

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING  
OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE  
TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING,  
MONDAY, FEBRUARY 25, 1974 AT 7:30 P.M.

The Board of Aldermen met for a joint public hearing with the Planning Board, followed by a regular meeting, on February 25, 1974 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present:	Howard N. Lee, Mayor Gerald Cohen Thomas Gardner Shirley E. Marshall Sid Rancer R. D. Smith Alice M. Welsh
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Absent:	None
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A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts, Town Attorney E. Denny, Mr. Phil Cooke, Ms. Peg Parker, Mr. George Spransy and Mr. Charles Weiss.

PUBLIC HEARING

Carol Woods Retirement  
Village--Special Use  
Permit

Mayor Lee opened the public hearing before the Board of Aldermen and the Planning Board of the Town of Chapel Hill to consider a re-

quest submitted by Mr. Isaac Sharpe Newton, Jr. for a Unified Housing Development Special Use Permit, to construct a retirement center on approximately 100 acres of land north of Weaver Dairy Road, the property being identified as Lots 16 and 16D, Orange County Tax Map 17. Mr. Kurt Jenne, Director of Urban Development, showed the area on the map and described the project. Carol Woods Retirement Village is a residential development, where residents purchase a life estate in a designated unit with the management being responsible for proper maintenance. The project is located north of Weaver Dairy Road and west of county road 1732, outside Chapel Hill Planning District, in an area zoned Agricultural by Orange County. The Special Use Permit is required for sewer tap-on, with the flow through Rogerson Drive pumping station, which will be operating at capacity when the present projects underway will be tied into the line. The upgrading of the pumping station and gravity sewer line to treatment plant is currently under engineering contract and all efforts are being made to complete the construction prior to the 201 study and construction program. The development will consist of 314 units occupying about 90,000 square feet area. Construction will be done in three phases, with 111 units in Phase I, 115 units in Phase II and 88 units in Phase III. A central complex will contain about 31,000 square feet residential floor area for residents requiring frequent attention, about 27,000 square feet of dining room, kitchen, auditorium, barber and beauty shop, library, administration offices, main lounge, restaurant and cloak room, snack bar, crafts and games center, and shuffleboard court. An infirmary will consist of about 15,000 square feet. There will be gatehouses at both entrances, a maintenance building, 371 parking spaces, a lake in the center of the project and about 42 acres open space. Mr. Sandy McClamroch outlined the project, and said that it has been started by a group of retired people living in Chapel Hill. The concept is new in Southeastern states. Persons interested buy units which they own during their lifetime; at death the units revert back to the non-profit corporation who resells them to others. The concept includes retirement center and life care. The project is going to be done on a turn-key proposition, with a non-profit corporation managing the project after it is developed by the following professionals: Hakan and Corley, architects; Davis and Jones, builders; Everett, Everett and Creach, attorneys;

and Carmichael and Co., promotions. Mr. Glen Corley showed slides of the area and of the project, and described some details of the project. Mayor Lee asked for statements in opposition to the project. There were none. Mayor Lee asked for statements in favor of the project. Mr. McClamroch said that he had asked people interested not to take up the time of the Board, but that they could stand up to let their feelings be known. About 35 people stood up. Mr. Rupert Hanney said that the project is essentially a non-polluting industry and would generate a considerable cash flow in the community. Fire Chief Lloyd raised the question of fire protection in regard to access to all units. Mr. Corley said that all living units will have smoke detection system and central core will have sprinklers. Alderman Cohen asked if the project is in New Hope Fire department area. Fire Chief Lloyd said yes, but that the project might want to have a special contract with the Town for fire protection. Alderman Smith said that he is not satisfied with the situation regarding fire protection, since there is no direct access to some units. Mr. Corley said that the access is around the units or through them. Fire Chief Lloyd said that if there is a sprinkler system, then there will not be much of a problem. Mr. McClamroch said that if the project is approved, a service road could be put in on the lakde side. Alderman Gardner asked if the option on the property that was due to expire on February 28 has been exercised. Mr. McClamroch said yes, that there is now an extension on the option. Mr. Phil Cooke asked that since the project is outside the Chapel Hill Planning Board jurisdiction, whether the action of County Commissioners is also needed. Town Attorney Denny said yes. Mr. McClamroch said that the county has already approved the project, but since a sewer tap-on is desired, the project needs Town approval; after a ruling from the Board of Aldermen the County Commissioners will be informed of the decision. Mayor Lee said that the project will have to go to the Planning Board and will be handled exactly as any other project. Alderman Gardner quoted from a letter from Mr. C. Sessoms of Durham-Orange Medical Society that another advantage of Carol Woods is the availability of beds for convalescent patients and asked if this is a different role within the retirement center. Mr. McClamroch said that for the first few years there would be empty beds in the infirmaary which could be used for extended care; they would probably be operated at cost. Alderman Cohen asked about the current time table of the project. Mr. McClamroch said that grading would begin in August, 1974, with Phase I completed in August, 1975; Phase II completed in January, 1976; and Phase III completed in January, 1978. The total tap-on would include about 35,000 gallon per day once the entire project is finished. Alderman Smith asked how the project ties into the improvements to the sewer line concerning 201 and 208. Mr. Rose, Public Works Director, said that there is difficulty getting any additional effluent into Rogerson Drive substation, unless permission can be obtained to improve the facilities with 100% financing by Town prior to 201; this would cost \$225,000. Alderman Smith asked if this would then accomodate the project. Mr. Rose said yes. Alderman Gardner asked what would happen to the money held by the non-profit corporation if the project were sold. Mr. McClamroch said that he cannot answer the question. Mr. Gerry Hancock of Everett, Everett and Creach said that, according to present tax laws, a non-profit corporation must sell to another non-profit corporation. Alderman Gardner asked what happens to the money that reverts back to the corporation. Mr. McClamroch said that this goes into a fund for health care and to lower the monthly fees that residents pay. Alderman Welsh asked why the usage of water is estimated so low. Mr. Hakan said that the units will not have cooking, laundry or dishwashers. It is estimated that the use will be 75 gallons per person per day, with about 1.4 persons per unit. Alderman Smith moved, seconded by Alderman Gardner, that the request for a Unified Housing Development Special Use Permit for Carol Woods Retirement Village be referred to the Planning Board for consideration and recommendation back to Board of Aldermen. Said motion was unanimously carried.

Subdivision Ordinance--  
Amendments

Mr. Joseph W. Rose, Director of Public Works, presented and explained the proposed amendments.

1. Amend Section 5 by adding a new Section 5(A) as follows, and renumbering subsequent sections:
  - (A) Extent of Improvements. All streets, curbs, gutters, sidewalks, sanitary sewer lines, water lines, underground utilities and other improvements shall be completed to the which final plats are submitted for a portion or portions of the property shown on the approved preliminary plat, the extent of such improvements shall be as determined by the Town Manager.
2. Amend Section 5(B), second paragraph, first sentence to read as follows:
 

"Where sewer lines are installed, the subdivider shall be required to install sidewalks, curb and gutter and pavement on all streets."
3. Amend Section 5(B) by adding a new final paragraph, as follows:
 

"In every case in which a street approved on a preliminary plat is constructed in sections, a temporary gravel cul-de-sac shall be provided at the start of construction at the end of each section being constructed and maintained by the subdivider until construction of the next section is completed, at which time the cul-de-sac shall be removed and the area seeded as directed by the Town Manager."
4. Amend Section 5(D), first and second sentences, to read as follows:
 

"All subdivisions shall be connected to an approved sewage disposal system, except as follows:

Where a stabilized rate of percolation of more than one inch per hour is obtained on each lot, septic tanks may be installed on lots with a minimum area of one acre. On any and all lots where a stabilized rate of percolation of one inch per hour or less is obtained, septic tanks will not be permitted; and no final plat of such lots shall be approved until the subdivision is connected to an approved sewage disposal system or bond has been posted for same.

Alderman Welsh asked if paved sidewalks were considered for amendment to 5(B) of Subdivision Ordinance. Town Manager Kendzior said that this is implied. Town Attorney Denny said that the Ordinance should be written as specifically as possible, and if the Board wants concrete sidewalks, then the Ordinance should say so. Alderman Welsh said that this clarification cannot be inserted now and that the amendment will have to be readvertised. Alderman Cohen asked if the Planning Board can recommend action on other amendments, while Amendment 5(B) is readvertised. Town Attorney Denny said that the whole thing can be referred to the Planning Board and they can consider all the amendments while at the same time this amendment is being readvertised. Alderman Gardner asked if the temporary cul-de-sacs were intended to be the same width as the permanent cul-de-sacs, since this may interfere with future yards. Mr. Rose said that there would not be a width requirement but that specifications would be designed for each project individually. Alderman Smith asked if the one acre requirements for septic tanks are in conflict with the Health Department standards. Mr. Rose said that he has talked with the Health Department, and that the County also

is presently revising its ordinance and requiring one acre lots. Smaller lots have been approved in the past and some are still being approved, with restrictions that no dishwashers or garbage disposals be permitted. Mayor Lee asked for statements in support of the recommended amendment. There were none. Mayor Lee asked for statements in opposition to the recommended amendment. Mr. George Spransy said that presently Health Department approved septic tanks for 20,000 square foot area in the county. Mr. Rose said that they have done so in the past and are still doing so for places where sewer system is not available, but that this is an inadequate lot size and frequently leads to trouble with the septic system. Alderman Smith moved, seconded by Alderman Marshall, that the proposed amendments to the Subdivision Ordinance be referred to the Planning Board for consideration and recommendation back to the Board of Aldermen. Said motion was unanimously carried.

Zoning Ordinance--Amendment, Mayor Lee said that this section  
Special Use Permits of the Public Hearing will deal

with an amendment to the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas, changing Section 4 and Section 10 of said ordinance. Mr. Kurt Jenne, Director of Urban Development, said that this amendment would bring Special Use Permits under the direct jurisdiction of the Board of Aldermen. He explained the proposed amendment.

in entirety,  
 the following:

"Procedures for handling these uses are based upon the nature of the use. Where the possible harmful effects of the use are likely to be limited to a relatively small area, issuance of a Special Use Permit is in most cases made the duty of the Board of Adjustment. Where the use has wider effects upon the community as a whole, or involves larger tracts of land, the situation is closer to that in which application is made for amendment to the Zoning Ordinance. In such cases, issuance of a Special Use Permit is made the duty of the Board of Aldermen, subject to recommendations of the Planning Board."

2. Amend Section 4-A, third paragraph, to read as follows:

"The uses for which Special Use Permits are required are listed in Section 4-C along with requirements for submission. Uses specified in this section shall be permitted only upon issuance of a Special Use Permit. Detailed descriptions of the procedures for the issuance of permits are contained in Section 4-B.

3. Delete in entirety, Section 4-B, SPECIAL USE PERMITS ISSUED BY THE BOARD OF ADJUSTMENT, which describes in detail the procedure for issuance of permits reviewed by the Board of Adjustment and renumber subsequent sections and references to those sections.

4. Amend paragraph a. of Sections 4-D-3, CEMETERIES; 4-D-4, CONVALESCENT OR NURSING HOMES, QUASI-PUBLIC BUILDINGS FOR INSTITUTIONAL ORGANIZATIONS OF AN EDUCATIONAL AND/OR NON-PROFIT CHARACTER, AND PRIVATE SCHOOLS; 4-D-12 LANDFILLS, RECLAMATION; 4-D-13, LANDFILLS, SANITARY; 4-D-14, LIMITED EXTRACTIVE USE; 4-D-19, STUMP DUMP; 4-D-24, PORTABLE BUILDINGS FOR USES OTHER THAN RESIDENTIAL, DRIVE-IN BUSINESS OR TEMPORARY BUILDINGS DIRECTLY RELATED TO DEVELOPMENT OF A LOT, TRACT OR PARCEL OF LAND; and 4-D-25, CHILD DAY CARE CENTERS AND PRIVATE KINDERGARTENS FOR MORE THAN FIVE CHILDREN to read as follows:

"Approved By:

Special Use Permits for.....  
 shall be approved by the Board  
 of Aldermen."

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5. Amend Section 10-D, describing the powers of the Board of Adjustment, by deleting in entirety, paragraph 10-D-2, "To grant, in particular cases and subject to appropriate conditions and safeguards, permits for special uses as authorized by Section 4 hereof." and renumbering subsequent paragraphs.

Mr. Jenne said that the amendment does not cover section 4-D-22, Unified Housing, or 4-D-11, Parking Garages. Both of these are handled under separate actions by the Planning Board. Mayor Lee asked for statements in opposition to the amendments. There were none. Mayor Lee asked for statements in support of the amendments. There were none. Alderman Cohen asked if there is any data available as to how many Special Use Permits the Board of Adjustments has handled in the past. Mr. Jenne said no. Alderman Cohen moved, seconded by Alderman Smith, that the proposed amendments to the Zoning Ordinance be referred to the Planning Board for consideration and recommendation back to the Board of Aldermen. Alderman Welsh asked if the Board of Aldermen should not be the ones to decide this change, since it is a legislative matter. Town Attorney Denny said that ultimately the Board of Aldermen would be the ones to decide, since Planning Board can only recommend action. Said motion was unanimously carried. The Public Hearing was adjourned at 8:35 p.m.

#### REGULAR MEETING

Alderman Smith moved, seconded by Alderman Gardner, to approve the minutes of the meeting of February 11, 1974 as corrected. Said motion was unanimously carried.

#### Subdivision--Ordinance Amendment, Sidewalks

Alderman Welsh moved, seconded by Alderman Smith, that a petition to consider amending the Subdivision Ordinance 5(B), requiring developers to install concrete or paved sidewalks where sewer lines are installed and to discuss the possibility of advertising for a public hearing in March, be put at the end of agenda. Said motion was unanimously carried.

#### Chapel Hill Street Improvements--Communication

Mayor Lee presented a communication from the Town of Chapel Hill to the N. C. Department of Transportation and Highway Safety regarding the State Highway's seven year construction program, listing the priority of construction needs in Chapel Hill.

#### Frederick B. Conner-- Re-evaluation of Property

Mayor Lee presented a letter from Mr. Frederick B. Conner, written to the Board of Equalization, regarding the listed value of his property and that of several of his neighbors. Copies of the letter have been sent to the Orange County Board of Commissioners and Chapel Hill Board of Aldermen.

#### Switchboard--Slide Presentation

Mayor Lee announced that Switchboard has extended a special invitation to the Town Board of Aldermen to view a slide tape produced by the Drug Action Committee called "The Neighbor's Kid." The slide-tape presents impressions on growing up in Chapel Hill. The slide-tape will be presented Thursday, February 28, 1974 at 8:00 p.m. at the Battle House.

#### Historic Conservation

Town Manager Kendzior requested Town Board authorization to accept contributions in the total amount of \$1,200 from the Chapel Hill Historical Society (\$400), the Chapel Hill Preservation Society (\$400) and the Community Appearance Commission (\$400) for the purpose of purchasing consultant services in connection with a study of historic conservation in the Chapel Hill Historic District and to amend the Department of Urban Development budget, increasing professional services 1973-74 from \$1,000 to \$2,200; and approval in connection with Historic District Study in the amount of \$1,200.

If approved by the Board, the Town Manager requests and recommends that the contributions be accepted, that legislation be drafted for the March 4, 1974 meeting to incorporate the Budget changes, and that a resolution be ordered, also for the March 4, 1974 meeting, to enter into a contract with Russell Wright for consultant services for the Historic District.

Mayor Lee asked why the Board is requested to give its approval. Mr. Jenne, Director of Urban Development, said that this is an opportunity to receive funds from outside sources to obtain consultant services, and thus will not take money from the General Fund. Alderman Marshall moved, seconded by Alderman Rancer, that an ordinance be prepared so that the Department of Urban Development can enter into a contract with Mr. Wright for consultant services. Said motion was unanimously carried. Mayor Lee said that the Board is interested in the project and would appreciate being kept up to date.

Bolinwood Apartments--  
Special Use Permit--  
Extension

Mayor Lee said that the Town Board of Aldermen at their regular January 28, 1974 meeting granted extension of the Special Use Permit

for Bolinwood Apartments, with certain stipulations that had to be met by February 18, 1974. Town Manager Kendzior said that onsite inspection has revealed that some of the stipulations have been met and others are partially completed. The only recourse the Town has for enforcing compliance is refusal to issue Special Use Permit and Certificate of Occupancy. The Town can either close out the project or extend the Special Use Permit to April 22, 1974, and hope that the stipulations will be met by that date. Town Manager Kendzior said that he recommends that the Special Use Permit be extended to April 22, 1974 subject to stipulations. Alderman Marshall asked how many units are occupied. Mr. Jenne, Director of Urban Development, said that 60 units are occupied out of a total of 120 units. Mayor Lee asked what the problem is with Bolinwood Apartments. Mr. Jenne said that when the initial units were finished, a partial Certificate of Occupancy was granted, but unfortunately loose standards were used for granting it. After the sixty units were occupied, the developer ran into serious problems and the project started to fall apart. There have been many complaints from tenants. The Building Inspector tried to move the project along, but the developer had financial difficulties. Prior to the Special Use Permit request, Mr. Jenne, Town Manager and Building Inspector met with the bond holders. The project had changed hands and the bond holders stated that they had the necessary financial resources. Because of the extensive problems with the project, the Board was asked to approve the Special Use Permit in stages, with certain stipulations having to be met at set times, and with no Certificate of Occupancy being granted until the whole project is finished. The developers have had thirty days to meet the first phase; there have been some minor problems, but they have made a serious effort to comply. Alderman Rancer moved, seconded by Alderman Welsh, to extend the Special Use Permit for Bolinwood Apartments to April 22, 1974, stipulating that it be met completely for the first phase and that no other extensions be given for the first phase. Said motion was unanimously carried.

Filing Fees--Special Use  
Modifications and Sub-  
division Plats

Town Manager Kendzior said that the Development Review Staff recommends that the Code of Ordinances be amended to provide the

following:

1. A fee of \$100.00 for each application for modification of a Special Use Permit.
2. A fee for each application for approval of a preliminary subdivision plat as follows: base fee of \$25.00, plus \$5.00 per lot, to a maximum of \$100.00.

The reason for recommendation is that as much, or sometimes more staff time often is spent on modifications as on the original



Special Use application. In general, staff time spent on subdivisions is equivalent to that spent on Special Uses. With subdivisions, however, a base-fee-plus system of the type recommended is considered fair to those persons, for instance, who only wish to divide a portion of their property as a gift to an heir. Town Manager Kendzior said that he recommends Board approval to order legislation for the next regular March 4, 1974 meeting. Alderman Welsh asked if the type of modification required would affect the fee. Mr. Kurt Jenne, Director of Urban Development, said that it is difficult to set a sliding scale for fees since all possible cases would have to be specified. Alderman Welsh asked if this could be done by using the valuation of the project. Town Attorney Denny said that it would be simpler to have a unified fee for all Special Use Permits with various categories of fees decided by type of project. Alderman Cohen said that it is possible to have a major modification for a small project that would take more time than a small modification on a large project. Alderman Gardner asked what the policies of other towns in North Carolina are. Mr. Jenne said that he does not know how the Special Use Modification proposal compares with other towns, but that the fee scale on subdivisions is similar to other towns. Alderman Gardner said that the fee was raised only a short time ago and that an additional raise seems high for small projects. Alderman Marshall said that even a small modification takes up considerable staff time. Alderman Smith said that the \$100 fee would cut down on some of the requests for Special Use Modifications, since developers would try to have better planning before applying for the original Special Use Permit. Mr. Jenne said that all other communities, as far as he knows, use a flat fee and that the size of the project does not always indicate the amount of staff time required. Alderman Smith moved, seconded by Alderman Marshall, that the ordinance setting filing fees as presented by the Town Manager for Special Use Modifications and Subdivision Plats be prepared for consideration by the Board. Alderman Welsh asked if the possibility of categories could be considered as an alternative. Town Attorney Denny said that, as Mr. Jenne pointed out, size of the project does not indicate the staff time involved. Alderman Gardner said that modification requests have generally had stipulations added by Town, and that some modifications might be more advantageous to Town than to developer, with some of these requests being made by Town staff after the project is started. Mayor Lee said that there is contact between the developer and Town prior to Special Use request and that any type of problem should be pinpointed before the project is started. If there are continuous requests from Town to have the Permit modified, then the Board should be concerned about the efficiency of the Town staff. Alderman Marshall said that most of the requests for Special Use Modifications came before the present rigorous standards were enforced. Town Attorney Denny said that the process for Special Use modification is identical to the original Special Use request, with the exception of advertisement and public hearing. Said motion was passed by a vote of five to one, with Alderman Gardner opposing.

North Lakeshore Drive  
Street & Sidewalk  
Improvements--Public  
Hearing Rescheduling

Town Manager Kendzior explained that the property owners were notified but that the public hearing was not advertised. Property owners have been notified

that the hearing has been rescheduled for March 18. Town Manager Kendzior requested that the public hearing regarding North Lakeshore Drive Street and Sidewalk Improvements be rescheduled for March 18, 1974, at 7:30 p.m. Town Attorney Denny read the preliminary resolutions.

PRELIMINARY RESOLUTION

STREET IMPROVEMENTS - NORTH LAKESHORE DRIVE

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

1. The Board of Aldermen of the Town of Chapel Hill intends to undertake a street improvements project for North Lakeshore Drive, a public street within the corporate limits of the Town of Chapel Hill;
2. The project shall consist of the widening, to 30 feet curbing,

guttering, and resurfacing of said North Lakeshore Drive from the bridge at the west end of the Lake to the bridge near Lakeshore Court;

3. It is anticipated that the total estimated cost of said project shall be \$152,000.00; that the basis for assessing said project costs against the abutting property owners shall be \$6.00 per linear foot of road frontage on each side of said street so improved, and any excess of said total estimated costs above the amount of said assessment shall be borne by the Town;
4. The amount of said assessment may be paid in full without interest at any time before the expiration of 30-days after the date that the notice of confirmation of said assessment has been published, or may be paid in 10 equal annual installments each bearing interest on the unpaid balance at the rate of 6% per annum from the date of said confirmation, and

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that a public hearing is hereby called on this proposed project on the 25 day of February, 1974 in the Meeting Room of the Municipal Building, Chapel Hill, North Carolina at 7:30 o'clock p.m., and

BE IT FURTHER RESOLVED that at least 10-days before date set for said public hearing, that notice of said hearing and the adoption of the preliminary resolution be published in the Chapel Hill Newspaper, and that a copy of said notice be mailed by first class mail at least 10-days prior to said hearing to all property owners whose property may be subject to assessment by reason of this project as shown on the County Tax Records.

This the 25 day of February, 1974.

Preliminary Resolution

SIDEWALK IMPROVEMENTS - NORTH LAKESHORE DRIVE

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

1. The Board of Aldermen of the Town of Chapel Hill intends to undertake a sidewalk improvements project for North Lakeshore Drive, a public street within the corporate limits of the Town of Chapel Hill, pursuant to the provisions of Chapter 481, Session Laws 1969.
2. The project shall consist of the construction of a 5 foot concrete sidewalk on the north side of said North Lakeshore Drive from the bridge at the west end of the Lake to the bridge near Lakeshore Court:
3. It is anticipated that the total estimated cost of said project shall be \$20,665.00; that the basis for assessing said project costs against the abutting property owners on both sides of said street on the basis of frontage;
4. The amount of said assessment may be paid in full without interest at any time before the expiration of 30-days after the date that the notice of confirmation of said assessment has been published, or may be paid in 10 equal annual installments each bearing interest on the unpaid balance at the rate of 6% per annum from the date of said confirmation, and

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that a public hearing is hereby called on this proposed project on the 18 day of March, 1974 in the Meeting Room of the Municipal Building, Chapel Hill, North Carolina at 7:30 o'clock p.m., and

BE IT FURTHER RESOLVED that at least 10-days before date set for



said public hearing, that notice of said hearing and the adoption of the preliminary resolution be published in the Chapel Hill Newspaper, and that a copy of said notice be mailed by first class mail at least 10-days prior to said hearing to all property owners whose property as shown on the County Tax Records.

This the 25 day of February, 1974.

Town Attorney Denny pointed out that the project calls for widening to 30 feet curbing, guttering and resurfacing of North Lakeshore Drive from the bridge at the west end of the Lake to the bridge near Lakeshore Court and that the Town cannot do less than this. Alderman Welsh said that this was the language of the petitions and that this should be followed. Alderman Smith moved, seconded by Alderman Welsh, that Public Hearing to consider the street and sidewalk improvements for North Lakeshore Drive be advertised and held on Monday, March 18, 1974 at 7:30 p.m. in the Municipal Building meeting room. Said motion was unanimously carried.

Town Fire Code--High Rise Buildings

Fire Chief Everett Lloyd said that the Fire Department is concerned about the high rise buildings in

Chapel Hill. ny code that the Town passes would not apply to University owned buildings. He presented a proposal concerning additions for inclusion into City Fire Code. The proposal concerns definition of a high-rise building, elevator control, doors to interior stairs, smoke detection devices, smoke shafts, exposed elevations, stairwell pressurization, compartmentation, standpipe systems, elevation plan, voice communication system, automatic sprinklers, variances, and compliance time. Fire Chief Lloyd said that this proposal will have to be rewritten in legal language, but that questions can be answered now regarding the proposal. Alderman Welsh asked if amending the Fire Code would affect buildings on campus. Town Attorney Denny said no, since local ordinances cannot amend State Fire Code, they can only supplement local fire codes. Fire Chief Lloyd said that the State Building Code lists only minimum requirements, which often are unsatisfactory regarding safety. Alderman Welsh said that she is pleased with the proposal and feels that a sprinkler system is the single most effective fire protection. She asked if the proposal has a satisfactory smoke shaft control. Fire Chief Lloyd said that the proposal was drawn up using the best points from various codes and that he feels it is satisfactory. Alderman Welsh said that presently there is a moratorium on high-rise buildings in Chapel Hill, but that there may be building with greater density in near future, and asked if the Fire Department reviews all Special Use Permits. Fire Chief Lloyd said yes. Mayor Lee commended Fire Chief Lloyd on the proposed additions. Town Attorney Denny said that the proposal will have to be written into Ordinance form and will be supplemental to Fire Code Ordinances. Fire Chief Lloyd said that he would like to request the Board to enlist the aid of news media to dramatize the need for a stricter fire code and to send a resolution from the Board to the North Carolina Building Code Council stating that statewide action is needed. Mayor Lee said that this will be done and that he will send a supplementary letter to North Carolina Mayors. Fire Chief Lloyd presented a film on a high-rise building fire in Sao Paulo, Brazil. Alderman Welsh moved, seconded by Alderman Rancer, that an ordinance be drawn up by Town Attorney regarding high rise buildings based on the report made by the Fire Chief to the Board of Aldermen, and that it be presented to the Board for consideration. Said motion was unanimously carried.

VISTA--Department of Human Services

Town Manager Kendzior said that the Department of Human Services is requesting Board approval for

four VISTA volunteers. The salaries of the volunteers would be paid by federal government, with Town being responsible for cost of transportation that should not exceed \$1500. Ms. Jeanne Jones, Director of Human Services, said that the volunteers would be involved in three

projects: after-school programs, two volunteers; and sub-standard housing and citizen participation in Town government, one volunteer each. Alderman Marshall expressed concern that the volunteers would be working with Building Department trying to change building code. Ms. Jones said that a number of residents have been interested in what the code contains and wish to learn more about it; it would not necessarily involve change. Alderman Smith asked if the Police Department can release bicycles on loan that are scheduled for public sale. Town Attorney Denny said that the bicycles have to be kept by the Police Department until they qualify for public sale, but that there is no problem with loaning them if they remain Town property. Ms. Jones said that seven Human Services staff members have expressed interest in riding bicycles. Alderman Marshall questioned the transportation reimbursement of 50 miles per day at 15¢ per mile. Ms. Jones said that this may also include statewide conferences. Alderman Welsh asked if the request has the approval of the Town Manager. Town Manager Kendzior said yes, that the request was originally proposed in January, that it has been reviewed by department heads and approved by them. The proposal does not follow Town fiscal year, with only four months being in the present fiscal year. Alderman Welsh said that she is concerned that the after-school programs might duplicate recreation department efforts. Ms. Jones said that these would supplement recreation department programs. Alderman Gardner asked if VISTA volunteers can be recruited locally. Ms. Jones said that it is difficult, since the volunteer commits his time for a full year, 24 hours a day. Alderman Gardner asked if additional funds from Town would be required for youth activities at the end of the year. Ms. Jones said that the recreation department has tentatively agreed to aid the SIFT project. Alderman Marshall said that regarding after-school programs, soliciting materials from merchants, the Board has taken a strong stand in the past against soliciting local merchants and wishes to see that this stand is maintained. Alderman Rancer asked if the Town has the means to provide transportation. Town Manager Kendzior said that the Town would pay mileage or provide bikes. Alderman Rancer asked that the statement regarding transportation not be left with such broad interpretation possibilities. Town Manager Kendzior said that vehicles that are turned over to Town or vehicles not used by other staff members could also be used. The total cost of transportation will probably be less than \$1500. Alderman Marshall asked if Town Manager is satisfied to references in regard to building codes. Town Manager Kendzior said that the Building Inspection Department is satisfied with the proposal. Alderman Welsh moved, seconded by Alderman Smith, that approval be given to VISTA program subject to close supervision by the Town Manager for coordination. Town Attorney Denny said that the transportation costs as listed in the proposal are based on cost of gas and vehicle maintenance. Alderman Welsh amended the motion that the Town expenses are not to exceed \$1500. Said amended motion passed five to one with Alderman Gardner opposing.

General Assembly  
Legislations--Report

Alderman Cohen said that the present pending legislations affecting Town are H1732 - Planning

Board composition; H1084 - Absentee voting; Chapter 870. Session Laws - changing maximum and minimum fees for filing for Board and Mayor; S1201 - Travel Expenses; H1627 Resigning elective office to run for another office; H1604 - permitting right turn on red light; and H1495 - prohibiting beer sales within 500 feet of school or church. Mayor Lee thanked Alderman Cohen for the report and asked him to investigate public transportation bill, which provides for 50% matching of capital funds.

Appearance Commission--  
Nominations

Mayor Lee said that the Appearance Commission, at its meeting of February 20, 1974, unanimously voted

to recommend to the Board of Aldermen that Mr. Jonathan Edwards be nominated to serve the unexpired term of Mr. Edward Kaiser, which expires on December 31, 1975. Mayor Lee asked for additional nominations.

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There were none. The nominations are open until March 4, on which date appointment will be made.

Appearance Commission--  
Appointment

Mayor Lee said that the Board must consider appointment to existing vacancy on Appearance Commission

that expired December 31, 1973. The Appearance Commission submitted a recommendation to the Board that Robert Bryan be re-appointed to a second term. Mayor Lee asked for additional nominations. There were none. Alderman Welsh moved, seconded by Alderman Gardner, that nominations be closed and Robert Bryan be reappointed by acclamation. Said motion was unanimously carried.

Advisory Personnel  
Board--Appointment

Mayor Lee said that the Board must consider appointments to existing vacancies. There are five vacancies,

and persons nominated at February 11, 1974 meeting are Ms. Jean Wagner, Ms. Jeanette Vass, Mr. Jake Wicker, and Mr. Walter Baucom. Mayor Lee asked for additional nominations. Alderman Gardner nominated Ms. Anne Barnes and Mr. Wade Degrafenreid, both of whom have served on Town committees in the past. Alderman Smith moved, seconded by Alderman Gardner, that nominations be closed. Said motion was unanimously carried. The Board voted by a secret ballot to appoint to fill the five vacancies. Wade Degrafenreid and Anne Barnes were appointed for three-year terms; Jake Wicker and Walter Baucom were appointed for two-year terms; and Jean Wagner was appointed for a one-year term.

Piedmont Electric Power  
Substation and Transmission  
Line--Special Use Permit

Mayor Lee said that the Planning Board, Appearance Commission and Development Review Staff recommend approval, subject to stipula-

tions. Mr. Kurt Jenne, Director of Urban Development, described the project, which lies east of the intersection of Smith Level Road and Damascus Church Road. He described the recommended stipulations. Planning Board recommends that the stipulation recommended by the Development Review Staff, that all distribution lines shall be underground, be removed and a stipulation be added requiring that the barbed wire at the top of the fence be angled outward rather than inward. The Development Review Staff recommends the following stipulations:

1. That the proposed chain-link fence shall be faced with redwood slats.
2. That existing trees and vegetation shall be preserved except as necessary for construction. This specifically to include the preservation of the existing cedar and pine hedge row on the west property line of the substation site.
3. That a detailed landscape plan be reviewed by the Community Appearance Commission and approved by the Board of Aldermen prior to issuance of a building permit. The landscape plan shall include an evergreen screen along each of the four sides of the substation property.
4. That a drainage plan be approved by the Town Manager prior to issuance of a grading permit.
5. That the triangular portion of the substation property located within the proposed thoroughfare be dedicated as a public right-of-way.
6. That the proposed gravel driveway be relocated outside the thoroughfare right-of-way.
7. Prior to issuance of a building permit, a corrected site plan and a recordable plat showing all dedicated rights-of-way shall be submitted to the Building Inspector.
8. That all distribution lines shall be underground.
9. That construction begin by June 1, 1974, and be completed by December 31, 1974, as requested by the developer.

Alderman Welsh asked which area of Town will be served by the substation. Mr. Jenne said that the 100 kilovolt substation will serve area east of Smith Level Road, fairly close to Pittsboro Road; majori-

ty of the area is in Carrboro Planning District. The developer has investigated other site locations, but this is the best one in terms of center of load. Alderman Welsh asked if there is a need for the substation. Mr. Jenne said that Piedmont Electric Co. says there is a need. Alderman Smith asked if the thoroughfare in the Chapel Hill Planning District. Mr. Jenne said that this is between the two planning districts and also requires approval of Carrboro Board of Adjustment. The Carrboro Board of Adjustment has approved the project with the stipulation that it be screened on four sides. Town Attorney Denny said that the developer can abandon the project if he does not agree with the stipulations. Alderman Cohen said that he is concerned with the long range plan of the area and how providing electricity will affect this plan. He said that he cannot vote for a Special Use Permit at the present time. Neighboring landowners are also indicating that they were not notified properly of the proposed project. He asked that the matter be referred back to the Planning Board, with Piedmont Electric Co. providing additional information regarding the need of the project. Alderman Cohen moved, seconded by Alderman Marshall, that the request be referred to Planning Board for a study of the effect on long range planning regarding electric service to area and that property owners in area be notified. Alderman Welsh said that notification was Carrboro's problem. Alderman Cohen withdrew the portion of motion that property owners be notified. Alderman Smith asked if the project would replace an existing substation. Mr. Jenne said yes. Mr. Robertson of Piedmont Electric Co. said that the present substation is on the southwest edge of town in a heavily populated area and cannot be expanded. Alderman Cohen said that the effect on growth in this area must be investigated. Mr. Robertson said that the present substation will be inadequate shortly when the present construction projects in the area are finished. Mr. Jenne said that it is an assumption that additional power capacity will encourage growth, and that the largest portion of area served lies in Carrboro planning area. Alderman Welsh said that the project concerns land use management, and asked what the zoning of surrounding area could be. Mr. Robertson said that land directly behind the substation is not suitable for developing. Mr. Jenne circulated a map of the area that the substation would serve. Mr. Robertson said that the Planned capacity of the substation took into account the anticipated growth of the area. Alderman Cohen said that there is also a question of availability of water and sewer facilities in the area. Alderman Marshall said that the anticipated growth in the area must be considered carefully. Alderman Gardner asked if the present area is experiencing low voltage problems. Mr. Robertson said that not yet, but this will happen soon. Said motion was defeated with Alderman Gardner, Smith and Rancer and Mayor Lee opposing. Alderman Rancer moved that the Board accept the recommendation of the Planning Board. Said motion died for a lack of a second. Alderman Gardner moved, seconded by Alderman Rancer, that action on the request be delayed until March 4 to give the Planning Board time to consult with Carrboro and to require a fuller discussion of the proposal. Said motion passed by a vote of four to two, with Aldermen Marshall and Smith opposing.

Releases--Henry S. Kingdom  
and S. H. Basnight

Mayor Lee said that Mr. Kingdom is requesting that he be released from paying the interest due on Town

Property Tax. The interest due is about \$17.26. Mr. Kingdom met with the Town Manager and explained he received his County Taxes properly but his Town taxes were delivered late in January, although originally postmarked November 15, 1973. Town Manager Kendzior said that there is also an additional request for release from paying interest from Mr. S. H. Basnight who also did not receive his notice until January. Alderman Smith asked if the original notices were returned to the Town. Town Clerk Roberts said that they were returned to Town, but that Town staff was unable to follow up on returns until January. Alderman Cohen asked if it is required that the Town send notices and if the Town has the legal ability to waive the interest. Town Attorney Denny said that there is serious doubt that the Board

has the authority to release interest payments. Alderman Marshall said that a similar situation occurred in 1973; the Board granted the release but made it clear that they would not do so again. There have been several notices in the papers telling people to inquire if they have not received their notices. Town Clerk Roberts said that there have been several inquiries. Town Attorney Denny said that the tax bills are due to go out in September but were delayed for six weeks because of property reevaluation. Since they were sent so late, there was a problem of reprocessing before January. Alderman Smith said that it is public knowledge that tax bills are due by January 1. Alderman Smith moved, seconded by Alderman Gardner, that no relief be granted to Henry S. Kingdom and S. H. Basnight. Alderman Rancer said that at the Institute of Government school he was told that the Town does not have to send tax bills. Mayor Lee said that the Town does have an obligation to indicate taxes owed. Said motion was unanimously carried. Alderman Gardner said that this year the Town should give maximum publicity regarding tax notices.

Chapel Hill-Carrboro  
Schools--Recreational  
Program Agreement--  
Resolution

Mayor Lee presented a resolution authorizing--permitting the Town of Chapel Hill to enter into an agreement with the Chapel Hill - Carrboro City Board of Education

for providing and improving community recreational programs at the Ephesus Road Elementary School Site. This agreement has been approved by the School Board of Education, and the Town Attorney has approved the agreement according to legal form. Town Attorney Denny said that he is recommending that part 5 be added to the resolution. Alderman Gardner asked if action on the resolution is necessary tonight. Town Manager Kendzior said that the agreement has been in process since last May and it is necessary that immediate action be taken. Alderman Smith moved, seconded by Alderman Welsh, that the following resolution be adopted:

R E S O L U T I O N

RESOLUTION AUTHORIZING THE TOWN OF CHAPEL HILL TO  
ENTER INTO AN AGREEMENT WITH THE  
CHAPEL HILL-CARRBORO CITY BOARD OF EDUCATION  
FOR IMPROVING AND PROVIDING COMMUNITY  
RECREATIONAL PROGRAMS AT THE BOARD OF  
EDUCATION EPHEBUS ROAD ELEMENTARY SCHOOL SITE

BE IT RESOLVED, by the Board of Aldermen of the Town of Chapel Hill, Orange County, State of North Carolina,

THAT WHEREAS, both parties to this agreement are interested in providing and improving community recreational programs; and

WHEREAS, the Board of Education has agreed to allow the Town to make use of property of the Board of Education at the Ephesus Road Elementary School in Chapel Hill, North Carolina, for recreational uses by the citizens of Chapel Hill; and

WHEREAS, the Town has agreed to expend funds for developing a community park and improving the playing fields at the Ephesus Road Elementary School site.

NOW THEREFORE, the parties hereto do agree as follows:

1. Town agrees to submit to the Board of Education plans for improving the playing fields and constructing a community park on the property of the Board of Education at the Ephesus Road Elementary School site in Chapel Hill, North Carolina. Upon approval of the plans by the Board of Education, the Town will make the improvements as approved by the Board of Education. It is understood that all improvements made to the property are subject to the joint approval of both the Board of Education and the Town.

2. It is understood that in the use of the playing fields on school property, the school program will take precedence over the use of the fields by any other parties, and the Board of Education shall at all times reserve the right to prescribe times when said playing fields will be available only for school use.
3. It is understood and agreed that if in the future property upon which the Town has made permanent improvements is needed by the Board of Education for the construction of school facilities, the Board of Education shall be entitled to discontinue the use of such property by the Town; provided the Board of Education shall reimburse Town for the depreciated value of such permanent improvements.
4. The parties agree to cooperate with each other in setting up reasonable hours and plans for the use by the public of the playing fields and the community park.
5. That the appropriate officers of the Town be authorized to enter into a written agreement with the Board of Education to carry out this effect.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately upon its adoption.

This the 25th day of February, 1974.

Said motion was unanimously carried.

Recreation Site Planning--  
Resolution

Mayor Lee presented a resolution authorizing the Town Manager to

enter into an agreement with

James M. Webb, Architect and Planner for Recreation site planning and design services. This agreement has been recommended for approval by both the Recreation Director and Director of Urban Development. The Agreement incorporates projects and planning requested by the Recreation Commission. Mayor Lee asked that action on the resolution be postponed until March 4 for further study. Alderman Smith asked that when plans are completed the Town study the feasibility of employing youth in various summer projects. Alderman Marshall said that the matter is not new to the Board, since many projects mentioned in the resolution have already been started. Town Manager Kendzior said that it is not a new project, but that a formal agreement is needed.

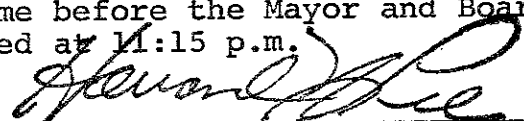
Subdivision Ordinance--  
Amendment, Sidewalks

Alderman Welsh asked that the section 5(B) in proposed Sub-

division Ordinance amendment

be readvertised for a March 25, 1974 public hearing, to add "concrete" in specifying sidewalks. Town Attorney Denny said that the ordinance would be tighter legally if type and width of the sidewalks were specified. Alderman Welsh asked if the sidewalks would necessarily be on both sides of the road. Mr. Rose, Public Works Director, said that the ordinance uses the plural, but one side of street could be deleted if it imposed a hardship. The ordinance could also include bicycle paths. Alderman Cohen asked if the decision on the wording can be delayed until March 4 and still meet public hearing advertising deadline. Town Attorney Denny said yes. Alderman Marshall asked if the sidewalk can be on one side and the bicycle path on the other. Mr. Rose said that it depends on the terrain, and that double sidewalk construction can add heavy cost to the constructor, with a 5-foot sidewalk costing \$5.00 per lineal foot. Alderman Welsh asked that the matter be delayed for a week for further study.

There being no further business to come before the Mayor and Board of Aldermen, said meeting was adjourned at 11:15 p.m.

  
Mayor

  
David B. Roberts, Town Clerk