

228
R E S O L U T I O N

WHEREAS, it is a requirement of the U. S. Department of Housing and Urban Development that relocation assistance be provided to all Town displacees; and

WHEREAS, the Bhapel Hill Redevelopment Commission has the capability for providing such assistance in accordance with the Department of Housing and Urban Development guidelines; NOW THEREFORE,

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill designate the Chapel Hill Redevelopment Commission as the Central Relocation Agency for the Town of Chapel Hill and authorize the Mayor and Town Clerk to sign the contract for the provision of those relocation services is hereby approved.

This the 4th day of December, 1972.

This motion was unanimously carried.

PLANNING BOARD TRANSMITTALS

Town Manager Peck said that there has been some question about the form in which Planning Board transmittals come to the Board of Aldermen and at what time. Alderman Coxhead said that if they can not be in the packets that the item should not be on the agenda until the next meeting of the Board of Aldermen. Alderman Scroggs said that the same format used for the Board of Aldermen minutes with the index and underlining could be used for the transmittals.


MAYOR'S COMMITTEE ON BICYCLES

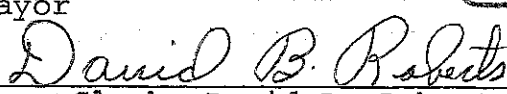
Mayor Lee said that a Mayor's Committee on Bicycles has been formed with Alice Welsh as the Chairman of a committee of eleven people.

UTILITIES

Mayor Lee read a letter from Mr. John T. Church regarding the utilities Commission, indicating that two committees have been formed and that he is chairman of each of them: a Water and Sewerage Committee and a Telephone and Electricity Perspectives Committee. He said that Ralph Scott is the Vice-Chairman of the Water and Sewerage Committee and that Ned Huffman is the Vice-Chairman of the Telephone and Electricity Perspectives Committee. He read another letter from Mr. John T. Church inviting proposals on all or any of the utilities to be submitted to him by March 1, 1973.

The meeting was adjourned at 6:30 P.M.



Mayor


Town Clerk, David B. Roberts

MINUTES

December 11, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M. on December 11, 1972 with the following members present: Mayor Lee, Aldermen Welsh, Scroggs, Smith, Coxhead, Marshall, and Nassif. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Coxhead moved, seconded by Alderman Smith, to approve the minutes of the meeting of December 4, 1972 as corrected. This motion was unanimously carried.

SIDEWALK - ESTES HILLS SCHOOL

Ms. Mary Scroggs, Chairman of the School Board, read a petition requesting that the Town construct curb and gutter and a sidewalk in front of the Estes Hills School to be paid for by the Board of

Education. She said that the Board of Education wanted to meet its responsibility and build sidewalks in front of the schools. Alderman Coxhead moved, seconded by Alderman Marshall, to receive the petition and act on the request as soon as possible. Alderman Welsh asked when the Board of Education could pay for it. Ms. Scroggs said it would pay as soon as the work was completed. This motion was unanimously carried.

SPECIAL ELECTION

Town Manager Peck asked for this item to be added to the end of the agenda. There were no objections.

REFUSE COLLECTION AND STREET CLEANLINESS

Alderman Welsh asked for this item to be added to the agenda. Alderman Nassif moved, seconded by Alderman Marshall, to receive the petition and place the item at the end of the agenda. This motion was unanimously carried.

HUBERT ROBINSON, SR. - RESOLUTION

Mayor Lee read a resolution regarding the death of Mr. Hubert Robinson, Sr. Alderman Nassif moved, seconded by Alderman Scroggs, to adopt the resolution as read.

R E S O L U T I O N Hubert Robinson, Sr.

WHEREAS, Hubert Robinson was for many years a respected citizen of Chapel Hill; and

WHEREAS, for more than thirty of those years he was an outstanding community leader; and

WHEREAS, in 1953 he was elected to the Chapel Hill Board of Aldermen, was re-elected in 1957 and again in 1961; and

WHEREAS, during the years 1953 to 1965 he served as a member of the Board of Aldermen, earning the respect of all persons with whom he worked by his progressive leadership; and

WHEREAS, Hubert Robinson passed away on December 9, 1972 at the age of seventy-nine, NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill hereby expresses its respect and appreciation for the life and service of Hubert Robinson, Sr., and directs that this resolution be entered into the permanent minutes of the Town of Chapel Hill and a copy sent to the family of Hubert Robinson.

This the eleventh day of December, 1972.

This motion was unanimously carried.

ZONING ORDINANCE AMENDMENTS - SECTION 4

Mayor Lee read a transmittal from the Planning Board concerned with the following Zoning Ordinance amendments: repealing professional office special use and the requirement for at least two buildings for a unified business Special Use, and revision of lot area requirement for unified business Special Use. Alderman Nassif asked what the Planning expects the amended special use to bring into the Town. Mr. Art Hurow said that the purpose of this amendment is to establish a minimum lot area. He said that not everything had to be reduced to the one-acre minimum, but that no neighborhood commercial facilities could be constructed on less than one acre. He said that the issue is whether two buildings must be built when two are not necessary, and that each case would have to be looked at individually.

Alderman Nassif said that this ordinance is important and having only

2-1-72

222
one building required is good. He outlined the process that a developer must go through before the public hearing. He said that the present procedure is for the land use and site plan to be reviewed with the Appearance Commission and Planning staff before the public hearing at which time the total project is considered. He recommended that a two-stage approval procedure be adopted. Under such a procedure, only the proposed use and a preliminary site plan would be presented at the public hearing. If approval of the use and site were granted, then the detailed plans would be submitted for review by the staff, Appearance Commission, and Planning Board, and approval by the Board of Aldermen.

Alderman Scroggs said that he is not in favor of special use in unified business and unified housing, that it is an abuse of zoning authority. He said that the proposed amendment makes it possible to put commercial uses in residential areas and that the problem is that uses not typical in certain areas can be approved. Alderman Welsh asked if Alderman Scroggs thought this was spot zoning. Alderman Scroggs said yes. Alderman Nassif said that there are two types of unified business: 1) a convenience business which could be built on one acre of land; and 2) larger units which may require three to five acres of land. He said that these types should be distinguished in the ordinance. Alderman Scroggs moved, seconded by Alderman Welsh, to refer the proposed amendment to Section 4 of the Zoning Ordinance to the Planning Board for further consideration. This motion was unanimously carried.

SUBDIVISION ORDINANCE AMENDMENT - SECTION 4

Mayor Lee read the transmittal from the Planning Board concerned with cluster development regulations with the Planning Board's recommendation that these amendments be adopted. Alderman Nassif moved, seconded by Alderman Marshall, to adopt the recommendations of the Planning Board and request that an ordinance be prepared for amending Section 4 of the Subdivision Ordinance. This motion was unanimously carried.

REZONING - BOLINBROOK ASSOCIATES

Mayor Lee read a transmittal from the Planning Board indicating that new traffic information for Umstead Drive has been submitted by the developer and requesting that action on this request be delayed to allow time for additional study. Alderman Scroggs moved, seconded by Alderman Smith, to delay action on this rezoning request for one month in accordance with the Planning Board's request. Alderman Welsh asked that the Planning Board also consider the transmittal from the Recreation Commission. Alderman Nassif asked if the developer would construct an extension to Umstead Drive. Town Manager Peck said yes. Alderman Nassif asked if the land being considered for Village West has a special use permit on it. Van Opdenbrow said no. This motion was unanimously carried.

UNIFIED HOUSING - VILLAGE WEST

Mayor Lee read a transmittal from the Planning Board requesting that action on this special use request be delayed for additional study. Alderman Scroggs moved, seconded by Alderman Smith, to delay action on this request from Bolinbrook Associates for a Unified Housing development Special Use Permit for one month in accordance with the Planning Board's request. This motion was unanimously carried.

UNIFIED BUSINESS - ECONO-TRAVEL MOTEL

Mayor Lee read a transmittal from the Planning Board recommending that this request be denied. Alderman Smith moved, seconded by Alderman Welsh, finding that the plan as submitted will not be in general conformity with the plan of development of Chapel Hill and its Environs, denies the request from C.D.F. & R. Company for a Unified Business Development Special Use Permit in accordance with the Planning Board's recommendation.

223

Alderman Nassif said that this request is being denied on the basis of land use and not because of the building. He said that if the procedure that he proposed were used the developer would not have had to go before the Appearance Commission prior to the public hearing. Alderman Coxhead asked how to adopt the procedure proposed by Alderman Nassif. Art Hurow said that the Planning Board is working toward a land use policy for the Town which should take care of this. This motion was unanimously carried.

PRELIMINARY AND FINAL PLATS - LAKE FOREST, SECTION XII

Alderman Smith moved, seconded by Alderman Marshall, to delay action on this request until January, 1973 in accordance with the Planning Board's request for additional study time. Alderman Nassif said that no intersection with Kenmore Road is indicated and asked what the Town's policy with regard to cul-de-sacs is. Alderman Scroggs said that cul-de-sacs could be built on short streets of approximately 400 feet. Alderman Nassif said that if a cul-de-sac were used in this section it would be on a road more than 400 feet. He also said that the Planning Board should consider whether there would be a problem with fire equipment there. This motion was unanimously carried.

ZONING ORDINANCE AMENDMENT - AUTOMOBILE SALES

Mayor Lee read a transmittal from the Planning Board recommending that this Zoning Ordinance amendment for Section 3 be adopted. Alderman Scroggs said that it was not advertized fairly for the public hearing, that if this amendment were adopted that automobile outdoor storage without shield from view would be prohibited, and that this proposed amendment would result in non-conforming, existing automobile sales lots. Town Attorney Denny restated the amendment as it was advertised. Alderman Welsh asked if the outdoor storage on automobile lots was excessive and/or visually unattractive. Art Hurow said that if the proposed amendment was not presented properly at the public hearing that it should be heard at the next public hearing. Alderman Coxhead moved, seconded by Alderman Nassif, to place the proposed amendment to Section 3 of the Zoning Ordinance on the agenda for the January public hearing and provide more descriptive advertising about the proposed amendment. Alderman Welsh said if there is a problem with used car storage that should be considered by the Planning Board. This motion was unanimously carried.

UNIFIED BUSINESS - CREDIT UNION

Mayor Lee read a transmittal from the Planning Board recommending that this request for a Unified Business Development Special Use Permit for the State Employees Credit Union be denied. Alderman Coxhead said that he thinks that the development is an appropriate land use for that property, that the State Employees Credit Union is a non-profit organization which pays taxes, that it is a service organization, that it is less objectionable than many of the residential buildings, and that the building design is of high quality and in harmony with the character of the residential neighborhood. He said that although there was opposition from residents from Vance and McCauley Streets that there was not any opposition from those living on Pittsboro Street and he recommended that this request be approved with the stipulations. Alderman Coxhead moved, seconded by Alderman Scroggs, that the Board finding that:

1. the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. the use meets all required conditions and specifications;
3. the use will not substantially injure the value of adjoining or abutting property;
4. the location and character of the use, if developed according to the plan submitted and approved, 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;

224
approve the request for a Unified Business Development Special Use Permit for the State Employees Credit Union with the following stipulations: that the easement to Vance Street be closed; that the detailed landscape plan to be reviewed by the Appearance Commission and approved by the Board of Aldermen prior to issuance of a Building Permit, include the following:

1. location and design of exterior lighting;
2. location and screening of bulk trash containers and exterior mechanical and electrical equipment;

and that a variance from the screening requirement for a depth of 35 feet on the north and south property lines be approved and that construction begin within one year and be completed within two years. Alderman Scroggs said that he had received several calls indicating that the people in that area prefer using the land for something that they know about rather than leaving it, not knowing what could be constructed there. Alderman Smith said that he agreed and that the proposed development would reduce traffic. Alderman Marshall said that she agreed with the reasoning of the Planning Board, but that the State Employees Credit Union is a low-key operation and not objectionable. Alderman Nassif asked why the Planning Board felt that this special use request violates zoning. Art Hurow said that no one at the hearing supported this request and that the Board feels a commitment to the people who live there. He said that the major issue involved is University A zoning. Alderman Smith said that he is concerned that the University could build anything in University A and by approving this request at least the building would be controlled. Alderman Welsh asked if opening this area for one business use would open up business uses in other parts of the area. She said that it is important to maintain Vance and McCauley Streets as residential areas near the campus. She said that by approving this request the area would be opened for other businesses. The vote was tied with Aldermen Nassif, Marshall, and Welsh opposing. Mayor Lee broke the tie in favor of the motion to grant the request.

DRIVE-IN BUSINESS - ORANGE SAVINGS AND LOAN

Mayor Lee read the transmittal from the Planning Board recommending that this request be granted with stipulations. Alderman Welsh moved, seconded by Alderman Scroggs, that the Board of Aldermen finding: that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved; 2) that the use meets all required conditions and specifications; 3) that the use will not substantially injure the value of adjoining or abutting property; 4) that the location and character of the use, if developed according to the plans as submitted and approved, 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; approve the request from Orange Savings and Loan Association for a Drive-In Business Special Use Permit with the following stipulations: 1) that the design and color of signs be reviewed and approved by the Appearance Commission prior to the issuance of a sign permit; 2) that the detailed landscape plan, to be reviewed by the Appearance Commission and approved by the Board of Aldermen, prior to issuance of a building permit, include the location and design of exterior lighting, location and screening and all mechanical and electrical equipment and trash collection facilities and street trees similar to the existing street trees on the adjacent property to the south; 3) that the width of the driveway from Estes Drive be the minimum recommended by the Public Works Department; 4) that strongly landscaped entrances be provided on Willow Drive and Estes Drive; and 5) that construction begin within one year and be completed within two years. Van Opdenbrow showed the existing driveways on Estes Drive and a proposal for sharing a driveway with the Post Office. Town Manager Peck said that the problem is not with the Orange Savings and Loan driveway but with the Post Office driveway. Alderman Scroggs said that there may be a problem with using the Post Office driveway. Alderman Smith asked if the building faces Willow Drive. Van Opdenbrow said yes. Alderman Smith said that the least hazardous plan for traffic should be considered. Art Hurow said that the Planning Board had considered this and asked the planning staff to study the problem of the driveways. Alderman Scroggs said that definite designations for driveways

225

are needed in that area. Mr. Ira Ward said that Orange Savings and Loan would erect signs directing traffic if that were requested. One of the directors of the Orange Savings and Loan requested that the Board of Aldermen give permission to the developer to proceed with the construction of the building and continue to study the entrances. He said that the developer would do what the Town requires. Alderman Welsh asked if a right-turn only onto Estes Drive should be required now. Town Manager Peck said not at this time. This motion was unanimously carried.

EASTOWNE MASTER PLAN

Mayor Lee read a transmittal from the Planning Board recommending approval of the Eastowne Master Plan with one stipulation. Van Opdenbrow showed the master plan for Eastowne and outlined the phases proposed. Alderman Nassif said that the Board had approved the Eastowne subdivision and that the master plan was requested only as an aide. Alderman Smith asked what access would be provided to the park area. Art Hurow said that the Planning Board requested that the five-acre park be located as near to the center of the development as possible. Alderman Welsh moved, seconded by Alderman Marshall, to approve the master plan for Eastowne in concept. This motion was unanimously carried. Van Opdenbrow said that the developer requested that the wording of stipulation #2 on the Eastowne Office Commercial Special Use Permit be changed by adding the words, "for building #2" to the stipulation. Alderman Nassif moved, seconded by Alderman Smith, to require a sidewalk plan for the Loop Road be reviewed by the Town Manager and the Planning Board and approved by the Board of Aldermen prior to issuance of a Certificate of Occupancy for building #2. This motion was unanimously carried.

UNIFIED HOUSING - GARDEN PARK APARTMENTS

Mayor Lee read a transmittal from the Planning Board recommending that this request be granted with one stipulation. Van Opdenbrow said that a new site plan had been requested and was submitted, and that the Appearance Commission recommended approval of the site plan with one stipulation. Van Opdenbrow showed the site plan. Alderman Nassif asked what the building elevations are. Mr. Edward Pizer, the owner of the property, said the larger buildings are three-story buildings and the townhouses are two-story buildings. Alderman Nassif asked if the interior streets were going to be maintained by the developer. Mr. Pizer said yes. Alderman Coxhead moved, seconded by Alderman Smith, that the Board, finding that:

1. the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 2. the use meets all required conditions and specifications;
 3. the use will not substantially injure the value of adjoining or abutting property;
 4. the location and character of the use, if developed according to the plan submitted and approved, 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;
- grant the Special Use Permit for the Garden Park Apartments according to the revised site plan, with the following stipulations: that adequate access to the swimming pool be provided for handicapped persons; that the detailed landscape plan be reviewed and approved by the Appearance Commission prior to issuance of a building permit, this plan to include: 1) location and design of exterior lighting; 2) location, design, and color of signs; 3) location and screening of mechanical and electrical equipment; trash, storage, and collection facilities; and that construction begin within one year and be completed within three years. This motion was unanimously carried.

SPECIAL USE MODIFICATION - ORANGE BUILDERS & W.C.H.L.

Mayor Lee read a transmittal from the Planning Board recommending that this joint request be granted. Alderman Scroggs moved, seconded by Alderman Coxhead, to approve the joint request for modification of the respective special use permits of Orange Builders and WCHL for a joint parking lot and driveway to be shared by both developments. This motion was unanimously carried.

226
SUBDIVISION - OAK FOREST - PRELIMINARY PLAT

Mayor Lee read the transmittal from the Planning Board recommending approval of the preliminary plat for Oak Forest subdivision with stipulations. Van Opdenbrow showed the plan for the development. Mayor Lee asked if recreational areas were being provided. Van Opdenbrow said that the development is adjacent to one of the Town's major recreational areas. Alderman Marshall asked if the boundary question which was raised before had been resolved. Town Attorney Denny said that the dispute has not been resolved. Alderman Marshall said that the boundary should be settled before action on this request is taken. Mayor Lee asked what it would take to settle the boundary dispute. Town Attorney Denny said that he is ready to report on the boundary but feels it should be done in executive session. Alderman Welsh moved, seconded by Alderman Smith, to delay action on this request until the Town Attorney makes a report on the disputed boundary. Alderman Nassif commended the developer for his effort to design a cluster development which provides for a generous amount of open space. Mr. Al Rimer, the engineer and site planner for the development, said that when the plan was made, the disputed boundary was thought to concern land north of this property. He asked if the Board would approve one section and leave the other section until the dispute is settled or other recommendations can be made. Alderman Nassif asked if the developer is going to dedicate the streets. Mr. Rimer said yes. Alderman Nassif asked if one of the roads was going to connect with Kenmore Road. Yes. This motion was unanimously carried. Alderman Coxhead moved, seconded by Alderman Scroggs, to require that Kenmore Road be left open. This motion was unanimously carried.

SUBDIVISION - ARGONNE HILLS - PRELIMINARY PLAT

Mayor Lee read a transmittal from the Planning Board recommending that no action be taken on this request until a revised plat is submitted for review and recommendation by the Planning Board.

SUBDIVISION - LAUREL HILL, SECTION III - PRELIMINARY PLAT

Mayor Lee read a transmittal from the Planning Board recommending that this request be granted with stipulations. Alderman Smith asked why percolation tests would be needed. Van Opdenbrow said for problems related to the sewer easements. Mayor Lee left the meeting. Alderman Nassif asked the size of the lots in the subdivision. Van Opdenbrow said they are larger than 20,000 square feet. Alderman Coxhead moved, seconded by Alderman Marshall, to approve the preliminary plat of Section III of Laurel Hill Subdivision submitted by W. L. Hunt with the following stipulations: 1) that satisfactory percolation test results be obtained; 2) that drainage and sanitary sewer easement problems identified by the staff be resolved to the satisfaction of the Town Manager; 3) that all improvements be designed to Town standards and approved by the Town Manager. Alderman Smith asked what would happen if the percolation tests were not satisfactory. Van Opdenbrow said that the lots would not be approved. Alderman Welsh asked if there would be problems in keeping the road beds there. Town Manager Peck said not if the roads are constructed to Town specifications. Alderman Nassif said the traffic, however, will be added to the existing roads. This motion was unanimously carried.

SUBDIVISION - COKER HILLS WEST - PRELIMINARY PLAT RENEWAL

Mayor pro tem Smith read the transmittal from the Planning Board recommending that this plat not be renewed until it is revised to deal with some of its problems. Van Opdenbrow said that the problems include Beechtree Court not connecting with Curtis Road, that Fenwicke Road needs to be constructed as a cul-de-sac for better traffic flow, and that creek easements may be desirable. Mayor Lee returned to the meeting.

NEIGHBORHOOD HOUSE

Mr. Wes Hare, President of Neighborhood House, said that funds could be made available for Neighborhood House and he outlined the procedure for

applying for them. He described the Neighborhood House program and said the long-range goal of the program is to help young people and plan and raise funds for a trip to Africa. He said that it is designed to help them develop skills and catalyze their energy. Alderman Coxhead asked if the young people would live in the homes of the adult supervisors. Mr. Hare said no custodial or residential care would be involved. Alderman Welsh asked if funding for this would be continuous, or whether this is a one-shot proposal. Mr. Hare said that it is a two-year program but that grant requests must be made each year. Ms. Jeanne Jones, Director of Human Services, said she concurs with Chief Blake that this is a good program. Alderman Smith said that he is concerned about the type of training that would be provided and what it would prepare the young people for. Rev. Phillips said that the staff of Neighborhood House is also concerned about the young people and that the program is designed to match them with adults whose interests would be compatible. He said that they have contacts with colleges and job skills institutions and are hopeful that there are places where the young people can fit in. Alderman Smith said that false hopes get built up and that that is not a service to the young people. Mayor Lee said that it is not a question of false hopes, but rather of no hopes at all. He said that this is a solid program and deserves the Board's strong support. He said that the idea of the program is to teach people how to fish rather than just giving them fish. Mr. Hare said that the program is not a handout, just a challenge and an opportunity. Alderman Coxhead moved, seconded by Alderman Welsh, to approve the concept of Neighborhood House in principle and that the Mayor write a letter supporting it to Region J. This motion was unanimously carried.

SUBDIVISION ORDINANCE AMENDMENT - SECTION 4

Mayor Lee read a transmittal from the Planning Board recommending the adoption of the Subdivision Ordinance Amendment concerned with curb cuts and ramps for the handicapped. Alderman Nassif moved, seconded by Alderman Coxhead, to request that such ordinance be prepared. This motion was unanimously carried.

ZONING ORDINANCE AMENDMENTS

Mayor Lee read a transmittal from the Planning Board recommending adoption of the following amendments.

HEARING DATES

Alderman Welsh moved, seconded by Alderman Smith, to approve the amendments to Section 4-C-1-d and Section 11-(4) and request that an ordinance be prepared. This motion was unanimously carried.

CBD PARKING REGULATIONS

Alderman Marshall moved, seconded by Alderman Coxhead, to approve the amendment to Section 6-B-1 and request that an ordinance be prepared. This motion was unanimously carried.

CHILD DAY CARE CENTERS

Alderman Nassif moved, seconded by Alderman Smith, that the amendment to Section 4-D be approved and that an ordinance be prepared. This motion was unanimously carried.

DETAILED UTILITIES PLANS

Alderman Welsh moved, seconded by Alderman Coxhead, to adopt the amendment to Section 4-D and request that an ordinance be prepared. This motion was unanimously carried.

PAPER PRINTS

Alderman Smith moved, seconded by Alderman Scroggs, to approve the amendment to Section 4-C-1 and request that an ordinance be prepared. This motion was unanimously carried.

228
GROUP HOMES

Mayor Lee read the transmittal from the Planning Board recommending that this amendment not be adopted, and that the Planning Department study this question and make recommendations at some future date, until which time the interpretation of group homes as a single-family use should remain in force. Alderman Welsh moved, seconded by Alderman Smith, to uphold the recommendation of the Planning Board and not adopt this amendment. This motion was unanimously carried.

REVENUE SHARING

Mayor Lee asked for volunteers to serve on the Revenue Sharing Committee. He said that he would serve as Chairman with Town Manager Peck, Aldermen Coxhead, Welsh, and Nassif as the Committee.

MAYOR'S TASK FORCE ON BICYCLES

Mayor Lee said that he recommends that the following people serve on the Mayor's Task Force on Bicycles: Alice Welsh as Chairman; Don Foray and John Kent of the Bicycle Club; Watson Morris of ECOS; Sally Hoffman, a planner; Dr. Joe Loman, a member-at-large; Major Coy Durham of the Police Department; Maryl Levine, a Town administrator; Bob Bryan of the Jaycees; Bill Poveromo, member-at-large; and a U.N.C. representative to be named. Alderman Smith moved, seconded by Alderman Coxhead, to approve the members recommended for the Mayor's Task Force on Bicycles. This motion was unanimously carried.

UTILITIES

Mayor Lee said the County Commissioners have requested a joint meeting with Chapel Hill and Carrboro early in January to discuss the utilities. Mayor Lee said that the Board authorizes the Town Manager to proceed with setting a date for that meeting.

RELEASES AND REFUNDS

Alderman Smith moved, seconded by Alderman Scroggs, to approve the releases and refunds as presented.

RESOLUTION - TAX RELEASES

WHEREAS, taxes listed below were erroneously levied through clerical error on properties belonging to the following:

Barry M. Nathan	4652	\$ 3.00	Paid for dog tag in the office. Listed tax late and was charged again on bill.
J. W. Murdock	4626	\$40.33	County released the late list fee.
Ola Mae Foushee	2201	\$72.00	Sewer rent placed on wrong bill.
Walter P. Neville	4696	\$36.00	(Sewer rent) House condemned, no one living in it.

WHEREAS, the above list of people have made application for release of said taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that it finds that taxes on the above listed people were levied through clerical error, and in the discretion of the Board should be released to the taxpayer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

RESOLUTION - TAX REFUNDS

WHEREAS, taxes listed below were erroneously levied and collected through clerical error on properties belonging to the following:

229

Cameron Brown 5750 \$34.85 County released late list
(for Maxwell E. Shauck) after it was paid.

WHEREAS, the above listed people have made application for refund of said taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that it finds that taxes on the above listed people were levied and collected through clerical error, and in the discretion of the Board should be refunded to the taxpayer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such refund.

This motion was
unanimously carried.

SPECIAL ELECTION - TRANSPORTATION

Town Attorney Denny said that following Monday's decision to change the date for the Special Election, the Town Clerk delivered the notice to the Secretary of the Board of Elections to be published. He said that on Friday there was a question of when the Board of Elections would meet; the Board of Elections said it needed the precise wording of the bond issue; and there is a difference in opinion about the publication dates for the Special Election. Town Attorney Denny said that the election date needs to be set. Alderman Smith asked if it has to be on a Tuesday. Town Attorney Denny said no, but that people are used to elections being held on Tuesdays. Alderman Nassif moved, seconded by Alderman Smith, to adopt the resolution calling for a Special Election on February 20, 1973 as read.

RESOLUTIONS CALLING A SPECIAL ELECTION IN THE TOWN OF CHAPEL HILL

WHEREAS, G. S. 163-287 provides that the Town of Chapel Hill shall have the authority to call such special elections as may be permitted by law, and

WHEREAS, the Board of Aldermen of the Town of Chapel Hill has heretofore adopted Resolutions pursuant to law for use of the County Registration Books in all municipal elections to be conducted within the Town of Chapel Hill, and have requested that the Orange County Board of Elections shall conduct all such elections.

WHEREAS, the Statutes require that prior to the calling of such Special Election, the Board of Aldermen shall adopt a Resolution specifying the details of such election, and forthwith deliver such Resolution to the Orange County Board of Elections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill:

I

That a Special Election is necessary in the Town of Chapel Hill to determine the will of the voters with respect to levying a special tax, and the use of ad valorem tax money for the support of a public transportation system for the Town.

II

That a Special Election is necessary to determine the will of the voters with respect to a bond ordinance to be adopted by the Board of Aldermen of the Town of Chapel Hill authorizing the issuance of \$350,000.00 bonds for the capital cost of establishing a public transportation system for the Town, and a tax therefor.

III

That February 20, 1973 is an appropriate date for said Special Election.

230
BE IT FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL AFTER ADOPTION OF THE FOREGOING RESOLUTION:

As provided by law, there is hereby called a Special Election in the Town of Chapel Hill for Tuesday, February 20, 1973 for the purpose of submitting to qualified voters of the Town of Chapel Hill the following:

FOR ☐

The levy of a Special Tax not to exceed 10¢ on \$100.00 valuation of property within the Town for the support of a public transportation system.

AGAINST ☐

The levy of a Special Tax not to exceed 10¢ on \$100.00 valuation of property within the Town for the support of a public transportation system.

AND BE IT FURTHER RESOLVED that at said election there be also submitted to the voters for approval or disapproval of a bond ordinance authorizing \$350,000.00 bonds for the capital cost of establishing a public transportation system for the Town, and a tax therefor, said proposition to be stated as required by law as follows:

FOR ☐

the ordinance authorizing \$350,000.00 of bonds for the purpose of acquiring vehicles, equipment and apparatus, acquiring and improving land and constructing buildings in connection with the operation and maintenance by the Town of Chapel Hill of a public bus line and mass transit system in said Town, and a tax therefor..

AGAINST ☐

AND BE IT FURTHER RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL that the Orange County Board of Elections is hereby called upon to conduct the election described above on February 20, 1973, and to publish such legal notices as may be required by law pursuant thereto, and that a copy of these Resolutions be forthwith delivered to the Orange County Board of Elections.

This the eleventh day of December, 1972.

I certify this to be a copy of the Resolution calling a special election in the Town of Chapel Hill passed by the Board of Aldermen on December 11, 1972.

David B. Roberts
Town Clerk

This motion was unanimously carried.

Alderman Smith moved that the following resolution be adopted:

WHEREAS, it is necessary to designate an officer of the Town of Chapel Hill to prepare and file sworn statements of indebtedness after the introduction and prior to the adoption of bond ordinances in accordance with The Municipal Finance Act, 1921, of North Carolina, NOW THEREFORE

BE IT RESOLVED that the Town be and he hereby is designated as the officer to prepare and file such sworn statements of indebtedness, and also to determine the amount to be inserted in any such statement as the estimated amount of any special

assessments thereafter to be levied on account of local improvements for which any part of the gross debt set forth in such statement was or is to be incurred, and which, when collected, will be applied to the payment of such gross debt.

Alderman Marshall seconded the motion, and the motion was adopted. Those voting for the motion were Aldermen Smith, Marshall, Welsh, Coxhead, Scroggs, and Nassif. No one voted against it.

Alderman Nassif introduced the following bond ordinance which was read at length to the Board:

AN ORDINANCE AUTHORIZING THE INSSUANCE OF \$350,000 OF BONDS OF THE TOWN OF CHAPEL HILL FOR THE PURPOSE OF ACQUIRING VEHICLES, EQUIPMENT AND APPARATUS, ACQUIRING AND IMPROVING LAND AND CONSTRUCTING BUILDINGS IN CONNECTION WITH THE OPERATION AND MAINTENANCE BY THE TOWN OF CHAPEL HILL OF A PUBLIC BUS LINE AND MASS TRANSIT SYSTEM IN SAID TOWN.

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

SECTION I

The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary that said Town acquire vehicles, equipment and apparatus, acquire and improve land and construct buildings in connection with the operation and maintenance by the Town of Chapel Hill of a public bus line and mass transit system in said Town.

SECTION II

Said Board of Aldermen has also ascertained and hereby determines that the purpose hereinbefore described is a necessary expense of said Town and is a purpose for which said Town may raise or appropriate money, and is not a current expense of said Town.

SECTION III

In order to provide funds for such purpose, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Municipal Finance Act, 1921, of North Carolina. The maximum aggregate amount of bonds authorized by this ordinance shall be Three Hundred Fifty Thousand Dollars (\$350,000).

SECTION IV

A tax sufficient to pay the principal of and interest on said bonds shall be annually levied and collected.

SECTION V

A statement of the debt of said Town has been filed with the Town Clerk of said Town, as required by said Act, and is open to public inspection.

SECTION VI

This ordinance shall take effect when approved by the voters of said Town at an election to be called and held as provided in said Act.

The Town Clerk then presented to the Board of Aldermen a sworn statement of indebtedness of the Town and stated that the statement had been filed in his office after the introduction of the bond ordinance introduced at this meeting. The statement was examined and considered by the Board of Aldermen. Alderman Smith moved that the ordinance

282
entitled "An Ordinance authorizing the issuance of \$350,000 of bonds of the Town of Chapel Hill for the purpose of acquiring vehicles, equipment and apparatus, acquiring and improving land and constructing buildings in connection with the operation and maintenance by the Town of Chapel Hill of a public bus line and mass transit system in said Town," heretofore introduced at this meeting, be adopted. Alderman Marshall seconded the motion, and the motion was adopted. Those voting for the motion were Aldermen Smith, Marshall, Nassif, Coxhead, Scroggs, and Welsh. No one voted against it.

Alderman Smith moved that a copy of the bond ordinance adopted at this meeting with a notice of adoption in the form required by law, be published once in each of two successive weeks in The Chapel Hill Newspaper, a newspaper published at Chapel Hill, North Carolina. Alderman Marshall seconded the motion, and the motion was adopted. Those voting for the motion were Aldermen Smith, Marshall, Nassif, Coxhead, Scroggs, and Welsh. No one voted against it.

Alderman Nassif moved that the following resolution be adopted:

WHEREAS, the Board of Aldermen desires to apply to the Local Government Commission of North Carolina for its approval of the \$350,000 of bonds of the Town of Chapel Hill which are authorized by the bond ordinance adopted at the meeting of the Board of Aldermen held on December 11, 1972: NOW, THEREFORE,

BE IT RESOLVED as follows:

(1) The Mayor and the Town Clerk are hereby authorized and directed to file with the Local Government Commission of North Carolina an application for its approval of said bonds, on a form prescribed by said Commission, and to state in such application such facts and to attach thereto such exhibits in regard to such bonds and to the Town and its financial condition, as may be required by said Commission.

(2) The action of the Mayor and Town Clerk in causing notice of intention to file such application, containing the information required by law to appear in such notice, to be published once in each of two successive weeks in The Chapel Hill Newspaper, a newspaper published at Chapel Hill, North Carolina, is hereby ratified and confirmed.

Alderman Scroggs seconded the motion, and the motion was adopted. Those voting for the motion were Aldermen Nassif, Scroggs, Marshall, Welsh, Coxhead, and Smith. No one voted against it.

CHRISTMAS TREE LIGHTING

Mayor Lee said that the Town's Christmas Tree will be lit on Wednesday, December 13, 1972 at 3:30 P.M. at Fire Station #1. Alderman Welsh said that the Board of Realtors had given the Town a beautiful spruce tree.

KEEP NORTH CAROLINA BEAUTIFUL

Mayor Lee read a letter from Mayor Cecil King of New Bern asking if the Town would participate in the Keep North Carolina Beautiful program. He referred the letter to Alderman Welsh.

COUNCIL ON AGING - APPOINTMENT

Mayor Lee read a letter from Mr. Hugh D. McLeese of the Council on Aging recommending that Mr. Leonard Mayo be appointed to the vacancy on the Council on Aging. He referred the letter to the Town Manager.


REFUSE COLLECTION AND STREET CLEANLINESS

Alderman Welsh said that the Town has an opportunity to participate in a large research project being conducted by the American Public Works Association Research Foundation directed toward the development of optimum street cleaning programs and the development and evaluation of equipment and procedures for the mechanical collection of domestic refuse. She said the cost to participate in the study is determined

233

by population and that for Chapel Hill the cost would be approximately \$400. She recommended that the Town participate in both aspects of this study. Alderman Nassif moved, seconded by Alderman Welsh, that the Board agree to participate in both parts of the Refuse Collection and Street Cleanliness Study being conducted by the American Public Works Association Research Foundation. This motion was unanimously carried.

The meeting was adjourned at 10:45 P.M.


Mayor


Town Clerk, David B. Roberts

MINUTES

December 18, 1972

Board of Aldermen

Town of Chapel Hill

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

MINUTES

Alderman Smith moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of December 11, 1972 as corrected. This motion was unanimously carried.

SPECIAL USE PERMIT - UNIFIED BUSINESS - CREDIT UNION

A citizen requested that the Board reconsider the Unified Business Development Special Use Permit requested by the State Employees Credit Union. Mr. Henry Latane of Vance Street said that the residents who expressed their opinions at the public hearing all opposed the request for the Special Use Permit and their opinions were not taken into consideration when the Board took action on this request. Aldermen Coxhead and Marshall opposed reconsideration of this request, indicating that action had already been taken. Alderman Marshall said that she did not think that the Kenmore Road extension should be discussed either. Town Attorney Denny said that with regard to the Special Use Permit already approved that there could be discussion, but that there is a question about what action could be taken. Alderman Coxhead moved, seconded by Alderman Smith, to receive the petition but not place the item on the agenda. This motion was unanimously carried.

CREEKS

Ms. Ida H. Simpson of Brookview Road presented a petition requesting the Board to consider factors related to run-off into existing creeks when new developments are being studied. Alderman Coxhead moved, seconded by Alderman Nassif, to receive the petition and have it copies and circulated to the members of the Planning Board and Board of Aldermen for further consideration. This motion was unanimously carried.

Mr. Perin Mawhinney, President of the Lake Forest Homeowners Association, said that the lake was cleaned several years ago at considerable expense, and that 93,000 cubic yards of silt has been deposited from these creeks. He said that it will cost approximately \$100,000 to remove the silt, and that the Lake Forest Homeowners Association would consider an arrangement with the Town to facilitate using the dam for flood control. Mayor Lee said that the Board was concerned about the drainage and has attempted to develop a drainage plan. Alderman Smith asked the Town Manager to work with the Lake Forest Homeowners Association and determine what would be involved in using the dam for flood control.