


The meeting adjourned at 7:00 P.M.


 Mayor


 Town Clerk, David Roberts

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M., May 11, 1970 with the following members present: Aldermen Scroggs, Nassif, Smith, Bernholz and Coxhead. Mayor Lee and Alderman Prothro were absent. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny. Alderman Nassif, Mayor pro tem, presided.

MINUTES

Alderman Smith moved, seconded by Alderman Bernholz to approve the minutes of the meeting of May 4, 1970 as circulated. This was unanimously carried.

AIRPORT

Mr. Earl D. Provancha presented a petition asking that the Board of Aldermen support the improvement of Horace Williams Airport because in its present condition it was hazardous to planes and therefore its usefulness was curtailed. He offered to take the Board members and other officials on inspection rides from the airport. Alderman Bernholz moved, seconded by Alderman Scroggs to receive this petition and discuss it later on the agenda. This was unanimously carried.

HARRIS CONNERS-LANDSCAPING

Mr. Jim Simmons, representing Harris Connors, ask for a thirty day extension on the requirements for submission of a landscaping plan in the special use permit recently approved by the Board. Alderman Scroggs moved, seconded by Alderman Smith to grant the thirty day extension. Alderman Bernholz said that he would like to hear this discussed further and ask that it be placed at the end of the agenda. He made a substitute motion, seconded by Alderman Smith to receive the petition and place it at the end of the agenda. Alderman Scroggs said this was a trivial matter and could be gotten out of the way. The motion carried by a vote of three (3) to two (2) with Alderman Coxhead and Scroggs voting against the motion.

AIRPORT

Mr. J. E. Adams presented a petition opposing the location of the present airport and asked that it be moved to some other site. He suggested the New Hope site proposed by the Research Triangle Planning Commission. Alderman Bernholz moved, seconded by Alderman Scroggs to receive this petition and discuss it with the other airport petition later in the agenda. This was unanimously carried.

SIDEWALK SALES

Mr. David Henry asked that the Board allow him to sell handmade jewelry on the sidewalk on Franklin Street. Alderman Coxhead moved, seconded by Alderman Bernholz to receive this petition and place it at the end of the agenda. This was unanimously carried.

PEACE PROPAGANDA

Mr. Gregory Elliott told the Board that he represented Reach The People Foundation, and that they were for peace and he wanted to go from house to house and discuss it with everybody. Alderman Coxhead moved, seconded by Alderman Smith that this be received as information. This was unanimously carried.

PEACE RESOLUTION

Mr. Ken Peres presented a resolution to the Board dealing with his horror of the fact that the United States troops are in Cambodia and the United States was in Southeast Asia and opposing the University disruption policy and asking that the Board of Aldermen adopt the resolution. Alderman Bernholz moved, seconded by Alderman Coxhead to receive the petition and add it at the end of the agenda. Alderman Smith said he didn't particularly like this resolution. Alderman Bernholz agreed but said it should be discussed. The motion was carried by a vote of four (4) to one (1) with Alderman Smith opposing.

PERSONNEL ORDINANCE

A proposed amendment to the personnel ordinance creating a grievance procedure was carried over from the May 4, 1970 meeting. Dr. Hayman was present to discuss this matter with the Board. Alderman Nassif asked that this discussion be limited to about twenty minutes. The following items were generally covered: The provision covering possession of alcohol or drugs on public property as covered by the general statute on the subject but is intended for such things as off duty personnel having or using alcohol or drugs on Town property. A misdemeanor involving moral turpitude as a general legal term covering a class of offenses that is against the law and against commonly accepted morals. This is commonly found in personnel and civil service ordinances and can be applied differently in different departments. A list of offenses could be made but would be long and possibly still not complete. An appeal board would be in a position to apply reasonableness to such offenses. The requirement for employment by the Town should not be too lax as citizens expect a high degree of moral conduct by employees. A list such as that proposed could be a guideline to employees, putting them on notice or some of the things that they can be expected to observe. Further consideration of this proposed amendment was continued until May 18, 1970.

STREET PAVING

The merits of streets with and without curb and gutter was discussed. The Town Manager was asked to locate a number of samples for inspection by the street committee and other members of the Board of Aldermen. Then the matter carried over to the June 1, 1970 meeting.

RELEASES

Alderman Bernholz moved, seconded by Alderman Smith that the following taxes be released as erroneously charged. This was unanimously carried..

NAME	REC. NO.	AMOUNT	REASON
Community Developers	6240	129.91	These lots were put back into acreage.
"	6241	59.09	
"	6242	68.29	
"	6243	70.69	
"	6244	67.79	
"	6245	65.77	
"	6246	61.36	
"	6247	44.98	
"	6248	56.45	
"	6249	57.20	
"	6250	58.97	
"	6254	29.61	
"	6255	61.11	
"	6256	58.34	
"	6257	54.94	

NAME	REC. NO.	AMOUNT	REASON
Comunity Developers	6258	50.78	These lots were put back
"	6259	75.73	into acreage.
"	6260	64.64	
"	6261	65.90	
Coker Hill, Inc.	5111(1968)	44.20	Val. red. 6340 to 253
Coker Hill, Inc.	5112(1968)	54.56	Val. red. 7220 to 289
Bryant B. Roberts	4695	205.88	Town property
Med. Research Prop.	6421	88.20	County released
Spence Lester	6650	39.69	Lots not in Town
"	6690	32.76	
"	6654	34.02	
"	6660	30.74	
Samuel J. Atwater	174	18.00	Sewer not connected
Charles S. Mangum	3631	65.21	Should be listed to Kay Kyser
Edith Lyon	3432	15.50	Not in Town

AIRPORT

Alderman Nassif suggested that another committee with a wider representation be appointed to pursue relocation of the airport. Doug Yates, Chairman of the existing Airport Committee, said that the suggested location of the New Hope flood plane is the only one that has been seriously considered other than the Horace Williams Airport and suggested an airport authority to pursue this. Pearson Stewart said that considerable more study of this site would be needed to determine its suitability, availability and cost to develop it. Alderman Nassif suggested an airport authority containing members of the Planning Board, Chamber of Commerce, citizens at large, the University, possibly the Town Board, the County Commissioners, Pearson Stewart, representatives of Durham and Duke University. Alderman Smith suggested that school personnel be included. Alderman Nassif said that the present site was not in his opinion suitable but suggested that the Board make recommendations concerning its temporary use until it can be relocated. Alderman Coxhead suggested that the Board members and others take up the invitation to fly from Horace Williams Airport for personal first-hand knowledge. Alderman Bernholz asked if the first petition presented was a request to support paving the Horace Williams Airport? Yes. Alderman Nassif spoke for a good airport but not at the present location. Ray Green opposed any support for improving the present airport. He suggested that the Raleigh-Durham Airport be used. Earl Provancha said that the medical school for which he flew could operate from Raleigh-Durham Airport but it would be very inconvenient. He said that it took about 55 minutes from time of leaving the hospital to becoming airbourn at Raleigh-Durham compared to 10 or 15 minutes at Horace Williams Airport. Mr. Oliver asked about the limitations of an airport authority and suggested that not all factions be included but that a small authority have instructions to contact and interview all authorities. Alderman Scroggs said that something needed to be done immediately. Further discussion of this was delayed until the meeting of May 18, 1970.

GARBAGE COLLECTION FEES

The Town Manager offered to discuss the report on the fee system but it was deferred until the meeting of May 18, 1970.

HARRIS CONNERS-LANDSCAPING

Mr. Simmons said they had not been able to get all of the necessary information and therefore were asking for an extension of time to present the plan. Alderman Bernholz said he felt the Board had no choice but he objected to being put in this position. He felt it would be better not to have a requirement than to keep postponing it, that the May 9, 1970 deadline had been set in agreement with Harris Connors originally and should be enforced or such requirement not applied in the future. Alderman Coxhead moved, seconded by Alderman Scroggs to grant an extension until June 8, 1970. This was carried by a vote of three (3) to two (2) with Alderman Bernholz and Nassif opposing.

SIDEWALK SALES

David Henry showed the Board samples of his homemade jewelry and said that he felt it was unfair that handmade flowers could be sold but jewelry, leatherwork, pottery and etc. could not. He felt that it was fair to draw distinction between handmade objects and other objects as they lend atmosphere to the Chapel Hill streets. He said that police officers had not been able to give him a clear answer as to what the regulations were. On inquiry he revealed that he had been sent to the Town Clerks office who had read the ordinance to him. Alderman Scroggs suggested three alternatives: 1) a public market, 2) no sidewalk sales, 3) or anything can be sold. Alderman Nassif suggested allowing anything to be sold but requiring a license. Alderman Bernholz suggested the Town Attorney be asked to draw up an ordinance. Alderman Coxhead pointed out that this business was in direct competition with two jewelers in town selling handmade jewelry. David Henry said he felt he was not in the same market as these jewelers. Alderman Bernholz moved, seconded by Alderman Nassif that the Town Manager should ask the Police Chief not to enforce the ordinance as written. The Town Manager suggested that this was improper and that the ordinance should be repealed if it was not to be enforced. His position was supported by the Town Attorney. Applicable portions of the present ordinance were read by the Town Attorney. Alderman Bernholz withdrew his motion. Alderman Coxhead moved, seconded by Alderman Smith to enforce the existing ordinance strictly. Alderman Scroggs objected as this could eliminate such things as newspapers and some of the items sold by the flower ladies on the sidewalks and said it would be better to repeal it. Alderman Smith said it should not be repealed, that it could be amended to include jewelry if that is what the Board wanted or that Mr. Henry could just wait until the Town Attorney came up with something. Alderman Bernholz made a substitute motion to repeal the ordinance. This was seconded by Alderman Scroggs. Alderman Smith then made a substitute to the substitute motion to take no action until the Town Attorney can present a proposed amendment to the ordinance. This was seconded by Alderman Coxhead and carried by a vote of three (3) to two (2) with Alderman Nassif and Bernholz opposing. The Town Attorney told the Board that if an ordinance repealing the present ordinance was introduced it would take a two-thirds to pass at this time as it had not been on the agenda. The Town Attorney was asked to have this proposed ordinance ready for the May 18, 1970 meeting.

WAR IN CAMBODIA

Ken Peres, a student, presented a resolution opposing the invasion of Cambodia, the U.S. presence in Southeast Asia and the University's disruption policy. Alderman Nassif said that he would not like to see such a resolution voted on though he personally agreed with much of it. Alderman Scroggs agreed that the Board should not make this type of commitment, that it was up to individual citizens. Alderman Bernholz said that the wording needed improvement but that he did not object to the idea of a resolution. Alderman Bernholz suggested a public hearing on this matter as he would like to have an expression from the public prior to any action by the Board. Alderman Scroggs said that it would be simple to fill up the court room but unless a much larger space could be obtained that it would not be representative public hearing. Alderman Bernholz said that he would be willing to try to draw up a better resolution than that presented, that he would discuss this individually with Board members and distribute a copy prior to the next meeting. Alderman Coxhead objected to any reference to the University disruption policy. Alderman Scroggs said that he felt such a resolution would hurt the chances of improving the policy by the University.

STREET RESURFACING

The Town Manager reported receipt of bids for street resurfacing and recommended the low bid of \$.70 per square yard for resurfacing and \$20.00 per ton for patching asphalt submitted by C. C. Mangum. Alderman Coxhead moved, seconded by Alderman Scroggs that the contract be awarded to C. C. Mangum, the low bidder. This was unanimously carried.

The meeting adjourned at 10:25 P.M.

Mayor

Town Clerk, David Roberts