

Handicapped--Need for Services

that exist for a blind person who walks around Town. She asked that Town Manager consider the problems expressed in the letter and other problems experienced by handicapped persons other than those who are blind and report back to the Board at next regular meeting. She also said that she would like to see the access to Municipal Building become more readily available to handicapped persons, since it is very difficult to get to the Municipal Building when taking the bus. Mayor pro tem Smith asked that Assistant Town Manager for Public Safety consider the problem and report back on the matter.

Alderman Marshall presented a communication from Mr. Jonathan May, who is blind, about problems

Work Session--CIP and Finance

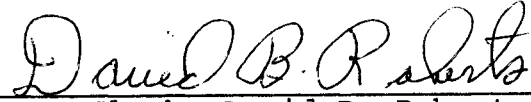
the close of this meeting.

Mayor pro tem Smith announced that a work session on CIP and finance will be held immediately after

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:35 p.m.



Mayor, Howard N. Lee



Town Clerk, David B. Roberts

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, JUNE 16, 1975 AT 7:30 P.M.

The Board of Aldermen met for a Public Hearing, followed by a regular meeting on June 16, 1975 in the Municipal Building. The roll was reported as follows:

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
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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, and Town Attorney E. Denny.

PUBLIC HEARING

Delta Upsilon Fraternity--
Special Use Modification

Mayor Lee said that the public hearing is called to consider a request by Delta Upsilon Fraternity for a modification to their approved Special Use Permit for the Fraternity House located at the corner of Rosemary Street and Hillsborough Street on property identified as Orange County Tax Map 79, Block E, Lots 19 and 20. Notices have been mailed to area residents notifying them of this request. Mayor Lee explained the procedure to be followed at this hearing.

Mr. Mike Jennings, Planning Director, presented the request for modification of the Special Use Permit and showed the area on a map. He said that the special use permit for the fraternity was originally granted by the Board on June 13, 1966. On September 7, 1971 the fraternity applied for another special use permit to construct a new

fraternity house at the same location. On June 12, 1972 the special use permit was granted with six stipulations. The current request is to remove the two small existing houses located behind the main house and to construct a two-story addition at the rear of the main house consisting of approximately 4,500 square feet. The addition will include a kitchen, rest rooms, a dining room and a chapter meeting room. The interior of the main house will be renovated to accommodate the number of beds that will be lost as a result of the removal of the two small houses. The Martin-Dey house will be preserved. The fraternity will house a total of 38 resident members. Mr. Jennings said that the property is located in an R-10A zoning district except that the rear 20 feet of the eastern lot is located within an R-10 zoning district. The lot is surrounded by R-10A and R-10 zoning on the north and east, R-10A zoning on the south, and R-6 zoning on the west.

Mayor Lee asked whether Mr. Alan V. Pugh, representative of Delta Upsilon Fraternity, is willing to waive swearing of testimony. Mr. Pugh said that he prefers that the testimony be sworn. Nine persons were sworn, and statements and questions from public are made by persons who have been sworn in.

Mr. Pugh said that the Special Use Permit was granted in 1972 over many objections regarding the size and appearance of the proposed structure, as well as the general presence of the fraternity in the area. He said that the fraternity has owned the property since 1956, and that the members of the fraternity are as concerned about the neighborhood as the other area residents. He said that the fraternity needs the extra space, since it has about 70 members. The dining and kitchen facilities will be moved to the new building, with space in the old building being converted to dormitory. He said that the fraternity tried to consider the surrounding community in making its plans, and the present proposal will have visual change from the front of the property, with the main change being the removal of the two dilapidated structures that are visible from front. Alderman Smith asked about the square footage in the proposed addition. Mr. Pugh said that the dining room is about forty feet by twenty feet, with a chapter room of the same size above the dining room; the kitchen is about sixteen by twenty-four feet; and the patio is about twelve by thirty feet, with a deck of the same size above it. Alderman Cohen asked whether any thought was given to locating the dormitories in the new structure and leaving the dining facilities and chapter room in the old structure. Mr. Pugh said that financial considerations had to be taken into account, since a major renovation of the old structure would be too expensive if structural changes were made; converting the old house to dormitories is less expensive since interior walls need not be removed. Alderman Cohen asked whether the installation of air conditioning was considered, so doors and windows could be kept closed during parties. Mr. Pugh said that there are no plans at the present time to install air conditioning, since operation of it was felt to be too expensive. Alderman Cohen asked whether doors from dining room and chapter room will open to the back of the property. Mr. Pugh said that the plans show French doors opening to the back of the property. He said that the problem of overflow of people during parties to the outside will not happen often; he estimated that parties are held only about 1.6% of the total time. Alderman Gardner asked whether the backyard might also have overflow from the patio during parties. Mr. Pugh said that he does not think so, since the parking lot is located in the back. He said that there is no house directly behind the fraternity house to North Street. He said that the noise will affect property owners on Hillsborough Street, but that these properties will benefit by the improved appearance to the property by the removal of the two dilapidated buildings. Alderman Gardner asked whether there is any leeway in redesigning of the patio in back of the house. Mr. Pugh said that such redesign may be done as long as it does not make the rooms uninhabitable because of a lack of air circulation. Alderman Gardner asked what changes will be made in the existing building. Mr. Pugh said that these will be all interior changes, with no visual

changes from the outside; the dormitories will be in the old house, and the kitchen will be removed to the new structure, which will alleviate a potential future hazard. Alderman Gardner asked whether the fraternity has considered building a basement to the existing structure. Mr. Pugh said that construction of a basement would have prohibitive problems, since there is poor drainage on the lot; these problems would not be solved even with an easement to Hillsborough Street. Mr. Sid Cohn, Planning Board member, asked what steps were taken by the fraternity regarding the needs of the neighbors. Mr. Pugh said that the needs expressed at the previous Special Use Permit hearings were taken into consideration. These were size, appearance, and mass of the structure. Also, noise factors were considered. A resident of the area asked why the fraternity is abandoning the Special Use Permit that it has. Mr. Pugh said that this is being abandoned because of financial considerations, because of an internal dispute tearing down the existing houses, and because of the opposition expressed by area residents. Alderman Smith asked whether the present house has been inspected by the fire department for potential fire hazards. Mr. Pugh said that it has been inspected, and that fire hazards do not exist at the present time, but that the fraternity is planning for the future and does not wish to invest money in renovation of the structure if an addition is a better solution.

Mayor Lee asked for statements in opposition to the proposal. A resident of the area said that he would like to present a statement in behalf of Mr. Stohler, an adjacent property owner, who could not be present for the hearing. He said that copies of Mr. Stohler's statement have been sent to Board members. He asked if the statement could be entered into record. Town Attorney Denny said that the statement can be admitted as unsworn testimony, since Mr. Stohler is not present at the hearing, but cannot be considered by the Board in making its findings.

M E M O R A N D U M

TO: The Planning Board and Board of Aldermen of Chapel Hill
 RE: Hearing concerning the D.U. Special Use Request

The following is a statement by Hugh and Sara Stohler which they request be admitted into the record of the public hearing concerning the Delta Upsilon Special Use Request, held June 16, 1975. The Stohlers will be in Kentucky at the time of the hearing. If this statement is not allowed to be entered into the public record of the hearing, we request that Aldermen and members of the Planning Board read this statement and that they raise all relevant issues in the public hearing.

A QUESTION

The Special Use Permit granted on June 12, 1972 was for a structure that was to "begin within three years, and be completed within five years." As of the date of this hearing, the three-year period will have elapsed. Does not this mean that the original special use permit will have expired? If so, should the present request be considered as an application for a new permit and not as a modification of this earlier one? If the above is so, are the petitioners required to notify all property-owners in the surrounding area of the public hearing that is to take place? As of June 8, we as adjacent property owners have not been notified officially that a hearing is to take place. If such notice is required, we request that the present hearing be postponed until the requirement for notice is met.

HISTORY

The D.U. fraternity is located in a neighborhood which is occupied primarily by families living in single-family residential units. The major exception is a sorority which is located immediately east of the D.U. property. Over the past years residential neighbors have been subjected to various and sundry encroachments on the neighborhood from the D.U. fraternity, such as noisy parties, noise in the parking lots, bands, stereos, juke-boxes, and various incidents of public drinking and drunkenness. The common attitude of residential neighbors has been tolerance. On occasion when parties have been extremely noisy and late, complaints have been made directly to the fraternity and sometimes to the Chapel Hill Police. Such complaints have been relatively few in recent times, not because grounds for complaint did not exist, but because of the desire on the part of residential neighbors to be tolerant and to maintain neighborly relationships.

OUR PRESENT CONCERN

We learned one week ago that the D.U. fraternity was planning to petition the Board of Aldermen for a Special Use Permit to enlarge the main house. Our neighbor Mrs. Knoerr requested and obtained a copy of the plans from Mr. Pugh, and the Knoerrs and the Stohlers studied them. We were immediately struck by the new addition which would move the locus of party-activity even closer to the residential units of the neighborhood than the existing arrangement. What the drawing calls a dining room and a chapter room will obviously become, in addition to those uses, the primary party area of the house. The fact that a patio and deck are attached lead further to that assumption. The patio and deck are certainly designed so that party activity is expected to spill outside the house and that noise will be directed into the residential neighborhood. In addition, the fraternity does not plan presently to air-condition the new structure, leading us to observe further that noise and sound cannot be contained within the building. From experience, residential neighbors know that though the fraternity claims "only" some twelve designated parties each year (we assume this means parties with live bands), in fact many more "party" activities take place, often with stereo amplification, with juke-box, with much drinking, etc.

WHAT WE HAVE TRIED TO DO

Given the above concerns, the Knoerrs and the Stohlers have tried to suggest alternatives. The first alternative we posed, and one which we still believe should be viably considered, is that the existing structure should be renovated in such a way that dining and chapter facilities will continue to be located there. There is ample space for instance for dining (hence party) space to be located on the first floor of the existing structure along with a renovated kitchen. The chapter room could be located on a renovated second floor. This alternative should not be quickly dismissed on the basis of floor-stress: floors can be strengthened from below and weight-bearing walls or posts would certainly remain in place. This alternative suggests that the new addition built onto the D.U. house be primarily domiciliary space. This space, along with the renovated Dey House; could give a number of spaces equal to the present number. Incidentally, it is our understanding that the D.U. fraternity is no longer able to fill all present domiciliary spaces, as the fraternity has continued to decline both in total population and in domiciliary population. This alternative is not presently being considered by the fraternity, but it certainly could be considered by the Aldermen and the Planning Board in approving a special use application.

As a second alternative, we have suggested that the fraternity redesign the proposed addition so that the patio and deck be turned around to an eastward aspect rather than the proposed northward aspect. If, in addition, a blank wall or a wall with permanently closed windows were placed on both the north and the west sides of the addition, the major problem of noise being directed into the residential neighborhood would be relieved. Redirecting the patio and deck to the east would put them facing the adjoining sorority property. We are informed by Mr. Knoerr that as of June 7, the fraternity has rejected any of our requests and suggestions for alternative plans, and that they will in essence do what they want with their own property.

OUR REQUEST TO THE PLANNING BOARD AND THE BOARD OF ALDERMEN

1. Determine whether the present request for modification is actually that or whether it is a new request.
2. The Board of Aldermen and the Planning Board should not feel an obligation to grant the present request simply because they rejected the 1972 architectural plan. That plan was absurdly conceived and designed, and it had no merit warranting consideration.
3. Determine that the Planning Board and Board of Aldermen have no obligation to grant the present special use permit to the D.U. fraternity solely on the terms decided by the fraternity. Small property owners and families may have less power than a nationally affiliated fraternity with strong alumni support, but they have at least as many rights at stake, not to mention large financial investment. Ill-planned development of the fraternity will both contribute to the disruption of the re-

sidential neighborhood and will tend to lower property values.

- 4. If either alternative posed above is considered reasonable and viable by the Aldermen and the Planning Board, that should be decided and guaranteed in stipulations added to the present request for special use.
- 5. If the second alternative above is stipulated, the fraternity should also be required to air-condition the structure so that party noise can be reasonably contained.
- 6. If any modification or new Special Use Permit is granted, the Appearance Commission and the Aldermen should guarantee that the exterior of the new addition be in harmony with the predominant styles of the "historic district" in which the property is located. For instance, board or shingle siding is the present "standard" and there are no flat roofs anywhere in the neighborhood. The roof of the new addition will be highly visible to the nearby residential neighbors.

Respectfully submitted,

/s/

Hugh Stohler and Sara Stohler
Property owners of 206 Hillsborough
Street
June 8, 1975

Ms. Margaret Mattis Knoerr of 208 Hillsborough Street read the following statement: "I want to apologise for not being better prepared to support our objections to the proposed modification of the Special Use Permit issued by the town to the Delta Upsilon Fraternity on June 12, 1972. Until June 7 we had been led to believe by Mr. Alan Pugh, the applicant for the fraternity, that certain adjustments that would be acceptable to both the fraternity and to us would be made in the plans shown to us by him.

Let me give you the background. To begin we want to make it clear that we believe a real estate owner is entitled to make the best possible use of his property - provided it meets legal requirements.

Quite by accident we first learned of the modification on May 31st. and contacted Mr. Pugh. He came to our house and showed us the plans. It was explained to us that the area shown as dining would also be the area in which parties would be held, that the D.U. membership had dropped off in recent years and that they needed an attractive dining/party area to increase their membership. This, of course, is one purpose of the patio and deck area at the north end of the structure, just off the dining room and the chapter room. The overflow would naturally be out onto the patio and on into the narrow strip of parking area which is just below our 13 year old's upstairs windows. We were immediately aware of the great amount of noise to which we would be subjected. I need not bore you with a description of the sounds created by a group of exhuberant partying young men and women, whether or not their bands or juke boxes are electronically amplified.

We suggested that they use the new building for sleeping quarters and renovate the old structure for dining and party space on the first fflow so that the party noises would be confined to the area they presently use for entertaining and facing land already zoned for fraternities. The second floor sleeping tenants would be in the new structure at the back, giving ample room upstairs in the main house for the chapter room, offices, etc. Mr. Pugh told us this was impossible but suggested that a solid wall without windows could be built on the west side of the new structure to minimize the noise problem.

On Monday, June 2nd., we again met with Mr. Pugh and suggested that by moving the patio around to the east side of the building we would be less exposed to the sounds. The patio would then be facing a similar living group - the Alpha Delta Pi Sorority. The Sorority's

addition to their house has a solid wall facing the proposed DU extension. This is a beautiful example of what can be done, architecturally, when adding onto an old structure. The moving of the patio and deck onto the east side would in no way reduce the useable area nor increase the cost. Mr. Pugh said this could probably be done and suggested we attend the Planning Board meeting June 3rd.

We and Mr. Stohler, whose property also abuts the D.U. property, did so and we raised no serious objections because of Mr. Pugh's assurances that he would arrange to have our requests fulfilled. After this meeting, Mr. Stohler was further assured by Mr. Pugh that our suggested changes could be made, and Mr. Stohler left on his vacation, assuming his presence would not be needed at this meeting tonight. The next day my husband had another amicable talk with Mr. Pugh.

On Thursday, June 5, we attended the meeting of the Appearance Commission and, as we left, again talked with Mr. Pugh. We had every reason to feel we had a meeting of minds. Mr. Pugh said he would be over the next evening with a paper outlining the adjustments which we would both sign, and which would be filed by him with the proper authorities. Imagine our shock when we received, on Saturday, June 7, the following letter:

407 East Rosemary Street
Chapel Hill, North Carolina
June 5, 1975

Mr. and Mrs. George Knoerr
208 Hillsborough Street
Chapel Hill, North Carolina 27514

Dear Mr. and Mrs. Knoerr:

I am writing on behalf of the Delta Upsilon Fraternity in response to your request that we make certain material alterations in our application for a modification of the special use permit held by our chapter.

In our planning we have made every effort to consider the wishes of the town and our neighborhood relative to size, appearance, preservation, and other factors as expressed in the public hearing held before the present special use permit was granted. In the design of our desperately needed dining and chapter areas we have sought to balance our own needs with the requests of others. Unfortunately we cannot please everyone.

After consultation with our architect, and with friends and members of the fraternity, I must tell you that we will be unable to comply with any of your requests, suggestions, or demands relative to our present application for a modification in our special use permit. We have done much to please those who made their views known in the previous public hearing, but if our private, tax-paying property is our own in any sense we must be able to construct a building that will be functional and satisfactory to our needs. We will be investing funds carefully and painfully collected from hundreds of our brothers over the years. We must be allowed to construct a building at least in part according to our own wishes.

Sincerely yours,
on behalf of the North Carolina
Chapter,

/s/

Alan V. Pugh

Had we been led down the rosy path! We had only five days to prepare this material. Normally at least two weeks would be necessary to do a thorough research and to prepare a proper presentation of our arguments.

There are four basic points we want to make. First, to question whether this request can be considered a modification of the Special Use Permit granted in 1972. Second, to question the validity of the D.U.'s Special Use Permit. Third, to call attention to the legal responsibility of the Board of Aldermen to consider in their deliberation Para. 3 of Section 4B of Ordinance 1G3. Fourth, to call attention to the legal responsibility of the Board of Aldermen to consider in their deliberations Para. 4 of Section 4B of Ordinance 1G3.

Let us look at number 1: Can the request before this body be considered a "Modification of Special Use?"

A "modification" as defined by Webster is a "reduction in extent or degree." The Special Use Permit granted in 1972 calls for demolishing the old building and replacing it with a new structure, and adding on to this new structure to the west at a later date. The present request completely ignores every aspect of the 1972 permit and asks permission to extend to old building by adding a new structure to the north.

At the Planning Board meeting of June 3rd., the question of whether this request was a modification or a new special use was brought up by one of the Planning Board members. The D.U.'s architect explained that the only difference between a request for a new special use permit and a modification of an old one was the stipulation that a new permit required a public hearing and a public hearing had been announced in the newspaper. We have since learned that the request for a Special Use Permit for fraternities also calls for, and I read now from Regulations for Special Use Permits, Section 4-C-9, subsection f, para. 2: "The developer shall prepare a list of the owners of all properties within 500 feet of the property for which the Special Use Permit is requested, and provide the Building Inspector with two copies of the list. The developer shall obtain from the Building Inspector copies of the Legal Notice for the Public Hearing at which his request is to be considered; and shall return these copies to the Building Inspector, in stamped envelopes, properly addressed to all property owners on the list described above, no later than eight (8) work days prior to the date of the Public Hearing. The Building Inspector shall mail these copies of the Legal Notice to the property owners no later than one (1) day following this receipt."

The D.U.'s must also have recognized the fact that this is, indeed, a request for a new special use permit because they sent out notices. Under the circumstances I think it is safe to assume that we all agree that this matter should be treated as a request for a NEW Special Use Permit.

Number Two: regarding the validity of the D.U.'s Special Permit dated June 12, 1972. This Special Use Permit, filed in Book 238, page 10, under Special Terms and Conditions, para. 6, reads: "that the development begin within three years, and be completed within five years." The D.U.'s have not taken the first step in attempting to fulfill this requirement and the three years were up last week. Apparently, they had no intention of using the permit because they hadn't, as of 2 p.m. Friday the 13th, even asked for an extension of time, according to Mr. Berger of the Planning Department. There is no question the Special Use Permit of 1972 has expired and is no longer valid. The only Special Use Permit now in force is one granted the fraternity in 1966 which allows for no changes in the then present buildings.

Number Three: the legal responsibility of the Aldermen to consider Section 4-B of Ordinance 1 G 3, no. 3.

For the benefit of those in the audience who aren't familiar with this section, I would like to read from it: "In granting the permit, the Board of Aldermen shall find that the use will not substantially injure the value of adjoining or abutting property..." Please note that since the word "property" is singular, we must assume that the reduction in value of even one single owner's real estate is justification for the board to refuse a Special Use Permit. We have taken it upon ourselves to get three qualified opinions to point

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out that the use the D.U.'s are requesting will, in fact, "substantially injure the value of the adjoining or abutting property".

FISHER-FISHER CORPORTATION
P.O. BOX 695
405 WEST FRANKLIN STREET
CHAPEL HILL, NORTH CAROLINA 27514-TELEPHONE: 929-1188

June 11, 1975

Mr. George Knoerr
208 Hillsborough Street
Chapel Hill, N.C. 27514

Dear Mr. Knoerr:

Re: Proposed additional structure on D U Fraternity premises.

I have inspected your property at 208 Hillsborough Street, here in Chapel Hill, for the purpose of determining the effect of the proposed D U Fraternity structure adjacent to your property (see attached proposal drawing).

It is my opinion that the enclosed drawings, if constructed, would take away from the value of your property for the following reasons:

1. The Chapter Room and Dining Room, where the largest gathering of persons is possible, has the maximum hazard of noise, due to the fact that the various social functions conducted by a fraternity would be held there. These rooms have windows to the West facing your property, which would accentuate the potential noise problem.
2. The deck and patio to the rear are open echo chambers for this same potential noise problem.

I feel that these potential noise problems should be reviewed and a further study made so that the structure be revised as not to devalue the residential property adjacent to this proposed structure.

Sincerely,

/s/

J. Gordon Fisher

JGF:ea
Encl: 1

FOSHEE REALTY COMPANY
JOHN FOSHEE INSURANCE AGENCY
BOX 877 * CHAPEL HILL, NORTH CAROLINA 27514 * TELEPHONE 968-4431

June 13, 1975

Town of Chapel Hill
306 North Columbia Street
Chapel Hill, N.C. 27514

Dear Sir:

I have seen the plans of the Delta Upsilon Fraternity's proposed extensions and believe that the proposed patio

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should be relocated and not located on the rear. If left where it is proposed, it will cause damage to the property of adjoining owners.

Sincerely,

/s/

John M. Foushee

JMF:ch

DAN AND SARAH OLSEN REALTY CO.
UNIVERSITY SQUARE
CHAPEL HILL, N.C. 27514
929-7166

June 13, 1975

Mr. and Mrs. George Knoerr
208 Hillsboro Street
Chapel Hill, N. C. 27514

Dear Mr. and Mrs. Knoerr:

In my opinion the proposed addition to the D. U. Fraternity House, (as shown in the plans you gave me yesterday), would definitely reduce the value of your property.

Yours truly

Daniel D. Olsen

DDO/lf

There is no doubt in our minds that these qualified and experienced people agree with our reasoning that the noise resulting from the proposed D.U. building would make our homes undesirable to families who otherwise would be possible prospects to purchase homes in this neighborhood - which is, basically, a family neighborhood. By greatly reducing the number of prospective buyers, the value of the properties cannot help but decline considerably. Under these circumstances, I respectfully call the attention of the Board to the fact that the ordinance forbids the legal granting of a Special Use Permit that will "substantially injure the value of abutting or adjoining property."

Number four: the legal responsibility of the Aldermen to consider Section 4-B IG 3, no. 4 which reads: In granting the Special Use Permit, the Board of Aldermen shall find "that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is located and in general conformity with the plan of development of Chapel Hill and its environs." The point here is that the objectionable noise will, if the proposed plans pass, open onto the area that is not zoned for fraternities. These sounds will not only be a great nuisance to us, but also to the several single family homes on North Street. The extensive entertaining area that the D.U.'s propose are in no way in keeping with the character of this section of town which is proposed as the historic district, and is, presently, a family neighborhood.

In conclusion, I also want to point out that in my opinion this board cannot legally consider this request by the D.U.'s either a request for a modification for the reasons already given, or as a new special use permit because the building inspector's office did not receive the stamped envelopes, addressed to all the property owners within 500 feet, with notices of this meeting enclosed, 8 working days before the date of this hearing, as required by Regulations for Special Use Permits, Section 4 - c - 9, subsection f., no. 2."

Mayor Lee asked whether the Special Use Modifications request meets all the requirements. Mr. Jennings said that the notices to property owners within 500 feet radius were received seven working days before the date of this hearing, and that these were mailed the same day to the residents. He said that he feels the intent of this zoning ordinance requirements is to ensure that the neighboring residents are notified, and that he feels the intent was met. Ms. Knoerr said that the notices were not received until June 7, 1975. Alderman Marshall said that the request is for a modification of a special use permit, and does not need to meet the requirements of a special use permit. Town Attorney Denny agreed that the Special Use Permit procedure need not be followed for a Special Use Modification. Alderman Smith asked whether the Board can legally consider this request for a Special Use Modification, if the Special Use Permit has expired on June 12, 1975. Town Attorney Denny said it is difficult to determine what constitutes the beginning of construction. The Supreme Court has ruled in a case other than a Special Use Permit, that drawing of plans and ordering of materials signifies the beginning of construction. The applicant can request an extension of time on his Special Use Permit even though the beginning time of construction has lapsed; the Board has granted such requests in the past. Mr. Jennings said that the staff felt that the Special Use Modifications would extend the Special Use Permit; the modification request was received before the June 12, 1975 deadline, and, if the modification is granted, the time of the permit will be extended.

Mr. Pugh asked when Mr. Stohler bought his property. Ms. Knoerr said that he bought it in 1973. Mr. Pugh said that the property has changed hands three times since 1959. In answer to questions from Mr. Pugh, Ms. Knoerr said that her property was bought in 1969; she was aware that the fraternity owned the property behind her, but she thought she could live with it. She said that she believes Mr. Stohler also was aware about the fraternity in the back of his property. She said that she is aware that the fraternity has been in that location since 1956.

Ms. Elizabeth Fuller of 212 Hillsborough Street said that she agrees with Ms. Knoerr's statement. She said that her aunt built her house in 1959, and she has inherited this house; the neighborhood always seems to be noisy, and is especially noisy during parties even with the present situation.

Mr. Henry Lewis of 407 North Street said that he sympathizes with the fraternity since he believes it made a mistake when it bought the property. He showed the property owned by the fraternity and neighboring streets on a map. He said that he bought the property that used to be Mrs. Dey's garden and built a house on it, but he sold it at a loss because he could not stand the noise. The future owners stayed at the house several years and sold it. Mr. Lewis said that he moved to North Street to get away from the noise, but the proposed project will put his house in a direct line of noise from the patio in back of the fraternity house. He said that his house is on the north side of North Street. Mr. Pugh said that Mr. Lewis' house is more than 200 feet from the fraternity property. Mr. Lewis said that he is trying to give the Board a realistic view of the situation. He said that he realizes the fraternity made a mistake when it bought the property and he is now trying to keep the Board from making another mistake by granting the requested Special Use Modification. Mr. Pugh said that Mr. Lewis' property is more than 200 feet from the patio. The property owners across the Rosemary Street are closer to the party noise now than Mr. Lewis will be if the Special Use Modification were granted. Alderman Cohen asked whether solid walls on the north and west sides, with the patio opening to the east, and fencing along the back yard would alleviate the problem. Mr. Lewis said that it might alleviate his problem but not that of other residents, since private residences are located on all sides of the fraternity. Alderman Gardner asked whether a solution to the problem can be reached by revisions of the proposed plan. Mr. Lewis said that he does not know.

Alderman Marshall said that the Board tries to keep as many residents happy as possible, but that this becomes more difficult as the Town increases in size. She said that Delta Upsilon started planning addition to the house in 1972-73, and Board could have turned the request down then, but it did not. Alderman Marshall said that she was not in favor of granting the request at that time. The fraternity has spent a lot of money in planning the addition, and Board has not turned their requests down in the past. She said that, as regards the question of noise, there are certain advantages to living in a University town, but also certain disadvantages, and these need to be balanced. Town often tries to control things the wrong way, and the noise ordinance, which is an example, is not effective. Mr. Jonathan Howes, chairman of the Planning Board, asked whether the design can be changed, with patio moved to the east side of the house. Mr. Pugh said that the design can be changed, but that he prefers that any changes be done by Board and Planning Board. He said that he met with Knoerr and discussed the proposed changes in construction. He said that in subsequent meetings they asked more changes in the project, in addition to moving the patio to the east side of the house, such as fixed windows, speed bumps, moving the basketball court, etc. Mr. Pugh said that he decided it would be best to leave any changes to the Board and Planning Board, since he was afraid that incorporating all these additional changes might damage the project structurally, especially since the architect advised him that fixed windows may make the rooms unlivable. He said that the patio may be moved to the east, but then noise problems will be affecting the properties to the northeast. A citizen said that he feels that if the windows to the west and north were blocked, the parties would move outside, causing an increase in the noise level. Another citizen said that if all building is based on the Special Use Permit issued in 1972, then this has expired on June 12, 1975. Town Attorney Denny said that courts have ruled recently that working drawings or funds expended on a project even with no apparent work on premises can be considered beginning of construction, and for this reason the Board cannot determine at this meeting if the construction had begun prior to June 12, 1975. Mayor Lee said that Planning Director has indicated that the fraternity contacted Town prior to June 12, 1975 deadline to request a Special Use Modification.

Another citizen asked why air conditioning of the chapter room has not been considered. Mr Pugh said that the expense of operation is the main factor, as is the fact that the energy cost in the future is unknown. Air conditioning would be the best way to please the objectors to noise, but is not the best method from fraternity's point of view.

Mayor Lee asked for statements in support of the project. There were none.

Alderman Welsh said that she agrees that a great deal of discussion took place during the request for a Special Use Permit in 1972 on the appearance of the project, but she feels that the main concern expressed was the impact of social aspects that would take place. She read from the minutes of the meeting with discussion about the Special Use Permit, with the concern expressed that fraternities should provide residences and not large social rooms. She said that first stipulation required by Board at that time calls for a reduction in the size of the social area. She said that the Planning Board should look very carefully at the aspect of the sensory disturbance on neighborhood by the social area of the fraternity. Alderman Welsh moved, seconded by Alderman Gardner, that the request by Delta Upsilon Fraternity for a modification to their approved Special Use Permit for the fraternity house located at the corner of Rosemary Street and Hillsborough Street on property identified as Orange County Tax Map 79, Block E, Lots 19 and 20, be referred to the Planning Board for their consideration and recommendation back to this Board. Said motion was unanimously carried. The public hearing adjourned at 8:55 p.m.

REGULAR MEETING

Greenways Program--
Resolutions

Mayor Lee asked Mr. Ed Tenney to step forward, and read the following resolution:

RESOLUTION

WHEREAS the Chapel Hill Greenways Program is an asset to the whole area and a benefit to all the citizens of Chapel Hill; and

WHEREAS its success, however, depends in large measure on the actions of a small group of citizens, owners of property along courses of still-unspoiled beauty; and

WHEREAS Edwin Tenney, Jr. has encouraged and worked closely with the Town of Chapel Hill in order to extend the Greenway along Bolin Creek; and

WHEREAS Edwin Tenney, Jr. has granted to the Town lengthy pathway easements across property of his on Bolin Creek;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill on behalf of all the citizens of the community express deep appreciation to Edwin Tenney, Jr. for his unselfish action in the service of the community;

BE IT FURTHER RESOLVED that this resolution be signed and sealed by the Mayor and each member of the Board of Aldermen and a copy filed in the permanent records of the Town of Chapel Hill.

This the sixteenth day of June, 1975.

Mayor Lee asked Mr. John Cates to step forward, and read the following resolution:

RESOLUTION

WHEREAS the Chapel Hill Greenways Program is an asset to the whole area and a benefit to all the citizens of Chapel Hill; and

WHEREAS its success, however, depends in large measure on the actions of a small group of citizens, owners of property along courses of still-unspoiled beauty; and

WHEREAS Property Investors, Inc. and Elkin Hills Realty Inc. have given greatly of their time in order to develop a workable pathway along Bolin Creek; and

WHEREAS Property Investors, Inc. and Elkin Hills Realty, Inc. have granted to the Town lengthy pathway easements across property of theirs on Bolin Creek;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill on behalf of all the citizens of the community express deep appreciation to Property Investors, Inc. and Elkin Hills Realty, Inc. for their unselfish action in the service of the community;

BE IT FURTHER RESOLVED that this resolution be signed and sealed by the Mayor and each member of the Board of Aldermen and a copy filed in the permanent records of the Town of Chapel Hill.

This the sixteenth day of June, 1975.

Mayor Lee asked Mr. W. L. Anderson to step forward, and read the following resolution:

RESOLUTION

WHEREAS the Chapel Hill Greenways Program is an asset to the whole area and a benefit to all the citizens of Chapel Hill; and

WHEREAS its success, however, depends in large measure on the actions of a small group of citizens, owners of property along courses of still-unspoiled beauty; and

WHEREAS Joseph H. Call; John A. Williams, Jr.; V. E. Fountain, Jr.; Marvin V. Horton; and L. M. Fountain, have worked with the Town of Chapel Hill to extend the Greenways System across Stratford Hills; and

WHEREAS Joseph H. Call; John A. Williams, Jr.; V. E. Fountain, Jr.; Marvin V. Horton; and L. M. Fountain, have in fact granted an easement for large tract of open space with a recreational pathway along Bolin Creek on the Stratford Hills property.;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill on behalf on all the citizens of the community express deep appreciation to Joseph H. Call; John A. Williams, Jr.; V. E. Fountain, Jr.; Marvin V. Horton; and L. M. Fountain, for their unselfish action in the service of the community;

BE IT FURTHER RESOLVED that this resolution be signed and sealed by the Mayor and each member of the Board of Aldermen and a copy filed in the permanent records of the Town of Chapel Hill.

This the sixteenth day of June, 1975.

Minutes Alderman Smith moved, seconded by Alderman Gardner, that the minutes of the meeting of June 9, 1975 be approved as corrected. Said motion was unanimously carried.

International Track and Field Meet - Town Participation Town Manager Kendzior petitioned the Board to put on agenda consideration of the International Track and Field Meet scheduled for July, 1975. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the matter placed on agenda under 7a. Said motion was unanimously carried.

Parking on Franklin Street Alderman Welsh said that the Parking Advisory Committee has received a letter from several merchants on Franklin Street about the parking spaces that have been converted to loading zone in the 300 block of West Franklin Street. She said that she has investigated the matter, and feels that the space provided for loading may be excessive, since there are seldom more than two trucks loading at any one time. She said that she feels the loading zone can be moved to Kenan Street, which would not interfere with the operation of buses, and that the area where the drive-in bank used to be located could also be utilized. Alderman Welsh moved, seconded by Alderman Gardner, that the matter of loading zone in the 300 block of West Franklin Street be referred to the Streets Committee for their consideration and recommendation back to the Board as soon as possible. Said motion was unanimously carried.

Agenda Addenda Alderman Cohen petitioned the Board to place on the agenda consideration of a report on bills enacted by General Assembly, and consideration of summer service reductions of Transportation Department. Alderman Cohen moved, seconded by Alderman Smith that the petition be received and the matters placed at the end of the agenda. Said motion was unanimously carried.

Board of Adjustment--Nominations Mayor Lee said that Mr. Peter G. Glenn and Ms. Wanda H. Lewis have been nominated to the Board of

Adjustment to fill the vacancy created by the resignation of Mr. James Barnett. Alderman Cohen moved, seconded by Alderman Welsh, that appointment to the Board of Adjustment be postponed to the next regular meeting. Town Attorney Denny said that there is no requirement as to how soon after nominations such appointment has to be made. Said motion was unanimously carried.

Rosemary Street--Rezoning

Mr. Mike Jennings, Planning Director, presented a memorandum

from the Planning Board recommending that the portion of the R-10A zoning district east of Hillsborough Street be rezoned to R-10. The Planning Board believes the R-10A zone is inappropriate for the area, that the R-10A boundary should be held at Hillsborough Street, and that, unless the residential area east of Hillsborough Street is rezoned to R-10, additional R-10A zoning will be requested in the area for properties abutting the present R-10A zoning line. Alderman Welsh said that such action is long overdue. She asked whether the Planning Board also has considered the possibility of adjusting zoning on north side of Rosemary Street between Hillsborough Street and the Telephone Exchange, which is currently zoned R-10A with some R-6 zoning. Mr. Jennings said that he has not researched the matter of zoning in this area, but that one Planning Board member felt that there is more residential character on Rosemary Street east of Hillsborough Street. Alderman Welsh moved, seconded by Alderman Cohen, that the portion of R-10A zoning district located east of Hillsborough Street be advertised for rezoning to R-10, and that the portion of north side of East Rosemary Street between Hillsborough Street and Telephone Exchange Building be advertised for rezoning to R-6. Alderman Cohen said that the next regularly scheduled public hearing is in September, and asked whether Planning Board is satisfied that the public hearing be held then. Mr. Jonathan Howes, chairman of Planning Board, said that the timing of the public hearing was not discussed by the Planning Board, but that he personally feels that a September hearing would be satisfactory. Said motion was unanimously carried.

Interstate 40 Alternates--
Comments

Mr. Mike Jennings, Planning Director, said that the N. C. Division of Highways has requested

comments on any environmental effect of alternates 1B and 1C of Interstate Route 40 through Orange County prior to release of a revised Draft Environmental Impact Statement. He presented a memorandum listing three tentative findings made by staff and recommending that a reply be sent to the State Division of Highways stating that the two new alternates do not change the Town's basic objections to any I-40 link through Orange County, stating that Town would be interested in reviewing and commenting on the revised Draft Environmental Impact Statement when it is released, and asking the inclusion of five specific points of information in the revised statement. Mr. Jennings said that he has contacted Mr. Drew Diehl of ECOS, and that Mr. Diehl concurs with the recommendations. Alderman Welsh said that she feels such a letter must be sent, and asked that it include a statement that four-laning of Highway 54 is more important to Town, and that Town does not wish I-40 in Orange County in any form. She said that Alderman Smith has taken a recommendation to Triangle J COG that these funds be used for rerouting of the highway from Greensboro to Highway 64. Alderman Smith said that Triangle J COG discussed the matter, but did not agree with the proposal. Mayor Lee said that he feels Board should stand firm on opposing I-40 and asking for four-laning of Highway 54. Alderman Welsh moved, seconded by Alderman Smith, that a letter be sent to the State Division of Highways as recommended, with the addition of a strong statement requesting the four-laning of Highway 54 and opposing I-40 in Orange County. Said motion was unanimously carried. Alderman Smith asked that a statement be included in the letter that consideration be given to building decent roads to North Carolina Zoological Garden. Alderman Cohen asked that a statement be included in the letter asking for a discussion of energy impact of I-40.

Handicapped--Need for
Services

Police Chief Sidney Hilliard said that, in response to the request made by Mr. Jonathan Mays,

he has investigated the situation regarding blind pedestrians, and finds that it is difficult to find curbs in some instances. Also, the problem of cars blocking sidewalks at filling stations exists,

with the blind pedestrians bumping into these or being forced into the street to get around the obstruction. He recommended that sidewalk extension be painted at the filling station entrances to prevent this problem. Town Manager Kendzior said that these sidewalk extensions in CBD will be painted as soon as possible. Mayor Lee said that this matter should be given top priority. Alderman Welsh said that some delivery trucks park regularly on sidewalks, and suggested that the companies be contacted whose drivers make a habit of this, pointing out that this practice is in violation of Town ordinance. Mayor Lee asked whether there is a walking patrol on Franklin Street. Police Chief Hilliard said that there is not one at the present time, since it is vacation time and it is difficult to keep the regular patrols staffed. He said that Police Department does not have sufficient personnel to do adequate coverage of Town and allow for extra coverage of special areas. Mayor Lee suggested that Police Chief make a recommendation to Board before the Budget for next fiscal year is adopted about the number of extra personnel needed to provide all necessary coverage of Town. Alderman Welsh asked Town Manager to provide a memorandum to Board about the needed personnel in Public Safety. Alderman Gardner said that, as regards parking on sidewalks at entrances to filling stations, sometimes persons pull in and park their cars while going to another business; there is very little that the filling station manager can do to stop such practice. Alderman Smith suggested that the fine for parking on sidewalks be increased from \$5.00 to about \$25.00, which would discourage delivery trucks from parking on sidewalks. Aldermen Marshall said that Police Department also needs to keep places free where people in wheel chairs expect to cross streets. She asked whether Police Chief has any recommendations about handicapped persons taking the bus to Municipal Building. Police Chief Hilliard said that he does not have any specific recommendations, but suggested that maybe the bus drivers could be asked to circle the Fire Station when handicapped riders so request. Alderman Smith said that he agrees walking policemen are necessary in CBD, and that this would also help in preventing traffic jams there. Mayor Lee requested that Town Manager draw up possibilities on the matter for the Board to consider.

Parking Lot #2--
Entrance

Mayor Lee said that Town Manager has requested that the matter be deferred to the June 23, 1975

meeting. There were no objections from the Board.

Animals Within Town
Limits--Ordinance

Town Attorney Denny presented a proposed ordinance amendment, limiting the keeping of certain

farm animals within Town limits to lots of more than two acres in size. Alderman Welsh asked whether there is a limit of how many farm animals can be kept on a lot within Town limits. Town Attorney Denny said that there is no limit. Mayor Lee said that he feels two acres may be too small for keeping farm animals, and suggested that the size of the lots be increased to four acres. Alderman Marshall said that a number of horses are being kept within Town limits now on lots smaller than two acres and that the ordinance has not been enforced in this regard. Alderman Smith moved, seconded by Alderman Welsh, that the following ordinance amending Section 4-5 of Code of Ordinances, Town of Chapel Hill, be adopted:

AN ORDINANCE TO AMEND SECTION 4-5, CODE OF
ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Section 4-5, Code of Ordinances of the Town of Chapel Hill is hereby rewritten to read as follows: "It shall be unlawful for any person to keep or maintain any cow, swine, goat, horse, sheep or cattle within the corporate limits of the Town or any lot or parcel of land of less than four (4) acres in size, and within 100-feet of a residence other than that of the owner."

SECTION II

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

This the 16th day of June, 1975.

Said motion was unanimously carried.

Transportation Advisory Committee--Resolution

Mayor Lee presented the proposed resolution amending the resolution establishing a Transportation

Advisory Committee. He said that he feels TAC should function towards Transportation Department as Planning Board functions towards Planning Department, with members of the advisory committee and staff discussing matters, but with the final decision being left to the Board of Aldermen. Alderman Marshall said that under the present system TAC functions completely opposite from the Planning Board as far as the direction of communication is concerned, with communication going from Board to TAC to staff. She said that she feels Mayor's suggestion is preferable, but that all members of TAC may not agree on this. Mr. Kurt Jenne, Assistant Town Manager for Community Development and Services, said that regarding the Planning Board, staff prepares recommendations for Board of Aldermen, discusses them with the Planning Board and gives it technical assistance in formulating its advice to the Board of Aldermen; at times Board of Aldermen may receive differing recommendations if Planning Board does not agree with staff recommendations. The way that TAC currently functions, the Transportation Director is from time to time unsure of his absolute freedom to make his professional recommendation to the Board. He has also from time to time experienced some confusion about who is speaking on behalf of the Transportation Department. Alderman Marshall said that she feels TAC needs a structural change and suggested that Town Attorney write a new resolution to incorporate this discussion, since the amendment as presented changes only paragraph 3 of the resolution. Town Attorney said that the presented amendment is an attempt to unfreeze the consideration that TAC is advisory to Transportation Department only and not an attempt to outline a procedure; it would be better to redraw the resolution if such procedure directions were requested. Mayor Lee requested that Town Attorney redraw the resolution establishing TAC for consideration at the next regular Board meeting.

Orange Water and Sanitary Sewer Authority--Temporary Loan

Town Attorney Denny said that Chapel Hill, Carrboro, and Orange County agreed to fund the Authority up to a total of \$5,000, primarily

for engineering expenses. These funds have been expended, and the Authority is requesting additional funds as a temporary loan. It is estimated that about \$6,000 are needed for additional engineering services, and about \$2,000 for other expenses. The Authority is asking the three governmental units to split the cost three ways. If the acquisition of the authority were successful within the next fiscal year, the loan can be repaid the following fiscal year. Mayor Lee asked whether interest on such a loan can be charged. Town Attorney Denny said yes. Alderman Welsh asked whether funds for such a loan are available in the current budget. Town Manager Kendzior said that they are available; such a loan would reduce the transfer of Town funds to next fiscal year. Alderman Welsh moved, seconded by Alderman Cohen, that Orange Water and Sanitary Authority be loaned one third of \$7,960. Alderman Gardner asked whether the other two governmental units have responded to the request. Town Attorney Denny said that the other two units have not met since the loan request was authorized, but that the representatives of these units have assured the Authority that no problem will exist about granting such a loan. He said that the loan would carry the Authority to June 30, 1975, by which time the actual submission of proposal should be accomplished. He said that the enabling legislation permits compensation to Authority members on a per diem basis at \$25 per day, but not in excess of \$2,000 per year. No policy has yet been set what is to be considered per diem, but Authority meetings have been ranging three to four hours in length. Said motion was unanimously carried.

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International Track and
Field Meet--Town
Participation

Town Manager Kendzior said that participants in the International Track and Field Meet scheduled for July, 1975, have been requested to contribute to it and to schedule entertainment for about 250 athletes. The suggested contribution is \$2-10,000. Staff has investigated the possibility of a showing for the athletes at the Morehead Planetarium, with a bus tour of campus and town, and refreshments, at an estimated cost of over \$1,800. The Town does not need to participate in the meet, if Board chooses not to. The organizers of the meet are trying to get their plans completed, so Board action on the matter is needed now. Alderman Marshall suggested that Botanical Garden be toured instead of a visit to Morehead Planetarium. Alderman Smith suggested that University and Carrboro be asked to participate in the entertainment of the athletes. Alderman Welsh said that she does not like the idea of Town going to University campus to find Town attractions; she suggested that the entertainment consist of a bus trip of town, with visits to library, health center and University Mall. Mayor Lee said that he feels Morehead Planetarium is more a state attraction than University, since it is the only planetarium in state. He said that if University participates in the entertainment, the cost to Town should not be over \$800. Alderman Welsh moved, seconded by Alderman Smith that Town participate in entertaining the athletes of the International Track and Field Meet with a visit to the planetarium, refreshments, and a bus trip of campus and town, for a maximum cost to Town of \$800. Said motion was unanimously carried.

Transportation Department--
Summer Bus Schedule

Mr. Kurt Jenne, Assistant Town Manager for Community Development and Services, said that he and

Transportation Director have met with Dr. Claiborne Jones of the University to discuss the proposed reductions in service during the rest of the summer. He said that agreement was reached on seven of the eight points proposed, but that the University felt continued night service to be essential to serve the change of shifts at the hospital, visitors to the hospital, and library operations during evenings. He said that Transportation Director can implement the proposed changes within three or four weeks, with change back to regular schedule on August 24, 1975. This proposal will reduce bus service for five weeks. Mayor Lee said that he feels TAC will have enough time to consider the next year's schedule seriously. He said that he surveyed the bus system a week ago and saw a good number of passengers using buses on Saturdays and Sundays before 10:00 p.m. He said that he feels night service in many residential areas is not needed, and that this might be reduced with the understanding that the service can be resumed if needed in the future. Alderman Marshall said that it takes about four weeks to make the necessary schedule changes, and that the budget for the next fiscal year has not yet been approved. She said that TAC lost all three of its student members and that another member is away for the summer, but that the remaining five members will work as fast as possible on Fall schedule. She said that figures are not yet available on summer ridership. Alderman Gardner said that TAC needs to consider also the starting time of bus service in mornings. Alderman Welsh moved, seconded by Alderman Gardner, that the compromise worked out between Town and University on the summer bus schedule be put into effect as soon as possible. Said motion was unanimously carried.

General Assembly--
Legislation

Alderman Cohen said that the General Assembly has passed a historic district zoning legis-

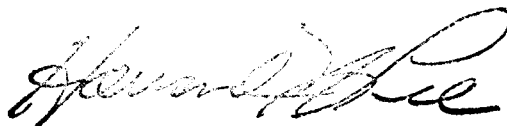
lation, that will allow properties in historic districts to be assessed at 50% valuation as a financial encouragement for residents to keep their properties. Another bill makes taxation of annexed properties effective as of annexation ordinance, with prorated tax payments. Another bill has been passed using up-to-date population estimates for Powell Bill funds; he suggested that Town administration get all the annexation information to Department of Transportation and Department of Administration to get a more accurate 1975

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population estimate.

Orange Association for
Retarded Children--
Communication

Mayor Lee presented a letter of appreciation from Orange Association for Retarded Children.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:25 p.m.



Mayor Howard N. Lee



Town Clerk, David B. Roberts

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, JUNE 23, 1975 AT 7:30 P.M.

The Board of Aldermen met for a Public Hearing, followed by a regular meeting on June 23, 1975 in the Municipal Building. The roll was reported as follows:

Present:

Howard N. Lee, Mayor
Gerald A. Cohen
Thomas B. Gardner
Shirley E. Marshall
Sid S. Rancer
R. D. Smith
Alice M. Welsh

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.

PUBLIC HEARING

Burris Place--Paving
Assessment

Mayor Lee said that the public hearing has been called to consider assessments for Burris Place;

Purefoy Road, Whitehead Circle, and the Chase Avenue area; and North Lake Shore Drive. He said that notices of the public hearing were mailed on June 12, 1975 to the property owners, and that notice of the hearing appeared in the June 12, 1975 edition of the Chapel Hill Newspaper. Mayor Lee explained the procedure to be followed at the hearing. Town Clerk Roberts said that the paving assessment notices for Burris Place were mailed to the property owners, based on a cost of \$6.00 per foot. He presented the paving assessment roster for Burris Place. Mayor Lee asked for comments or questions. Mr. C. A. Houck said that the residents of Burris Place petitioned the Board on February 3, 1975 about installing drainage pipes beside the paving; and that he hopes this can be done when possible. Alderman Smith asked if the paving has been done to Town standards. Mr. Joe Rose, Public Works Director, said yes. Town Attorney Denny said that the Board can either accept the assessment roll at this time, or together with the other assessments being considered at this public hearing. Mayor Lee recommended that the Board take action on this assessment together with the other assessments being considered.

Purefoy Road, Whitehead
Circle, Chase Avenue--
Sewer Assessment

Town Clerk Roberts said that the sewer assessment notices for this area were mailed to the property owners on June 12, 1975, with the

total assessment of \$145,330.55, based on 110 lots assessed, or \$1,321.19 per lot, plus \$125.00 per acre. He presented the sewer assessment roll. He said that since the assessments have been mailed,