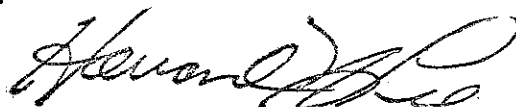


BATTLE LANE SEWER LINE

Mayor Lee read a letter from Earl Mitchell, commending the Town on the job that it did laying the Battle Lane sewer line. Mayor Lee asked Town Manager Peck to inform the workers in the Public Works Department about this commendation.

The meeting was adjourned at 5:20 P.M.


Mayor


Town Clerk, David B. Roberts

MINUTES

March 8, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a special meeting at 6:00 P.M., Wednesday, March 8, 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.

APPOINTMENT--BOARD OF ALDERMEN

Mayor Lee read three letters recommending Jerry Cohen, a graduate student in the Department of Political Science at U.N.C., for the vacancy on the Board of Aldermen. Alderman Scroggs reviewed the process that the Board of Aldermen used to determine their nominee, and their concern that their nominee have as many of James Wallace's qualifications as possible. Alderman Scroggs nominated Mrs. Shirley Marshall for the vacancy on the Board of Aldermen. The nomination was seconded by Alderman Welsh. Alderman Welsh described Mrs. Marshall's qualifications. Alderman Smith moved, seconded by Alderman Welsh, that nominations be closed and that Mrs. Shirley Marshall be appointed to the Board of Aldermen. This motion was unanimously carried. Alderman Scroggs said that this decision reflected how well the members of the Board could work together. Mayor Lee said Mrs. Marshall would be sworn in at the meeting, Monday, March 13, 1972.

The meeting was adjourned at 6:15 P.M.


Mayor


Town Clerk, David B. Roberts

MINUTES

March 13, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M., Monday, March 13, 1972 with the following members present: Mayor Lee, Aldermen Welsh, Smith, Scroggs, 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 March 6, as circulated. This motion was unanimously carried. Alderman Coxhead moved, seconded by Alderman Smith to approve the minutes of the meeting of March 8, 1972 as corrected. This motion was unanimously carried.

NEW ALDERMAN

Mayor Lee read two letters of resignation submitted by Mrs. Shirley

Marshall, one resigning from the Community Appearance Commission and the other resigning from the joint Committee on Historical Preservation. Mrs. Shirley Marshall was then sworn in by the Town Clerk as a member of the Board of Aldermen to replace Mr. James Wallace, who resigned. This appointment is for the period until the next regular election.

PETITION--CABLE TELEVISION

Mr. Glenn Guy, representing the Triangle Broadcasting Company of Winston-Salem, presented a petition requesting the granting of a franchise for cable television. Alderman Smith moved, seconded by Alderman Welsh to receive the petition and place the item on the agenda when the matter is discussed. This motion was unanimously carried.

PETITION--SPECIAL USE PERMIT

Mr. Austin Bisbing of the Owen's Realty Company, presented a petition on behalf of Mrs. E. J. Owens requesting an extension of the time limits on the Oaks Apartments. Alderman Nassif moved, seconded by Alderman Smith, to grant the request for the extension of the beginning and completion dates on the Special Use Permit for the subject apartment development for six months. This motion was unanimously carried.

HEARING--SERVICE STATION REGULATIONS

Mayor Lee said the Public Hearing had to be postponed due to the failure of the second advertisement to appear in the newspaper. Alderman Nassif moved, seconded by Alderman Scroggs, to hold the hearing on April 10, 1972. Alderman Welsh asked if newspaper advertisements could appear in the Durham paper as well as in the Chapel Hill paper? Town Attorney Denny said yes, but that the advertisement must be carried in the Chapel Hill paper. This motion was unanimously carried.

REZONING--N.C. 54 EAST--EDMISTON

Mayor Lee read a transmittal from the Planning Board recommending that the Board of Aldermen postpone action on this request. Alderman Smith moved, seconded by Alderman Welsh, to postpone action on this request until the sewage problems have been resolved to the satisfaction of the Town Manager and a report has been received from the Highway Commission. Alderman Coxhead asked if another public hearing would be needed? No. This motion was unanimously carried.

SPECIAL USE--UNIFIED BUSINESS--EAST FRANKLIN STREET

Mayor Lee read a transmittal from the Planning Board. Alderman Welsh said Orange Builders had met the stipulations outlined by the Planning Board. Alderman Nassif moved, seconded by Alderman Smith, that the Board of Aldermen, finding that the office building development proposed for the corner of Franklin Street and Milton Avenue:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plans as modified by the stipulations as recommended below;
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 request for a Unified Business Special Use Permit for an office building development at the corner of Franklin Street and Milton Avenue submitted by Orange Builders, Inc. with the following stipulations:

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1. That sidewalk, curb, and gutter be provided along both the Franklin Streetn and Milton Avenue frontages, to the satisfaction of the Town Manager.
 2. That proposed drainage facilities be designed as required by the above stipulation, to the satisfaction of the Town Manager.
 3. That a loading space, to Town standards, be provided for each building.
 4. That construction begin within one year and be finished within three years.
 5. That a detailed landscape plan giving special attention to the steep bank be revised by the Community Appearance Commission and approved by the Board of Aldermen prior to the issuance of a building permit.

This motion was unanimously carried.

ZONING ORDINANCE AMENDMENT--DEFINITION OF "LOT"

Mayor Lee read a transmittal from the Planning Board requesting additional time for consideration of this. Alderman Scroggs moved, seconded by Alderman Nassif to postpone action on this proposed amendment pending a report and recommendations from the Redevelopment Commission to the next meeting of the Zoning Committee, and recommendation to the Board of Aldermen from the April 4th meeting of the Planning Board. This motion was unanimously carried.

PROPOSED SUBDIVISION ORDINANCE AMENDMENTS

Mayor Lee read a transmittal from the Planning Board proposing amendments to the Subdivision Ordinance which would provide for:

- a. Submission to the Town by developers of a copy of recorded plats on plastic film;
- b. Drainage standards to be incorporated into the ordinance.

Alderman Coxhead moved, seconded by Alderman Smith, to approve the recommendation from the Planning Board and prepare an ordinance amending the Subdivision Ordinance in this respect. This motion was unanimously carried.

Mayor Lee read a transmittal from the Planning Board proposing Subdivision Ordinance amendments related to underground utilities and as-built drawings recommending further study. Alderman Smith moved, seconded by Alderman Nassif, to postpone action on these proposed amendments until after further study and recommendation by the Planning Board. This motion was unanimously carried.

PRELIMINARY PLAT--BOULEVARD--SCHINHAN

Mayor Lee read a transmittal from the Planning Board recommending that the Board not approve either the preliminary or final plat because the plat submitted shows no access to any public or private street or thoroughfare from two of the three lots. Mr. Schinhan said that access is not relevant in considering the plat submitted. Alderman Scroggs said that a subdivision can not be approved until there is access. Town Attorney Denny said that a temporary access road exists to the property. Harry Palmer said the Highway Commission is currently studying the feasibility of grading and graveling an access road in that area. Town Manager Peck said that at present, there was access to a single lot, but not to the whole subdivision. Mr. Schinhan said that he would build an access road if the Highway Commission did not. He also suggested that the speed limit there be reduced to 45 miles per hour. Alderman Welsh said that the Planning Board and the Board of Aldermen were concerned about access roads and could not accept this preliminary plat until the access road was provided. Alderman Marshall asked if the Planning Board had considered this aspect? Mr. Weiss said yes they had, and that if the Highway Commission refused to provide the access road the developer must provide it. Alderman Smith asked if the developer could build on a state highway right-of-way? Yes. Mayor Lee said that although the developer is willing to build the access road,

FLOODWAY ORDINANCE

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

SECTION I

To amend Chapter 5 of the Code of Ordinances of the Town of Chapel Hill by adding a new Article IV to read as follows:

ARTICLE IV: Floodway Ordinance

Section 5-50: PURPOSE

The purpose of this ordinance is to specify a means for regulation of artificial obstructions in floodways. It is hereby declared that the channel and a portion of the flood plain of certain streams is designated as a floodway, within which no artificial obstructions may be placed except with the permission of the Board of Aldermen as set forth in Section 5-53 below. The purpose of designating these areas as a floodway is to help control and minimize the extent of floods by preventing obstructions which inhibit water flow and increase flood height and damage, and thereby to prevent or minimize loss of life, injuries, property damage, and other losses, both public and private in flood hazard areas, and to promote the public health, safety, and welfare of the citizens of the Town of Chapel Hill in flood hazard areas.

Section 5-51 Definitions

For the purpose of this ordinance, certain terms and words are defined as follows:

Unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for"; the word "structure" shall include the word "building"; the word "lot" shall include the words "plot" and "tract"; and the word "shall" is mandatory.

- (1) 'Flood' means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating land area adjacent to the watercourse.
- (2) 'Flood Plain' means the area inundated by the 100-year flood.
- (3) "Flood, 100 Year" means that flood which occurs on the average of once per 100 years, as defined and delineated by the U. S. Corps of Engineers.
- (5) 'Natural obstruction' includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.
- (6) 'Artificial obstruction' means any obstruction which is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream.
- (7) 'Stream' means those portions of Little, Bolin, Booker, and Morgan Creeks as identified in floodways study, prepared for the Town of Chapel Hill by the U.S. Corps of Engineers, 1970.
- (8) 'Flood protection elevation' means the elevation below which no damageable portion of a structure may be constructed outside of the floodway but within the Flood Plain. Since the floodway is calculated to pass the 100-year flood with an increase in water level of not more than one foot, the flood protection elevation at any point along a stream is the natural 100-year flood level at that point plus one foot.

Section 5-52 Permitted Uses

The following open space uses shall be permitted by Right within the Floodway Zone to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fences, fill, or storage of materials or equipment except as specified herein.

- (1) Agricultural uses such as general farming, pasture, outdoor plant nurseries, horticulture, forestry.
- (2) Industrial and Commercial uses such as loading areas, parking areas, rotary aircraft ports.
- (3) Private and public recreation uses such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking, horseback riding trails. Fences, as required for recreation use, shall be aligned approximately parallel to the Flood Encroachment Lines.
- (4) Residential accessory uses not including structures such as: lawns, garden, parking, play areas. However, vegetation including forestry so aligned as to impede water flow shall not be permitted.
- (5) Public Utilities and storm drainage facilities so constructed as not to materially impede flood flows.
- (6) Storage of material or equipment on a temporary basis necessary or site preparation necessary or incidental to a permitted use.

Section 5-53 Artificial Obstructions

The placement of any artificial obstruction defined by this ordinance is hereby prohibited, with the following exceptions:

- (1) Artificial obstructions existing in a floodway on the effective date of this ordinance shall not be considered to be in violation of the ordinance. However, they may not be enlarged or replaced in part or in whole without permit, as provided in the following paragraph below.
- (2) Artificial obstructions incidental to the uses permitted in Section 5-52 above and specified therein.
- (3) In the event of hardship or circumstances peculiar to a particular piece of property or development (such as the need to place roadway or driveway across a floodway) the Board of Aldermen or designated staff may approve an Artificial Obstruction Permit for uses other than those permitted in Section 5-52 above.

The determination to issue such a permit will be based on consideration of the effects of the artificial obstruction in a floodway in creating danger to life and property. For example: (a) by water which may be backed up or diverted by such obstruction; (b) by the danger that the obstruction will be swept downstream to cause injury or damage to others; and (c) by injury or damage at the site of the obstruction itself. For this purpose, anticipated development in the foreseeable future which may be adversely affected by the obstruction may be taken into account, as well as existing development. The Artificial Obstruction Permit shall be issued by the Building Inspector subject to any and all terms and conditions imposed upon said permit.

Section 5-54 Delineation of Floodways and Water Surface Levels

There shall be maintained in the Office of the Building Inspector of the Town of Chapel Hill an Official Floodway Map and an Official Water Surface Profile for all reaches of streams for which a floodway is established by this ordinance. The Official Floodway Map shall show the limits of the floodway capable of passing the 100-year flood without increasing the natural 100-year flood water surface at all points along the length of the floodway, and this level at any point will be the flood protection elevation for purposes of enforcement of Section 5-53, above. Any changes made in the Official

on the Official Water Surface Profile, shall be the governing factor in locating the floodway limit on the land.

Section 5-55 Amendment of the Official Floodway Map

The existing location of any Floodway defined above may be amended by the Board of Aldermen on recommendation by the Planning Board in cases where: (a) A flood control project of the federal, state, county, or city government has substantially altered the flood hazard (b) flood data compiled subsequent to the enactment of the Ordinance indicated that the floodway boundaries as shown on the Official Floodway Map are no longer correct, or (c) a private individual corporation, firm or city agency has submitted plans to the Building Inspector for a channel improvement or relocation which would effect the location of the existing boundaries as shown on the Official Floodway Map. A channel relocation requiring an amendment to the Official Floodway Map shall not be allowed until the amendment to the Official Floodway Map is approved.

Section 5-56 Appeals

Appeals from any decision by the Building Inspector pursuant to this ordinance shall be made to the Board of Aldermen. Appeals from any decision by the Board of Aldermen pursuant to this ordinance shall be made to Superior Court.

Section 5-57 Penalties

Failure to remove any artificial obstruction, or enlargement or replacement thereof, which violates this ordinance shall constitute a separate violation of the ordinance for each ten days that such failure continues after written notice from the Building Inspector.

Section 5-58 Abrogations and Greater Restrictions

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

SECTION II

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

This the 13th day of March, 1972.

the Town should pressure the Highway Commission to build it, and should also request that the speed limit be reduced. Alderman Welsh moved, seconded by Alderman Scroggs, to accept this as a preliminary plat with the stipulation that the access be provided. Mr. Schinhan asked what he must do to get final plat approval. Town Manager Peck said that an access road one hundred feet to the right and one hundred feet to the left of the center lot would have to be provided or the developer would have to post a bond guaranteeing the road construction. Alderman Nassif introduced a substitute motion, seconded by Alderman Coxhead, to approve this as a preliminary and final plat, subject to the completion of an access road one hundred feet to the right and one hundred feet to the left of the property center with building beginning at any time, but occupancy postponed until the access road is built. The motion was unanimously carried. Alderman Welsh said that a letter should be written to the Highway Commission strongly urging them to build the access road and strongly recommending the reduction of the speed limit from 55 miles per hour to 45 miles per hour. Alderman Smith recommended extending the access road to Easttowne.

PRELIMINARY PLAT--NORTH FOREST HILLS--GREENE

Mayor Lee read a transmittal from the Planning Board recommending that the Board of Aldermen approve this preliminary plat subject to a stipulation concerning percolation tests. Alderman Smith asked if the percolation test could be made prior to the approval? Yes. Alderman Scroggs moved, seconded by Alderman Welsh, that the request not be approved. This motion was unanimously carried.

PRELIMINARY PLAT--LAKE FOREST

Mayor Lee read the transmittal from the Planning Board raising a question about the western property line. Harry Palmer showed the area on the map. Alderman Nassif moved, seconded by Alderman Scroggs, to approve the preliminary plat with the following stipulations;

1. That the plat clearly indicate whether the property labeled "To be deeded to E. J. Owens, Inc." is to become part of lot 7, Block P, or of lot 8, Block P, or is to be a separate lot.
2. That deed discrepancies as to the location of the property line common to the Town of Chapel Hill property, and lots 7 and 8, Block P, be resolved to the satisfaction of the Town Manager.

Alderman Smith asked what the deed discrepancies were. Town Manager Peck said that they were being discussed by Town Attorney Denny, Harold Harris, and a representative of the Owens property. Alderman Welsh said that part of the discrepancy involves the Cedar Falls Park, land which formerly belonged to the State of North Carolina. A discrepancy exists between the state records and the Town records. She said she would like the Open Space Committee involved in the discussions about this discrepancy. Alderman Scroggs said that this was a legal matter. Alderman Nassif said the Chairman of the Open Space Committee could be briefed by Town Attorney Denny. Alderman Marshall said that this was valuable land and should be carefully considered. The motion was unanimously carried.

FLOODWAYS

Mayor Lee read a transmittal from the Planning Board urging the immediate adoption of the proposed Floodway Ordinance. Alderman Scroggs moved, seconded by Alderman Smith, that the ordinance be prepared. This motion was unanimously carried. Alderman Scroggs moved, seconded by Alderman Smith to adopt the floodway maps prepared by the Corps of Engineers defining the floodways in the Town of Chapel Hill. Alderman Nassif asked who was doing flood plain studies. Town Manager Peck said that the Planning Board was. This motion was unanimously carried. Alderman Scroggs moved, seconded by Alderman Nassif, to adopt the Floodway Ordinance. This motion was unanimously carried.

Alderman Welsh was excused from the meeting.

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SUBDIVISION ORDINANCE--FLOODWAYS

Mayor Lee read a transmittal from the Planning Board recommending an amendment to the Subdivision Ordinance requiring that floodways and floodway fringe areas be shown on subdivision plats. Alderman Scroggs moved, seconded by Alderman Smith, to advertise this amendment for the May public hearing. This motion was unanimously carried.

SPECIAL USE MODIFICATION--CAMINO RIDGE

Mayor Lee read a transmittal from the Planning Board recommending approval of a modification of Camino Ridge. Alderman Nassif asked if there were originally stipulations for Camino Ridge. Mayor Lee said yes. Alderman Nassif asked if those stipulations were being dropped. Town Manager Peck said no. Alderman Nassif moved, seconded by Alderman Scroggs, that this request for modification of the Special Use Permit be approved subject to the following stipulations: That construction begin within one year and be finished within three years, and that this stipulation be added to the former stipulations. This motion was unanimously carried.

C.A.T.V.

Mayor Lee proposed that he appoint a committee to study cable television because the Town is not presently in a position to consider any proposals. Alderman Smith moved, seconded by Alderman Marshall, to establish a committee to study cable television to determine what the Town expects in a proposal, to set standards, advertise, and take bids. This motion was unanimously carried.

COMMERCIAL DISTRICT PARKING REGULATIONS

Alderman Scroggs moved, seconded by Alderman Nassif, that the revised proposed amendments to the Zoning Ordinance concerning parking regulations in commercial districts be advertised for the May public hearing. This motion was unanimously carried.

COMMUNICATION BETWEEN BOARDS

Mayor Lee read a transmittal from the Planning Board discussing the problems of communication between the Planning Board and the Board of Aldermen.

TOWING

The Reverend Robert Seymour protested having his car towed from the Baptist Church parking lot. He said that he intended to park in front of a meter, and, in fact, he put twenty-five cents in a meter. When he returned for his car he discovered that it had been towed, and the mark on the ground in the space where he had parked indicated that it was a leased space. He called the Police to verify that the car had been towed, and that the markings were confusing. Reverend Seymour said that other people have had similar experiences and he read a letter from Mrs. Ball of The Dandelion saying that the markings were not clear. Reverend Seymour asked that the parking lot be more clearly marked, and that the Town return his car. Mayor Lee said that the lot was confusing. Alderman Scroggs said that leasees complain that others park in their spaces. Alderman Smith asked Town Manager Peck what could be done. Town Manager Peck said that the posts could be taken out and the meters could be moved to make half of row two leased spaces and half of row three leased spaces. Alderman Coxhead said that the necessary steps should be taken to clarify the difference between the leased spaces and the metered spaces, and that he opposed returning Reverend Seymour's car without charge. Alderman Nassif said he thought the Town was obligated to return the car and to make sure that the parking places were clearly marked. Alderman Scroggs said that he did not think the towing charge should be waived. Alderman Smith moved, seconded by Alderman Nassif, to charge the Town Manager with having the Baptist Church parking lot remarked and the Town assume the responsibility of returning Reverend Seymour's car. This motion was carried by a vote of three to two, with Alderman Scroggs and Coxhead opposing. Mayor Lee said that the hours that the meters are in operation should be clarified.

FLOODWAYS--SPECIAL USE

Alderman Scroggs moved, seconded by Alderman Nassif that the proposal recommended by the Planning Board to require that Floodways and floodway fringe areas be required on special use plans be advertized for the May public hearing. This was unanimously carried.

DOGS

Town Manager Peck read a proposal from Gus Shoffner and L. L. Vine, DVM proposing the establishment of a spaying and neutering clinic. Alderman Coxhead said that the same opportunity could be offered to the veterinarian in Carrboro. Alderman Smith concurred. Alderman Scroggs said that the Town would need evidence that the neutering or spaying had been done.

PAVING PETITION--NORTH LAKESHORE DRIVE

Alderman Nassif moved, seconded by Alderman Marshall, to receive the petition for improving North Lakeshore Drive from Kenmore Road to Lakeshore Court and consider it for scheduling in the 1972-73 budget. This motion was unanimously carried.

USE OF TOWN HALL

Mayor Lee read a letter from Robert G. Wilson, minister of the Durham Seventh-Day Adventist Church, requesting the use of the Town Hall for the evenings of March 29th, April 5th, 12th, 19th, and 26th for a lecture series. Alderman Scroggs moved, seconded by Alderman Nassif, to grant the Durham Seventh-Day Adventist Church permission to use the Town Hall if the remodeling is completed in time, at the fee prescribed. This motion was unanimously carried.

N.C.L.M. DISTRICT MEETING IN GRAHAM

Town Manager Peck said that he would make reservations for the members of the Board of Aldermen who plan to attend the meeting.

HANDICAPPED

Alderman Nassif said he would like to amend the Subdivision Ordinance to provide for ramps at intersections on major streets or collector streets to aid the handicapped. Alderman Nassif moved, seconded by Alderman Smith, to refer this matter to the Planning Board. This motion was unanimously carried.

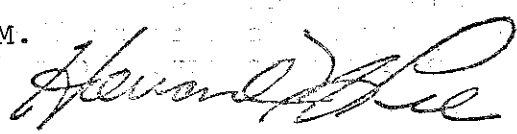
CABLE T.V.

Mayor Lee said that the Board of Aldermen should give careful consideration to cable T. V. to provide the direction and standards that it feels are important. He said that Town Attorney Denny would play a key role in this, and that the League of Cities, Ford Foundation, and the Sloan Foundation have all been giving very careful consideration to cable television. He asked for volunteers to work on the committee. Alderman Scroggs, Nassif, Smith, Town Manager Peck, and Town Attorney Denny will serve on the committee with Mayor Lee. Alderman Scroggs said that some cities have a greater interest in this than they have indicated. Mayor Lee asked Town Manager Peck to be the convenor of this committee.

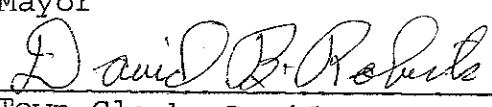
WATER AND SEWER BONDS

Alderman Nassif said that the people who will be voting in the next election need more information about the water and sewer bonds and that the Board of Aldermen should take a position on the bond, be responsible for publicity about the bonds, and provide any information that the voting public needs.

The meeting was adjourned at 9:40 P.M.



Mayor



Town Clerk, David B. Roberts

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