

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M. on September 18, 1972 with the following members present: Mayor Lee, Aldermen Scroggs, Welsh, Nassif, Marshall, Coxhead, and Smith. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Coxhead moved, seconded by Alderman Marshall, to approve the minutes of the meeting of September 11, 1972 as corrected. This motion was unanimously carried.

NORTH FOREST HILLS

Ms. Greene requested approval of the preliminary and final plats of the North Forest Hills Subdivision. Town Manager Peck said the plans were not complete. Mr. Ted Greene said that he has agreed to do the work according to the Town's specifications. Alderman Coxhead moved, seconded by Alderman Scroggs, to receive the request and put the item at the end of the agenda for discussion. Alderman Nassif asked if the Town Manager had objections to the plat. Town Manager Peck said that specific stipulations could be included with the approval. This motion was carried by a vote of five to one with Alderman Nassif opposing.

LAUREL RIDGE - REVISION

Morris Brookhart of City Planning and Architectural Associates requested consideration of minor revisions of the Laurel Ridge Subdivision. Van Opdenbrow said that a spring was found on the property and that necessitated moving the building location and the parking area. Alderman Smith moved, seconded by Alderman Marshall, to receive the petition and place the item of the end of the agenda. This motion was unanimously carried.

CHURCH STREET APARTMENTS

Mr. Paul Seibel who is constructing the Church Street Apartments requested an extension for the beginning of construction of forty units. Alderman Smith asked why the extension was not requested before the expiration date. Mr. Seibel said that he could have asked for the extension but thought he would have begun construction before the expiration date. Town Manager Peck asked how long an extension was being requested. Mr. Seibel said six months. Alderman Coxhead moved, seconded by Alderman Smith, to receive the request and refer it to the Town Manager for recommendation to the Board at the October 2nd meeting. This motion was unanimously carried.

HENDERSON STREET - BICYCLE RACE

Harper Peterson of the Recreation Department requested the closing of Henderson Street between Rosemary and Franklin Street from 1 to 5:00 P.M. on Sunday, September 24th for tricycle races and asked the Aldermen to support the bicycle race. Alderman Welsh moved, seconded by Alderman Marshall, to receive the petition and grant the request for closing Henderson Street between Rosemary and Franklin Streets from 1:00 to 5:00 P.M. on Sunday, September 24th for tricycle races. This motion was carried by a vote of five to one with Alderman Scroggs opposing. Mayor Lee said that he would encourage all of the Aldermen to participate in the races.

NOISE ORDINANCE

Town Manager Peck requested that the Noise Ordinance be added to the agenda. There were no objections.

BOARD OF ADJUSTMENT - RESIGNATION

Mayor Lee read a letter from Thomas J. Schoenbaum resigning from the Board of Adjustment.

D.U. FRATERNITY - SPECIAL USE

Van Opdenbrow reviewed the status of the plans presented and approved for the D.U. Fraternity house in June and described the new plans. Henry Poole of the D.U. Fraternity said that the Martin-Dey House would remain on the site until Phase II of the plan was constructed. The plans now are only to build Phase I. He said that the new plans have met the square footage and social area stipulations and that the Dey House would be used until Phase II is completed. Alderman Nassif asked if Phase II plans would be brought before the Board for approval before construction began. Mr. Poole said yes. Alderman Smith asked where the social area would be located in the new building. Van Opdenbrow said that it is isolated and is oriented away from the residences. Alderman Nassif moved, seconded by Alderman Coxhead, to approve the plans for Phase I, one building, as submitted. This motion was carried by a vote of five to one with Alderman Welsh opposing.

Alderman Nassif left the meeting.

WELCOME WAGON

Ms. Newnam who operates the Welcome Wagon described the business and the services and information she offers. Alderman Coxhead asked if Ms. Newnam would distribute material of public interest. Ms. Newnam said yes. Alderman Marshall said that perhaps voter registration material could be distributed. Ms. Newnam said she would be glad to do that. Mayor Lee thanked Ms. Newnam for appearing before the Board and said that it was reassuring to know that new residents in Chapel Hill are being welcomed in this manner.

DOG ORDINANCE

Gus Shoffner described a recent incident at the Pound and suggested that a law be passed to make breaking into the Pound more than a misdemeanor. He suggested that license fees be increased except for spayed and neutered dogs to \$5.00. Mayor Lee asked how he would be able to tell whether the dog was spayed or neutered. Mr. Shoffner said that a certificate from the vet could be used. He said that he had many complaints about the excessive number of dogs and hunting dogs in Chapel Hill and proposed limiting the number of dogs to four dogs over three months old per household. He said that he wanted a leash law for the Central Business District for pedestrian safety. He also said that he would like to reduce the Pound time for retaining a dog from six days to 48 hours for stray dogs and to 72 hours for dogs with tags. He suggested that for diseased or injured dogs the time should be reduced to 72 hours. He recommended a redemption fee of \$10.00, an adoption fee of \$10.00, and increasing the Pound fees to \$2.00. He recommended operating a rabies clinic which would be self-sufficient and a requirement that every dog released from the Pound have a rabies shot. Alderman Scroggs asked if the new time proposed for keeping dogs in the Pound seemed reasonable in light of the Dog Warden's experience. Mr. Shoffner said yes. Alderman Welsh asked how weekends would be counted. Mr. Shoffner said that weekends would be excluded from the time that dogs would be retained in the Pound. Alderman Coxhead said that that should be written in the ordinance. Alderman Smith said that he objected to a leash law in the CBD only because it was discriminatory, and said that the leash law should be for the entire town. He questioned raising the fee and decreasing the Pound time. Mr. Shoffner said that having a leash law in the Central Business District would enable him to have time to patrol the residential areas. Mayor Lee said that the question about fees should be studied further. Alderman Smith asked what the Dog Warden's objection to the leash law for the entire Town is. Mr. Shoffner said he has no objection. Town Manager Peck said that there is a difference between dogs running without a leash in the Central Business District and in residential areas.

Mayor Lee said that a dog should be free to run in residential areas until it forfeits its right. Alderman Welsh suggested having a leash law for all commercial areas. Town Attorney Denny said that it may be difficult to define commercial areas. Alderman Welsh said that it could be for shopping centers and the Central Business District. Alderman Marshall said that the rewriting of the Dog Ordinance defines what a public nuisance is and because a dog can be declared a nuisance, dogs can be controlled. Mr. James Layton said that he supports the total leash law. Alderman Coxhead moved, seconded by Alderman Marshall, to put the Dog Ordinance on the agenda for the October 2nd meeting and to request that the Aldermen come prepared to take action on it. This motion was unanimously carried.

SCHOOL ANNEXATION

Ms. Mary Scroggs requested that the Town annex Chapel Hill High School and Seawell Elementary School primarily for the purpose of providing Police protection. She said that the number of men that the County Sheriff's Department provides is not adequate and that the vandalism at night and on the weekends is a great problem. Town Manager Peck asked whether island type annexation was being requested or whether University land would be included in the annexation. Town Attorney Denny said that the request for annexation was an informal one and that the intent of the Board of Education should be clarified. Mayor Lee said that the Town Manager, the Town Attorney, and the School Superintendent should meet to study the annexation request and make recommendations. Alderman Scroggs said that this is an unusual request because it is only for public property and not taxable property. He said that because the schools are financed by the County does not mean that they are not Chapel Hill Schools. He said that two of the problems involve the cost of Police patrolling and roads maintenance. Alderman Smith moved, seconded by Alderman Marshall, to refer the request for annexation to the Town Manager and the Town Attorney for study and recommendations. This motion was unanimously carried.

CABLE T.V.

Alderman Scroggs said that the draft for Cable Television enabling legislation has been drawn in accordance with FCC guidelines. He said that poles for cable television should not be erected, that existing poles should be used or lines should be run underground. He suggested that in Section 10-84(d) that the words "and poles" should be deleted and asked if the Board agreed with not having poles erected. Alderman Welsh asked if there would be more detailed requirements. Alderman Scroggs said yes, and that a certificate of compliance would take care of the FCC regulations. He said that Section 10-85 permits pay television. Mayor Lee said that pay television was acceptable as long as it does not interfere with public broadcasting. Alderman Scroggs said that a limit on the number of channels that could be used for pay television was needed. Mayor Lee said that he was concerned that no single operator be able to convert all of the good programs to pay television. Mr. Joe Hitt of Hyper-video T.V. said that an operator can not divert programs. He said that what is planned for pay television includes sports events which are not now presently carried on the network and special films. Alderman Welsh said that it is the intent to get broad band programming and that she wanted more of the two-way communication type programming. She suggested omitting the first sentence in Section 10-85(c). Town Attorney Denny said that franchises involving pay T.V. needed to be regulated, but not prohibited. Alderman Scroggs said that Section 10-85(e) should be changed to read "grantee shall provide at least as many channels of programs as are permitted by the Federal Communications Commission regulations." He also said that the initial franchise period proposed is ten years with a five year extension, that this was used in the models for franchises and that a maximum grant of 15 years can be made. He said that each year a statement indicating the percentage of expansion must be submitted. Mayor Lee said that based on the experience in other cities, the Town of Chapel Hill would have only one franchise. Alderman Welsh said that there must be public access. Alderman Scroggs said that that could be written directly into the franchise contract. Mayor Lee said that the quality of the cable television company was not dependant on the size of the company. Alderman Scroggs said that a final draft of the Cable Television Ordinance should be prepared and because of the cooperation with Carrboro to date, a copy should be sent to Carrboro. Mayor Lee asked if the Cable Television Committee could develop the

franchise with all of the specifics. Alderman Scroggs said yes and indicated that the University had asked for three channels free of charge. He said that one educational channel, at least, is required and that the other requirements needed to be studied. Alderman Marshall and Mayor Lee commended the Committee on their work.

SEWER ASSESSMENTS

Town Manager Peck made a recommendation for the assessments for Billy Barnes, Everett Billingsley, and Charlie Edmonds. Alderman Coxhead moved, seconded by Alderman Welsh, to accept the recommendation of the Town Manager and make no assessment to Billy Barnes or Everett Billingsley at this time, but to keep the assessment on the roles so that it will be made effective if the sewer is used; and to assess Charlie Edmonds in accordance with the assessment listed on the roles. This motion was unanimously carried at 5:50 P.M.

NDP

Mr. Michael Stegman, Chairman of the Redevelopment Commission, read a statement to clarify questions raised about the NDP application, reviewed the history of the inclusion of the western end of the CBD and requested action on the original NDP application for submission October 1, 1972. Reverend Manley, representing the Project Area Committee, read from the 1963 Neighborhood Analysis and said that including the CBD in the NDP application will provide an opportunity for coordinated planning with the CBD Committee that would not result if it were not included in the NDP application. He said that it was important to have comprehensive planning and said that if the residences in the CBD are not included in the NDP application, they would deteriorate. Mr. James Kerr described the NDP program and how it operates. Alderman Welsh asked how the merchants felt about the western end of the CBD being included in the application. Mr. Kerr said that the meeting with the merchants had been cancelled after the last Board of Aldermen meeting. Mr. Stegman said that the issue is not whether or not an individual business has been contacted, but rather whether the original development area still makes sense. Alderman Scroggs said that the question is whether the area is correctly zoned, and that if it is to include residences it is not correctly zoned. Alderman Marshall said that the Appearance Commission had been concerned with zoning in the CBD and it seemed that it was good planning to include residences in the CBD. She said that she was disturbed that when the Redevelopment Commission thought they had a clear mandate to proceed with this application that these questions were being raised. Alderman Smith said that residences in the CBD promoted pedestrianism and he questioned why this area was being discussed so often when it had already been approved. Alderman Scroggs said that the CBD is not what it was when the vote was taken. Alderman Welsh said the property owners on the western part of Franklin Street have not discussed this and it is not in the spirit of the program to impose it on the people there. She said that she had supported including the Northside-Knolls area in the application, but was against adding any area without the concern of the merchants, the Planning Board, etc. Mayor Lee said that the merchants have had a chance to react to the area being included in the NDP application. He said that it has been approved, it has gone through a public hearing, and he is not willing to have this area sacrificed. Alderman Marshall asked if it were legal to change this without another public hearing. Mayor Lee said that the Board of Aldermen has the right to change it. Mr. Stegman said that to change the boundaries would require having another public hearing. Alderman Coxhead moved, seconded by Alderman Smith, to submit an application for the NDP area proposed in the original application and that the CBD Study Committee work in cooperation with the Redevelopment Commission for the portion of the CBD included in the original application. Alderman Welsh went on record as opposing this because it means placing people in the CBD under a federal program without them knowing about it. Alderman Marshall said that she will vote for it because she has asked everyone to come and discuss this and no one has responded. Mr. James Wallace said that the three-year old

public hearing is technically sufficient but it violates the spirit. He said that the memory of the Board and the citizens is not very long and that the issue that was raised four weeks ago resulted from a question about whether to include the eastern end of the CBD in the NDP application. He said that without that issue the vote would have been taken without all of this discussion. He said that the meeting with the merchants had been cancelled after the last Board meeting and that the merchants would not know what the program will mean for them. He said that there would be no continuity in the program without a Director, and that the application is due in twelve days. He requested that the Board of Aldermen deny the request. Van Opdenbrow said that a fundamental planning principle of the Board directed the Planning Department to work on amending the Zoning Ordinance whenever possible to provide for more residential use in commercial areas. He said that to gerrymander the district to separate residential and commercial uses is counter to the good planning principles and the principles recommended by the Board. Alderman Scroggs said that this principle was concerned with density, not with single-family residences. Mr. Kerr said that for businesses in the western portion of the CBD, the first year would be used for planning and that no treatment would be required of structures that are standard. He said that if it had been an error to cancel the meeting with the merchants, he would acknowledge that. Mr. Stegman said that rehabilitation means bringing housing up to the minimum housing code standards and that the issue is not public or private rights, but rather meeting minimum standards. He said that in 1971 there was no question that the area would be included with the approved NDP area. Mayor Lee said that the continuity of the program would come through the existence of the Redevelopment Commission, the Project Area Committee, and the Board of Aldermen. He said that the Town has an obligation to protect the families in the area and to be responsible to the merchants. Alderman Scroggs said that the one thing which did change since 1971 was that the CBD Study Committee was formed to study the business zone of the Town. Mayor Lee said that there is no reason why the CBD Study Committee and the Redevelopment Commission should not work together, and if they can not there is something wrong. This motion was carried by a vote of three to two with Aldermen Welsh and Scroggs opposing.

AGENDA ITEMS

Alderman Smith asked the Board to postpone discussion of the other items on the agenda except the slides, N. Forest Hills, and Laurel Ridge.

USE OF SLIDES AT HEARINGS

Mayor Lee said that Mr. Marion Alexander has asked for permission to use slides in his presentation at the public hearing. The Board agreed that any reasonable presentation such as slides would be acceptable at a public hearing.

Alderman Welsh left the meeting.

15-501 - ACCESS ROAD

Mr. Robert Page came at the request of Col. Spiller to ask for guidance about the access road from the lots on either side of the Crazy Horse on the 15-501 Boulevard. Van Opdenbrow showed the plat and said that on March 13, 1972 the Board of Aldermen indicated that the access road had to be completed before occupancy. He said that the question now is who should build it, that the State Highway Department said that it would build it and has not. Town Attorney Denny showed the access road on the plat and said that the double access which was required had already been provided. Alderman Coxhead asked if there is any official notice that the Highway Department will build this access road. Van Opdenbrow said yes, that he is surprised that it has not already been built. Alderman Coxhead moved, seconded by Alderman Scroggs, to allow the property owners there to build a temporary road to their property and to grant a permit of occupancy. Alderman Smith asked what affect the temporary road would have on the Highway Department building a road. Mr. Opdenbrow said none. This motion was unanimously carried.

NORTH FOREST HILLS

Van Opdenbrow reviewed the preliminary and final plats which had been revised and reviewed by the Town Manager and the Public Works Department. Town Manager Peck said that one problem is that the Board adopted the amendment to the Subdivision Ordinance requiring detailed plans for drainage and that these were not provided on the plat submitted. He also raised the question of whether preliminary and final plats should be approved at the same time. He said that if the preliminary plat were approved, it should be with the stipulation that the bond would cover the installation of improvements to the Town specifications. Alderman Scroggs said that this case defeats the purpose of the Subdivision Ordinance. He said that lots in this case can be sold with no guarantee. Mr. Greene described the subdivisions he had developed and said he was willing to put up a bond to meet Town specifications. Alderman Smith asked why the drainage plan had not been submitted. Ms. Greene said that in February, when the plat was submitted, the Subdivision Ordinance did not require one. She said that they only became aware of it last week. Town Manager Peck asked if all of the lots or a portion of them had been sold. Mr. Greene said he has an offer for all of the lots in one section with the option to buy the other sections at a later time. Ms. Greene said that they have not been able to continue the work on the subdivision and that the residents there would like to have the rest of the subdivision developed. Town Manager Peck said if the preliminary plat is approved that the lots can not be sold until the improvements are made. He recommended approval of the preliminary plat with stipulations. Alderman Marshall moved, seconded by Alderman Scroggs, to approve the preliminary plat for North Forest Hills showing the open space, lake, and a half-acre park east of the dam as a required open space for this section of the subdivision with the matter of the engineering design worked out with the Public Works Department and approval of the final plat of Block C, lots 1-11, Block D, lot 1 and Block E, lots 7-12 subject to the posting of a bond sufficient to cover all improvements according to the design and construction standards approved by the Public Works Department. This motion was unanimously carried.


LAUREL RIDGE - REVISION

Van Opdenbrow said that the developer had discovered a spring where the building was to be constructed and has revised the plans, shifting the parking area and the building. Alderman Smith moved, seconded by Alderman Marshall, to grant the revision of the Special Use Permit as requested. This motion was unanimously carried.

LANDFILL

Mayor Lee said that the New Hope Homeowners Association had filed a restraining order against the landfill site, that it would be heard in Court on September 27th, and said that the Town Manager should proceed to purchase the land. Alderman Coxhead asked if it would be possible for the New Hope Homeowners Association to be successful. Town Manager Peck said that it was possible.

The meeting was adjourned at 7:35 P.M.


Mayor


Town Clerk, David B. Roberts

MINUTES

September 25, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a public hearing with the Planning Board at 7:30 P.M. on September 25, 1972 with the following members present: Mayor Lee, Aldermen Nassif, Welsh, Coxhead, Marshall, Scroggs, and Smith. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny. The Planning Board members present were: Messrs. Weiss, Cook, Hemmens, Hurow, Spransy, and Ms. Parker and Ms. Powell.