


law. Town Attorney Denny said that the issuing of license cannot confer on the person the right to violate the law; the situation is similar to certain federal licenses, action on which is illegal in North Carolina. Mayor Lee said that Town should not encourage the practice of illegal activities; it also puts the police in a difficult situation. Alderman Smith moved, seconded by Alderman Welsh that the license which has been issued to practice palmistry be recalled and the fee refunded, and that the local ordinance be brought into conformity with the county ordinance. Town Attorney Denny said that palmistry is permitted in about half of the North Carolina Counties. Mayor Lee said that he is opposed to palmistry, since it preys on poor people. Said motion was unanimously carried. Alderman Rancer said that he understands that a massage parlor has open in Town. Mayor Lee said that operation of massage parlors is legal in Town, but a license is needed; he asked Town Clerk Roberts to investigate the matter. Alderman Rancer asked whether the Board should consider outlawing massage parlors. Town Attorney Denny said that the matter is up to the Board. Alderman Gardner asked Town Attorney to look into the practicality of such an ordinance from the legal standpoint.

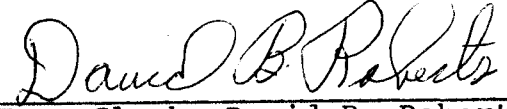
Water and Sewer Authority

Town Attorney Denny asked whether Board members have any strong feelings on leaving the length of term of persons serving on the Water and Sewer Authority at six years. Alderman Cohen said that he thinks the Water and Sewer Task Force recommended that the terms be three years. Alderman Welsh asked whether the length of terms can be changed at a future time. Town Attorney Denny said that this would require a state legislation.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:00 p.m.



 Mayor Howard N. Lee



 Town Clerk, David B. Roberts

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, MARCH 24, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on March 24, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

- | | |
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| Present: | Howard N. Lee, Mayor
Gerald A. Cohen
Thomas B. Gardner
Shirley E. Marshall
Sid S. Rancer
R. D. Smith
Alice M. Welsh |
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Absent: None

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 Cohen, that the minutes of the meeting of March 17, 1975 be approved as circulated. Said motion was unanimously carried.

Privilege Licenses--
Palmistry

Mr. Daniel Pollitt petitioned the Board to place the consideration of the privilege license issued for

the practice of palmistry on the agenda. Alderman Welsh moved, seconded by Alderman Cohen, that the petition be received and the item placed on agenda under 3e. Said motion was unanimously carried.

University Drive--Parking
Ban

Town Manager Kendzior said that Alderman Smith has requested that consideration of an ordinance

banning parking on University Drive be placed on the agenda under 5d. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received and the item placed on agenda as indicated. Said motion was unanimously carried.

House Bill 277--Group
Homes in Residential Zones

Town Manager Kendzior said that a communication has been received from League of Municipalities re-

questing Board Action. Alderman Welsh moved, seconded by Alderman Smith, that the communication be received and placed on agenda under 5e. Said motion was unanimously carried.

University Human Survival
Symposium--Resolution

Mr. Larry Shirley, Chairman of the Survival Symposium, requested that the Board endorse University Human

Survival Symposium, which is scheduled from March 23, 1975 through April 15, 1975. The aim of the symposium is to increase awareness in problems dealing with economics, environment, population and energy. He also requested that the Board permit closing of Raleigh Street from South Road to the entrance of Student Union parking lot, to permit free pedestrian traffic between Survival Day activities on both sides of the street, for Saturday, April 5, 1975. Mayor Lee asked whether the matter of street closing has been discussed with Town Manager Kendzior. Mr. Shirley said no. Town Manager Kendzior said that a similar request of street closing has been turned down, since the street is one of the main bus routes for the campus loop, and it is difficult to reroute the traffic. Alderman Cohen said that the University has turned down requests by the Symposium for use of two alternative sites, and this is a third choice for location. Buses could be rerouted to Country Club Road, since it does not have dangerous curves or intersections. Raleigh Street is under joint Town--University management, so if Board permits the street to be closed, it will have to be contingent on University's approval. He said that the road should be allowed to be closed if the Symposium can provide its own personnel to redirect traffic. Alderman Marshall said that any action that is taken will set policy for future action by Board, since this is the first time that the campus bus will be rerouted. She suggested that the Symposium directors work the matter out with Town Manager. Alderman Welsh said that the bus will still be rerouted through campus. Since Survival Day is on Saturday, there will not be heavy traffic in the area. She said that the Board should cooperate with the project. Alderman Smith asked whether the corner of Raleigh Street and Country Club Road has a left turn lane on Country Club Road. Police Chief Blake said yes. Alderman Smith said that it will be physically impossible for buses to make a left-hand turn if a car is in the left turn lane, which will create traffic congestion. Mayor Lee suggested that the matter be referred to Town Manager requesting that every effort be used to work the matter out. Alderman Welsh moved, seconded by Alderman Marshall, that the matter of closing Raleigh Street on Saturday, April 5, 1975 be referred to Town Manager for consideration, taking into account that buses will need to turn left at Country Club Road and Raleigh Street. Alderman Cohen asked whether use of Athletic Department fields has been investigated. Mr. Shirley said yes, but these were not available. Said motion was unanimously carried. Mayor Lee read the following resolution endorsing University Human Survival Symposium:

A RESOLUTION OF SUPPORT FOR THE HUMAN SURVIVAL SYMPOSIUM

WHEREAS, the question of human survival is of more immediate significance now than perhaps ever before in the history of mankind; and

WHEREAS, the Human Survival Symposium being held at the University of North Carolina during March 23, 1975 to April 15, 1975 is a gathering of leaders in many disciplines, searching together for answers to the dilemmas now confronting humanity;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen, Town of Chapel Hill, that the Town of Chapel Hill supports the concept of the Human Survival Symposium and urges its attendance by all persons concerned with the future of humanity.

This the 24th day of March, 1975.

Alderman Marshall moved, seconded by Alderman Smith, that the resolution be adopted as read. Said motion was unanimously carried.

Fire District

Alderman Cohen said that last year Board set a tentative policy of 20¢ rate for fire protection. There is an area north of Town that is still taxed at 10¢. He has consulted with County Commissioners, and was told that New Hope Fire District provides service for a nearby area. If 2/3 of area residents petition, this area can be transferred to New Hope Fire District, or County Commissioners can be requested to create a Fire Service District taxed at 20¢. He requested that the matter be referred to Fire Chief for recommendation. Alderman Gardner said that the matter should be referred to Town Manager to permit discussion with County Manager in the matter. Alderman Smith said that some residents of Piney Mountain Road have indicated their desire to come into Chapel Hill Fire District and asked that this also be considered. Alderman Cohen said that he agrees the area residents should have a say in the matter. He said that the area can be considered with the location of the fourth fire station in mind. Alderman Cohen moved, seconded by Alderman Gardner, that the matter be referred to Town Manager for consulting with appropriate departments. Said motion was unanimously carried.

Public Auction--Parking
Lot #1

Mr. Michael Levine said that he has been appointed Receiver in Bankruptcy for River Transit Authority and has been ordered by court to sell the contents of the store at auction. Since the store is very small, he is requesting that Board permit holding part of the auction on the staircase to the Parking Lot #1 at the rear of Amber Alley. Only a few parking spaces would be needed, and, if police could assist, traffic could be moved around the auction. The lot would be used on Tuesday, March 25, 1975 from 9:00 a.m. to 11:00 a.m. Town Manager Kendzior said that it is Board policy that parking lot use needs to be requested two weeks in advance, and in the past these requests have been granted only for weekends when the lots are empty. Lot #1 is always full during the week, and traffic would be interrupted, since the driveway is narrow. Police department cannot monitor traffic there because of other duties. He said that he recommends that the request be turned down. Alderman Cohen asked why the auction is not held on a weekend. Mr. Levine said that there is only one official auctioneer in the area and the only dates he had available in the near future were March 25 or March 27, 1975. Alderman Welsh asked whether Mr. Levine was aware of Town's policy of advance notice for parking lot use. Mr. Levine said no; when he found out, he requested to be put on the agenda. Alderman Welsh asked how the auction will be held if Board does not grant the request. Mr. Levine said that in that case he would have to consult with the auctioneer. Alderman Welsh asked whether a large crowd is expected. Mr. Levine said he expects 50-60 people. Alderman Cohen asked whether Mr. Levine has contacted the Post Office about the possible use of their back lot. Mr. Levine said no; he does not know if he could get a permission from them. Alderman Marshall said that

Lot #2 is not full between 9-11 a.m. and traffic could be rerouted to it. Alderman Welsh asked whether Mr. Levine would be willing to pay someone to reroute the traffic. Mr. Levine said yes, he could have one of his staff do this. Mayor Lee asked whether anyone would be there to protect the people from cars. Mr. Levine said that Major Durham of Police Department has indicated that Police Department could do this. Police Chief Blake said that there is not enough manpower available for this, but, in his opinion, it is possible to reroute the traffic around the auction. Alderman Smith asked whether off-duty policemen can be hired for this. Police Chief Blake said yes. Mr. Levine said that he would be willing to hire the policemen. Alderman Smith moved, seconded by Alderman Welsh, that the request to use Parking Lot #1, at the stairs in back of Amber Alley, for Tuesday, March 25, 1975 between 9-11 a.m. be granted, provided that Mr. Levine can hire off-duty policemen to protect public; the use of the Lot is limited to two spaces. Said motion was unanimously carried.

Privilege Licenses--
Palmistry

Mr. Daniel Pollitt said that he has met with Mr. John Mitchell, who moved into Town in January; applied

for and received a license to practice palmistry, for which he paid \$250 for six months; leased a building on Rosemary Street; advertised in paper; has moved his family into Town and now has been told that it is illegal to tell fortunes in Orange County. There is a State Statute making it unlawful to practice palmistry in 64 counties in state, including Orange County. Mr. Pollitt asked that Board request County representatives to General Assembly to eliminate Orange County from this list; the representatives have indicated they would be willing to introduce the bill if the Board so requested. This ordinance should be eliminated because it hinders free enterprise; fortune telling should not be outlawed unless there is a valid reason to do so. Also, the State Statute against fortune telling is racist, since it sets the fee for licenses as \$500 for gypsies and \$200 for others, although the local privilege license fee is \$500 for everybody. He said that laws now exist protecting public against flim-flam, and these can take care of any abuses in fortune telling business. If the laws fail to do so, then the County representatives to General Assembly can be asked to put Orange County back on the list of counties banning fortune telling. He petitioned the Board to use their best efforts to eliminate Orange County from this list. Town Attorney Denny said that the petition asked that Board take action exempting all of Orange County rather than just Town. Mayor Lee said that it would be more appropriate for Orange County to make this request rather than a municipality in the County. He also recommended that, rather than having Board take action changing the existing ordinance on privilege licenses, Board authorize issuing a memorandum with future licenses to practice fortune telling stating that it is illegal to practice this in Orange County, with Town assuming no liability. He said that it would be appropriate for Board to approach County Commissioners requesting that they ask for repeal of the ordinance. Mr. Pollitt said that he also will request County Commissioners to do so. Mr. Welsh said that she agrees the language of the State Statute is poor; she said she prefers that the request for change come from County Commissioners. Alderman Cohen said that there is some question whether the whole law is constitutional, since a local government is prohibiting trade, and whether the law can be enforced. Town Attorney Denny said that courts consider the matter of when a law stops being a general law, if a certain number of counties are exempt from it. Mayor Lee said that he feels future licenses should be issued with the memo citing the General Statute, and stating that Orange County is included. Ms. Marilyn Tyroller said that she understands from a conversation with Representative Hunt, that Town can petition that Town alone be removed from this law; since there is a need to move quickly to get the law changed she requested that Board so petition. Mayor Lee said that Board tries to cooperate with County; if County Commissioners are unwilling to request the repeal of the ordinance, then Board can consider the matter again. Alderman Smith asked whether Town should be issuing licenses to tell fortunes if it is not legal to practice. Town Attorney Denny said that one section of General Statutes authorizes issuance of privilege licenses, including fortune telling; this statute can be applied without concern for other statutes; however, if the law were proved valid, then he would recommend that licenses

not be issued. Alderman Smith asked whether the law is valid. Town Attorney Denny said that he has no opinion on this. Mayor Lee said that he feels people should be permitted to make their own choices as long as these are not against reason or Constitution. Alderman Smith said that he is concerned about Town's involvement in an unlawful activity. Town Attorney Denny said that the General Law applies to 64 counties; it is a question of determining at which point a law is not valid, and he cannot offer an opinion on this. Alderman Marshall asked about how the police can deal with the situation. Police Chief Blake said that in the present situation the police is not enforcing the law, as he sees it. Mayor Lee said that there should be no problem with changing the law. He asked whether police have had any problems in this matter. Police Chief Blake said no. Alderman Cohen moved, seconded by Alderman Marshall, that the County Commissioners be requested to ask County representatives to General Assembly that the law be changed, permitting fortune telling in Orange County. Mayor Lee said that he prefers that the matter be handled through County Commissioners, with Board reconsidering the matter if County Commissioners do not act on the request. Alderman Smith offered a substitute motion that the matter be taken by Mr. Pollitt to County Commissioners. Town Attorney Denny said that this is not a proper substitute motion, unless the original motion is tabled. Mayor Lee said that it is appropriate for Board to request action by County Commissioners to resolve the confusion existing in the matter; Mr. Pollitt can follow this up as a private citizen. Mr. Pollitt said he would do so. Alderman Smith asked how Board would handle the matter. Mayor Lee said that he would write a letter to County Commissioners. Alderman Gardner offered a substitute motion, seconded by Alderman Smith, that the original motion be tabled. Said substitute motion failed by a vote of three to four, with Alderman Gardner, Rancer and Smith supporting. The original motion passed by a vote of four to three, with Alderman Gardner, Rancer and Smith opposing. Town Attorney Denny said that the Board passed a motion at meeting of March 17, 1975, authorizing Town Clerk to recall the license and tender money, but this tender was declined, so the license is still valid. Mayor Lee said that, because of the situation as it exists, he recommends that future privilege licenses to practice fortune telling be issued with clear understanding that this grants neither the right nor the privilege to violate the law. Alderman Marshall asked whether the Police Department can feel that they have Board backing to enforce the law; the police are being put in a difficult position. Mayor Lee agreed, but said that the Board, also, is in a difficult position. Town Attorney said that if Board take no further action, then further licensees will not be notified of the situation; if they are notified, then the license holder is put on notice that practice of fortune telling is unlawful in Orange County; and if Board abolish the section of privilege license ordinance dealing with fortune telling, then no further licenses can be issued. The Board cannot repeal the state law and get police off the hook. Mayor Lee said that he feels that license holders should be put on notice. Alderman Welsh agreed. Alderman Gardner asked whether Town can lawfully issue further licenses, since it is illegal to practice. Town Attorney Denny said that Town can enforce the law requested by Board last week, but this will not affect the outstanding license. Alderman Smith said that Police Department should not be asked to act without full backing from the Board; he is not in favor of any motion that does so. Mayor Lee agreed, but said that Town has flim-flam laws which can be enforced. Board is trying to work out a difficult situation, recognizing that the law exists, and asking County Commissioners to repeal the law. Alderman Welsh moved, seconded by Alderman Marshall, that Town Clerk be authorized to continue issuing privilege licenses for fortune telling with a memorandum accompanying the license reminding the license holder of the State law, and that Town is under Orange County law. Alderman Smith said that he dislikes agreeing to a motion that is against County law, since it puts the Town citizen in a position where he can be arrested if he uses the license. Said motion passed by a vote of four to three, with Alderman Gardner, Rancer and Smith opposing. Mayor Lee said that he will write a letter to County Commissioners requesting that they request General Assembly to delete Orange County from this General Statute.

Planning Board--County Appointment

Mayor Lee announced that Mr. E. Blaine Liner has been appointed by the Orange County Board of

Commissioners to the Chapel Hill Planning Board.

Appearance Commission--Nomination

Mayor Lee said that Mr. Thomas J. Land has been recommended by Appearance Commission for nomination

to fill the vacancy created by the resignation of Mr. Jonathan Edwards, whose term expires December 31, 1975. Alderman Welsh nominated Mr. Thomas J. Land to Appearance Commission. Mayor Lee said that nominations will be open until the meeting of April 7, 1975, at which time appointment will be made.

RSVP Grant Application

Town Manager Kendzior said that at the meeting of March 17, 1975 he

requested authorization to submit an RSVP grant application for 1975-76. Local share funds needed are \$6,577; Orange County has pledged \$2,193. Additional information has been requested by Carrboro on the program, and to date no reply has been received. Town Manager Kendzior requested that he be authorized to submit the grant, with Town share of \$4,384, but deleting any future contribution from Carrboro. Alderman Smith moved, seconded by Alderman Gardner, that the Town Manager be authorized to submit an RSVP grant application for 1975-76, with the Town share as indicated. Said motion was unanimously carried.

Annexation Plan--Report

Mr. Mike Jennings, Planning Director, presented the schedule

for annexation, with Board adopting a resolution giving notice of their intent to annex and setting the date for a public hearing; approving the annexation report on April 7, 1975; holding a public hearing on April 28, 1975; and passing the annexation ordinance effective July 1, 1975. He said that the Annexation Plan Report is required by a state legislation, and needs to consider whether areas under consideration meet certain standards and whether Town can provide necessary services. The Revenue-Cost Analysis distributed to Board members outlines the expected costs and revenues from these areas for first year, next five years, and sixth year. State policy annexation considers economic development and states that municipalities are created to provide essential governmental services, and their boundaries should be extended to provide these services in adjacent areas that meet certain standards. Town policy of annexation considers a community of interest, bringing into Town areas where people reside who are closely tied to Town by their activities. Annexation Plan Report identifies the areas proposed for annexation and considers qualifications for annexation, provision of services, and method of financing the services for each of the areas; it shows that all the proposed areas are eligible and that their annexation would not be a financial burden to Town. The areas proposed for annexation are Countryside/Greene Hills/North Lake Forest/Argonne Hills; Booker Creek/Eastowne/University Heights; Briarcliff; the Oaks; Northside; Umstead Drive/Estes Drive; and Horace Williams Airport. Mr. Jennings showed these areas on map and presented three additional maps showing water mains, sewer lines and general land use.

Alderman Smith asked which part of Northside area exits into Carrboro. Mr. Jennings said that Broad Street exits into Carrboro and is not considered for annexation. The dividing line is back lot lines on Broad Street. Alderman Smith said that the Special Use Permit for Village West calls for exit through Carrboro and asked when this will be implemented. Mr. Jennings said that the access road will be built with phase two of construction; the road will need to go through a gully, making present construction difficult. Alderman Welsh expressed her concern that development in Carrboro along Umstead Drive could increase traffic on Umstead significantly. Mr. Jennings said that annexation of Umstead Drive area, along railroad tracks, would permit the regulation of traffic; traffic would increase with additional construction but not to a major extent.

Mr. Jennings said that the Cost-Revenue analysis assumes capital equipment purchase in the first year and completion of necessary improvements within five years. The costs are inflated each year at 10% and revenues at 5%. In the sixth year only Northside shows a deficit, with overall surplus income of \$121,750. These figures show no real constraints to annexation of any area. Mayor Lee asked whether income from federal revenue funds is considered in the analysis. Mr. Jennings said no. Alderman Marshall asked whether the cost of resurfacing Burning Tree Drive in the Oaks is included in the analysis. Mr. Jennings said yes, since State has no plans to resurface the street. Alderman Smith asked whether the plan anticipates extension of Syke Street in Northside. Mr. Jennings said that street extension plans for Northside are based on the original NDP plan; road improvements there will cost about \$60,000 from General Fund. Alderman Welsh said that she is concerned that Town may not be able to provide the required services and improvements in the timetable shown; she asked whether a sewer outfall will be needed to serve University Heights area. Mr. Jennings said that a sewer line is in the area, but an outfall will be needed to extend the sewer line into University Heights. Alderman Welsh asked whether Rogerson Drive pump station will be upgraded in time. Mr. Jenne, Assistant Town Manager for Community Development and Services, said that the upgrading is scheduled for the first year Capital Improvement Program. Mayor Lee said that also Water and Sewer Authority will be functioning by this time. Alderman Welsh said that Town will still need to build the sewer lines. Town Attorney Denny said that the Authority is still not created so official decisions cannot be made, but the creation will not answer all sewer problems; Town will still need to construct sewer lines in some areas and then turn them over to the Authority for maintenance and operation. Alderman Welsh said that she is concerned that all the improvements will not be able to be provided in five years; also, some areas annexed previously are still waiting for their improvements. Mr. Jennings said that contracts for the sewer outfall improvements will need to be let within a year of annexation, but their scheduling will be done in conjunction with the rest of the Town. Alderman Welsh asked whether the expenses in Northside area are mainly street paving. Mr. Jennings said yes. Alderman Welsh asked whether the operation costs include all maintenance costs. Mr. Jennings said yes; all costs are projected for the eleven areas of service listed in the Annexation Plan Report. Alderman Cohen said that he also is concerned about the sewer outfall in University Heights area. These problems can be considered at the Public Hearing, and, if necessary, the areas can be annexed at a future date. He is also concerned about the streets in Northside area, with the proposed street extension needing careful study. He said that residents of some areas desire annexation and that Airport has no fire protection, making these areas desirable for annexation. Annexing the areas to north will also make it possible to extend the Planning District area. Alderman Gardner asked whether the report considers the possibility that one of the areas considered for annexation may be served by a different telephone company. Mr. Jennings said no. Mr. Jennings stated the State and Town policy on annexation. Using State criteria, staff considers two major growth corridors; north along Highway 86 and east along highway 15-501. Using Town criteria, Countryside, Booker Creek, Briarcliff, Northside, Estes Drive and The Oaks meet the guidelines. Northside, Estes Drive and Umstead Drive areas are also surrounded 60% by Town; in addition, Northside can be tied in with the Community Development program.

Mr. Jennings said that the plan has been reviewed by the Planning Board, which recommends that the annexation report be adopted, minus the dotted area along Mount Moriah Church Road contained in Annexation Area #2. Mr. Jennings showed this area on the Map. This area is still in agricultural use and is unlikely to be developed in the near future.

Alderman Smith asked whether more Town personnel will be needed to provide services in the areas. Mr. Jennings said that more personnel will be needed whether all of the areas are annexed or only one area. The cost for this personnel is included in the report. Alderman Welsh moved, seconded by Alderman Smith that a resolution be adopted giving notice of intent to annex areas outlined, with the exception of the dotted area on map; and that Public Hearing be set for April 28, 1975 in the Courtroom of old Town Hall:

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that a Public Hearing be held at 7:30 p.m. Monday, April 28, 1975, in the courtroom of the Old Town Hall, to consider annexation of the area descriptions attached.

BE IT FURTHER RESOLVED that the report required in G. S. 160A-47 setting forth the plans of the municipality for extending services into these areas will be available for inspection at the office of the Town Clerk at least 14 days prior to the Hearing.

This the 24th day of March, 1975.

Said motion was unanimously carried.

Area 1. Countryside, a portion of North Lake Forest Estates, Greene Hills, Argonne Hills and property abutting Eastwood Road on the north from the intersection of Shady Lawn Drive to Piney Mountain Road.

BEGINNING at a point one foot north of the northern right-of-way line of Weaver Dairy Road at its intersection with the extended western line of Lot 15, Tax Map 25, and proceeding south with the extended western line and western line of Lot 25-15 and the western line of Lot 25-16 approximately 3430 feet to the northern line of Lot 41B-8; proceeding thence south with the present Chapel Hill Corporate Limits 244 feet with the eastern line of Lot 41B-8; proceeding thence south with the eastern line of Lot 41B-7, 56, 125, and 206 feet to the right-of-way of Brookview Road; proceeding thence across said right-of-way to the northeast corner of Lot 41B-6, south with the eastern line of said lot 260 feet and west with the southern line 53 and 200 feet to the eastern line of Lot 41B-5; proceeding thence south with the eastern lines of Lots 41B-5 and 4 115 and 210 feet to the southeastern corner of Lot 41B-4; proceeding thence west 165 feet with the southern line of said lot to the right-of-way of Kenmore Road; proceeding thence west across said right-of-way to the southeastern corner of Lot 41B-3 and 200 feet west with the southern line of said lot; proceeding thence north with the western line of 41B-3 70 feet; proceeding thence west 140, 158, and 159 feet with the southern lines of lots 41B-2 and 1; proceeding thence south approximately 300 feet with the eastern lines of Lots 28B-A-17 and 18 and across Shady Lawn Road and 266 feet south with the eastern line of Lot 28B-B-5; proceeding thence west along the southern lines of lots 28B-B-5 through 3 and 28B-C-10 through 4, a total of 1082 feet, to the northwestern corner of Lot 28-18A; proceeding thence south approximately 320 feet to the northwest corner of Lot 28-18F; proceeding thence southwest in a straight line approximately 725 feet through Lots 28-18F, 18B, and 18C to the northeastern corner of Lot 28-5; proceeding thence south with the eastern line and eastern line extended of Lot 28-5 approximately 240 feet across Eastwood Road to a point one foot south of the southern right-of-way of Eastwood Road; proceeding thence west parallel to said right-of-way approximately 1200 feet across Piney Mountain Road to a point one foot west of the western right-of-way of Piney Mountain Road; proceeding thence north parallel to said right-of-way approximately 1000 feet to the intersection with the extended north line of Lot 28-21; proceeding thence east across Piney Mountain Road and along the northern line of Lot 28-21 approximately 555 feet to the western line of Lot 28B-A-1; proceeding thence north and east with the back lines of Lots 28B-A-1 through 16, a total of 2416 feet, to the northwestern corner of Lot 41B-1; proceeding thence north with the western lines and extended western lines of Lots 41B-16 and 17 approximately 1420 feet to southeastern corner of Lot 25-23; proceeding thence with the eastern line of Lot 25-23 approximately 298 feet north, 70 feet west, and

571 north to the southwestern corner of Lot 25-4; proceeding thence east 505 feet with the southern line of said lot and approximately 1360 north with the eastern line and eastern line extended across Weaver Dairy Road to a point one foot north of the northern right-of-way of Weaver Dairy Road; and proceeding thence parallel to said right-of-way approximately 645 feet to the point of BEGINNING.

Area 2. Booker Creek, Foxcroft Apartments, a portion of Eastowne, commercial development along U. S. 15-501, Blue Cross-Blue Shield, University Heights, and the Chapel Hill Cemetery.

BEGINNING at a point in the northern boundary of Lot 1, Block A, Tax Map 41D proceeding thence 710 feet east to the west line of 41D-A-8; proceeding thence north 395 feet to the northeast corner of 41D-A-10; proceeding thence east approximately 1450 feet across Weaver Dairy Road to a point one foot east of the eastern right-of-way of Weaver Dairy Road; proceeding thence south with said right-of-way approximately 1600 feet to the north line of 28-33; proceeding thence west across Weaver Dairy Road with said north line approximately 390, 280, and 610 feet; proceeding thence south with the west line of 28-33 and 27-A-5A approximately 1200 feet across Old Oxford Road; proceeding southeast with the northeast line of 27-A-7 approximately 500 feet; proceeding thence south with the west line of 27-A-3 approximately 1325 feet to a point one foot north of the northern right-of-way line of U. S. 15-501 running thence parallel to said right-of-way line approximately 3125 feet to the western line of 27-B-2A; proceeding thence north with said line approximately 400 feet; proceeding thence west with the southern line of 26-17 approximately 100 feet; thence following the boundaries of that portion of 26-17 which constitutes Pinegate Apartments and phases I-III of Eastowne Office/Commercial Development approximately 675 and 300 feet north, approximately 800 feet northeast in a concave arc, approximately 400 and 275 feet east; then along the western lot lines of lots 27B-D-1 through 4 approximately 1085-feet to a point one foot north of the right-of-way of U. S. 15-501; parallel to that right-of-way eastward approximately 300 feet across the right-of-way of Lakeside Drive; then crossing U. S. 15-501 to a point one foot east of the eastern right-of-way line of Lakeview Drive and one foot south of the southern right-of-way line of U. S. 15-501; then running 202 feet east parallel to the U. S. 15-501 right-of-way; running then with the eastern lot line of 27B-E-1 south 82 feet and east 170 feet; running then south approximately 1600 feet with the eastern lines of the lots fronting East Lakeview Drive and across the Old Chapel Hill Road to a point one foot south of the southern right-of-way of said road; then running west parallel to said right-of-way approximately 1600 feet to the eastern line of 27A-D-1; running then 575 feet south with the east lines of 27-A-D-1 through 6; running then along the southern line of 27-A-D-6 150 feet to a point one foot east of the eastern right-of-way line of Cooper Street; running then parallel to said right-of-way approximately 395 feet to the northern line of 27A-F-1; running with said northern line approximately 55 feet east to the northeast corner of 27-A-F-1; running then 300 feet south with the eastern line of 27A-F-1 to the southeast corner and 199 feet west with the southern line of said lot to a point one foot east of the eastern right-of-way of Vance Street; running then south parallel to said right-of-way approximately 10 feet to a point one foot south of the southern right-of-way line of Vance Street and parallel to said right-of-way approximately 20 feet west to the eastern line of 27A-H-3; then running south with said line 380 feet to the southeast corner of said lot; then running 132 feet west with southern line of lots 27A-H-3 and 1; running then north 950 feet along the west lines of 27A-H-1 and 27A-I-4 through 8 to the southeast corner of 27A-I-1; running west with the southern line 99 feet to the southwest corner and 181 feet north with the western line of said lot to a point one foot south of the southern right-of-way of American Legion Road; running then west parallel to said right-of-way approximately 1300 feet; running then north across Legion Road and with the west line of 27-E-1 approximately 860 feet to a point one foot south of the southern right-of-way of U. S. 15-501; running west parallel to said right-of-way approximately 760 feet to the northeast corner of 27-E-4;

running with the east, south, and west lines of said lot 291, 5, 242 feet to a point one foot south of the southern right-of-way line of U. S. 15-501; running then parallel to said right-of-way approximately 1400 feet west to the present eastern corporate limits of the Town of Chapel Hill; and proceeding generally north with said corporate limits approximately 7000 feet to the point of BEGINNING.

Area 3. Briarcliff Subdivision and land south to Little Creek.

BEGINNING at a point in the existing Chapel Hill Corporate limits, the northwestern corner of Lot 6A, Tax Map 52, and proceeding north with said limits across Lot 52-7 to the southern line of Lot 52-10, approximately 360 feet; proceeding thence with said southern line approximately 555 feet eastward to the southeastern corner of Lot 52-10; proceeding thence north with the eastern line of Lot 52-10 approximately 1200 feet to the northwestern corner of Lot 52-2; proceeding thence eastward with the northern line of Lot 52-2 approximately 1475 feet and south with the eastern line of said lot approximately 430 feet to the southeastern corner of Lot 52-2; proceeding thence eastward 25 feet with the northern line of Lot 52D-B-6 to the northeastern corner of said lot; proceeding thence eastward across Emory Drive and with the northern line of Lot 52D-C-10 222 feet; proceeding thence north 74 feet and east 146 feet with the western and northern lines of Lot 52D-C-18 to the northeastern corner of said lot; proceeding thence across Churchill Drive and 149 feet eastward with the northern line of Lot 52D-D-9 to the northeastern corner of Lot 52-5; proceeding thence south with the eastern line of Lot 52-5 2250 feet to the southeastern corner of said lot; and proceeding thence westward with the northern line of Lot 52-6A approximately 125, 520, 200, 315, 495, 400, 320 and 540 feet to the point of BEGINNING.

Area 4. Oaks Apartments, Oaks Subdivision and land north to Little Creek.

BEGINNING at the northwestern corner of Lot 6A, Tax Map 52, and proceeding thence eastward with the northern line of said lot approximately 540, 320, 400, 495, 315, 200, 520, and 125 feet to the western right-of-way line of Pinehurst Drive; proceeding thence across Pinehurst Drive to a point one foot east of the eastern right-of-way of said street, thence southward parallel to said right-of-way approximately 590 feet to the northern corner of Lot 54B-D-1; proceeding thence southward with the eastern line of Lot 54B-D-1 291 feet to the southeastern corner, and 100, 80, and 104 feet westward with the southern line of said lot to a point one foot east of the eastern right-of-way line of Pinehurst Drive; proceeding thence south parallel to said right-of-way line 151 feet to the northern line of Lot 54B-D-2; proceeding thence with the northern lines of Lots 54B-D-2 and 4 88, 70, 200, and 165 feet to the eastern corner of Lot 54B-D-4; proceeding thence westward with the southern lines of Lots 54B-D-4 and 54B-C-14 320 and 625 feet to the southwestern corner of Lot 54B-C-14; proceeding thence south with the western line of Lot 52-6 approximately 560, 280, 995, 315, and 160 feet to the northeastern corner of Lot 54A-A-6; proceeding thence south with the eastern lines of Lots 54-A-A-6 through 1, 240, 240, 240, and 163 feet to the northern right-of-way of N. C. 54 Bypass; proceeding thence southward to the centerline of said right-of-way, the present Chapel Hill Corporate Limits, and proceeding thence westward with said centerline approximately 850 feet to the extended centerline of Rogerson Drive, the present Corporate limits; and running thence north with said corporate limits approximately 4920 feet to the point of BEGINNING.

Area 5. Northside along Nunn Street Extension, McDougald Street and portions of Roberson Street, Nunn Street, Edwards Alley and Mitchel Lane.

BEGINNING at a point at the center of the University Railroad right-of-way where it intersects the extended north line of Lot 9, Tax Map 30, and proceeding east with said north line approximately 500 feet to the northeast corner of Lot 30-9 and 200 feet south with the east line of said lot; proceeding then east 441 feet along the north lines of lots 94-B-1, 2, and 13A; proceeding thence generally south following the present Chapel Hill Corporate Limits line along the east boundaries of 94-B-13A, 13, 14, 9, and through lot 25, a total of approximately 4600 feet to the northern boundary of 84-B-1; running thence south

approximately 115 feet into 84-B-2 and eastward approximately 270 feet through 84-B-2, across Edwards Alley, through 84-J-1 and into 84-J-2; running thence south through 84-J-2 and along the eastern line of 84-J-4 and 4A to the northwestern corner of lot 84-J-4C, approximately 225 feet; running thence with the north and east lines of said lot 112 and 95 feet to the northern line of 84-J-7A, through 84-J-7A approximately 100 feet to the southern line of said lot and west approximately 60 feet with said line to the eastern right-of-way of Mitchel Lane; proceeding thence with said right-of-way north 120 feet; then crossing Mitchel Lane and running west with the north lines of 84-J-6 and 7 120 feet to the eastern right-of-way of Edwards Alley; then crossing Edwards Alley to the northeast corner of 84-B-6 and running with the northern line of said lot west 130 feet to the eastern line of 84-B-11; with the eastern lines of 84-B-11 and 12 approximately 100 feet north to the southeastern corner of 84-B-13; then running west with the southern lines of 84-B-13 and 14 192 feet to the eastern right-of-way of Nunn Street; then crossing said right-of-way and proceeding west along the northern line of 84-A-8 to the northwestern corner of said lot, approximately 170 feet; running then with the western lines of 84-A-8 and 7 approximately 130 feet to the southwestern corner of 84-A-7; running thence along the northern lines of 84-A-5 through 1 approximately 225 feet to the eastern right-of-way of Roberson Street; running thence across said right-of-way and the right-of-way of McDougald Street to the southwestern corner of 94-B-26; running thence north with the western line of 94-B-26 and its extension through 94-B-27 and the University Railroad right-of-way approximately 720 feet to the center line of the University Railroad right-of-way; and running thence with the said center line approximately 1000 feet to the point of BEGINNING.

Area 6. Includes the area presently outside the corporate limits along Umstead Drive to Estes Drive Extension.

BEGINNING at the southernmost point of Lot 5, Tax Map 30, one foot west of the western right-of-way line of Estes Drive Extension and proceeding thence parallel to said right-of-way north approximately 2700 feet to the intersection of 29-1 with Estes Drive extension; proceeding thence across Estes Drive extension and south with the present Chapel Hill corporate limit line approximately 2580 feet through 30-5, along the western line of 30-6A, and across Umstead Drive to Bolin Creek; proceeding southeast with Bolin Creek in the corporate limits approximately 1050 feet to its junction with the Tanyard Branch and southeast corner of 30-8A; proceeding thence west with the southern line of 30-8A approximately 620 feet to the southeastern corner of 30-6; proceeding thence with the line of said lot approximately 345 feet west, 240 feet north, 920 west, and 125 feet north to the northwestern corner of Lot 30-6B; and with the northern line and extended northern line of said lot approximately 600 feet across Estes Drive extension to the point of BEGINNING.

Area 7. Horace Williams Airport and surrounding University-owned land extending north to the present Chapel Hill Zoning and Subdivision Line.

BEGINNING at a point on the center line of the University Railroad right-of-way where it intersects the northern line of the Chapel Hill Planning and Zoning District and proceeding thence east with the Zoning District line approximately 4075 feet to its intersection with the western boundary of Lot 13, Block A, Tax Map 29A; proceeding thence south with the western lines of Lots 29A-A-13 through 17A, approximately 790 feet to the southwestern corner of Lot 29A-A-17A; proceeding thence east with the southern lines of 29A-A-17A through 26, approximately 1500 feet to the southeastern corner of Lot 29A-A-26; proceeding thence east with the northern line of Lot 29-1 extended across North Carolina 86 approximately 525 feet to a point one foot east of the eastern right-of-way of North Carolina 86; proceeding thence south parallel to said right-of-way approximately 4200 feet to the present Chapel Hill Corporate Limit and the extended southern line of Lot 29-1; running thence west with the extended southern line of Lot 29-1 approximately 375, 225, 1435, 550 and 1900 feet to point one foot north of

the northern right-of-way of Estes Drive extension; proceeding thence east parallel to said right-of-way approximately 200 feet to the line of Lot 29-1; proceeding thence with said line approximately 1475 feet north, 1080 feet west, 995 feet south, and 560 feet west; proceeding thence west with the line of Lot 29-1 and its extension approximately 725 feet northwest to the center line of the University Railroad right-of-way; and proceeding north with said center line approximately 1500 feet to the point of BEGINNING.

Bush and Bog Harrow-Bids

Town Manager Kendzior said that \$6,000 was allocated in the 1975-76

Budget for a Disk Harrow to be used at the Lanfill for disking in sludge' the staff decided to purchase this smaller piece of equipment instead. Notice to Bidders appeared in the March 5, 1975 edition of the Chapel Hill Newspaper, and notices were sent to five prospective bidders in the area. On March 12, 1975 one bid was received. The Director of Public Works and the Purchasing Agent recommend acceptance of the bid from Gregory Poole Equipment Company of Raleigh since it is within the budgeted amount, this type of equipment is not readily available, and the price is reasonable. Alderman Smith asked whether this equipment will be adopted for use with the present equipment. Town Manager Kendzior said yes. Alderman Gardner moved, seconded by Alderman Welsh, that the bid from Gregory Poole Equipment Company of \$3,420.00 for one bush and bog harrow be accepted. Said motion was unanimously carried.

University Drive, Parking Ban--Ordinance

Mayor Lee read the proposed ordinance providing for towing and no parking on University Drive:

O R D I N A N C E

AN ORDINANCE PROVIDING FOR TOWING AND NO PARKING ON UNIVERSITY DRIVE.

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that Chapter 21 of the Traffic Code of the Code of Ordinances, Town of Chapel Hill, be amended as follows:

Add to Section 21-21, Town Zones:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
University Drive	Both	Pittsboro Street	Ransom Street

SECTION II

Replace in Section 21-27, No Parking as to Particular Streets, the line:

"University Drive	North	Ransom Street	A point 210 feet west of Ransom Street"
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with:

"University Drive	North	Ransom Street	Pittsboro Street"
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SECTION III

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

This the 24th day of March, 1975.

Alderman Smith moved, seconded by Alderman Welsh, that the ordinance be adopted as read. Alderman Smith said that the ordinance is needed since buses are using the street and cannot pass each other with cars parked on the street. Alderman Welsh asked whether the Parking Committee has met with the area residents. Alderman Smith said no, this is a matter of providing room for bus operation. Alderman Marshall said that she has talked with area residents and they wish to have parking banned in the area. Said motion was unanimously carried.

House Bill 277--Group
Homes in Residential Zones

Town Manager Kendzior said that the communication received from League of Municipalities requests that Municipalities oppose this bill which would permit a group home in any residential zone precluding any local ordinances. Town Attorney Denny said that Board needs to consider the matter carefully. It is an attempt by the State to solve the problems existing in some communities. General Enabling Legislation grants Towns the power to adopt zoning regulations and impose general restrictions. This bill will impose specific restrictions on the municipalities, removing local control from location of nursing homes, rest homes, day care centers and group homes. Municipalities will not be able to impose any restrictions on these that are not imposed on single family dwellings. Town Attorney Denny said that, in his opinion, the bill would erode the zoning authority of municipalities. Alderman Smith moved, seconded by Alderman Gardner, that Board go on record opposing the bill. Alderman Cohen said that he would be in favor of some legislation providing for these services in all municipalities, but he does not think that the proposed bill is the way to do this. Alderman Marshall said that she cannot support the motion since the idea of the bill is good, with group homes located in normal areas of community. Town has had problems with group homes in the past, although these matters have been handled satisfactorily. Alderman Welsh said that Town has handled the matter by permitting group homes that are in harmony with the residential areas. She would prefer that towns be permitted to find their own solution in the matter, without State telling how it should be handled. Mayor Lee said that he feels State is taking back local control, which is important. Said motion passed by a vote of five to one, with Alderman Marshall opposing.

Traffic Congestion

Alderman Smith said that he is disturbed to see that traffic congestion in CBD is continuing. He suggested that the matter be considered with Police Department and Carrboro, to see what can be done to alleviate the problem.

Town Holiday--March 31,
1975

Mayor Lee announced that Monday, March 31, 1975 is a Town Holiday; presented the revised Sanitation Schedule for the week of March 30, and bus and parking lot schedules for March 31.

Water Quality Management

Mayor Lee announced that an in-house meeting is scheduled for Saturday, April 5, 1975 at 9:30 a.m. to confer with Mr. James C. Brown and Mr. Daniel A. Okun on water quality management.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 9:50 p.m.



Mayor Howard N. Lee



Dave Roberts, Town Clerk