

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a Public Hearing on June 25, 1973 at 7:30 P.M. with the following members present: Mayor Lee; Aldermen Gardner, Marshall, Nassif, Scroggs, Smith, and Welsh. Also present were Town Manager Kendzior, Town Clerk Roberts, and Town Attorney Denny. The Planning Board members present were: Messrs. Weiss and Helton and Ms. Powell.

## PUBLIC HEARING

Mayor Lee described the procedure for the Public Hearing.

## FOXCROFT - SPECIAL USE - UNIFIED HOUSING

Mayor Lee read a request submitted by Daniel A. Vogel, Jr. for a Unified Housing Development Special Use Permit to construct 392 additional apartment units on a tract of land occupied by 248 units for Foxcroft Development. This tract identified as Lots 8 and 9, Block A, Orange County Tax Map 27. Mr. Opdenbrow showed the area on a map and gave a brief history of the project. Mr. Hakan, the architect, described the open space along the creek and floodway; described the road that looped around the project; and also stated he had applied to the State Highway Commission for a right-turn on Mt. Moriah Road. Ms. White described the grouping of the buildings and the roads in the project. Mr. Corley described the exterior of the buildings and stated they were the same as the adjacent project, but had added some three-story buildings. Alderman Welsh asked the status of Old Oxford Road. Mr. Hakan said they show a 24 foot paved road. Mr. Vogel stated that Old Oxford Road is the same as it was seven years ago, that no decision has been worked out yet but they are working with the property owners now on it. Alderman Welsh asked if traffic from Booker Creek would come through Foxcroft. Mr. Vogel stated they were using the other road. Alderman Welsh said she thinks traffic will come through Foxcroft to 15-501. Mr. Vogel stated that people are not using Old Oxford Road. Alderman Welsh asked about the open space along the creek. Mr. Vogel stated he had no intention of building in the Flood Plain and would like to see the area stay like it is and not be destroyed. Alderman Welsh asked if he preferred private ownership or dedication to the Town. Mr. Vogel favored private ownership. Alderman Smith asked if the sewer in the area could take care of the project. Mr. Opdenbrow stated that the line is not adequate at this time, but a larger line is requested in the budget and that would make it adequate. Alderman Smith asked about the entrance to the boulevard. Mr. Hakan stated he was working with the State Highway Commission and should have an answer in two or three weeks. Rev. S. Edward Young of Markham Court spoke against the project and asked that some planting be done to separate the project from the adjacent residential section. Mr. Bill Graves of Markham Court stated he has a glass wall which faces the project, that he objects to the building being built so close to the creek; that noise from the project will create problems; and that wildlife in the area will be affected. Mr. Timothy Hesla stated he agreed with the two above and had nothing else to add. Alderman Nassif stated this project started in 1969 and he did not support it then and did not see any reason to change his position now, although he said that the architecture and site plan for the project is good. He said that before recommendations are made, the following should be considered: the roads that tie into the project; a 60' easement being obtained before occupancy to the building is granted; the Open Space Ordinance; Flood Plain Zoning; and the sewer capacity. Scroggs said he is not in favor of apartments but recognizes that people need residences, and the Town policy is to provide a mix of single-family and multi-family residences. Alderman Nassif moved, seconded by Alderman Scroggs, to refer this request for a Unified Housing Special Use

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Permit to the Planning Board for study and recommendations. This motion was unanimously carried.

#### AMENDMENT TO SUBDIVISION ORDINANCE - STREET SIGNS

Mayor Lee read the proposed amendment to the Subdivision Ordinance requiring the posting of Street signs indicating streets subject to future extension. Mr. Opdenbrow stated this request had come from the Board of Aldermen. Mr. Gerry Cohen asked if this proposal would include signs on every street and cul-de-sac in Town. Mr. Opdenbrow said the amendment would affect new streets. Alderman Nassif said the Board could request that it also apply to existing streets. Alderman Nassif moved, seconded by Alderman Smith, to refer the amendment to Section 5 of the Subdivision Ordinance, requiring street signs, to the Planning Board for study and recommendation. This motion was unanimously carried.

#### AMENDMENT TO SUBDIVISION ORDINANCE - EASEMENT ON STREAMS

Mayor Lee read the proposed amendment to the Subdivision Ordinance requiring easements on all streams being dedicated to the Town. Mr. Opdenbrow stated this proposal came from the Board of Aldermen, and he showed a map of major streams. Alderman Scroggs stated it is unreasonable to require 100 feet on all streams. Town Attorney Denny stated it would affect all undeveloped land in Town. Alderman Scroggs said the ordinance is a step in the right direction, but that the requirement stated is not reasonable. Alderman Nassif said the Town is trying to catch up and that the intent of the ordinance is to preserve the growth in the stream areas. Mayor Lee said something is needed to protect all streams. Alderman Scroggs said the Town needs some control over the removal of growth adjacent to streams. Alderman Nassif said that land can be platted and sold but that growth along the streams could not be removed. Mr. John Manning said he questions the effect of dedication to the Town stating that the land would become public property and would not be controlled by the property owner, but by the Town. Alderman Nassif said that Mr. Manning is correct, that "easement" is a better word to use. Mr. Denny said an easement remains with the land and dedication can be interpreted either narrowly or broadly. Alderman Welsh said that with easements, property owners would still own the land. Ms. Powell left the meeting. Mr. Manning said easement should be defined. Ms. Ortrude White stated she would like to see some data to support the 200-foot required easement. She said Duke University has done a study which could provide some technical information. She also asked who would maintain the drainage area. She questioned the width of the strip, the amount of space people feel responsible for, and stated this would tax new developers. She said she doesn't think the policies fit the objective. Mr. F. E. Strowd of Dogwood Drive said the required dedication would remove about one and one-half acres of his land and would come within fifteen feet of his back door. He said he does not think the Town can police the area, that it is unfair to property owners being on a stream, that people would be walking along this property, that litter would become a problem, and that property values would decrease. Mr. E. Mariakakis objected to the amendment and said land was too expensive to have to dedicate this much for a walkway. Ms. Whitefield said she has a tract of land along the creek and if a 100-foot easement is dedicated, it would not be a buildable lot. Mr. James Webb stated it was easy to draw lines on a map, but some study should be made to determine the impact on property owners. He said this ordinance should not be used to get land for other purposes. Mayor Lee stated a public hearing is held in order to give the public an opportunity to express their ideas and to help the Board come up with a proposal for Chapel Hill. Mr. Henry Whitefield stated that utility companies pay the people for their land and that the Town should also. He said the Town is getting open space at the expense of the property owners. Alderman Welsh moved, seconded by Alderman Nassif, to refer the amendment to Section 4(c) of the Subdivision Ordinance to the Planning Board for study and recommendation. Alderman Scroggs said he will not support this if it is recommended in its present form. This motion was unanimously carried.

## FLOOD PLAIN ZONING DISTRICT

Mayor Lee read the proposed amendment to the Zoning Ordinance providing for a flood plain zoning district with appropriate regulations and permitted uses and an amendment to the Zoning Map to rezone properties to the new R-FP Category. Mr. Opdenbrow described the ordinance proposed. Mr. John Manning objected to the ordinance because it will destroy property values and land he owns is too valuable for a single-family dwelling. He said he does not think the Town has the authority to do this, that it is an abuse of governmental authority and that if property cannot be used, it should be removed from the tax books. He also said that 10 acres is an arbitrary amount to require. Mr. Paul Seibel questioned the validity of the Corps of Engineers report which established the flood plain map. Mr. Denny stated that there are permissible uses for non-conforming lots, that they can be built upon if they meet the requirements. Alderman Scroggs stated that the 10 acres advertised is a maximum and not reasonable. Mr. Phil Rominger said that some structures such as a high-rise building with elevated parking would be desirable in that area and could be built there beneficially. Mr. Robert Bryan said it is important to control development in the flood plain. Mr. Webb said this is an opportunity to consider alternatives for multi-family housing in Chapel Hill to have more open space around buildings to have more variety. Alderman Nassif said the Board should consider that, but that when developers have had a chance to develop land differently, they do not because it is expensive. Mayor Lee said the Town should develop policies to reward diversity. Alderman Smith questioned what ordinance to adopt because there are sections of the Town where people are flooded and who wish there were an ordinance controlling it. He said that contractors build houses and leave town, then the people call the Town and want something done about the flooding. Alderman Scroggs said better regulations are needed in the Flood Plain area, but that the proposed ordinance is overkill. Alderman Nassif said permitted uses protect homes, and that the Town has the responsibility to protect them as well as areas down stream. Alderman Welsh moved, seconded by Alderman Nassif, to refer this amendment to Section 3 of the Zoning Ordinance to the Planning Board for study and recommendation. This motion was unanimously carried.

## AMENDMENT TO ZONING MAP

Mr. Denny questioned the adequacy of the advertisement in the legal notice since the map had not been available. The Board deferred action on this. Mayor Lee asked Mr. Denny to work out the details for this amendment.

The Public Hearing was adjourned at 9:52 P.M.

Mayor Lee called the regular meeting of the Board of Aldermen to order.

## MINUTES

Alderman Smith moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of June 18, 1973 as circulated. This motion was unanimously carried.

Alderman Scroggs was excused from the meeting at 9:55 P.M.

## RIDGEFIELD TOWNE HOUSE - PETITION

Ms. Terri Hogle read a petition from Ridgefield Towne House residents and gave the petition to the Mayor. Alderman Welsh moved, seconded by Alderman Smith, to receive the petition and refer it to the Town Manager and Mayor for consideration and recommendation to the Board of Aldermen. Alderman Nassif asked if this petition has been submitted to the Housing Authority. Ms. Hogle said no, although it is aware of these problems. This motion was unanimously carried.

## KWIK-EE RESTAURANT IMPROVEMENTS - PETITION

Mayor Lee read a petition from Efthimos B. Mariakakis requesting

approval for improvements to his property.

#### PETITION

I hereby respectfully petition the Board of Aldermen to approve an artificial obstruction permit, under the provisions of Section 5-55 of the Code of Ordinances of the Town of Chapel Hill, for the following:

- (1) Improvements to the wall and fence surrounding the patio area at the rear of the premises occupied by the Kwik-ee Restaurant, these improvements to include replacing sections of wooden fence with brick. There will be no enlargement of fence, wall or enclosed area.
- (2) Erection of an open, ornamental metal grille at the front of the paved open area between the Kwik-ee Restaurant on the south and Poor Richard's and Lyon's Hardware on the north; and of a wooden fence at the rear of the open area. The grille and fence have already been erected, for the purposes of blocking this area to vehicular access, improving the appearance of the development, and blocking the view of unattractive areas to the west. I did not know that a special permit from the Board of Aldermen was required for this work until I was so informed by the Building Inspector after their construction.

These improvements to my property are part of an overall improvement plan which includes sidewalk improvements, putting brick veneer on concrete block walls, removing old fixtures and construction materials from behind the buildings, etc.

I have asked Mr. Davis, the Building Inspector; and Mr. Opdenbrow, the Planning and Zoning Administrator, to review this request, and they have inspected the property. I understand that they recommend approval.

Sincerely,

Efthimos B. Mariakakis

Alderman Nassif moved, seconded by Alderman Welsh, to approve the two items requested. This motion was unanimously carried.

#### RSVP GRANT - ANNOUNCEMENT

Town Manager Kendzior announced that the Town had received a Federal grant of \$23,940 for a Retired Senior Volunteers Program (RSVP).

#### BUDGET - ANNOUNCEMENT

Town Manager Kendzior said the Board will receive the budget on July 2, that a public hearing to be held in the Municipal Building will be advertised for July 16, and that July 23 should be set tentatively for adoption of the budget. He also said that on July 14, the public would be invited to the Municipal Building from 9:00 to 12:00 A.M. and 1:00 to 4:20 P.M. to discuss any portions of the budget.

#### PITCH - IMPLEMENTATION

Mayor Lee requested that this item be delayed until the next meeting of July 2, or until Planning Board members are present to discuss it.

#### REDEVELOPMENT COMMISSION - RESOLUTION

Alderman Smith moved, seconded by Alderman Welsh, to adopt the resolution approving the second year action plan. (See insert) This motion was unanimously carried.

## RECREATION COMMISSION - APPOINTMENT

Alderman Welsh moved, seconded by Alderman Marshall, to place the names of Mr. Cameron Hargraves and Dr. Louis Rubin in nomination for the Recreation Commission to fill the unexpired term of Mr. Robert Edwards. This motion was unanimously carried.

## CEMETERY - ORDINANCE AMENDMENT

Alderman Nassif moved, seconded by Alderman Welsh, to adopt the amendment to Section 6-27 of the Code of Ordinances of the Town of Chapel Hill.

## AN ORDINANCE TO AMEND SECTION 6-27 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

To amend Section 6-27 of the Code of Ordinances, Town of Chapel Hill, by replacing the present third paragraph thereof with a new paragraph as follows:

The maximum size for single markers shall be sixteen (16) by twenty-eight (28) inches. The maximum size for double markers shall be sixteen (16) by fifty-five (55) inches. In addition, one base pedestal no more than twelve (12) inches square may be placed adjacent to and centered on the top edge of a single or double marker.

## SECTION II

To amend Section 6-27 of the Code of Ordinances, Town of Chapel Hill by adding between the first and second sentences of the fifth paragraph a new sentence as follows:

Anyone placing, or causing to be placed, a grave marker so that it is not in conformity with this section will be requested to correct it. If the marker is not brought into conformity as requested, the Town shall make the correction and bill, for the work, the person who placed, or caused to be placed, the marker.

## SECTION III

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

This the 25th day of June, 1973.

This motion was unanimously carried.

## BUDGET ORDINANCE AMENDMENT

Alderman Nassif moved, seconded by Alderman Marshall, to adopt the budget ordinance amendment as presented.

## AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE FISCAL YEAR BEGINNING JULY 1, 1972 AND ENDING JUNE 30, 1973

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

## SECTION I

That the Budget Ordinance of the Town of Chapel Hill entitled "An Ordinance to Appropriate Funds and To Raise Revenue for the Fiscal Year Beginning July 1, 1972 and Ending June 30, 1973" as duly adopted on July 24, 1972 be and the same is hereby amended as follows:

Increase General Fund Appropriations Accounts:

	Increase	Total
600 General Government	26,899	206,167
6030 Court	200	4,084
6091 Planning	900	34,074
6092 Building Inspection	985	37,644
6220 Fire Department	69,722	281,048
6310 Street Maintenance	25,000	233,617
6350 Street Lights	650	20,650
6365 Street Cleaning	4,000	28,164
6417 Landfill Operations	29,500	83,566
6999 To Recreation Fund	711,000	9,211

Decrease General Fund Appropriation Accounts:

	Decrease	Total
6090 Urban Development	12,140	6,250
6301 Public Works	19,273	45,395
6323 Drainage	6,386	37,114
6335 Rights-of-Way	10,000	-0-
6360 Signs, Signals, Paints	711	18,831
7150 Sewage Disposal	22,500	67,385
8000 Contingency	3,108	-0-

Increase General Fund Revenue Accounts:

	Increase	Total
1220 Street Cuts	15,000	35,000
1401 Interest	15,500	35,500
1502 Intangibles Tax	18,908	108,908
1503 Beer and Wine Tax	8,424	65,424
1505 Sales Tax	68,629	338,629
1622 Landfill Fees	29,500	83,566

Increase General Fund Appropriation and Revenues by \$155,961 to \$3,377,654.

Increase Recreation Fund Appropriations Account:

	Increase	Total
7000 Recreation	3,978	153,229
7070 Pool	48	7,998

Decrease Recreation Fund Appropriations Accounts 7060 by 1,319 to 14,632.

Increase Recreation Fund Revenue Accounts:

	Increase	Total
8000.72 Current Taxes	3,000	103,000
8642 Rent-Holmes	27	747
8643 Special Fees-Adults	2,923	12,749
8647 Special Fees-Non-resident	220	1,095
8654 Insurance	21	236
8980 Appropriated Balance	9	7,969
8981 From General Fund	711	9,211

Decrease Recreation Fund Revenue Accounts:

	Decrease	Total
8001 Prior Taxes	480	3,520
8210 Interest	331	69
8410 Pool Admissions	280	1,320
8530 Donations	400	1,015
8531 Donations - Hargraves	50	110
8640 Misc. Fees and Charges	50	250
8644 Special Fees-Children	800	4,857

8646 Special Fees-Adult Sports	104	2,996
8648 Special Fees Drama	100	-0-
8901 Sales and Service	1,400	2,600
8940 Sales Tax Refund	194	606
8982 Operation Breakthrough	46	1,954

Increase Recreation Fund Appropriations and Revenues to 175,850.

## SECTION II

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

This the 18th day of June, 1973.

This motion was unanimously carried.

The meeting was adjourned at 10:27 P.M.

  
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Mayor

  
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David B. Roberts, Town Clerk

## MINUTES

July 2, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on July 2, 1973 at 7:30 P.M. with the following members present: Mayor Lee; Aldermen Gardner, Marshall, Nassif, Scroggs, Smith, and Welsh. Also present were Town Manager Kendzior, Town Clerk Roberts, and Town Attorney Denny.

## MINUTES

Alderman Smith moved, seconded by Alderman Nassif, to approve the minutes of the meeting of June 25, 1973 as corrected. This motion was unanimously carried.

## SOAP BOX DERBY

Alderman Nassif moved, seconded by Alderman Marshall, that the petition be received and referred to the Town Manager to work out the arrangements. This motion was carried by a vote of five to one with Alderman Scroggs dissenting.

## ROSEMARY STREET

Alderman Scroggs inquired why Rosemary Street was painted with a "double yellow line" for its entire length. Town Manager Kendzior reported he will investigate this request.

## C.B.D. Objection

Mayor Lee read a letter from Ms. Robert T. Deland objecting to tax money being spent on the C.B.D. study. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received and referred to the Town Manager to reply. This motion was unanimously carried.

## TERRY LATHROP

Mayor Lee announced that Terry Lathrop had resigned from the Public Transportation Committee effective June 30, 1973.