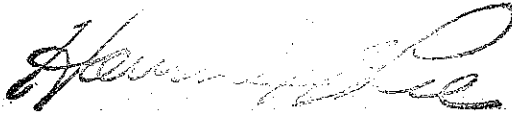
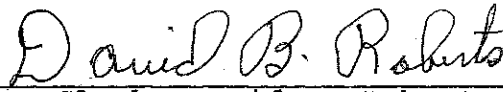


near Weaver Dairy Road and Mt. Moriah Church Road. He said that the Landfill Committee should look at these locations and make recommendations. Town Manager Peck said that an advertisement for a public hearing could be placed in the newspaper on August 6th with the hearing to be held August 21st if the County denied the request. Alderman Scroggs asked how long condemnation takes. Town Attorney Denny said that appraisals have to be obtained for a site and a Declaration of Taking would have to be filed. He said that this could be done in a week. Alderman Nassif said that the Town could advertise for a public hearing to be held on August 10th, 11th, or 14th. Alderman Nassif moved, seconded by Alderman Scroggs, to give the Town Manager authority to proceed with the search for a landfill site within the Planning District, and to make recommendations to the Board of Aldermen at the next meeting. This motion was unanimously carried.

The meeting was adjourned at 5:30 P.M.



Mayor



Town Clerk, David B. Roberts

MINUTES

July 24, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M. on July 24, 1972 with the following members present: Mayor Lee, Aldermen Smith, Welsh, Coxhead, Nassif, Marshall, and Scroggs. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Smith moved, seconded by Alderman Marshall, to approve the minutes of the meeting of July 17, 1972 as circulated. This motion was unanimously carried.

DUKE POWER COMPANY--SPECIAL USE PERMIT RECREATION COMMISSION--APPOINTMENT LEAGUE OF MUNICIPALITIES MEETING

Alderman Coxhead moved, seconded by Alderman Smith, to receive these items and place them on the end of the agenda for discussion. This motion was unanimously carried.

RESEARCH TRIANGLE REGIONAL PLANNING COMMISSION

Town Manager Peck said that the Town of Chapel Hill was being requested to have the same person serve as the representative to Region J and the Research Triangle Regional Planning Commission. Mayor Lee asked Alderman Smith to serve on the Research Triangle Regional Planning Commission in addition to Region J. Alderman Smith agreed.

IVEY'S--SPECIAL USE MODIFICATION

Mr. Coolidge Porterfield requested that this item be placed before the budget consideration on the agenda. Alderman Coxhead moved, seconded by Alderman Smith, to place this item before the budget consideration on the agenda. This motion was unanimously carried.

LANDFILL

Town Manager Peck requested that this item be placed on the agenda. There were no objections.

OPEN SPACE

Mr. Gordon Fisher said that he had contacted Mr. Pope who was representing the Nellie Lloyd Ferrell property on Ephesus Church Road and had made an offer to purchase the property for \$3500 per acre. He said that the offer was rejected. Alderman Scroggs asked what the fair market value for land in that area is. Mr. Fisher said that his firm had appraised the land at \$3500 to \$3600 per acre. Alderman Welsh said that the Open Space Committee had designated this land as a priority for open space. She said that if the Town's offer was rejected, that the only way to acquire the land would be through condemnation procedures. Town Attorney Denny outlined the steps that would need to be taken for condemnation. Alderman Nassif moved, seconded by Alderman Welsh, to adopt the following resolution.

R E S O L U T I O N

WHEREAS, the provisions of Section 401 of Chapter 160A of the General Statutes of North Carolina authorize the Town of Chapel Hill to acquire fee simple title in real property in order to preserve open spaces and areas for public use, and enjoyment, and

WHEREAS, the land hereinafter referred to is undeveloped land that has value for park and recreational purposes, and the conservation of land and natural resources including scenic purposes, and

WHEREAS, the provisions of Section 241 of Chapter 160A of the General Statutes of North Carolina authorize the Town of Chapel Hill to acquire by condemnation the fee simple title to property for the enlarging of parks, playgrounds and other recreational facilities, and authorize the said Town to acquire said property in accordance with the procedures set forth or referred to therein including local Acts applicable to the Town of Chapel Hill, and

WHEREAS, Chapter 695 of the Session Laws of 1969 authorizes the Town of Chapel Hill to acquire property by condemnation through the use of procedures set forth in Article 9 of Chapter 136 of the General Statutes of North Carolina as modified therein, and

WHEREAS, the provisions of said Article 9 of Chapter 136 of the General Statutes authorize the procedure of condemnation through the filing and recording of a Declaration, Notice and Complaint of Taking, and the deposit into Court the amount estimated to be the compensation for said taking, and

WHEREAS, the said Town has caused the property hereinafter referred to to be appraised and has sought to acquire title to said property through negotiations with owners thereof, but has been unable to do so, and

WHEREAS, the property hereinafter described is necessary and desirable for the public purposes aforesaid.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CHAPEL HILL THAT the attorney for the Town of Chapel Hill is hereby authorized and directed to prepare a complaint and declaration of taking and such other documents as may be required for the purposes of acquiring title to the property hereinafter described, and the appropriate officers of the Town of Chapel Hill are hereby authorized and directed to execute such documents, and

WHEREAS, it has been estimated by the Board of Aldermen that the just compensation for said taking is the sum of \$35,370.00, and the said appropriate officials of the Town of Chapel Hill are authorized to deposit said sum with the Court, and that title to said property be acquired pursuant to said Article 9.

The Owners of the property, the subject of this Resolution, are:

Nellie Ward Farrell, Widow, Tommy Preston Farrell, James Edward Farrell, Marvin Sidney Farrell, Lois L. Young, Widow of Grady William Lloyd, Sr., Paul N. Lloyd, John Bynum Lloyd, Wallace L. Lloyd, Mary Louise Lloyd, Lillian G. Lloyd, Grady Lloyd, Jr. and wife, Peggy Lloyd and Grady William Lloyd, III,

and the property, the subject of this Resolution is more particularly described as follows:

All that certain tract or parcel of land lying and being on the north side of Ephesus Church Road in the Town of Chapel Hill which said property is more particularly described as follows: BEGINNING at an iron stake in the north side of Ephesus Church Road, corner with the property of the Chapel Hill - Carrboro City Board of Education, Inc., and running thence along and with said Board of Education Property North $3\frac{1}{4}$ 19' East 594.50 feet to an iron stake; running thence South $89\frac{1}{4}$ 37' West 200.00 feet to an iron stake; running thence South $3\frac{1}{4}$ 19' West 220.00 feet to a stake in the north side of Ephesus Church Road; running thence along and with the northern right-of-way line of said Ephesus Church Road South $89\frac{1}{4}$ 37' West 460.00 feet to an iron stake, the point and place of BEGINNING, and containing 11.79 acres.

Alderman Welsh asked if action could be taken on this tract within two to four weeks. Town Attorney Denny said yes, although there may be additional court procedures. Mayor Lee said the Town could request an extension for the Federal funds appropriated for this purpose. This motion was unanimously carried. Town Manager Peck read a letter from Mr. Ace Robbins regarding the E. M. Fowler property on Weaver Dairy Road, saying that the owner did not want to sell, and that the Town's offer was rejected. Alderman Welsh said that this tract is the second priority for open space. Alderman Welsh moved, seconded by Alderman Nassif, to adopt the following resolution.

R E S O L U T I O N

WHEREAS, the provisions of Section 401 of Chapter 160A of the General Statutes of North Carolina authorize the Town of Chapel Hill to acquire fee simple title in real property in order to preserve open spaces and areas for public use, and enjoyment, and

WHEREAS, the land hereinafter referred to is undeveloped land that has value for park and recreational purposes, and the conservation of land and natural resources including scenic purposes, and

WHEREAS, the provisions of Section 241 of Chapter 160A of the General Statutes of North Carolina authorize the Town of Chapel Hill to acquire by condemnation the fee simple title to property for the enlarging of parks, playgrounds and other recreational facilities, and authorize the said Town to acquire said property in accordance with the procedures set forth or referred to therein including local Acts applicable to the Town of Chapel Hill, and

WHEREAS, Chapter 695 of the Session Laws of 1969 authorizes the Town of Chapel Hill to acquire property by condemnation through the use of procedures set forth in Article 9 of Chapter 136 of the General Statutes of North Carolina as modified therein, and

WHEREAS, the provisions of said Article 9 of Chapter 136 of the General Statutes authorize the procedure of condemnation through the filing and recording of a Declaration, Notice and Complaint of Taking, and the deposit into Court the amount estimated to be the compensation for said taking, and

WHEREAS, the said Town has caused the property hereinafter referred to to be appraised and has sought to acquire title to said property through negotiations with owners thereof, but has been unable to do so, and

WHEREAS, the property hereinafter described is necessary and desirable for the public purposes aforesaid.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CHAPEL HILL that the Attorney for the Town of Chapel Hill is hereby authorized and directed to prepare a complaint and declaration of taking and such other documents as may be required for the purposes of acquiring title to the property hereinafter described, and the appropriate officers of the Town of Chapel Hill are hereby authorized and directed to execute such documents, and

WHEREAS, it has been estimated by the Board of Aldermen that the just compensation for said taking is approximately the sum of \$29,580.00, and the said appropriate officials of the Town of Chapel Hill are authorized to deposit said sum with the Court, and that title to said property be acquired pursuant to said Article 9.

The Owner of the property, the subject of this Resolution, is:

Edwin Mitchell Fowler,

and the property, the subject of this Resolution, is more particularly described as follows:

BEGINNING at an iron stake in the southern right-of-way line of Weaver Dairy Road, a 60-foot street, corner with the property of Mrs. I. S. Sparrow; running thence along and with the Sparrow eastern line South $5\frac{1}{4}$ West 785.0 feet to an iron stake, corner with property of the Town of Chapel Hill; running thence South $85\frac{1}{4}$ East 1006 feet to an iron stake, corner with the property of Elizabeth C. Baity; running thence with Baity's line North $4\frac{1}{4}$ 40' East 187.0 feet to an iron stake in the southwestern right-of-way line of said Weaver Dairy Road; running thence along and with the southwestern and southern right-of-way line of said Weaver Dairy Road the following courses and distances: North $35\frac{1}{4}$ 55' West 142.0 feet; North $29\frac{1}{4}$ 37' West 185.0 feet; thence North $44\frac{1}{4}$ 20' West 96.0 feet; thence North $47\frac{1}{4}$ 53' West 96.0 feet; thence North $54\frac{1}{4}$ 35' West 93.0 feet; thence North $56\frac{1}{4}$ 38' West 92.0 feet; thence North $60\frac{1}{4}$ 39' West 121.0 feet; thence North $64\frac{1}{4}$ 38' West 95.0 feet; thence North $68\frac{1}{4}$ 43' West 90.0 feet; thence North $72\frac{1}{4}$ 59' West 189.9 feet to an iron stake, the point and place of BEGINNING, and containing 13.2886 acres, and being that portion of the property conveyed to Edward Mitchell Fowler by deed recorded in Deed Book 112 at Page 85, Orange County Registry, which lies south and west of the Weaver Dairy Road.

This motion was unanimously carried. Mayor Lee expressed his appreciation to Mr. Fisher and Mr. Robbins for their efforts for the Town and asked them to submit bills for their work.

RECYCLING

Tony Povolitis reviewed the highlights of the Mayor's Task Force Report on Recycling. Alderman Marshall said she was impressed with the report, and its ideas, and thanked the members of the Task Force. Alderman Welsh said that this report indicated how successful a task force approach to the problems of the Town could be, and said that she would like the Town Manager's recommendations based on the report. Alderman Welsh moved, seconded by Alderman Nassif, to accept the Mayor's Task Force Report on Recycling to use as a guideline for future recycling activities. Alderman Scroggs said that he was pleased that attention was given to energy balance in the report and commended the committee for its work. This motion was unanimously carried. Mayor Lee thanked the Task Force for their work.

STREET FAIR

Harper Peterson said that the merchants on Franklin Street and the Chapel Hill Recreation Department were planning a community Street Fair to take place on E. Franklin Street between N. Columbia and Henderson Streets from 1:00 to 8:00 P.M. on August 27th. He said

that they would like the support of the Board of Aldermen and permission to block off Franklin Street from 1:00 P.M. to 8:00 P.M. Aldermen Coxhead moved, seconded by Alderman Nassif, to have the Board of Aldermen go on record as favoring this proposal and permitting the blocking off of E. Franklin Street between N. Columbia and Henderson Streets from the hours of 1:00 to 8:00 P.M. on August 27th. Alderman Smith asked if the merchants on Franklin Street were supporting this. Harper Peterson said that most of them were. Mr. Spransy said that there is no strong opposition from the merchants. He said that organized groups were being invited to set up outdoor cafés along Franklin Street and to participate in the Street Fair. This motion was carried by a vote of five to one with Alderman Scroggs opposing.

BIDS--BALL FIELD LIGHTS

Alderman Nassif moved, seconded by Alderman Marshall, to accept the low bid for lights at the Roberson Street Ball Field as recommended by the Recreation Commission. Alderman Smith said that he would like to see a complete plan for the disbursement of the funds so that money is not spent piecemeal. This motion was unanimously carried.

IVEY'S--SPECIAL USE MODIFICATION

Mayor Lee read a transmittal from the Appearance Commission recommending that if the Board approves the Special Use Modification request that it be for the elevation and perspective, but not for the sign. Van Opdenbrow said that the recommendations from the Appearance Commission are the same as those from the Planning Board. Alderman Welsh said that there should be at least one element of uniformity in the Signs at University Mall. Alderman Coxhead moved, seconded by Alderman Nassif, to grant the request recommended by the Planning Board and the Appearance Commission for the Special Use Modification for Ivey's in University Mall. This motion was unanimously carried.

BUDGET ORDINANCE

Alderman Nassif said that \$36,706 is the total for the salary proposed for the Assistant Town Attorney, the Planning Department secretary, the Engineer, a Maintenance Man I, and a Refuse Collector. He said if these positions were not filled until October 1st, there would be a savings of \$9,000 that could be added to contingencies for the landfill. He said that in addition, \$16,000 was proposed in the budget for leasing property and for a road, and that this money could be added to contingencies. He said that of the \$25,000 proposed for the Department of Human Resources, \$12,000 could be used for the Director's salary, but that the remainder could be held in the contingency fund until after the landfill site had been purchased. He said that after the cost of the landfill site is known, that the money from contingency could go into programs for sidewalks and open space. Alderman Scroggs said that he would have preferred that this proposal had been made in the budget discussions and that with regard to hiring new employees that since the positions have been approved, the people should be hired when they are available. Alderman Welsh said that the Town Manager could come to the Board with a special request when he has a person for one of the positions. Town Manager Peck said that it will take time to find an engineer, but that it might be important to be able to fill the positions for the maintenance man and the refuse collector. Mayor Lee said that there seemed to be some difference in understanding about the departments of Social Services and Housing and Community Development. Alderman Nassif said that the organizational chart was still being discussed and that no decisions about those departments had been made. Mayor Lee said that he was in favor of putting the Housing Authority salary increases in contingency, but that he was not in favor of putting the salary for the Social Services secretary in contingency. Alderman Scroggs said that the residuals of any unused salary appropriations could be put into contingency, but that hiring for new positions should not be limited to October 1st. Town Manager Peck said that he could regulate the hiring so that the \$9000 for salaries would be saved.

Alderman Welsh supported the Town Manager's suggestion. Alderman Nassif said that the \$16,000 for landfill and the \$5000 for salary increases for the Housing Authority could be put in the contingency fund in addition to the salary residuals. Alderman Nassif moved, seconded by Alderman Scroggs, to transfer \$21,000 into contingency and on October 1, 1972 to review the new positions in order to transfer funds for those that are unfilled. This motion was unanimously carried. Alderman Nassif moved the following: (See Inserts) Town Manager Peck asked if \$300 of the amount appropriated for Recycling should be used for the promotion. The Board said yes.

PRIVILEGE LICENSE ORDINANCE

Town Attorney Denny read the Privilege License Ordinance. Alderman Scroggs moved, seconded by Alderman Marshall, to adopt the ordinance as read.

AN ORDINANCE TO LEVY A PRIVILEGE TAX ON TRADES, PROFESSIONS AND FRANCHISES FOR THE FISCAL YEAR ENDING JUNE 30, 1973 AND EACH FISCAL YEAR THEREAFTER PURSUANT TO THE PROVISIONS OF G.S. 160A-211.

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

SECTION I

There is hereby levied a Privilege License Tax on trades and professions carried on and franchises enjoyed within the Town of Chapel Hill for the Fiscal Year ending June 30, 1973 and each fiscal year thereafter, at the same rates effective for such taxes during the fiscal year ending June 30, 1972, and as are set forth in detail in an ordinance entitled, "An Ordinance to Levy a Privilege Tax on Trades, Professions and Franchises for the Fiscal Year ending June 30, 1961," as enacted by the Board of Aldermen of the Town of Chapel Hill at a regular meeting held on July 11, 1960, which ordinance is set forth in detail and recorded on the official minutes of the Board of Aldermen of the Town of Chapel Hill in Minute Book 11, on pages 148 to 152, inclusive, reference being hereto made to said ordinance the terms of which are hereby adopted and incorporated herein by reference and made a part of this ordinance effective for the fiscal year ending June 30, 1972 and each fiscal year thereafter, to the same extent as if herein set forth in detail.

SECTION II

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

This the 24th day of July, 1972.

This motion was unanimously carried.

PERSONNEL ORDINANCE AMENDMENT

Mayor Lee read the Personnel Ordinance amendment. Alderman Coxhead moved, seconded by Alderman Smith, that the Board adopt the Personnel Ordinance Amendment as read. (See Inserts) This motion was unanimously carried.

BENCHES

Alderman Coxhead moved, seconded by Alderman Marshall, to approve the recommendation by the Appearance Commission for the placement of the benches on Franklin Street. This motion was unanimously carried.

TAX EXEMPTION

Alderman Welsh said that with regard to Mr. Pinney's proposal for a tax exemption, the Legislative Committee requested advice on the legal aspects of a \$10,000 property tax homestead exemption. She read a letter from Mr. Henry Lewis of the Institute of Government saying that a municipality does not have the authority to do this.

Town Attorney Denny said that he agreed with Mr. Lewis' interpretation. Alderman Scroggs said that the underlying assumption of the proposal was that the Town was levying taxes in excess of what it needed, and that he did not agree with that assumption. He said that the Town needed operational money and that this was an exercise in arithmetic. Alderman Welsh moved, seconded by Alderman Smith, to send copies of Mr. Lewis' interpretation to Mr. Pinney and candidates for the State Legislature. This motion was unanimously carried.

TRAFFIC--WILLOW DRIVE

Town Manager Peck said that the Police Department recommended the elimination of parking and continual three-laning of Willow Drive between the By-Pass and Estes Drive. He recommended that this be referred to the Street Committee. Alderman Coxhead moved, seconded by Alderman Marshall, to refer this to the Street Committee and to the Planning Board for study and recommendation. This motion was unanimously carried.

RECREATION COMMISSION--APPOINTMENT

Mayor Lee read a letter from Claudia Cannady nominating Daryll Powell, owner of the Glue Factory, for the vacancy on the Commission, and designating Barbara Booth as the school representative. Alderman Coxhead asked whose vacancy was being filled. Claudia Cannady said King Kouns. Alderman Coxhead moved, seconded by Alderman Welsh, that subject to the resignation of Barbara Booth, that Daryll Powell be appointed to fill the vacancy of Barbara Booth, and that Barbara Booth be designated as the representative from the school board filling the vacancy left by King Koun. Claudia Cannady said that Ms. Booth has indicated that she would be agreeable to this arrangement. This motion was unanimously carried.

DUKE POWER COMPANY--SPECIAL USE PERMIT

Mr. Walter McKinnan said that when the special use permit was granted for the electric transmission line it was granted for a specific line, and that the surveys now show that tract #3, which was not included in the original alignment, must be included. He said that there was no opposition from the property owner to including it and requested that a special use permit be granted for that tract. Alderman Scroggs moved, seconded by Alderman Coxhead, to grant the special use modification for tract #3 as requested. Alderman Welsh said that there would be the same number of poles as in the original permit. This motion was unanimously carried.

LEAGUE OF MUNICIPALITIES--OCTOBER MEETING

Town Manager Peck said that the League of Municipalities will meet on October 29, 30, and 31, 1972 in Greensboro and asked if hotel reservations were desired. The members of the Board agreed that they would commute.


LANDFILL

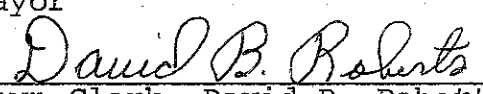
Town Manager Peck discussed the location of possible landfill sites in the Planning District, indicating that four tracts are possible sites and recommended that all four tracts be advertised for a special public hearing. Alderman Nassif said that if a portion of one of the tracts is in Carrboro that only a portion could be advertised. Alderman Nassif moved, seconded by Alderman Welsh, to advertise the following four tracts of land for a special public hearing on August 14th: Tract 4, on tax map 26, lot #14; Tract 7, on tax map 29, lot #3; Tract 9, on tax map 122, lot B-8A; and Tract 12, on tax map 126, lot A-4. This motion was unanimously carried.

CABLE TELEVISION

Mayor Lee said that he hoped that the committee studying cable television would be able to make recommendations in September. Alderman Scroggs said that Town Attorney Denny is preparing a basic franchise ordinance for cable television.

The meeting was adjourned at 9:35 P.M.



Mayor


Town Clerk, David B. Roberts

MINUTES

August 14, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a special joint public hearing with the Planning Board at 7:30 on August 14, 1972 with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Welsh, Nassif, Marshall, and Coxhead. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny. The Planning Board members present were Messrs. Weiss, Helton, Huron, Hemmens, and Ms. Parker.

PUBLIC HEARING

Mayor Lee told the audience that the amendment to the "Ordinance providing for the Zoning of Chapel Hill and Surrounding Areas" and the request for special use permits were advertised for a special public hearing at this time.

ZONING ORDINANCE--AMENDMENT

Mayor Lee said that the proposed amendment would amend Section 4-C by adding, as a new 4-C-1-m and 4-C-1-n, the following:

- "m. Where a property for which a Special Use Permit is requested is one-hundred (100) acres or less in size, the scale of all required plans of the property shall be not less than one-hundred (100) feet to the inch not more than twenty (20) feet to the inch. Where such property exceeds one-hundred (100) acres in size, the scale of all required plans of the property shall be not less than two-hundred (200) feet to the inch."
- "n. For those Special Uses for which a sketch map of surrounding properties is required, and where the property for which the Special Use Permit is requested exceeds one hundred (100) acres in size, the scale of such sketch map may be reduced to not less than four-hundred (400) feet to the inch."

Van Opdenbrow said the proposed amendment was being made for practical reasons and that he knew of no objections to changing the scale of the maps. Mayor Lee said that the second proposed amendment would amend Section 4-D-13, Sanitary Landfills, by changing the words "Board of Adjustment" in 4-D-13-a to the words "Board of Aldermen." Gordon Battle objected to the Board of Aldermen changing the authorization for landfills from the Board of Adjustment to the Board of Aldermen. Alderman Smith moved, seconded by Alderman Scroggs, to refer both amendments to the Zoning Ordinance to the Planning Board for recommendations. This motion was unanimously carried.

PROCEDURE--PUBLIC HEARING

Gordon Battle questioned the Board of Aldermen holding a public hearing on landfills before action was taken on the proposed amendment regarding the Board's responsibility for sanitary landfills. He also said that according to the Zoning Ordinance, the owner of property being considered for special use must sign an application and that his client, Ms. Polk, had not signed one. Town Manager Peck said that although the Eubanks site was the first choice for a regional sanitary landfill that the four sites advertised for the public hearing would be considered as alternative sites and that if one were selected, then the necessary testing would be done.