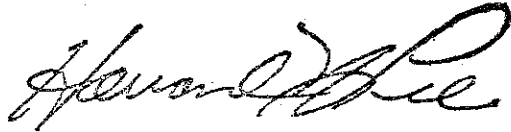


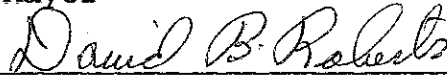
NEW HOPE DAM

Town Attorney Denny said the papers to intervene in the New Hope Dam suit were presented to the court and the judge agreed to have the Town of Chapel Hill participate as an intervening plaintiff.

The meeting adjourned at 6:45 P.M.



Mayor



Town Clerk, David B. Roberts

MINUTES

February 14, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M., Monday, February 14, 1972, with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Welsh, Coxhead, and Nassif. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Welsh moved, seconded by Alderman Nassif, to approve the minutes of the meeting of February 7, 1972 as corrected. This was unanimously carried.

Alderman Coxhead moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of February 4, 1972 as circulated. This was unanimously carried.

APPOINTMENT--BOARD OF ALDERMEN

Chris Daggett, Vice-President of the U.N.C. Student Body read a petition nominating Jerry Cohen, a graduate student in the Department of Political Science, to fill the vacancy on the Board of Aldermen. Alderman Welsh moved, seconded by Alderman Nassif, that the petition be received and be placed on the agenda at the appropriate time. The motion was unanimously carried.

POLLUTION

Mayor Lee read a petition from the Hidden Hills Neighborhood Park Association requesting that the pollution problem developing from waste from commercial car washes be studied and corrected before it becomes more serious. Alderman Coxhead moved, seconded by Alderman Nassif, to accept the petition and refer it to the Town Manager and the Public Works Department for action. Alderman Nassif asked if the Board could have a report on the similar situation in Bolin Creek? Alderman Scroggs said he favored supporting the citizens' efforts to deal with pollution problems and suggested that Town Manager Peck check with the state Office of Water and Air Resources to determine what might be done. The motion was unanimously carried.

APPOINTMENTS--BOARD OF ALDERMEN

Mayor Lee suggested that the Board delay action on this appointment and consider it at a special meeting which he would call within the next two weeks. Aldermen Scroggs and Smith favored the delay and the Board agreed to hold a special meeting.

IAA762

236

APPOINTMENT--PLANNING BOARD

Alderman Nassif moved, seconded by Alderman Welsh, to consider the appointment to the Planning Board at the same time as the appointment to the Board of Aldermen. The motion was unanimously carried.

APPOINTMENT--CBD PLANNING COMMISSION

Alderman Smith nominated Mr. McDonald Lassiter, a local builder, for the vacancy. Alderman Scroggs nominated Mr. Paul K. Morris, a recently retired newcomer to Chapel Hill. Alderman Nassif moved, seconded by Alderman Welsh, that both nominees be approved as members-at large, making a total of 15 members. The motion was unanimously carried.

FLOODWAYS

Van Opdenbrow and Town Manager Peck presented the floodway maps prepared by the Corps of Engineers. Alderman Welsh asked if a public hearing is required to pass an ordinance adopting the set of maps. Town Manager Peck said it was not necessary, but might be advisable. Alderman Nassif asked if the Board could regulate building in the flood plain? Not in the same way that it can regulate floodways. Alderman Nassif said prospective buyers of plats in the subdivisions must be informed of the location of the land in the floodways or flood plains. Alderman Scroggs said the Board could prohibit structures from being built in the floodway, but a yard was permissible. He said the Board could: 1) restrict the building of structures in the flood plain; and 2) inform owners of property in the flood plain of the desirable elevation. Alderman Nassif said a sign could be posted on the land for sale stating the relevant conditions. Town Manager Peck said a lawyer checking the property for a prospective buyer would inform the buyer of the location in the floodway if it were marked on the plat. Van Opdenbrow read Section 143-215.61, Flood Plain Management, of the General Statutes of North Carolina which states that "The provisions in this Part shall not preclude the imposition by responsible local governments of land use controls and other regulations in the interest of flood plain management for the flood plain or the floodway." Alderman Nassif said he would like a comprehensive study and analysis of the floodways and flood plains so that people interested in purchasing plats in the subdivisions would know the options or restrictions on the land. Alderman Smith asked if the Board could pass ordinances on both the floodway and the flood plain? No. Alderman Scroggs asked if the Planning Board could consider the area designated as flood plains and suggest a way to inform prospective buyers about the land. Alderman Scroggs moved, seconded by Alderman Nassif, to ask the Planning Board to include in the floodway ordinance some controls with respect to flooding in the fringe area and to require that pertinent information about the plats be provided to prospective buyers.

Alderman Welsh said that the ordinance concerning grading of lots passed in Winston-Salem should be studied. The motion was unanimously carried.

AMENDMENT--ZONING ORDINANCE--TRANSMISSION LINES

Mayor Lee read the Ordinance amending the Zoning Ordinance relating to substations and transmission lines. Alderman Nassif reviewed the position he took at the last meeting in opposition to the amendment in Section I, and indicated that this was a clarification of the minutes of February 7, 1972. Because the Board of Adjustment has 50% of its members from the Town and 50% from the Planning District and because it requires a 4/5 vote for special use, it assures equal representation which the Board of Aldermen does not because of its membership and its requirement of only a simple majority vote. He said that establishing a utility zone might be the answer. Alderman Smith asked whether establishing a utility zone would have an effect on condemning properties in the Planning District? No. Alderman Scroggs asked if the Board of Adjustment requires a 4/5 vote? Yes. Alderman Scroggs said the protest petition offers the same opportunity

IAA762

to people outside the Planning District. Alderman Nassif referred to the minutes from the February 7, 1972 meeting in which he made the distinction between "special use" permits and "use" permits. Zoning determines density and ~~special use~~ special use permits should be used for special purposes. Alderman Welsh asked why the sub-stations should be transferred from the Board of Adjustment to the Board of Aldermen? Town Manager Peck said the Board of Aldermen could consider both sub-stations and transmission lines. Van Opdenbrow said a review of special use requests indicates that those of major importance were assigned to the Board of Aldermen and those of lesser importance were assigned to the Board of Adjustment. Alderman Nassif said he had no objection to the Board of Aldermen considering special use, but he was concerned about how the people could oppose requests. Alderman Scroggs and Alderman Nassif agreed that a utility zone might solve the problem. Alderman Scroggs said a clarification of special use was needed. Alderman Coxhead asked if this ordinance would affect the University's plan? Town Manager Peck said they would be delayed unless the ordinance was adopted and the special use approved or the industrial zone adopted. Mayor Lee suggested that the request from Duke Power be tabled until the next meeting. Alderman Scroggs moved, seconded by Alderman Coxhead, that the Board adopt the amendments to the ordinance as recommended by the Planning Board.

* Alderman Welsh asked what criteria determined which Board decided?

AN ORDINANCE AMENDING "AN ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED JANUARY 19, 1970 AND AS SUBSEQUENTLY AMENDED

WHEREAS, after due advertisement as provided by law, a public hearing was duly called and held by the Board of Aldermen and the Planning Board of the Town of Chapel Hill on January 24, 1972 to consider the changes in the Zoning Ordinance as set forth in Sections I through VI as needed below.

WHEREAS, after said public hearing the Board of Aldermen adopted certain recommendations of the Planning Board;

NOW THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill: that the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted January 19, 1970, and as subsequently amended, be and the same is hereby further amended as follows:

SECTION I

Amend Section 4-D-16, Public Utility Stations or Sub-stations by substituting the word "Aldermen" for "Adjustment" in paragraph "a" of this section.

SECTION II

Amend Section 3, Table of District Regulations--Uses Permitted, by deleting from the table the following: "above-ground high-voltage electric power transmission lines (See note 3)."

SECTION III

Amend "Section 3, Table of District Regulations--Notes" by deleting under Note 3, the following:

"Above-ground high-voltage electric power transmission lines shall not be permitted in any agricultural, residential, commercial, university or business district in any location other than a right-of-way occupied by such lines on September 1, 1963."

A building permit and certificate of occupancy shall be required for each steel, concrete, or other tower constructed to support an above-ground high-voltage electric power transmission line. No other building permits or certificates of occupancy shall be required for such lines."

SECTION IV

Amend "Section 4-D-1, Uses for which Special Use Permits are Required" by changing "4-D-19, Underground electric power, gas and liquid fuel transmission lines" to read: "4-D-19, electric power, gas, and liquid fuel transmission lines."

SECTION V

Amend "Section 4-D-19, Regulations for Special Use Permit" to read as follows:

"19. ALL HIGH-VOLTAGE ELECTRIC POWER TRANSMISSION
LINES: HIGH-PRESSURE GAS TRANSMISSION LINES;
LIQUID FUEL TRANSMISSION LINES UNDER PRESSURE

- a. Approved by: Special Use Permits for High-voltage electric power transmission Lines; High-Pressure Gas Transmission Lines; and Liquid Fuel Transmission Lines Under Pressure shall be approved by the Board of Aldermen
- b. Permitted Districts High-Voltage Electric Power Transmission Lines; High Pressure Gas Transmission Lines and Liquid Fuel Transmission Lines Under Pressure are permitted under Special Use Permit in any district.
- c. Plans: Plans are required and must show the following:
- (1) Structures - Location of all structures within 50 feet of right-of-way; location and depth of any existing utility lines in right-of-way; location and depth of proposed lines.
- (2) Other Requirements - (a) Location of right-of-way boundaries, location of any easements for utility lines or passage which cross or occupy any portion of right-of-way for proposed lines; (b) The developer shall prepare a list of the owners of all properties within 500 feet of the property for which the Special Use Permit is requested, and provide the Building Inspector with two copies of the list. The developer shall obtain from the Building Inspector copies of the legal notice for the Public Hearing at which his request is to be considered; and shall return these copies to the Building Inspector, in stamped envelopes, properly addressed to all property owners on the list described above, no later than 8 work days prior to the date of the Public Hearing. The Building Inspector shall mail these copies of the legal notice to the property owners no later than one day following their receipt (c) Detailed construction plans shall be submitted prior to issuance of a building permit."

SECTION VI

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

This the 14th day of February, 1972.

Alderman Nassif asked that the motion be amended to require that the ordinance be amended later to classify special use permits.

Attorney Denny said that the motion should be kept separate. The motion was unanimously carried. Alderman Scroggs moved, seconded by Alderman Smith, that the Board consider an amendment to the Zoning Ordinance to allow protest petitions on certain special use requests, such as transmission lines, land fills, unified business, etc., requiring a 2/3 vote in a manner similar to rezoning. The motion was unanimously carried. Town Attorney Denny said that the Board should reconsider the action taken on the special use permit for electric transmission lines. Alderman Welsh moved, seconded by Alderman Scroggs, that the Board, finding that the proposed electric transmission line:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;
2. Meets all required conditions and specifications;
3. Will not substantially injure value of adjoining or abutting property;
4. 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 if developed according to the plans as modified by the stipulations recommended below.

approve the transmission line as proposed with the stipulation that single-column tubular steel poles be installed except at the corners and at the take-off point where conventional towers are necessary, but not exceeding three, the applicant returning for a modification if more than three towers are needed, and that work on this project be commenced within one year and completed within six months thereafter. The motion was unanimously carried.

ZONING REQUEST--INDUSTRIAL

Alderman Scroggs moved, seconded by Alderman Nassif, to deny the request from Duke Power Company for industrial zoning for the transmission line. The motion was unanimously carried.

POOL ROOMS

Town Attorney Denny reviewed Article IV, Section 10-66 through 71 in the Code Book, indicating some of the problems with it and recommending that the entire act be deleted and a substitute ordinance be adopted. A proposed ordinance was read to the Board. Alderman Smith asked for how long a license would be revoked? Town Attorney Denny said that the Board would decide. Alderman Smith said he thought a time limit should be set. Alderman Scroggs said that no limit needed to be set, that the owner could re-apply for a license, and that he had a right to reapply, but the Board did not have to approve a new license. Alderman Nassif said a license could be suspended or revoked at the discretion of the Board. Alderman Coxhead moved, seconded by Alderman Welsh, that the Board adopt the ordinance as presented by Town Attorney Denny.

AN ORDINANCE TO AMEND AND REWRITE THE PROVISIONS OF ARTICLE IV, CHAPTER 10, CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Article IV entitled "Pool Rooms," Sections 10-66 through 10-71 inclusive, be, and the same are hereby amended to read as follows:

SECTION 10-66 - POOL ROOM OR BILLIARD PARLOR DEFINED:

A pool room or billiard parlor within the meaning of the provisions of this Article, shall mean a place of business or portion thereof operated for profit, wherein facilities are provided for the playing of pool or billiards, and shall include all of the rooms or undivided areas not completely screened from other operations within which such facilities are provided.

IAA762

240

SECTION 10-67 - POOL ROOM LICENSES:

a. No permit or license shall be issued for the operation of a pool room until the same has been approved by a majority vote of the Board of Aldermen.

SECTION 10-68 - PERSONS UNDER AGE 18 IN POOL ROOMS, BILLIARD PARLORS:

a. It shall be unlawful for the operator, owner, manager or licensee of any pool room or billiard parlor to permit any person under 18 years of age to frequent, patronize, remain within or use the facilities of said pool room or billiard parlor.

SECTION 10-69 - UNLAWFUL ACTS:

- a. It shall be unlawful for any person:
- (a) to sell or offer for sale any beer or wine in any pool room or billiard parlor.
 - (b) to consume any beer, wine, or other alcoholic beverage in any pool room or billiard parlor.
 - (c) to allow any beer, wine, or other alcoholic beverage to be consumed in any pool room or billiard parlor.
 - (c) to have, maintain, use or permit to be used, maintained or operated a pool or billiard table in any portion of a business or establishment wherein beer or wine are being sold or consumed.

SECTION 10-70 - PENALTIES - REVOCATION OF LICENSE:

Upon conviction of a violation of the provisions of this Article, the license to operate the establishment wherein such violation occurred may be revoked by the Board of Aldermen.

SECTION II

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

This the 14th day of February, 1972.

Mayor Lee asked what Section 10-66 meant? Town Attorney Denny said any room with a pool table in it was considered a pool room, but if the room is

completely divided, then only that portion having the pool table in it is considered the pool room. Alderman Nassif asked if under the proposed ordinance the University would remain exempt? Town Attorney Denny said yes, that all non-profit operations are exempt. Alderman Smith said he thought there would be discrimination in the way the ordinance would be applied if the terms of the license revocation were not stated, and said it could be revoked or suspended for ninety days. Alderman Nassif said he thought a time should not be stated in order to give the Board options. Town Manager Peck asked if a conviction had to be made in court before a license could be revoked? Town Attorney Denny said it would. Alderman Welsh asked if it would be better to change "may" to "shall" in Section 10-70? Town Attorney Denny said that it was up to the Board. Alderman Coxhead called for the previous question. This was carried 4-1 with Alderman Smith opposing, and the motion was carried 4-1 with Alderman Smith opposing.

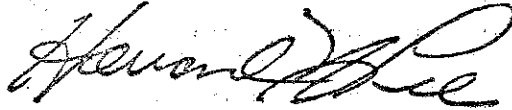
STREET IMPROVEMENT--HILLSBOROUGH STREET

Town Manager Peck said it would cost approximately \$1,200.00 to complete the curb and gutter on Hillsborough Street at Airport Road. The assessment to property owners would be under \$6.00/foot. Alderman Smith asked how many property owners would be involved? Town Manager Peck said two, both owners of gas stations. Alderman Welsh said sidewalks were also needed. Town Manager Peck said that to put in sidewalks would take a separate action. Alderman Nassif asked how the expense was handled before when the curbs and gutters were done on the rest of Hillsborough St.? Town Manager Peck said it was done in the same way with the property owners assessed. Action on the proposed improvement was postponed until the next meeting so that the Aldermen could inspect them. Town Manager Peck said the improvements would narrow the driveways to conform with the driveway ordinance.

242

proper improvement. Alderman Nassif said new developments should bear the costs of such problems. Town Manager Peck said a larger pump could be installed or a parallel line could be laid and additional pumps added later. Alderman Welsh asked how much these changes would affect the operation of the plant? Very little. Alderman Welsh asked if the expense could be spread over this year's and next year's budget? No. It should be done before summer. Mayor Lee asked what the timetable would be? Town Manager Peck said the capacity would be increased 30% - 40% by the new line, and that in the next two or three years, additional pumps would be needed. Mayor Lee asked if a total study could be made and total plans developed? Alderman Nassif moved, seconded by Aldermen Scroggs, that \$8,000 from the contingency fund be used for the pump. The motion was unanimously carried.

The meeting was adjourned at 10:30 P.M.



Mayor



Town Clerk, David B. Roberts

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M., Monday, February 21, 1972 with the following members present: Mayor Lee, Aldermen Welsh, Coxhead, Smith, Nassif, and Scroggs. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Nassif moved, seconded by Alderman Smith, to approve the minutes of the meeting of February 14, 1972 as corrected. This motion was unanimously carried.

PETITION

A petition urging the Town to work toward the solution of ecological problems particularly the recycling of newspaper and glass was presented to the Board of Aldermen. Alderman Coxhead moved, seconded by Alderman Welsh, to receive the petition and have it included with the first item on the agenda. This motion was unanimously carried. The second petition presented by Tom Faneuff for the Teenagers For Recycling was presented urging the Board of Aldermen to consider continuing the recycling service. Alderman Coxhead moved, seconded by Alderman Nassif, to receive this petition and include it in the discussion of the first item on the agenda. The motion was unanimously carried.

GRANT APPROVAL--HUD

Alderman Welsh announced that HUD has approved a \$67,500 grant for the purchase of 45 acres for recreation parks and open space for Chapel Hill.

RECYCLING

Alderman Welsh read a transmittal from the Mayor's Task Force on Recycling, a proposal to establish a Chapel Hill-Carrboro Municipal Volunteer Newspaper Recycling Pilot Project. Mr. Tony Provilitis, Chairman of the Task Force, said that the Town would be paid approximately \$.60 per pound for the collected newspaper. Alderman Nassif asked what containers were to be used for collection? Alderman Welsh said that the regular garbage containers would be used. Alderman Nassif asked if they had to be loaded in a particular way? No. Alderman Coxhead said that the important thing was to make sure that only newspapers are put in the containers. Alderman Welsh said that a sign could be put on each container indicating that only