to discuss it before readvertising it, and suggested that any action be deferred. Alderman Wallace moved, seconded by Alderman Nassif, that the Flood Zoning advertised under paragraph A be placed for discussion on the October 4th agenda, and that the change in the zoning ordinance concerning farm uses and advertised in section C be readvertised with the proper word changes for November 25th, and that the advertised change in the subdivision ordinance be corrected and deferred until the Flood Plain Zoning is advertised again. This motion was unanimously carried.

ZONING ORDINANCE CHANGE - DISTRICT LINES

Mayor Lee read a recommendation to amend the Zoning Ordinance to provide that where district lines were on a street, that they be considered to be on the centerline of that street. There was no discussion pro or con. Alderman Smith then moved, seconded by Alderman Wallace, to refer this to the Planning Board for study and recommendation. This was unanimously carried.

ZONING ORDINANCE AMENDMENT - DRIVEWAY WIDTHS

Mayor Lee read a proposal to amend the zoning ordinance to allow driveway openings to exceed 25 feet in special use permits approved by the Board of Aldermen and the Board of Adjustment. Alderman Welsh moved, seconded by Alderman Scroggs, to refer this to the Planning Board for study and recommendation. This was unanimously carried.

The hearing was adjourned at 11:10 P.M.

Mayor Lee then announced the regular meeting of the Board of Aldermen.

MINUTES

Alderman Welsh moved, seconded by Alderman Smith, to approve the minutes of September 20th, 1971 as corrected. This was unanimously carried.

HITCHHIKING ORDINANCE

Mayor Lee read an ordinance prohibiting stopping or standing at certain points on N. Columbia Street because hitchhiking at those points is considered to be a traffic hazard.

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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

Chapter 21, Code of Ordinances, Town of Chapel Hill, is hereby amended by adding to Section 28 a new subsection to be designated as 21-28(e) to read as follows:

(f) "It shall be unlawful to load or unload passengers on the east side of North Columbia Street from Rosemary Street to a point 200 feet north of the northern right of way line of Rosemary Street, and from North Street to a point 200 feet north of the northern right of way line of North Street."

SECTION II

All ordinances or portions of ordinances in conflict herewith are

hereby repealed.

This the 27th day of September, 1971.

Alderman Welsh moved, seconded by Alderman Smith, to adopt this ordinance as read. This was unanimously carried.

TAX REFUNDS

Mayor Lee read a request from Mr. Brady McLennan for a refund for taxes for three years paid on property that was not in the Town of Chapel Hill. Tax Collector Dave Roberts explained this request by Mr. McLennan. Alderman Nassif moved, seconded by Alderman Scroggs, to prepare a resolution which would permit the refund of \$206.34 which is due to Mr. McLennan. This motion was unanimously carried.

DOGS

A written report from the Dog Warden was distributed and the Board requested that it be placed on the Agenda for the next meeting.

CAR BIDS

The Town Manager reported that bids had been received for police patrol cars and a car for the Fire Department, and that in each case the low bid was from Crowell Little Motor Company. The other two bidders were Yates Motor Company, and Harriss Connors Motor Company. Alderman Nassif moved, seconded by Alderman Welsh, that the low bid from Crowell Little Company be accepted. This was unanimously carried.

RECYCLING

Mayor Lee told the Board that he would expect to have recommendations for a Committee on Recycling at the next meeting of the Board of Aldermen.

RECREATION COMMISSION

Mayor Lee announced that he had had a resignation from the Recreation Commission from Mrs. Clifford, and that nominations would be in order at the meeting following the Recreation Commission meeting of October 20th.

SPECIAL MEETING

Mayor Lee told the Board that there would be a special meeting for discussion of proposed real estate purchases at 4:30 P.M., Thursday, October 1st, and that this meeting would be closed.

The meeting adjourned at 11:25 P.M.

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting with an advertised public hearing at 7:30 P.M. on October 4, 1971, with the following members present: Mayor Lee, Aldermen Welsh, Smith, Scroggs, Wallace, Coxhead, and Nassif. Members of the Redevelopment Commission present were: Stegman, Weaver, Clark, Hogan, and Jones. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

PUBLIC HEARING

Mayor Lee announced that a public hearing had been advertised for this time on the proposed application for Neighborhood Development Program in the Northside-Knolls areas. He called on Emery Denny and Ray Green to conduct the discussion. Emery Denny told the Board that the Redevelopment Commission had held their public hearing on September 21, 1971, and they received a favorable recommendation from the Planning Board thereafter, and had referred the application, with a few changes made subsequent to the hearing, to the Board of Aldermen with recommendations for approval and forwarding to HUD. A resolution