
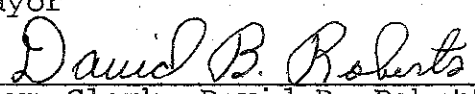


The meeting was adjourned at 9:35 P.M.



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, Hurrow, 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.

SPECIAL USE PERMIT--MS. HUGH P. CARROLL

Town Manager Peck showed the Carroll property located off Mt. Moriah Church Road. This property is shown on Orange County Tax Map 26 as lot 14. Mr. Carroll introduced Ms. Hugh Carroll's lawyer, Mr. Parker, who presented a petition opposing the site, signed by 292 people, and expressed opposition to rezoning that land. He said that the land had been in the family for years, is beautiful land, and is too valuable for a landfill. He referred to a section of the General Statutes regarding conserving land for the most suitable use and said that this land located between Chapel Hill and Durham is valuable land for development, and that rezoning the land for a garbage dump would destroy beautiful land and displace the owner. Alderman Scroggs asked if he could substitute landfill for garbage dump in Mr. Parker's statements. Mr. Parker said yes. Mary Scroggs, Chairman of the Chapel Hill-Carrboro School Board, said that the public schools needed a landfill for the disposal of their garbage. She said that there had not been complaints from the people near the present landfill about odors, rodents, or flies. Mr. H. P. Carroll objected to the request for rezoning this site. Alderman Welsh moved, seconded by Alderman Smith, to refer the request for a Special Use Permit for a sanitary landfill for the property owned by Ms. Hugh P. Carroll to the Planning Board for recommendations. This motion was unanimously carried.

SPECIAL USE PERMIT--MARY LINDSAY

Town Manager Peck showed the site of the Mary Lindsay property located on N.C. Highway 86 on both sides of Piney Mountain Road. This property is shown on Orange County Tax Map 29 as lot 3. Mr. R. E. Martin of Taylor Street read a petition with 93 signatures opposing the request for a special use permit for this site. He showed the area on the map and said that the drainage would be toward the wells of the people who live on Piney Mt. Road, and that it would affect the stream in that area. Gordon Battle, the attorney representing Mary Lindsay Polk, said that she had owned that property for years, did not wish to sell it, and did not want a landfill located on that property. He said that it would depreciate the value of the remaining portion of the property. John J. Pringle opposed this site and asked how long it would serve the Town. Town Manager Peck said that depending on who used the site three to five acres per year would be used for the landfill. Mr. Pringle said that it was unsatisfactory to put a landfill on residential property and said that the County Commissioners had failed in their responsibility to provide a site for the residents of the County. He urged the Board to condemn a smaller site for a landfill and to urge the County Commissioners to provide a regional site in the County. Ted Greene showed the site and an area of North Forest Hills that he was developing and said that the landfill would drain into Booker Creek and contaminate it. Alderman Smith asked if there were city water or sewers in that area. Town Manager Peck said no. Alderman Smith said that effluent could come from the septic tanks and that the drainage from the landfill site would not affect the wells. Alderman Coxhead moved, seconded by Alderman Marshall to refer the request for a special use permit for a sanitary landfill for the Mary Lindsay property to the Planning Board for study and recommendations. This motion was unanimously carried.

SPECIAL USE PERMIT--E. W. WOMBLE

Town Manager Peck showed the location of the E. W. Womble property on Smith Level Road in the Morgan Creek area on a map. This property is shown on Orange County Tax Map 122 as lot 8-A of Block B. John Beckham, owner of a home on that site, said he had lived there for two months and was renovating the old home. He said that he opposed the rezoning of this site, that he would not want to relocate, that traffic is already a problem in that area, that the area of land useable for a landfill was small, and that it would be difficult to screen that site adequately. He also said that drainage from the landfill would be toward University Lake. Robert Maddry said he opposed the site being rezoned for a sanitary landfill. Glen Snipes presented a petition in opposition to the rezoning request signed

by approximately 100 people. Ms. Christine McCallum of Smith Level Road said that she owns land which borders the Womble property and opposes that site for a sanitary landfill. She said that the land is zoned against trailers and should not now be zoned for a landfill. She said that the public school would border the landfill and that the landfill would increase pollution in Morgan Creek. Buddy Dansby of Ray Avenue opposed the request. Alderman Welsh moved, seconded by Alderman Scroggs, to refer the request for a special use permit for the property owned by the heirs of E. W. Womble to the Planning Board for recommendation. Alderman Smith said that traffic is a problem everywhere in Chapel Hill and he wished that everyone attending this public hearing would have been at the county hearing. Mr. Battle said that his client, Ms. Polk, was there. This motion was unanimously carried.

SPECIAL USE PERMIT--MS. ALFRED BRANDON

Town Manager Peck showed the location of the Brandon and Merritt property on U.S. 15-501 By-pass in the Dogwood Acres area on the map. This property is shown on Orange County Tax Map 126 as lot 4 of Block A. Mr. Glen Snipes said that the petition in opposition to the Womble site also applied to the Brandon property. Ms. Elsa Sonner of Dogwood Drive said that after a heavy rain the odor of effluent is strong and she questioned the effect of drainage from the area proposed for the landfill. She said that there is a bad curve in that area and that if the landfill were to be located there that good signs would be needed to prevent accidents. She asked if the people living in Dogwood Acres would be able to dispose of their garbage at that landfill if it were located there. Mr. E. Y. Jaynes objected to the site, said the traffic problem is great there, said he gets his water from a stream that would be affected by a landfill there, and that property in that area would be devalued. George Cole objected to the site and a citizen suggested that everyone attending the public hearing write to the County Commissioners urging them to provide a regional landfill site. Alderman Smith moved, seconded by Alderman Scroggs, to refer the special use request for the Brandon and Merritt property to the Planning Board for recommendations. This motion was unanimously carried.

LANDFILL SITE

Mayor Lee clarified what a sanitary landfill is. Alderman Scroggs asked Town Attorney Denny to speak to Mr. Battle's question of the validity of this special public hearing. Town Attorney Denny said that regarding the question of the technical procedure of the zoning ordinance that the section Mr. Battle referred to had been amended and the portion that he referred to is no longer a requirement. He said that with regard to the question of the Board of Aldermen conducting a public hearing at this time that although the procedure being followed was not the usual one that it has been used in the past and is acceptable. He said that the Board of Aldermen is acting in the interest of time and that the procedure being used provides the required notice to the citizens and gives people the opportunity to express their opinions on these items. He said that in acquiring the site for a sanitary landfill the Board of Aldermen is exercising a governmental function, and is not subject to its own zoning ordinance. Mr. Olive asked if the Town had tried its best to get the University to extend the deadline for the present landfill site. Mayor Lee said that the Town has made every logical, feasible, possible effort to do that. Alderman Nassif said that he knew that the University would not extend the deadline. Mr. Whitfield asked how the new landfill would be financed and how much the University would contribute. Mayor Lee said that the University would be involved in the landfill, but that he could not indicate the nature of the University's participation at this time. Alderman Nassif said that the University owns the present landfill site, has never charged for its use, offered another piece of land free in the Carrboro district, and Carrboro had rejected it. He said that the University has participated fully in the past for a

landfill and that the Town has a responsibility to provide services to all the people in the Town including the University.

The Special Public Hearing was adjourned at 8:55 P.M.

REGULAR MEETING:

MINUTES

Alderman Smith moved, seconded by Alderman Welsh, to approve the minutes of the meeting of July 24, 1972 as corrected. This motion was unanimously carried.

CHAPEL HILL - HISTORIC DISTRICT

Mayor Lee read a letter from the North Carolina Department of Archives and History indicating that the Chapel Hill Historic District had been entered in the National Register of Historic Places and that a certificate had been sent to Mayor Lee. Alderman Welsh said that it was a great honor to be recognized in this way and requested that a letter be written to Mr. Jones, the State Liaison Officer. Alderman Marshall said that Chapel Hill is the largest historic district established in the country.

LANDFILL - EUBANKS SITE

Mayor Lee referred to a letter from Pearson Stewart of the Research Triangle Planning Commission supporting the concept of a regional landfill site and indicating the suitability of the Eubanks site.

TRANSPORTATION COMMISSION

Terry Lathrop presented a petition requesting that the Board of Aldermen hear the recommendations of the Transportation Commission prior to September 7th. Mayor Lee said that a special meeting to hear the recommendations would be held on August 16th at 7:30 P.M. in the Municipal Building. This meeting would be open to the public. Alderman Nassif said that he felt concerned about making important decisions under time pressure. Terry Lathrop said that it was not necessary for the Board to make a decision quickly, but that he wanted the Board to know the time-table for getting this on the November ballot. Mayor Lee said that the meeting would be held on August 16th for the recommendations to be heard, and then the Board could decide on a course of action.

SEWER RATES

Mayor Lee read a proposed amendment to Section 23 - 26 of the Code establishing new sewer rates as approved in the 1972-73 budget.

AN ORDINANCE TO AMEND SECTION 23-26 AND SECTION 23-28 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL

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

SECTION I

That Section 23-26, Code of Ordinances of the Town of Chapel Hill is hereby amended to change the charge set forth therein from \$.22½ per 1,000 gallons of water to \$.45 per 1,000 gallons of water.

SECTION II

That Section 23-28, Code of Ordinances of the Town of Chapel Hill is hereby amended to state the minimum charge therein as \$36.00 per year for each dwelling unit.

SECTION III

That except as amended herein, said sections are continued in force.

SECTION IV

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

This the 14th day of August, 1972.

Alderman Coxhead moved, seconded by Alderman Smith, to approve the amendment as read. This motion was unanimously carried.

Alderman Scroggs asked if the sewer assessment could be included in city taxes. Town Manager Peck said that because the sewer system must be self-supporting, it would not be advisable to include it in city taxes.

ASSESSMENT HEARING

Town Manager Peck requested that the Board set a date for the assessment hearing. Alderman Coxhead moved, seconded by Alderman Nassif, to set the public hearing to receive the assessment roles for September 11, 1972. This motion was unanimously carried.

TRACTOR

Town Manager Peck said the purchase of a new tractor would be \$18,000 to \$20,000 and that it was possible now to get a used tractor for \$7,500 on an emergency basis. He said that no bids would need to be taken. Alderman Marshall moved, seconded by Alderman Coxhead, to declare the purchase of a used tractor as an emergency purchase and to approve the purchase of a used Rockway tractor for \$7500. This motion was unanimously carried.

PLANNING BOARD APPOINTMENTS

Town Manager Peck said that Dwight Merriman had nominated himself for the vacancy on the Planning Board and that the nomination of Bonnie Powell had been made directly to the Board of Aldermen. Van Opdenbrow said that Herbert Bodman and Elizabeth Goldman were the Planning Board's recommendations. Alderman Marshall said that she would like to place the name of Bonnie Powell in nomination. Mr. Weiss said that Mr. Bodman and Ms. Goldman have professional qualifications to serve on the Planning Board. Alderman Nassif asked if the Board of Aldermen was not postponing appointments to the Planning Board, the Appearance Commission, and the Board of Adjustment. Mr. Weiss said that the Planning Board needed members in order to have a quorum at their meetings. Alderman Welsh spoke in support of Bonnie Powell. Alderman Smith moved, seconded by Alderman Welsh, that the nominations for the vacancy on the Planning Board be closed with the names of Herbert Bodman, Elizabeth Goldman, and Bonnie Powell placed in nomination. This motion was unanimously carried. Mayor Lee broke a tie vote and Bonnie Powell was appointed to the Planning Board.

PARKING - GIMGHOUL ROAD

Mayor Lee referred two letters regarding parking on Gimghoul Road to the Streets Committee for consideration and recommendations.

ZONING ORDINANCE - AMENDMENTS

Van Opdenbrow said that the Planning Board had met and recommended approval of the amendments to the Zoning Ordinance referred to it at the public hearing. Alderman Smith moved, seconded by Alderman Scroggs, to request that an ordinance be prepared in accordance with the Planning Board's recommendations. This motion was unanimously carried. Town Attorney Denny read an ordinance amending the Zoning Ordinance as requested. Alderman Scroggs moved, seconded by Alderman Welsh to adopt the ordinance as presented.

AN ORDINANCE AMENDING "AN ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS," AS ADOPTED JANUARY 19, 1970 AND AS SUBSEQUENTLY AMENDED AND READOPTED ON JUNE 19, 1972

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 August 14, 1972 to consider the changes in the Zoning Ordinance as set forth in Sections I and II below, and

110
WHEREAS, after said public hearing the changes were referred to the Planning Board for review and recommendations, and

WHEREAS, the Planning Board made certain recommendations were approved by the Board of Aldermen.

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, and as readopted June 19, 1972 be, and the same is hereby further amended as follows:

SECTION I

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."

SECTION II

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."

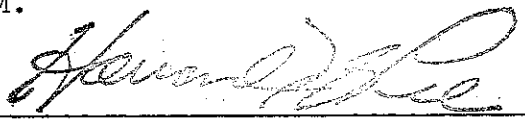
SECTION III

All Ordinances or portions of Ordinances in conflict are hereby repealed.

This the 14th day of August, 1972.

This motion was unanimously carried.

The meeting was adjourned at 9:50 P.M.


Mayor


Town Clerk, David B. Roberts

MINUTES

August 16, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met in a Special Meeting at 7:30 P.M. on August 16, 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.