

1

MINUTES OF A REGULAR MEETING OF THE MAYOR  
AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL  
HELD IN THE MUNICIPAL BUILDING,  
MONDAY, NOVEMBER 19, 1973 AT 7:30 P.M.

The Board of Aldermen met at a regular meeting on November 19, 1973 at 7:30 p.m in the Municipapl Building. The roll was reported as follows:

Present:

Thomas Gardner  
Shirley E. Marshall  
Joseph L. Nassif  
Ross E. Scroggs  
R. D. Smith  
Alice M. Welsh

Absent:

Howard N. Lee, Mayor

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts, and Town Attorney E. Denny.

Alderman Smith moved, seconded by Alderman Nassif, that the minutes be approved as corrected. Said motion was carried unanimously.

School Art Guild -  
Flea Market

Town Manager Kendzior presented a request from the School School Art Guild to run a second flea market on December 2. Once again

they would like for the Town to provide a barricade and trash pick-up and are petitioning two weeks in advance as required by the Board. Alderman Welsh moved, seconded by Alderman Gardner that the petition be received and handled the same way as before. Said motion was carried unanimously.

Estes Drive--  
Time Extension

Alderman Smith presented a request from contractor Nello Teer for an extension of time to complete work on Estes Drive

from December 1 to December 15. Town Manager Kendzior recommended acceptance. Alderman Marshall moved, seconded by Alderman Welsh, to grant an extension to complete work on Estes Drive by December 15, with Town Attorney Denn'y's provision that the Special Use Permit be modified, and Alderman Gardner's provision that police continue to supervise traffic. Said motion was unanimously carried.

Court - Judges Chambers

Town Manager Kendzior requested that the problem of space for the Juvenile Court Judge and Juve-

nile Counselor be placed on the agenda, and it was so moved by Alderman Nassif and seconded by Alderman Gardner. Said motion was carried unanimously.

Mass Transit-  
Grant Application

Town Attorney Denny requested that a problem involving Mass Transit be added to the agenda, and it was so moved by Alderman

Nassif and seconded by Alderman Gardner. Said motion was unanimously carried.

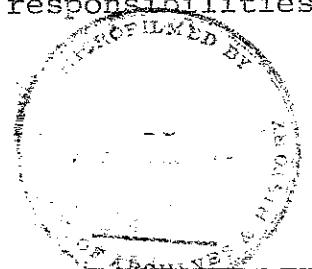
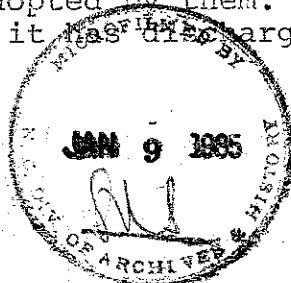
Final Report- Task Com-  
mittee on Community Noise

Dr. Alvis Turner, Chairman of the Task Force on Community Noise presented the final report of the committee:

FINAL REPORT

MAYOR'S TASK FORCE COMMITTEE ON COMMUNITY NOISE

The charge to this committee was to ree-write the anit-noise code of Chapel Hill. This code was prepared, submitted to the Board of Aldermen, and subsequently adopted by them. We request that this committee be dissolved since it has discharged its responsibilities under the original charge.



2

During the course of its deliberations, the Committee examined the noise codes from other cities, recommendations of various federal and state agencies, and the complex variables associated with community noise sources and their control. It is apparent to the Committee that:

- a. The level of noise pollution in Chapel Hill, as well as the rest of the nation, is increasing at an alarming rate.
- b. The anti-noise Code which we prepared adequately enforces only one source of community noise, i.e., people noise. It does not provide quantitative guidelines for the measurements and control of traffic (vehicle and aircraft) and construction sources which are of more significance than noise emanating from the recreational and leisure activities of people.
- c. The enforcement and effectiveness of the Anti-Noise Code will depend on the training and instrumentation provided to members of the Chapel Hill Police Department. This training might be arranged through the Institute of Government, the Center for Acoustical Studies at N.C. State University, or from a private consulting firm.

Recognizing the inadequacies of the ordinance to deal with the total community noise problem, as well as the need for a continuing intensive examination of the environmental quality of our town, the Committee respectfully submits the following recommendations:

- a. That the Mayor appoint a standing committee to be called the CHEST Committee (Chapel Hill Environmental Studies Taskforce).
- b. That the CHEST Committee be constituted as an advisory body with the full support of the Mayor's office, the Board of Aldermen, and the Town Manager's Office.
- c. That the composition and length of appointment of taskforce members be as follows:
  - c.1. Maximum of ten members to be selected from citizens interested in environmental quality, University faculty with professional competence in environmental studies, and University students.
  - c.2. Each member to be originally appointed for a period of three years with provisions for reappointment.
  - c.3. The committee acting as a whole would elect its own chairperson. The Town Manager would appoint someone from his staff to act as secretary to the Committee.
- d. That the charge to this Committee should include:
  - d.1. Assessing the environmental quality (land, water, air, noise) of Chapel Hill and preparing an annual report on the status of the Town's environment for the Mayor.

Alderman Welsh asked Dr. Turner to make his student's two-year study documenting the increase in noise pollution available to the Town so that the Board could see factual documentation of the problem. Dr. Turner said that he would, and also assured Alderman Welsh that effective police training and instrumentation would be relatively simple after a short training period. Information is readily available to help officials choose appropriate instruments, which are often expensive. Alderman Scroggs said that he hoped the proposed Chapel Hill Environmental Studies Task Force would find a better acronym than CHEST. Alderman Smith Expressed the Board's gratitude to the present Task Force for its efforts and requested that the Town Manager send a letter of appreciation to each member. Dr. Turner said that Alderman Scroggs and Alderman Welsh had been two of the strongest members of the committee. Alderman Nassif moved, seconded by Alderman Welsh, that the Board accept the final report, that a copy be sent to the Planning Board, and that the matter of forming the Environmental Studies Task Force be placed on the December 3 agenda so that new and remaining Board members participate in its formation. Said motion was carried unanimously.

Bids - Police and Passenger Vehicles Bids

Town Manager Kendzior asked that this matter be deferred to the December 3 meeting as the bids are still being reviewed.

The Town is attempting to purchase vehicles of low fuel consumption but so far the lowest bids have not met this requirement, while the highest bids do. Alderman Welsh gave Town Manager Kendzior information on comparative vehicle fuel-consumption rates.

Sidewalk Priorities - Report

Alderman Nassif, Chairman of the Sidewalk Task Force Committee, presented the following report on sidewalk priorities:

Town of Chapel Hill, N.C.  
November 19, 1973

SIDEWALK PRIORITIES

Introduction: The town Board at its July 23, 1973 meeting adopted an ordinance to appropriate funds for certain Town expenditures and projects. A total of \$115,000 was allocated (Please refer Budget Document, page 116, account No. 50-810-73) by deleting \$30,000 from land acquisition for bicycle paths (Account No. 50-810-71) and adding it to the \$85,500 originally allocated for sidewalks (Account No. 50-910-73). Also, at its last regular November 12, 1972 meeting the Town Board requested that a proposal of sidewalk priorities be established so that plans can be prepared and bids requested for sidewalk construction as soon as possible.

Review Sidewalk Priorities: Last Thursday, November 15, 1973 the Mayor and Town Manager met with the Chairman of the Task Force Committee on Sidewalk Priorities (Alderman Joseph L. Nassif) to review recommendations by the Redevelopment Commission, Public Works Department, Sidewalk Committee, and Bicycle Committee. Sidewalk priorities were established as follows: (1) COLUMBIA STREET - (Rosemary to Carr Street (west side), and Carr Street to Public Housing (east side); (2) ROSEMARY STREET - NCNB to Merritt Mill Road (south side); EPHEsus ROAD - Tinkerbell to Sharon Road (north side); (4) RALEIGH ROAD (RT. 54) - Country Club Lane to Glenn Lenox Center (north side) and sidewalk for Guy B. Phillips Junior High School and Estes Hills School (financed by School Board); (6) FRANKLIN STREET - Glendale to estes Drive (south side), and Estes Drive to Elliott Road (east side).

These sidewalks would not be assessed because of their priority of use adjacent to school properties and Town thoroughfares.

Estimated Costs of Projects: The following costs include estimated engineering (preparation of plans and inspection), preparation costs (grading, wall reconstruction, steps, relocation of house porch, driveway reconstruction, fill, excavation, and protection of trees), and sidewalk costs (actual sidewalk construction). Total estimated cost is \$163,950.00:

LOCATION	ENGINEERING	PREPARATION COSTS	SIDEWALK COST
Columbia Street			
Rosemary to Carr (w.side)	\$ 1000.00	\$ 2000.00	\$ 2500.00
Carr to Public Housing (e. side)			
1200 Lin. Ft. (e.side)	700.00	5000.00	3500.00
Rosemary Street (S. Side)			
NCNB to Merritt Mill Rd.			
1600 Lin. Ft.	2500.00	20000.00	8000.00
Ephesus Road (N.Side)			
Tinkerbell to Sharon Road			
1450 Lin. Ft.	3000.00	25000.00	6250.00
Raleigh Road Route 54 (n.side)			
Country Club to Glenn Lenox Center			
4200 Lin. Ft.			21000.00
Estes Drive			
Burlage Circle to Franklin (n.side)			
800 Lin. Ft.			

4

Estes Drive			
Burlage Circle to Franklin			
(n.side)			
800 Lin. Ft.	1000.00	4000.00	4000.00
Franklin Street			
Glendale to Estes Drive			
(S.Side) (5,000 Lin. Ft.)	1500.00	10000.00	25000.00
Estes Drive to Elliott Road			
(E. Side) (25000 Lin. Ft.)	1000.00	5000.00	12500.00
TOTAL: 16750 Lin. Ft.	\$10200.00	\$71000.00	\$82700.00

Summary and Recommendation: It is the Town Manager's recommendation that the Town Board of Aldermen consider and adopt the following recommendations to implement the sidewalk construction program as follows:

1. Accept the sidewalk priorities as established by the Chairman of the Sidewalk Committee, Mayor, and Town Manager, which includes priorities based on proximity to public facilities and adjacent to major thoroughfare streets.
2. Direct the Town Manager to have engineering plans prepared immediately by consultant firms to that bids may be advertised at the earliest time possible and provide inspection services.
3. To insure and guarantee that funds will be available to implement the sidewalk project, direct the Town Attorney to draft an ordinance to create and establish a special capital reserve fund to make appropriations for sidewalk construction (Session Laws of 1971 (House Bill 166) authorized the Town to establish such a capital reserve fund. Once the fund is established and funds appropriated for the sidewalk projects, these funds become "locked in" by the Board for the specific purpose designated. If the sidewalk project is not completed in this fiscal year, the funds remain in the capital reserve funds, and cannot be transferred out of the fund or transferred for other purposes. (Other than sidewalk construction).
4. As bids are received award the sidewalk projects according to amount of funds available and budgeted (\$115,500.00).

Alderman Nassif said that Airport Road and Hillsborough Street were additional areas which badly needed sidewalks but involved considerable cost because of the large amount of preparation required for such needs as grading, wall reconstruction, and excavation. He, the Mayor, and the Town Manager thought that a decision will have to be made as to how much work must be done and perhaps these two areas can be included in the next fiscal year. Alderman Nassif said that he and Town Manager Kendzior would answer questions on the report. In response to Alderman Marshall, Alderman Nassif clarified that they meant the south rather than the east side of Franklin Street. Alderman Welsh asked how much the cost per linear foot would be. Town Manager Kendzior said that they were not sure; they are estimating that an outside bidder would charge \$5.00. The proposed Town construction crew estimates \$3.00 per linear foot. The largest expense is with preparation costs. Including these and engineering costs, the total cost might be more like \$10 per foot. Alderman Nassif said that these are all difficult areas with extensive preparation costs. Alderman Welsh said she would like Airport Road, E. Rosemary from Henderson to Boundary, and Hillsborough Street included. Alderman Nassif said that if the proposed special reserve fund is created then more projects could be included. Alderman Welsh said she also wants ramping on Franklin between Glendale and Henderson. Alderman Nassif said that the Town could do this, and Alderman Smith said that it would be easier for the Town to do so if it had the proposed construction crew. The Board agreed to put the report on the November 26 agenda.

Housing Interest Subsidy  
Program - Resolution

5  
Alderman Welsh moved, seconded,  
by Alderman Marshall, that the  
following resolution authorizing  
a loan to the Housing Authority

for a Housing Loan Trust Fund be adopted.

RESOLUTION AUTHORIZING A LOAN TO THE  
CHAPEL HILL HOUSING AUTHORITY FOR THE  
PURPOSE OF ENABLING THE ESTABLISHMENT,  
IMPLEMENTATION, AND ADMINISTRATION OF  
A HOUSING LOAN TRUST FUND

WHEREAS, there is a shortage of decent, safe, and sanitary housing units within the Town of Chapel Hill for owner occupancy by families with low or moderate income, and

WHEREAS, there are in the Town of Chapel Hill residential structures which fail to meet the minimum code standards for decent, safe, and sanitary housing, currently owned by families of low or moderate income, and

WHEREAS, such structures are in need of rehabilitation to the Property Rehabilitation Standards, and

WHEREAS, It is in the public interest that individual home ownership, and the maintenance thereof in accordance with the Property Rehabilitation Standards, and the Minimum Housing Code be encouraged for families of low to moderate income, and

WHEREAS, by reason of economic factors, many citizens desiring home ownership or the rehabilitation of their existing residences can not do so through existing financing channels and procedures, and

WHEREAS, through the assistance of a Housing Loan Trust Fund, capable of guaranteeing loans and/or subsidizing interest, many of such persons could obtain loans for the purpose of either rehabilitation their residences or acquiring or construction a new home, with the terms of repayment of such loans within the financial capacity of such families, and

WHEREAS, G. S. 157-43 authorizes the Town to make loans or grants to the Housing Authority, and G.S. 160-470 authorizes the Town to make loans or grants to the Redevelopment Commission, and

WHEREAS, The Chapel Hill Housing Authority is currently performing the function of both such public bodies, and is an appropriate agency for establishing, implementing, and administering a Housing Loan Trust Fund, to assist in the accomplishment of such purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

1. Loan. That a loan of \$300,000 from revenue sharing funds be made to the Chapel Hill Housing Authority for the purpose of establishing a Housing Loan Trust Fund to be implemented and administers subject to their terms and conditions hereinafter set forth.
2. Repayment. That said loan shall become repayable to the Town of Chapel Hill, on demand, in the event of either of the following conditions:
  - A. There exist no outstanding commitments against said fund, or
  - b. The Town of Chapel Hill shall receive the legal authority to directly establish and administer such fund, and it desires to undertake the administration of said fund in accordance with the terms and conditions hereinafter set forth, subject to any outstanding commitment against said fund.

- 6
3. Housing Loan Trust Fund. The entire principal of said loan shall be placed in an escrow or trust account with all principal and interest held by said fund, continuously invested in interest bearing deposits in financial institutions doing business in this community. The loan and all interest earned from said deposits shall be known and designated as the Housing Loan Trust Fund. No part of such fund may be used for any purpose other than as specified herein, and said fund as it may exist from time to time, including any additions that might be made thereto, or such portion thereof as may be necessary to comply with any commitment against said fund, shall continue so long as there exist any outstanding commitment, as herein authorized.
4. Loan Guaranty and Interest Subsidy. The Commissioners of the Chapel Hill Housing Authority shall be authorized and empowered to grant liens against, or pledge portions of, said fund for the following purposes:

- a. To guarantee the payment of loans made by financial institutions to individuals for the purpose of home ownership acquisition.
- b. For guaranteeing the payment of loans made by financial institutions to individuals for the purposes of residential property rehabilitation.
- c. To subsidize interest rates on certain of said loans upon the conditions hereinafter set forth, and to pay said interest subsidy from the principal or interest of said fund in such amounts as may be required to carry out purposes herein set forth.

5. Loan Limitations. All loans guaranteed or interest subsidies paid by the Housing Loan Trust Fund shall not exceed the following maximum amounts:

- a. The cost of rehabilitating the property to the property rehabilitation standards, or
- b. The actual cost of any property purchase or construction as the case may be,

And the amortization schedule for the repayment of said loan is within the family ability to pay, considering that approximately 25% of a family's income is appropriate for housing purposes.

6. Terms of Loans.

- a. Rehabilitation loans shall be amortized over periods from 7 to 10 years.
- b. Home purchase or construction loans shall be amortized over a period of from 20 to 30 years.

7. Loan Eligibility Requirement. In order to qualify for participation in the Housing Loan Trust Fund Program, the following criteria must be met by the applicant:

- a. Be a resident of Chapel Hill;
- b. Be unable to obtain a loan, either subsidized or unsubsidized, on comparable terms and conditions;
- c. Be the owner of the property in fee simple, if property is to be rehabilitated, or have clear title if property is to be purchased or constructed;
- d. Be residing in the property to be rehabilitated, or if purchased or constructed, occupy the property when the acquisition or construction is complete.
- h e. The residence must have an anticipated life of at least 20 years after rehabilitation or 30 years, if constructed or acquired.
- f. Must fall within the adjusted income limits herein-after set forth.

8. Income Limits for Participation in Interest Subsidy Program. In order for an applicant to be eligible for participation in this program, the family of which he is the head, must fall within the following maximum adjusted income limits:

Number of Persons  
in Household

Maximum Adjusted Income Limits and  
Rates of Interest Payable by Applicants

	3%	5%
1	3,000	4,200
2	4,200	5,400
3	5,400	6,700
4	6,700	7,800
5	7,800	8,400
6	8,400	9,200
7	9,200	10,100

Households of larger size than that shown may petition the Housing Authority for special consideration.

9. Income Limits for Participation in Loan Guarantee Program.  
In order for an applicant to be eligible to participate in the Loan Guaranty Program, the family of which he is the head shall fall within the following maximum adjusted income limits:

Number of Persons  
In Household

Maximum Adjusted Income Limits

1	5,400
2	6,700
3	7,800
4	8,400
5	9,200
6	10,100
7	11,200

Household containing more than the above number of persons may petition the Housing Authority for special consideration.

10. Computation of Maximum Adjusted Income. The maximum adjusted income shall be computed in the following manners:

1. Adjusted Income. "Adjusted Family Income" means "Total Family Income" less deductions specified below and anticipated during the twelve month period for which Total Family Income is estimated. Such deductions are to be applied uniformly to all families.
  - a. Special occupational expenses, necessary to employment of adult family members, such as uniforms, transportation in excess of the usual transportation in the community special tools, etc., or costs of tuition, fees and books, etc., to the extent the family member is responsible for such expenses.
  - b. Deductions from wages, if required by law, or required by the employer as condition of employment, such as deductions for social security, pension, retirement funds or death benefits, or for health, accident, or medical benefit plans.
  - c. Expenses paid, if reasonable, for the support of persons not living with the family for whom any family member is morally or legally responsible.
  - d. Amounts paid, if reasonable, for the care of children and/or other family members needing constant care, to permit employment and/or education of family members; provided the amounts deducted are not greater than the amount of income produced by the employed family member thus released.  
provided the amounts deducted are not greater than the amount of income produced by the employed family member thus released.
  - e. Unusual amounts paid by families for predictable medical expenses for continuing illness not compensated for or covered, by insurance. (Any amount in excess of 3 (three) percent of total family income will be considered

"unusual").

- f. In the case of a member of the armed services, who is the family head and who is stationed away from home, one-half of the serviceman's base pay, plus all special pay and allowances except quarters allowance.
  - g. All the earned income and income derived from participation in any EOA Program of minors other than the head of the family or his spouse.
  - h. The first \$85.00 per month plus one-half of the excess over \$85.00 per month of payments made to or on behalf of an adult tenant participating in one or more programs under the Manpower Development Training Act, the Economic Opportunity Act, or any similar training program.
  - i. The first \$85.00 per month plus one-half of the excess over \$85.00 of the first \$150 per month of income of adult family members employed as "resident non-professionals" (such as health aides, teacher's aides, survey workers, etc.) under the Economic Opportunity Act Programs. The maximum allowable deduction is \$117.00 per month, and is applicable only during the first twelve months of such employment.
  - j. An amount up to \$1,000 or one-half of the total earned income, whichever is higher, or one adult secondary wage earner, to cover job related expenses, provided that no other deductions (Social Security, child care, etc.) will be allowed family members qualifying for this deduction.
11. Security Procedures and Loan Conditions. In the event a loan is guaranteed or subsidized by the Housing Loan Trust Fund, the property owner must agree:
- a. To execute a note and a first lien deed of trust on said property as security for said loan;
  - b. Must agree to obtain and pay for credit life insurance for the full amount of said loan;
  - c. To allow the Housing Authority discretion to refinance said loan at such times as might be desirable, to take advantage of favorable interest rates, so long as the amount payable by applicant is not increased;
  - d. That said loan shall not be assumed, except with the consent of the Housing Authority, and in the event the property is sold without such consent, the loan shall become immediately due and payable, and
  - e. In the event of the death of the head of household, said loan shall become payable in full.
12. Modification. The Board of Aldermen of the Town of Chapel Hill hereby reserves the right to modify or amend any of the criteria or procedures set forth in connection with said Housing Loan Trust Fund provided however, that no such amendment shall affect or diminish the rights of the holder of any commitment against said fund made prior to the date thereof.

This the 19th day of November, 1973.

Said motion was carried unanimously.

Land Police Act  
Public Hearing

Alderman Smith said that members of the board had received a letter from the Mayor of Raleigh, who attended a Land Police Act public hearing, and reported his comments and recommendations for local governments. Mr. Pearson Stewart, Executive Director of Region J Council of Governments said that the Triangle J Council endorses the basic idea of the act, which is to involve the state in land



planning. The two basic principles of the act are to establish a state land policy council for state and local governments and to establish a land classification system. However, the Council finds that the act does not include enough reference to local government needs, and suggest the following amendments: (1) More consultation with local governments in land policy; and more importantly (2) "mutual adoption" by state and local governments. Policy would be set by majority decision of state, local, and regional officials. This principle is already in use in local thoroughfare planning. The Council has adopted these recommendations and submitted them to the legislative committee presently considering the act (public hearings are over), and it is thought that they have been favorably received. He hopes that the Board will support the principle of mutual adoption and so inform the legislative committee. Alderman Nassif asked if the State DOT would participate in land use planning in view of their past tendency to make decisions on the basis of available Federal funding. Mr. Stewart said that DOT appears to be concerned with land planning, it is in a position to be involved because like other state departments it would be on the Land Use Council, but that he did not know how much they would participate. Enforcement of land policies cannot be predicted because the Land Policy Council could only set policy, not manage it. Alderman Welsh and Alderman Scroggs said that they objected to the idea that the state and region could overrule a local decision. Mr. Stewart, Alderman Marshall, and Alderman Smith said that by meeting together there would be a better chance of working out mutually satisfactory local, regional, and state problems and that Chapel Hill would be given a larger voice in land-use planning. These said that there might be conflicts when the locality is over-ruled but that the Triangle J Council has worked here to resolve local conflicts. Newly elected Board members told Alderman Smith that they had copies of the proposed legislation. The board decided to vote on its position regarding the act at the December 3 meeting, when new Board members would be holding office.

Recreational Open  
Space Amendments

Alderman Scroggs said that he was satisfied with the review on the amendments. Town Attorney

Denny said that because the amendments involved both Zoning and Subdivision Ordinances that they were to be considered separately. Alderman Nassif moved, seconded by Alderman Scroggs, that the following Zoning Ordinance concerning Recreational Areas for Unified Housing Developments be adopted:

RECREATIONAL AREAS  
for  
UNIFIED HOUSING DEVELOPMENTS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

SECTION I

That Section 3, Note K, Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas as adopted the 19th day of June, 1972, and as subsequently amended be further amended as follows:

a. Amend Section 3, Note K, to read as follows:

Recreational Open Space:

1. Amount of land to be provided: In all unified housing developments there shall not be less than twelve hundred (1200) square feet of land provided for recreational area for each dwelling unit. No parking areas, streets, drives, or street rights-of-way shall be credited for the required recreational area. It is the intent of this ordinance that except where otherwise determined by the Board of Aldermen, required yards shall not be credited toward the required recreational area.

2. Suitability of Land: Criteria used in evaluating the suitability of proposed recreational areas shall include, but not be limited

10  
to, the following as determined by the Board of Aldermen after recommendation by the Planning Board. The Planning Board may consult with the Recreation Commission prior to making its recommendation:

(a) Shape and Topography: The shape and topography of the parcel or parcels of land shall be such as to be usable for active recreation (children's play areas, ball fields, tennis courts, or similar recreational uses.) provided, however, that the Board of Aldermen, after recommendation by the Planning Board may grant an exception from this requirement, in which case the required area may be used for preserving natural features.

(b) Unity: The recreational area shall form a single parcel of land unless the Board of Aldermen after recommendation by the Planning Board determines that two or more parcels are more suitable to the needs of a particular project. The Board may require that such parcels be connected.

(c) Location: The parcel shall be conveniently located to serve the recreational needs of the residents.

3. Maintenance of Recreational Open Spaces: All special use Permits issued for unified housing developments shall refer specifically to the land dedicated for this purpose. Maintenance of such areas and facilities in accordance with the approved plans and specifications and the standards of the Town of Chapel Hill for such uses is a specific condition to the issuance of such permit. Failure to maintain such areas or facilities shall constitute a violation of the condition for its issuance, and may result in revocation of the certificate of occupancy as provided in Section 4-C-k.

(b) Amend Section 13 to delete the definition of "Usable Open Space."

## SECTION II

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

Alderman Scroggs moved, seconded by Alderman Nassif, that the following Subdivision Ordinance concerning Recreational Open Space in Subdivision be adopted.

### RECREATIONAL OPEN SPACE IN SUBDIVISIONS

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

## SECTION I

That Chapter 18, Code of Ordinances, Town of Chapel Hill and the indicated sections thereof be amended as follows:

I. Amend Section 18-51 to read as follows:

### Public Recreational Areas and Sites for Public Facilities.

Under the authority granted by Section 160A-372 of the North Carolina General Statutes, every subdivision shall include a portion of land permanently dedicated for the purpose of providing open space, park, or other recreational areas to serve residents of the immediate neighborhood within the subdivision.

A. Amount of Land to be Dedicated. The amount of land required to be dedicated by a subdivider pursuant to this Ordinance shall be not less than twelve hundred (1200) square feet per dwelling unit permitted by the Zoning Ordinance for the lots shown on

such subdivision. //

B. Applicability: The provisions of this section shall apply to all subdivisions as defined in this chapter on or after November 19, 1973, the effective date of this amendment, except that subdivisions for which preliminary plats have been approved prior to the effective date of this amendment shall be exempted from the provisions of this section.

C. Dedication: Recreational areas as provided in Subsection A above, shall be permanently dedicated for public use to serve residents of the immediate neighborhood within the subdivision. Such dedication shall be noted on the final plat as provided by this chapter.

D. Maintenance: Acceptance of approval of the final plat for said subdivision and the transfer of lots therein with reference thereto shall constitute agreement by the owner (whether a single individual, a neighborhood association, a homeowner's association, or other legal entity) to maintain such areas in accordance with the standards of the Town of Chapel Hill for recreational open space and park lands until such time as relieved thereof by lawful authority.

E. Suitability of Land: Criteria for use and in evaluating suitability of proposed recreational areas shall include but not to be limited to the following as determined by the Board of Aldermen after recommendation of the Planning Board. The Planning Board may consult with the Recreation Commission prior to making its recommendation pursuant to this subsection:

- (1) Unity: The dedicated land shall form a single parcel of land except where the Board of Aldermen determines that two or more parcels are more suitable to the needs of a particular subdivision. The Board may require that such parcels be connected.
- (2) Shape and Topography: The shape and topography of the dedicated parcel or parcels of land shall be such as to be usable for active recreation (Children's play areas, ball fields, tennis courts, or similar recreational uses).
- (3) Location: The dedicated land shall be conveniently located to serve the recreational needs of the immediate neighborhood within the subdivision.
- (4) Access: Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easements shall be not less than 30 feet wide.

F. Exemptions: The Board of Aldermen may grant exemptions from one or more of the requirements of this section after recommendation by the Planning Board. The Planning Board may consult with the Recreation Commission prior to making its recommendations pursuant to this subsection:

(1) Small Nonadjacent Parcels. Where the Board of Aldermen determines that the land required to be dedicated as recreational area by this ordinance is too small to be suitable for open space, park, or other recreational uses, and that the required area can not be made a part of an existing or proposed recreation area, then dedication of such area may not be required as a condition of approval of the subdivision plat.

(2) Adequate Active Recreational Areas. Where the Board of Aldermen determines that the active recreational needs are being adequately met, either by other dedicated parcels of land or existing recreational areas, it may grant exemptions from one or more of the requirements of Subsection E. In such cases, the required recreational area may be used for preserving woods, steep slopes, ponds, streams, glens, rock outcrops, native plant life, and wild life cover. These areas would provide for the community's need for passive recreational areas.

(3) Undue Hardships. Where the Board of Aldermen determines that the requirements of Subsection E create undue hardships, it may grant exemptions from one or more of the requirements of Subsection E. In such cases, the required recreational area may be used for preserving woods, steep slopes, ponds, streams, glens, rock outcrops, native plant life, and wild life cover. These areas would provide for the community's need for passive recreational areas.

II. Amend Section 18-88 (existing data on preliminary sketch) to include the words "public open space, recreational areas," after the words "parks, playgrounds."

III. Amend Section 18-89 (Data relating to proposed subdivision) to change the words "Open spaces" to read "Recreational areas."

IV. Amend Section 18-90 (Data relating to surrounding area) to change the words "proposed public open spaces" to read "proposed parks, playgrounds, and other public recreational areas."

V. Amend Section 18-91 (2) (Final Plat) to add the words "public recreational areas" after the words "crosswalkways, lots, and easements."

## SECTION II

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

This the 19th day of November, 1973.

Said motion was unanimously carried.

Far East Cultural Center  
and House of Chu - Special  
Use Permit

Van Opdenbrow said that the Planning Board recommended that the Special Use Request for Far East Cultural Center and House of Chu be denied for the

following reasons:

The request fails to meet two of the criteria established by State statutes and local ordinance:

1. In the opinion of the Planning Board, "the use will materially endanger the public safety...if located where proposed," because of the severe traffic hazards which, in the opinion of the Planning Board, would not adequately be overcome by the improvements proposed by the State Transportation Department.
2. In the opinion of the Planning Board, "the locations and character of the use, if developed according to the plan as submitted....will not be in...general conformity with the plan of development of Chapel Hill and its environs." because it does not conform to the policy of discouraging heavy concentrations of commercial development, especially, of the "strip" type, and of encouraging compact neighborhood commercial centers.

Alderman Nassif objected to the second reason, and said that he did not feel that this area had to remain a residential neighborhood in character. Alderman Nassif moved, seconded by Alderman Marshall, to deny the request because the first reason, that the proposed changes would create traffic hazards not adequately overcome by the improvements proposed by the State Transportation Department. Said motion was carried unanimously.

Marlboro Meadow -  
Modification

Alderman Smith read the recommendations of the Planning Board concerning the Marlboro Meadow Special Use Modification Request

which it recommends grating subject to the following:

1. That all stipulations on the existing Special Use Permit shall continue in force.
2. That all stipulations as recommended by the Development Review Staff be added, for the reasons given in the staff transmittal (attached).
3. That the following stipulations be added:
  - a. That the developer request the Orange Soil and Water Conservation Service to prepare a soil and water conservation plan, and carry out the plan in development of the project, prior to issuance of a Certificate of Occupancy.
  - b. That the developer consult with the Public Works Director and recreation Director, and reach a satisfactory resolution of problems in the proposed recreational areas, prior to issuance of a Building Permit.

Alderman Smith read the transmittal from the Appearance Commission which recommended the request be granted only with the following stipulations:

1. That the property be screened from adjacent properties, as indicated by the Appearance Commission on the plan, with a fence six feet in height or planting capable of attaining six feet in two years.
2. That bulk trash containers be painted to harmonize with the buildings, and screened on at least three sides.
3. That the parking area for the recreational facilities be divided into at least two areas, separated by planting, but with no reduction in the total number of parking spaces.
4. That location and design of signs, exterior lighting, and the recreational building be revised and approved by the Appearance Commission prior to issuance of building permits for these improvements.
5. That small signs be provided identifying the bicycle path.

In response to Alderman Nassif's questions, Mr. Opdenbrow said that modifications included minor changes in external building design and site plan, reduction in number of units, and conversion to condominium use. Alderman Nassif asked if the Appearance Commission could make stipulations now if they were not made for the original plans. Mr. Opdenbrow said that the stipulations applied only to the original plans and not the modifications. Alderman Welsh said that she had a copy of the original plans and the stipulations were there. Mr. Opdenbrow said that not all the details such as specifics of screening now stipulated were in the original plans, and that some of the screening details were drawn in later on the printed plans. Mr. Opdenbrow distributed copies of Development Review Staff Recommendations which were inadvertently not distributed to Aldermen. These recommendations were:

Recommendation: Approval, subject to all existing stipulations plus the following:

1. That Legion Road, from the northeastern property line of this project to Ephesus Church Road, be curbed, guttered and paved, to Town standards 36 feet face-to-face.
2. That a five-foot wide paved bicycle path be provided in the bicycle easement.
3. That detailed grading plans for the recreational area be submitted and approved by the Town Manager prior to issuance of a Building Permit.
4. That the planned water lines be approved by the University Service Plant prior to issuance of a Building Permit, and that the installed water lines be inspected and approved by the University Service Plants prior to issuance of a Certificate of Occupancy.
5. That every effort be made to secure a sanitary sewer easement

across the adjacent property to the southwest, to allow tie-in to the Ephesus Church sewer line.

Alderman Nassif said that he thought it was unfair to adke the developer to do curbing and guttering in front of someone else's property, especially since this area would probably be annexed and the Town could then assess owners. He also said that it was unfair to request paved bike paths now, especially in view of the tremendous grading problems involved. Mr. Opdenbrow and Town Manager Kendzior said that it is impossible to grade for the previously proposed soccer and baseball fields; only tennis courts and open space could be fit in. It would bankrupt the builders to do as originally planned. Their preliminary plans did not show the topography, such as ravines. After some discussion among Alderman Smith, Town Manager Kendzior and Town Attorney Denny, it was unclear whose responsibility it would be to develop and maintain the recreational and open space. Alderman Smith suggested that the Board wait for the Public Works and Recreation Director's recommendations. Alderman Marshall said that the Board needs better plans; the preliminary ones looked good. The developers had committed a breach of intent if not a legal breach of contract. Perhaps the Public Works Director should be consulted when the preliminary plans are offered. Town Manager Kendzior said that there was no question that the Board had been misled. He suggested that the Board wait to take action until December 3, when the developer could be present. Alderman Welsh moved, seconded by Alderman Nassif, that the Board wait until December 3, after the Town Manager consulted with those involved in resolving these problems. Said motion was carried unanimously.

Lake Forest Estates -  
Section 13

Alderman Nassif moved, seconded by Alderman Scroggs, that the Board accept the Planning Board's recommendation that Lake Forest Estates,

Final Plat: four lots in Section 13, be approved, subject to the posting of a bond for completion of improvements, type and amount of bond to be set by the Town Manager. As suggested by Town Manager Kendzior, Alderman Nassif added the provision that developers must also submit complete construction plans to include drainage. Said motion was carried unanimously.

Deepwood Run -  
Preliminary Plat

Alderman Nassif moved, seconded by Alderman Scroggs, that the Board accept the Planning Board recommendation to delay action on the

Preliminary Plat for Deepwood Run because the Development Review Staff needs additional time in which to complete review of this project and make its recommendations. Said motion was carried unanimously.

North Forest Hills -  
Final Plat

Alderman Welsh moved, seconded by Alderman Nassif, that the Board accept the Planning Board's recommendation to delay approval of the

North Forest Hills Final Plat, because the Public Works Director has found serious problems in engineering which, in his opinion and in that of the Planning Board, must be resolved prior to making any recommendation for final plat approval. Said motion was carried unanimously.

First Citizens Bank -  
Sign Modification

The Appearance Commission has recommended that the University Mall First Citizen's Bank Sign Special Use Modification on Request be

denied because the style and size of the letters requested do not harmonize with the approved sign plan, and the Appearance Commission finds no reason to modify the approved plan for this one use. In response to Alderman Nassif's question, Mr. Opdenbrow said that Ivey's, Rose's, and Belk's do not have to conform to the approved sign plan

15

because of their size, but that all other signs must conform. Alderman Welsh moved, seconded by Alderman Marshall, to accept the Appearance Commission's recommendation to deny the request. Said motion was carried by a vote of five to one, with Alderman Nassif opposing.

Village West -  
Request for Clarification

Mr. Opdenbrow requested a clarification of intent of the Board of Aldermen regarding the phasing plan for the Village West Condominiums.

His comments were as follows:

1. As part of the original request for a Special Use Permit the developer expressed his intention to develop Village West in phases.
2. This intention was frequently reiterated during the processing of this project, and appears again in the record in the traffic study submitted by the developer and reviewed by the staff, the Planning Board, the Recreation Commission and the Board of Aldermen.
3. However, no indication of phasing appears on the approved plans, or in the Special Use Permit.
4. Because of number 3 above, the Building Inspector is hesitant to issue a building permit for anything other than the entire project, and to so issue a building permit he would require construction drawings for the entire project.
5. Consequently, the developer and the Building Inspector request the Board of Aldermen to clarify whether they did or did not intend to approve the phasing of the project as requested by the developer.

Town Manager Kendzior said that in view of other projects which are bankrupt or falling apart, the Town must have complete building plans. Mr. Opdenbrow said that in the past the Board has approved plans in phases. Mr. Davis, Town Building Inspector, said that many complete construction plans are missing, even those for Phase I, such as the recreation building and swimming pool. Mr. Arthur Cogswell, architect, said that their reason for not giving complete plans is that conditions may change, such as after marketing Phase I units, and they would save money if they did not have to redesign. They can now give full utility and road drawings. They want only a building permit for Phase I. Their phasing plan is as follows: Phase I - begin now, complete summer-fall, '74; Phase II - begin summer '74, complete spring '75; Phase III - not determined when will begin, complete sometime '76. Alderman Nassif recommended bonding for recreation facilities and road (completion of Village Drive to Estes Road) to assure their completion, with the road completed no later than 1975. Town Manager Kendzior suggested a cash rather than performance bond be required to guarantee the completion of the planned recreation facilities. He further stated that a percentage could be required of the total price of the sale of the units, which would conceivably cover anticipated inflationary construction costs at a later date. Perhaps Certificate of Occupancy permits would not be issued until a certain number of units were sold, thus assuring funds to continue building. Alderman Nassif said that no Certificate of Occupancy permits should be issued until recreation facilities and the road were completed, although he stated concern for condominium buyers who might not be able to move into what they had purchased. Town Attorney Denny said that though it is unlawful, people sometimes do move into homes without a Certificate of Occupancy. Mr. John Davis, Chief Building Inspector, said that he should have complete Phase I building plans and that he favored road and recreation bonding. Mr. Cogswell and Mr. Robert Anderson, the developers, agreed to the following stipulations listed by Alderman Welsh: to post bond for completion of Village Drive to Estes Road; to build a sidewalk on the northeast side of Village Drive, indicating which trees would be saved; to provide bulk containers and an adequate trash collection system; to submit plans for recreational facilities and landscaping, to be completed before the first Certificates of Occupancy were issued; and to provide plans for utilities and fire fighting. Mr. Cogswell said that Village Drive would be completed no later than June, 1975. Mr. Anderson said that it was not necessary to bond for recreation because units are being sold with the stipulation that certain recreation facilities will be provided. Alderman Welsh



16  
moved, seconded by Alderman Marshall, that final action on the Board's clarification of intent regarding Village West Condominiums be delayed until the November 26 meeting, so that the Town Manager, Public Works Director, Building Inspector, and Town Attorney go over the details carefully. Said motion was carried unanimously.

Court Judges Chambers

Town Manager Kendzior requested Board consideration for making available a part of the court room

at the Town Hall for the juvenile counselor and chambers for the judge. The judge of the County Court has said that unless space is made available he will have to move his court back to Hillsborough. The original room for this court is now the police locker room and does not contain sufficient space. The Town Manager said that it would be a real hardship to lose the court in Chapel Hill. The only alternative is to partition off twelve feet of the Town Hall court room eliminating sixteen to twenty-two seats. Town Attorney Denny said that when the court moved here the Town had promised to provide the minimal facilities of an adequate courtroom, judge's chambers, and clerk's office. Alderman Nassif said that at that time the judge promised to provide two additional days to the present one day a week when the court is in session; both sides of the bargain should be fulfilled. Alderman Welsh moved, seconded by Alderman Gardner, that the Town Manager be authorized to meet with the judge and discuss the possibility of partitioning the courtroom to provide judge's chambers and a juvenile counselor office as well as the possibility of adding two more days when court would be in session. Said motion was carried unanimously.

Mass Transit -  
Grant Application

Town Attorney Denny requested a special meeting this Wednesday, November 21, to consider a major roadblock to the Town's proposed


mass transit system. Assistant Town Manager Levine has reported that letters and phone calls from the Department of Labor and the Amalgamated Transit Union state that the Town application requires a labor agreement. It is not sufficient to give university drivers priority in hiring. Section 13 C of the Urban Mass Transportation Act stated that fair and equal agreements to continue pension rights, collective bargaining rights, paid training, etc. be made between the union and the mass transit owners. North Carolina law states that any contract between a municipality and a labor union is void. Other cities with this conflict in state and federal laws have authorized private corporations to make the contract. The Labor Department has told Town Attorney Denny that until the union and the Town reach an agreement the application will not be certified. The Board must consider such alternatives as contracting the transit system to a private bus firm, creating a private transit corporation, or executing an agreement with the Labor Union. It was agreed that the Board would hold a special meeting in the upstairs Conference Room at 1:00 p.m., Wednesday, November 21.

Historical Society -  
Reception

Town Manager Kendzior said that Roger Foushee, President of the Historical Society, has invited Aldermen and Aldermen-elect to an

opening reception on November 20 from 4:30 - 6:30 p.m. at the Horace Williams House.

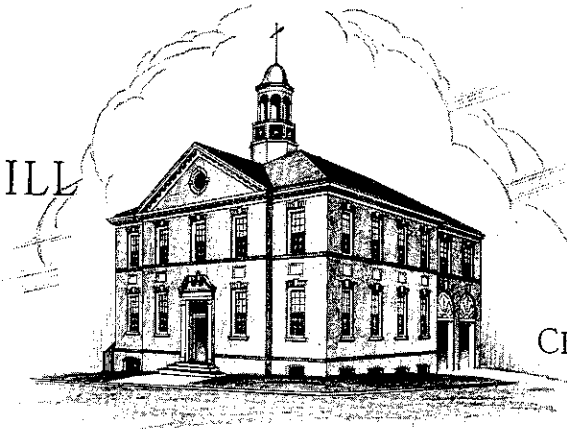
There being no further business to come before the Mayor pro tem and the Town Board of Aldermen, said meeting was adjourned at 10:50 p.m.

  
Mayor

  
David B. Roberts, Town Clerk



# TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

## NOTICE OF SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL

TO: Thomas B. Gardner  
Shirley E. Marshall  
Joseph L. Nassif  
Ross Scroggs  
Alice Welsh

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Conference Room, at 1:00 P.M. on November 21, 1973, to discuss the Mass Transportation Act

R. D. Smith, Mayor - Pro-Tem  
MAYOR

### ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable R.D. Smith, Mayor Pro-tem to be held in the Conference Room on November 21, 1973, at 1:00 P.M.

R. D. Smith, Mayor - Pro-Tem  
MAYOR

R. D. Smith  
Alice Welsh  
Ross Scroggs  
Joseph L. Nassif  
Shirley E. Marshall  
Thomas B. Gardner