

## MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on December 21, 1970 at 4:00 P.M. with the following members present: Mayor Lee, Aldermen Nassif, Bernholz, Smith, Scroggs and Coxhead. Alderman Welsh was absent. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

## MINUTES

Alderman Nassif moved, seconded by Alderman Bernholz to approve the minutes of the meeting of December 14, 1970 as circulated. This was unanimously carried.

## THE OAKS

Mr. Owens showed the Board his proposed plans for the first stage development of The Oaks. This would consist of about 60 lots lying between NC-54 and Little Creek, the street and utilities that would serve this area and cross Little Creek to the proposed country club site. He told the Board that plans were being prepared for an apartment development near NC-54. He said that he hoped to have the lots available for building in 1971, the first stage of the multi-family dwellings in 1971 or 1972, and possibly some commercial development in 3 to 5 years.

## CARRBORO SEWER

The Town Manager reported on the terms for an agreement with Carrboro to jointly use the Chapel Hill treatment plant. Alderman Coxhead moved, seconded by Alderman Smith to approve the proposal and authorized the Mayor and Town Clerk to sign a contract with the Town of Carrboro. This was carried unanimously.

NORTH CAROLINA

ORANGE COUNTY

THIS AGREEMENT, made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 1970, by and between the Town of Chapel Hill, a municipal corporation of Orange County, North Carolina, hereinafter referred to as "Chapel Hill", and The Town of Carrboro, a municipal corporation, Orange County, North Carolina, hereinafter referred to as "Carrboro";

## W I T N E S S E T H :

THAT WHEREAS, Carrboro's present sewage treatment plant is inadequate to serve Carrboro's needs according to the laws of North Carolina, and

WHEREAS, Chapel Hill, lying adjacent to Carrboro, has sewage treatment capacity of sufficient quantity and quality to treat sewage from Carrboro consistently with the requirements of the laws of North Carolina, and

WHEREAS, the municipalities hereto desire to enter into a service agreement pursuant to authority conferred by General Statutes, Chapter 160, Section 424.2(5), and other statutes of the State of North Carolina.

NOW, THEREFORE, the parties hereto covenant and agree as follows:

1. Acceptance of Sewage. Chapel Hill agrees to receive sewage from Carrboro for the purpose of treating the same, and Carrboro agrees to pay Chapel Hill as hereafter stated.

2. Connection to Chapel Hill Collection System. The point at which Carrboro shall connect to the Chapel Hill sewage system is at the West Side of Smith Level Road. Carrboro shall, under the terms of the general policy for extension of sewer outfalls, adopted by Chapel Hill, extend the existing Morgan Creek outfall along Morgan Creek to the point at which the Carrboro sewage

enters the Chapel Hill system, and shall install a meter at said point. The connection to the Morgan Creek outfall and the meter installation shall be subject to sound engineering practices, and inspection, and approval of Chapel Hill as to design, meter selection, materials, and workmanship. The said outfall line and all easements incident thereto shall be transferred to and become a part of the Chapel Hill system. Any refunds for connection to said line will however be made to Carrboro under the terms of the Chapel Hill extension policy. The meter and all sewer line above the meter shall remain the property of Carrboro.

3. Discontinuance of Carrboro Treatment Plant. Carrboro agrees to completely discontinue the use of its existing sewage treatment facility and plant. Carrboro may resume use of this facility at such time that Chapel Hill refuses to accept additional sewage from Carrboro. Resumption of use in such event shall be subject to approval of the North Carolina Department of Air and Water Resources.

4. Prohibition of Harmful Wastes. Carrboro agrees to enact and enforce an ordinance prohibiting the discharge into its sewage collection system of any material, liquid, solid, or other waste matter which Chapel Hill prohibits from discharge into its sewage collection system. Such ordinance may require pre-treatment of any liquid, solid or material necessary to render such discharge material equivalent to domestic waste. Carrboro agrees to discontinue sewer service to any customer that fails to comply with such ordinance.

5. Payment Terms. Carrboro agrees to pay Chapel Hill the following sums for treatment of Carrboro sewage:

A. Carrboro agrees to pay to Chapel Hill that portion of annual treatment plant operating costs as the costs of Chapel Hill sewage treatment plant or plants as the annual volume of Carrboro's sewage treated bears to the total annual volume of sewage from all sources treated by Chapel Hill. Annual operating costs shall be construed to mean the total annual costs of operating, repairing, and maintaining the Chapel Hill sewage treatment plant or plants, including minor items of repair and improvement as are included in the Chapel Hill General Fund Budget.

B. 1967 Plant Expansion Capital Cost. Carrboro agrees to pay to Chapel Hill that portion of the capital costs of the 1967 enlargement of the Morgan Creek Sewage Treatment Plant as the annual volume of Carrboro's sewage as treated by Chapel Hill bears to the total annual volume of sewage from all sources treated by Chapel Hill. The capital costs shall be measured by that portion of the debt service costs paid by Chapel Hill each year on the \$650,000 in bonds issued as of November 1, 1966, reduced by that percentage of such bond issued not used for such plant enlargements. The total costs of such plant enlargement was \$646,707.08 or 99.493% of said bond issue.

C. 1970 Morgan Creek Outfall Capital Cost. Carrboro agrees to pay that portion of the capital cost of the 1970 sewer outfall on Morgan Creek in the same ratio as the annual Volume of Carrboro's sewage treated by Chapel Hill bears to the total annual volume of sewage from all sources treated by Chapel Hill. The capital cost shall be measured as that portion of the debt service cost paid by Chapel Hill each year on bond issue of May 1, 1970 in the principal amount of \$1,500,000, reduced by that percentage of said bond issue not used for the construction of said outfall, and easements in connection therewith. The cost of this work through October 15, 1970 was \$469,914.97.

6. Future Treatment Plant Expansions. In the event Chapel Hill undertakes to acquire additional sewage treatment capacity either by extension of the existing Morgan Creek Plant or construction of new sewage treatment facilities, or undertaken improvements in its existing treatment facilities and improve quality of sewage treatment, Carrboro agrees to pay to Chapel Hill that portion of the capital costs resulting from such improvement

or expansions as the annual volume of Carrboro's sewage treated by Chapel Hill bears to the total annual volume of sewage from all sources treated by Chapel Hill. Capital costs as used herein shall be determined in the same manner as set forth in Subsections B and C of Paragraph 5 of this Agreement.

7. Billing. Billing by Chapel Hill shall be monthly, based upon one-twelfth of the anticipated annual expense as set forth in Paragraph 5 subject to adjustment and final determination annually on the basis of actual meter readings and actual cost figures. Monthly payments shall be due and payable upon the 15th of each month and the final determination shall be made as soon as possible after the end of the fiscal year and payments made to Chapel Hill or credited to Carrboro following final determination and adjustment shall be due and payable on or before August 15th in each year. Payments not made on or before the due date shall carry a penalty at the rate of two per cent (2%) per month dating from the 1st day of the month for which the payment is due.

8. All Information Freely Available. Carrboro and Chapel Hill agree that all the information, records, meter readings, and other data generally relevant to the obligations herein created shall be freely available to both parties at all times.

IN WITNESS WHEREAS, each party hereto has caused this Agreement, consisting of this and the preceding four (4) pages, to be executed in its corporate name of its Mayor and attested by its Town Clerk, all by authority of the respective governing bodies duly given.

TOWN OF CHAPEL HILL

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

TOWN OF CARRBORO

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

#### ORANGE COUNTY INDUSTRIAL COMMITTEE

Mayor Lee told the Board that one representative of the Town on this committee had been requested, and that he thought that Joe Augustine would represent the Merchants Association. Alderman Coxhead nominated Gordon Kage and Roland McClamrock. Alderman Nassif asked that the nominations be kept open until the meeting of January 4, 1971. This was agreed to.

#### BUDGET

Mayor Lee read a proposed budget amendment appropriating \$1,000.00 to provide office space for a solicitor in Chapel Hill. Alderman Bernholz moved adoption of this ordinance. This was seconded by Alderman Nassif and unanimously carried.

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1970 AND ENDING JUNE 30, 1971.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

## SECTION I.

That the Budget Ordinance of the Town of Chapel Hill entitled "An Ordinance Appropriating Funds for the Fiscal Year Beginning July 1, 1970 and Ending June 30, 1971, and To Levy Taxes and Raise Revenue for the said Fiscal Year" as duly adopted on July 27, 1970 be and the same is hereby amended as follows:

1. Increase appropriation account "6030 Court" and appropriate \$1,000.00;
2. Decrease appropriation account "8000 Contingencies" by \$1,000.00 to \$49,756.00.

## SECTION II.

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

This the 21st day of December, 1970.

## RECREATION COMMISSION

The resignation of Joe Lynn from the Recreation Commission was noted and nominations called for on the January 4, 1971 meeting.

## OFF STREET PARKING

The Town Manager reported that a minor change was needed in the wording of the agreement on the Smith parking lot (Parking Lot #6) and read the change proposed changing the word "meter" to the word "parking" in the third line of Section 6. Alderman Coxhead moved, seconded by Alderman Scroggs that this be approved by the Board. This was unanimously carried.

## STREET NAME-HILLVIEW AND PLANT ROAD

Mayor Lee read a letter from Mrs. Johnson saying that the name of Hillview Street was supposed to extend all the way to Franklin Street, not stop at Plant Road. Alderman Nassif moved, seconded by Alderman Smith that this be referred to the Street Committee. This was unanimously carried.

## STINSON STREET EXTENSION

The Town Manager reported that he had received the appraisal for a strip of land, 10 feet by 200 feet to widen Stinson Street west of North Columbia Street so that it would have a uniform 40 foot width. This appraisal was \$1,000.00 for that piece of land. The Board seemed to feel that this was too high. Alderman Scroggs moved, seconded by Alderman Nassif to get another appraisal and refer both to the Street Committee. Alderman Smith asked that the motion be amended to request the Manager to write the owner of this property and ask for a price on selling this strip of land. The motion as amended was unanimously carried.

## NDP

Mayor Lee reported that the NDP application had cleared Atlanta and was now in Washington, D. C.

## PARKING-WILLOW DRIVE

Mayor Lee read a proposed ordinance changing the parking on Willow Drive to allow two cars to be parked east of the eastern driveway of Willow Terrace Apartments. Alderman Scroggs moved, seconded by Alderman Nassif that the ordinance be adopted as read. This was unanimously carried.

## AN ORDINANCE RELATING TO PARKING ON WILLOW DRIVE

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

## SECTION I.

That from and after the 16th day of November, 1970, it shall be unlawful to park an automobile or vehicle of any kind on the north side of Willow Drive from the western right-of-way of the 15-501 Bypass to a point 191 feet west of the right-of-way.

## SECTION II.

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

This the 21st day of December, 1970.

## PARKING-SOUTH COLUMBIA STREET

The Town Manager reported that there was a serious traffic problem on South Columbia Street approaching Franklin Street part of which was caused by the unusual amount of left turn traffic at this point and that it was being impeded by the parking allowed on the east side of South Columbia Street. Alderman Nassif moved, seconded by Alderman Bernholz to refer this to the Street Committee for study and recommendation. This was unanimously carried.

## DOGS

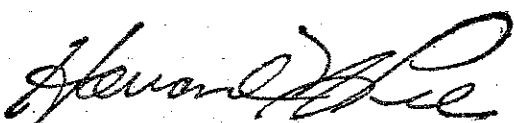
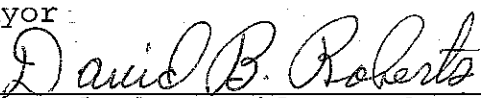
Alderman Smith told the Board that Carrboro had a part time dog catcher and a pound of sorts and suggested that Chapel Hill work with Carrboro to establish a full time dog control program. Alderman Coxhead said this should be put off until the next budget year and that an increase in the license fee for dogs should be implemented to pay for the program. Alderman Smith said that the first step would be better information on who owned dogs and the correlation between owner and the dog tag number and that Mrs. Shaner had volunteered to attend the listing of taxes in January and distribute dog tags so that this information would be available. Alderman Coxhead suggested \$5.00 license. A change in license could not be implemented until the next budget year. Alderman Bernholz said that the high dog tax would adversely affect poor people who wanted to keep a dog. He said that the County had a dog control program and a pound that Chapel Hill should be able to use. Alderman Nassif said that facilities were needed and personnel other than the police department to handle the enforcement. He said that the license should be related directly to the cost and kept in a separate fund for this program. Mayor Lee said that he would like to have some kind of enforcement program immediately. The matter of standards for a dog pound were discussed. It was suggested that the Animal Protective Society might be willing to assist with the operation of a dog pound. Alderman Nassif suggested immediate adoption of an ordinance requiring leashing in the CBD and other commercial areas. Mayor Lee said the County should be called on to help take care of the dog problem in Chapel Hill. Alderman Scroggs suggested that we strictly enforce the existing ordinance and employ a dog warden to do this. Alderman Smith asked the Town Manager to check with the County and Carrboro to see what could be worked out on a cooperative program. Alderman Coxhead asked that a program be devised to be initiated with the 1971-72 budget.

## STREET VENDING

Alderman Scroggs said that in his opinion the ordinance adopted June 22, 1970 prohibited display of goods which was sufficient to take care of most of the problem complained of. Attorney Denny agreed but pointed out vagueness in the definition of flowers, and other problems. Alderman Coxhead said it should be strictly enforced. Alderman Bernholz said that he favored no control over the street selling. Alderman Scroggs said that the only equitable way would be to prohibit all sales on the sidewalks. Alderman Coxhead said that he much preferred the way it had been previously with only flowers being sold. Mayor Lee spoke in favor of retaining the sale of flowers. Alderman Scroggs said he favored the flowers but in fairness to everybody else it should be all or nothing. Alderman Coxhead said that immediate strict enforcement should be started beginning January 1, 1971. Alderman Bernholz said that he would like to move that the existing ordinance be repealed.

Alderman Scroggs objected so according to Board policy this motion was not in order. Alderman Bernholz then said that a suggestion such as that by Alderman Coxhead would also result in action and he would object to that. Alderman Smith noted that a committee had been appointed to work on this problem and that he would favor enforcement of the ordinance as written as long as it was in existence. Alderman Coxhead moved that the police be instructed to enforce the ordinance as written. Alderman Bernholz objected and it was ruled this was not a proper motion. Alderman Scroggs said that the committee did not reach any conclusion because of basic conflicts of opinion and suggested it be returned to the Board. Alderman Nassif said it could be better settled in committee than by the Board as a whole. He said he favored the tradition of the flower selling. Alderman Scroggs said that Alderman Welsh had some ideas about limited selling areas being designated. It was agreed that the committee would work further on this and it would be placed on the agenda at a later date and that enforcement would continue as being done at the present time until further notice.

The meeting adjourned at 6:30 P.M.

  
 Mayor  
  
 Town Clerk, David B. Roberts

#### MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met with the Planning Board for a special hearing on January 4, 1971 at 4:00 P.M. with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Welsh, Coxhead, Bernholz and Nassif. Planning Board members present were Weiss, W. Wallace, Shearer, Hurow, Mitchell, J. Wallace, Carroll, Hemmens and Spransy. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny. Mayor Lee told the audience that this was a special hearing to consider two special use requests and one zoning ordinance amendment. He noted that no action could be taken at the time except refer the matter to the Planning Board.

#### PUBLIC HEARING

##### SPECIAL USE-APARTMENTS-NC-54 BYPASS

Mr. Palmer presented a proposal for 40 units on the north side of NC-54 Bypass east of Pritchard Branch with an application made by Dan Okun and the Inter-Church Council. He noted that the application met the density requirements for R-5 zoning, met the parking requirements and that the Public Works Department had taken exception to the proposed sewer rights of way. He noted that the area was zoned R-5 on March 24, 1969 subsequent to a public hearing on February 24, 1969.

Mason Thomas, representing the Inter-Church Council told the Board that this was not public housing, but housing for moderate income families, financed by FHA. There would be a number of rent supplement units for low income persons and that the other units would range from \$94.00 per month for one-bedroom units to \$121.50 per month for four-bedroom units. He noted that the Inter-Church Council was a non-profit organization thereby eligible for federal assistance in construction and the land was purchased at a price that was considered below market value for the area. Ray Green, representing City Planning and Architectural Associates, reviewed the plans, and said that sewer easement could be relocated as requested by the Town but indicated they wanted to save as many trees as possible. He noted that the buildings were two stories high on one side and three on the other but the slope was such that there would be adequate windows on all levels.

Jim Allen, attorney representing nearby property owners, questioned the wording of the advertising for the hearing which specified the south side of NC-54 Bypass when it should have been the north side. He admitted that the tax map reference and owner were correct in the advertisements. He presented a petition opposing the special use