

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting at 4:00 P.M. May 18, 1970 with the following members present: Mayor Lee; Aldermen Nassif, Scroggs, Smith, Coxhead and Bernholz. Alderman Prothro was absent. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Nassif moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of May 11, 1970 as corrected. This was unanimously carried.

AIRPORT

Mr. John Payne presented a petition requesting the immediate paving of 3500 feet of runway at the airport as a temporary solution and a continued search for a new airport site. Alderman Nassif moved, seconded by Alderman Coxhead, that this petition be received and discussed at the proper place on the agenda.

Mr. Joe Henley presented another petition requesting that the community make use of Horace Williams Airport and improve the facilities. Alderman Nassif moved, seconded by Alderman Smith, to receive this petition and consider it at the appropriate place on the agenda. This was unanimously carried.

WATER RATES

Alderman Nassif told the Board that he wanted to make a statement in lieu of a petition considering the recently announced water rate increase by the University. He told the Board that city officials should have had prior information concerning the charge and the reasons for the increase, and other proposals by the University. He asked that this matter be placed on the agenda and a letter be sent to appropriate University officials protesting the matter of announcing the rate increase. Alderman Smith moved, seconded by Alderman Bernholz, that this petition be received and considered at the end of the agenda. Alderman Scroggs told the Board that the Town had no control over either the airport or the water rates. Alderman Nassif said that as State taxpayers they had a right of protection by the State afforded persons under privately owned utilities. The motion was carried by a vote of 4-1 with Alderman Coxhead opposing.

SOLID WASTE COLLECTIONS

The Board briefly discussed a proposed rate revision for daily pickup of trash and the Town Manager's recommendation that copies be sent to all persons presently purchasing this service for future discussion by the Board. Alderman Coxhead moved, seconded by Alderman Smith, that the Board approve this procedure and consider the proposal further at the June 1st meeting. This was unanimously carried.

AIRPORT

Alderman Nassif said that the Board should go ahead with the appointment of the Committee recommended at the May 11th meeting. Alderman Coxhead said that he felt this was too large a group and that a small group be appointed and instructed to meet with all interested persons and groups. Alderman Nassif preferred to have a cross section of the community on the original committee and set a deadline for action. Alderman Smith asked if the University had any plans for improving the airport at this time. No one seemed to know. Alderman Nassif said that the Town should control the airport by zoning, and that the Committee appointed should be instructed to find a new site. Mayor Lee asked if the Board was taking a position concerning the Horace Williams Airport? Alderman Coxhead said that a new airport was needed in the area and should be for

combined use by Chapel Hill, the University, Duke and the Research Triangle Park and suggested creation of an Airport Authority. Alderman Nassif said that the Town had responsibility for Horace Williams Airport even though the University owned and operated it. Alderman Coxhead said that he felt that Horace Williams should be made safe until some better facility can be provided. Alderman Scroggs said that any improvement to Horace Williams would make it more permanent and make it more difficult to get another site and that the development in the area had been held up, probably because of the airport. Alderman Smith moved, seconded by Alderman Bernholz, to address a letter to the University President, Chancellor, and Board of Trustees, concerning improvement of the airport and the Board's desire to discuss this matter with them. Alderman Scroggs said that in his opinion this was part of a problem of who controls the Town development, the Town Government or the University. Mr. Payne and Mr. Henley both said they had sent similar petitions to the University. The motion was unanimously adopted. Alderman Nassif moved, seconded by Alderman Scroggs, to eliminate the existing Airport Committee and write to the Planning Board, the Chamber of Commerce, the University at the Chancellor's office, the University Airport Committee (Dr. Okun), the County Commissioners, Pearson Stewart, the City of Durham, Duke, the Chapel Hill School Board and ask for appointments to the Commission plus two appointments at large by the Town of Chapel Hill. Alderman Bernholz questioned the inclusion of the School Board. Alderman Nassif said the school planning was definitely involved including locations of new schools and airport effect on existing schools. Alderman Coxhead said that he felt there was no location suitable for airport in the school district. The motion was carried unanimously.

RESOLUTION

Alderman Bernholz read the following proposed resolution:

WHEREAS, the members of the Board of Aldermen of the Town of Chapel Hill are gravely concerned over the continued and expanding presence of United States Military Forces in Southeast Asia, and are alarmed by the recent incursion of such forces into Cambodia; and

WHEREAS, the Aldermen wish to express individually their deep opposition to such presence and expansion; and

WHEREAS, there is increasing division and violence across the country in response to this situation-especially in relation to the widespread involvement of college students; and

WHEREAS, the Town of Chapel Hill contains a great university and a large student population, and the Aldermen of the town, therefore, believe it to be their responsibility to make their views known to the people of this community and the public at large;

NOW, THEREFORE, BE IT RESOLVED:

That the Board of Aldermen officially recognize and commend the Students, Faculty, and Administration of the University of North Carolina at Chapel Hill for the sincere, vigorous, and non-violent expressions of their dissent to the continued and expanding presence of United States Military Forces in Southeast Asia.

This the 18th day of May, 1970.

Alderman Coxhead said that he felt this was a much better resolution than that presented on May 11th but questioned any action by the Board of Aldermen and proposed that no action be taken. Mayor Lee said that he favored the resolution commending non-violence on the part of the students. Alderman Scroggs said that he agreed the students should be commended for not letting the situation get out of hand considering the action of some other campuses. Alderman Nassif commended President William Friday in his handling

this and other problems connected with student demonstrations. Alderman Smith said that he felt the march by the students Friday night was very well handled. He then moved, seconded by Alderman Scroggs, to adopt the resolution. Alderman Bernholz asked that copies be sent to President Friday, the Chancellor, the Faculty Committee Chairman and the Student Body President and to Governor Scott as Chairman of the Board of Trustees and local Senators and Representatives in Congress. The motion was unanimously carried.

SIDEWALK SALES

The Board took under consideration a proposed ordinance amendment prepared by the Town Attorney concerning sales on public sidewalks. Alderman Bernholz questioned the definition of some of the terms used. Mr. Denny said that he tried to keep it reasonably short. David Henry, student who wants to sell jewelry on Franklin Street, said that he would like to have the Board take action and not study it any further as he wanted permission to sell. Mayor Lee said the Board gets into trouble rushing into ordinances without sufficient study. Alderman Bernholz said that Mr. Henry is being discriminated against and the Board could just repeal the ordinance. Alderman Smith moved, seconded by Alderman Nassif, to permit Mr. Henry to sell his homemade jewelry on Franklin Street with a temporary permit. Alderman Bernholz made a substitute motion seconded by Alderman Nassif, to repeal the existing ordinance, as he objected to special legislation or restricted enforcement. Alderman Scroggs said that whatever ordinance is adopted it should be the best possible ordinance and that it will take time to prepare a satisfactory document. The substitute motion was carried by a vote of 4-1 with Alderman Smith opposing. Attorney Denny was asked to prepare an ordinance repealing the existing ordinance. Alderman Scroggs suggested that the word "homemade" be used in lieu of "handicraft" and said that he felt that a nominal amount should be charged and that this would not be a privilege license. Alderman Bernholz felt that "homemade" was too limited. Mayor Lee suggested that the revision of the ordinance be rewritten and discussed again. Alderman Bernholz said that he felt nothing should be put in it except things that would impede pedestrian traffic. Attorney Denny suggested a temporary amendment to the ordinance rather than repeal. Alderman Coxhead moved, seconded by Alderman Smith, not to repeal the ordinance but to make a temporary amendment including the words "homemade by the vendor". Alderman Scroggs said that repealing the ordinance would probably provide information concerning the problem that might be needed. The motion was defeated by a vote of 3-2 with Aldermen Coxhead and Smith favoring. Attorney Denny then read the following ordinance repealing the existing ordinance. Alderman Bernholz moved, seconded by Alderman Nassif, that this ordinance be adopted. This was carried by a vote of 3-2 with Aldermen Smith and Coxhead opposing. The Town Attorney then told the Board that an ordinance introduced at any meeting could not become effective at that time unless carried by a two-thirds vote. A new vote was taken on the original motion and carried by a vote of 4-1 with Alderman Smith opposing.

AMEND ORDINANCE TO REPEAL THE ORDINANCE PROHIBITING THE SALE OF MERCHANDISE ON ANY STREET OR SIDEWALK

BE IT ORDAINED BY THE BOARD OF ALDERMEN of the Town of Chapel Hill:

SECTION I

That the Ordinance prohibiting the sale of merchandise on any street or sidewalk adopted October 27, 1964 and as subsequently amended be, and the same is hereby repealed.

This the 18th day of May, 1970.

PERSONNEL ORDINANCE

The Board completed discussing the proposed amendment to the Personnel Ordinance with Dr. Hayman. Alderman Scroggs made a suggestion that the ordinance specifically grant to Department Heads the same right to be represented and call witnesses throughout the process as it gave the employee making the appeal. Alderman

Nassif objected to the Appeals Board being required to have public hearings and suggested that the hearing be private except when requested by the employee or the representative of management or when the Appeals Board felt that it should be public. Dr. Hayman said that public employment carried that risk and that the public had the right to know except where prohibited by law. He said that in the long run this would be beneficial both to the Town and the employees. Alderman Scroggs said that a hearing in private would be the same principle as a private trial. Alderman Nassif asked if personnel files were public information? Dr. Hayman said that there had been court decisions in other states that said that they were but that there were no North Carolina cases. Alderman Scroggs said that he favored public hearings as a protection to the Town and the employees. Alderman Nassif said that in his opinion the disadvantages of the public hearing outweighed the advantages. Dr. Hayman said that to his knowledge all such ordinances provided for public hearings. Alderman Nassif said that he did not believe the schools conducted their personnel matters in public. Mr. Scarborough questioned the applicability of slander and liable laws at such public hearings. Alderman Bernholz asked if the Town Manager and Town Clerk would be covered by this amendment? No. They are public officials appointed by the Board of Aldermen and would have no appeal procedure or grievance procedure. Alderman Bernholz then questioned the practicality of reinstating an employee over his immediate superiors objection. The Town Manager would have the right to make necessary transfers or other changes to make the situation acceptable. Alderman Scroggs suggested that the proposal be revised in accordance with the discussion of the past three weeks and the result be considered by the Board. Mayor Lee asked the Town Attorney and Dr. Hayman to make such revisions.

BUDGET

The Town Manager told the Board that he would like to get their feelings on general matters such as salary and any projects that they would particularly like to see included in the 1970-71 Budget. The cost of living index has risen about 7½ points in the last twelve months (about 6%) and he recommended a 5% across the board increase, merit increases, and appropriation of funds to allow another 5% across the board increase in January if the cost of living continues to rise. This met the general approval of the Board. Alderman Smith asked for a program of rat control. Mayor Lee said he would like to see this included in overall improvement of environmental problems. Alderman Smith said that the Clerk-Tax Collector's the Recreation Department. Alderman Nassif asked that estimates be made to complete the drainage on Mitchell Lane, for two assistant planners, one of which would be an architect, the employment of drainage consultants for an overall drainage plan of the Town, beautification of West Franklin Street, fire alarm system and a formula for UNC payments in lieu of services which would provide more than we are presently getting. Alderman Bernholz spoke for better salaries in the Police Department, particularly the Chief, and also the Fire Chief. Alderman Scroggs mentioned the previous discussion of providing mobile homes for temporary housing. Mayor Lee said that he would like to spend money for a proposal for a complete development of town-owned property on Rosemary Street between Columbia and Henderson, that he would like a staff of 1 1/2 persons for the Mayor's office, a travel budget for the Mayor, increased sidewalk construction, and the purchase and improvement of recreation land. The Town Manager recommended that an immediate estimate be made for remodeling the present Town Hall and that an application be submitted to the State for matching funds under the State Law and Order Committee as the old building must be used almost entirely for police and courts. Alderman Coxhead moved, seconded by Alderman Scroggs, that an architect be asked to make the needed estimates and that the request be submitted. This was unanimously carried.

WATER RATES

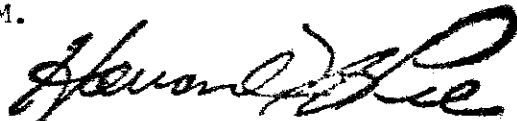
Alderman Coxhead said that this was a University problem and that the Town was not concerned. Mayor Lee said that the Town officials should be concerned about any such problem. Alderman Bernholz said that the University should not take such action unilaterally and that he was dismayed at this action. He said that he felt it was out of line with the State policy of protecting the consumer. Mayor Lee said that he and Alderman Nassif had talked to President Friday and John Temple, Assistant Chancellor, who asked that the Board not take a specific stand at this time on the matter. He said that Mr. Temple had indicated that they were willing to discuss the matter with the Town officials but probably would not change the rates. Alderman Nassif, speaking directly to the newspapers, said that a discussion with President Friday had been very favorable but the action had been taken by the Board of Trustees and that the President and Chancellor could do nothing about it. Alderman Scroggs said that he had read the report to the Trustees and that in order to expand their facilities a large jump in the rates was inevitable. Mayor Lee said that the Mayor and Board of Aldermen should have been informed in advance of the proposed increase. Alderman Nassif asked the Attorney what the Town Board could do? Mayor Lee said that a committee consisting of himself, Alderman Scroggs, Nassif and the Town Manager had been appointed to talk with the University about utilities and asked if the Board objected to this group discussing the matter with the University as soon as possible. There was no objection.

REFUND

Alderman Coxhead moved, seconded by Alderman Nassif, to approve the following refund as erroneously charged. This was unanimously carried.

<u>Name</u>	<u>Rec.#</u>	<u>Amount</u>	<u>Reason</u>
Spence, Lester & Crumpton	6657	\$164.80	House not in Town, was paid by J. Ken Davis, Jr. 821 Emory Drive

The meeting adjourned at 7:22 P.M.



Mayor



Town Clerk, David Roberts

MINUTESBoard of AldermenTown of Chapel Hill

The Board of Aldermen and the Planning Board met at a regular quarterly hearing on May 25, 1970 at 7:30 P.M. with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Coxhead, Bernholz and Nassif. Alderman Prothro was absent. Planning Board members present were: Hemmens, Mitchell, Umstead and Weiss. Also present were Assistant Town Manager Honeycutt, Town Clerk Roberts, and Town Planner Palmer. Town Manager Peck and Town Attorney Denny were absent.

PUBLIC HEARINGREZONING-R-6 to CBD-W. ROSEMARY ST.

Mayor Lee read letters from Thomas Hoyt and George Tate, Sr. asking that their rezoning request be withdrawn. This was so ordered.

REZONING-AGRICULTURE TO R-5-PINEY MT. ROAD

Charles Strickland addressed the Board concerning his request for rezoning from Agriculture to R-5. He then read his petition to the