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consultant so that the Town could follow an overall plan for drainage improvements. Alderman Nassif said that he disagreed with the existing ordinance covering drainage. Alderman Welsh asked that Mr. Patterson of the Soil Conservation Service be contacted to see if he could help any in this matter.

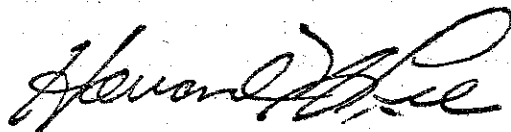
CLOSED MEETINGS

Mayor Lee told the Board and the audience that the Chapel Hill Aldermen had never abused the privilege of closed meetings, but that such meetings had value in protecting employees and volunteer staff members. Alderman Scroggs asked the Town Attorney just what the closed meeting law said. Attorney Denny read from General Statutes 143-318.1 noting the exceptions provided in the law when municipal bodies could hold closed meetings. Alderman Welsh said that she felt any discretion of the appointed Boards and Commissions in Town should be in an open meeting. Alderman Smith said that he felt that a series of meetings which had been started with some of the other boards at a previous time should be continued. He said that he did not like to discuss personalities in an open meeting, and refused to discuss Town personnel in open meetings. He said that his major complaint about the action of some other boards was not giving serious enough consideration to safety. Alderman Scroggs said that he felt that the law gave authority sufficient for the Board to call a closed meeting to discuss the work of the Town's Committees and Commissions. Alderman Wallace said that he felt this should not be closed.

NEW HOPE DAM HEARING

The Town Manager was asked to locate a site that would seat 200 to 300 people for the hearing set for January 31st on the matter of the New Hope Dam.

The meeting adjourned at 10:20 P.M.



Mayor



Town Clerk, David B. Roberts

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M., January 17, 1972, with the following members present: Mayor Lee, Aldermen Welsh, Smith, Scroggs, Coxhead, and Wallace. Alderman Nassif was absent. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Coxhead moved, seconded by Alderman Welsh, that the minutes of the meeting of January 10, 1972 be approved as circulated. This was unanimously carried. Alderman Welsh moved, seconded by Alderman Scroggs, that the minutes of the meeting of December 13, 1971 be corrected by adding the following:

STREET VENDING

Alderman Welsh read proposed regulations for street vending as presented by Mrs. Spinarsky, which would limit selling to E. Franklin Street between Columbia and Henderson, in spaces marked by the Town, to hours between 6:00 A.M. and 9:00 P.M., with no display or sale from vehicles, display or advertising from light poles, meters, or trees, no tables over four feet in height, which must be removed at the end of the vending period, or a single pole with racks, not over

problem, and he would like a recommendation from the Town Attorney, in consultation with the Attorney for the claimant, and the insurance company. Alderman Wallace moved, seconded by Alderman Nassif, that the Town Attorney review this case, make a recommendation to the Board concerning action it should take. The motion was unanimously carried.

APPOINTMENT - RECREATION COMMISSION

Alderman Coxhead moved, seconded by Alderman Wallace, to appoint Mr. Paul Ragland to the Recreation Commission for a term ending June 30th, 1972. This was unanimously carried. Alderman Wallace suggested that the Recreation Commission be requested to make other recommendations for filling the other vacancy. Alderman Nassif said that he expected to have some names to place in nomination by the meeting of January 17th.

APPOINTMENT - LIBRARY BOARD OF TRUSTEES

Mayor Lee told the Board that the names of John Wettach and George Harris had been placed in nomination by recommendation of the Library Board. Alderman Welsh nominated Mrs. David Godschalk, who was recommended by the League of Women Voters. Alderman Smith moved, seconded by Alderman Wallace, to close the nominations. This motion was unanimously carried. By written ballot Mrs. Godschalk was elected to the Library Board of Trustees for a term ending June 30th, 1974.

CBD PLANNING GROUP

Mayor Lee read a letter outlining the purpose and organization for a study group to consider proposals for improving the Central Business District. He then read a letter from "The Association" asking for representation in this group. The Board agreed to this and also that the Transportation Committee be asked to name a representative to the group. Alderman Nassif moved, seconded by Alderman Smith, that the Committee be established as proposed with the addition of a representative from the University, a representative from "The Association", and a representative from the Transportation Commission, and that the Alderman to be named to the Committee be chairman of the Committee. This was unanimously carried.

TAXES

Alderman Coxhead told the Board that changes in the tax collection imposed by the 1971 General Assembly requiring a 2% penalty on taxes paid on or after the first day of January and the vacation schedule of the Town which made December 31, 1971 a Town Holiday, and the Post Office procedures which sent many letters posted in Chapel Hill to Raleigh for sorting and cancelling, had combined to deprive a number of tax payers of the advantage of payment before the first of the year. He said that he felt that if the Town office was closed on any December 31st, that taxes should be accepted at face value on the next working day, and that taxes mailed and postmarked on that next working day should be accepted without penalty. Town Attorney Denny said that the General Statutes set the dates for penalties, and that it has been a problem in the past only when December 31st was on a weekend. He said that where taxes were formerly due October 1st and overdue on February 1st, that they were now due September 1st and overdue on January 1st. He said that the tax collector had no authority to change these penalties as he could be held liable for any penalty uncollected. Alderman Coxhead moved, seconded by Alderman Scroggs that in any year which the Town Tax Office was closed on the last day of the calendar year, because of a holiday or weekend, that taxes be accepted at net on the next working day on which the Town Tax office was open, and that taxes mailed with a postmark on that day should be accepted at net, and that the taxes paid on or before January 3, 1972 should be accepted at net and refunds made of any penalty collected. Alderman Smith asked if this shouldn't be clarified by the Attorney General? Attorney Denny was asked to prepare a resolution for adoption at the next meeting, and the motion to approve this schedule was carried by a vote of five to one with Alderman Smith opposing.

DRAINAGE

Mayor Lee said that he would like to have a drainage study by a

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six feet in height, with racks not extending more than a foot, which must be removed at the end of each daily vending period, and requiring cleaning of the vending space used each day. It further required that each vendor must have a state vending license and a Town vending license good for one year at a cost of \$10.00 per year. Alderman Welsh questioned the 9:00 P.M. closing time, and suggested 7:00 A.M. to 5:00 P.M. Mrs. Spinarsky told the Board that stores were open until 9:00 P.M. She said that she objected to using the Kemp Nye lot as it would not be as visible and there would be a charge of \$3.00 per person per day. Alderman Welsh said that she favored 7:00 to 5:00 P.M. as it became dark about 5:00 in the afternoon, location only as shown on the plan proposed by the committee with vending permitted Monday through Saturday, but not on Christmas or New Year's day, nor during any special activity at the Methodist Church. She suggested licensing for a month period from December 14 to January 14. Alderman Scroggs said that he felt if vendors were to be allowed that they should be allowed to sell later than 5:00 P.M. Town Attorney Denny said that this would require an ordinance. Alderman Coxhead opposed street vending. Alderman Welsh moved that the necessary ordinance be prepared which would allow vending from 7:00 to 5:00 P.M., Monday through Saturday, but that no poles for display be allowed, that the permit be from December 17, 1971 to January 17, 1972, and the fee for this period be \$10.00. Alderman Nassif said the plan for vending was not complete and that he would not want to allow this to be done without a complete plan unless all of the aldermen agreed it would be an experiment. There was no second to the motion. Alderman Coxhead moved, seconded by Alderman Scroggs to reject the petition. Alderman Scroggs said that this was an ad hoc proposal, and there should be no action taken until the complete plan was being acted on. The motion was defeated by a vote of two to three, with Alderman Coxhead and Scroggs voting for the motion; and Aldermen Welsh, Nassif, and Smith voting against it. Alderman Nassif then moved, seconded by Alderman Scroggs, to table this matter until a plan was submitted. This was carried by a vote of four to one with Alderman Welsh opposing.

This was unanimously carried.

BOOKER CREEK SUBDIVISION FINAL PLAT, MAP I

The Town Manager told the Board that Mr. Duff, Developer of Booker Creek, had requested that Map I be considered at this time as the necessary improvements had been completed on it. Alderman Coxhead moved, seconded by Alderman Welsh, that this be placed at the end of the Agenda. This was unanimously carried.

HEARING - NEW HOPE

Mayor Lee told the Board that the hearing on New Hope Reservoir had been scheduled for the Institute of Government auditorium at 7:30 P.M. January 31, 1972, that representatives of the Department of Air and Water Resources would be present, but that the Corps of Engineers said they could not participate in a public hearing because of the law suit in this matter.

BICYCLES

Mayor Lee told the Board that the proposed licensing of bicycles would have one major advantage, that of positive identification, which would be of assistance to the Police Department in the recovery of stolen bicycles. He said it would have no real safety implications, that it would produce no revenue for the Town, and the Board should determine whether benefits would be worth the time and effort involved. Alderman Scroggs asked for statistics on stolen bicycles. Alderman Coxhead said that there were 213 reported in a six months period. He said that the University had a voluntary registration program for bicycles, but that few students took advantage of it. Alderman Smith said that the program would help in the recovery of bicycles, and the Town owed

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all the assistance they could provide to the citizens. Alderman Wallace said that he felt it would be a deterrent to theft of a bicycle if it were properly marked and registered, and that the program should be tried for a year. Alderman Welsh said that she felt that the Town was making progress with the Highway Commission by getting bicycle paths marked out on some of the state highways. Alderman Coxhead said that registration should be made as simple as possible, and so that it could be done by mail. Alderman Wallace said that a single registration should be valid as long as the bicycle is kept in Town by the original owner. Mayor Lee suggested that the original stickers be good, at least until June 30, 1973, at which time a decision could be made as to whether they would be renewed or kept. Alderman Wallace moved, seconded by Alderman Welsh, to adopt the ordinance as discussed. The matter of penalty was discussed, and it was generally felt that citation to court was an extreme penalty for not having a bicycle properly registered, so the motion was withdrawn, and Alderman Wallace then moved, seconded by Alderman Smith, to refer this to the Town Manager and Town Attorney to make recommendation on what lesser penalty could be included and recommend a schedule for registration. Alderman Coxhead said that he would oppose any requirement to have a bell or horn on a bicycle.

SIDEWALKS

Alderman Smith said that improvement was needed on the sidewalk along Church Street between McDade and Rosemary as it washed badly and made it hazardous walking. An estimate for providing asphalt gutters in this area was \$1,000.00 to \$1500.00. Alderman Welsh said that the sidewalk was important, and moved, seconded by Alderman Smith, to make this improvement. This was unanimously carried.

SIDEWALK - ESTES HILLS SCHOOLS

Mayor Lee read a petition by the Estes Hills P.T.A. that the Town extend an asphalt sidewalk across school property about 100 feet. Alderman Scroggs moved, seconded by Alderman Wallace, to refer this to the School Board. This was unanimously carried.

APPOINTMENTS - HUMAN RELATIONS COMMISSION

Mayor Lee read a recommendation from the Human Relations Commission that the following members be reappointed: Rev. John Manley, R. D. Smith, Ann Patterson, Curtis Harper, James Godwin, and Rev. Charles Helton. Alderman Welsh recommended that a liaison position be established within the Human Relations Commission, to be filled by a member of the Board of Aldermen, and that Alderman Smith be appointed to this position. She said that this would allow an additional individual to be appointed to the Commission. This would require a change in the ordinance establishing the Commission. Alderman Smith said that he concurred in this recommendation as he favored a maximum of citizen participation. Mayor Lee said that the League of Women Voters was interested in representation on this commission, and suggested that the additional slot be made available to them. Alderman Scroggs wanted to know why the League of Women Voters in particular should have this consideration. Mayor Lee said that the League was showing considerable interest in all municipal appointments. Alderman Welsh said that the League should make their recommendations for appointments to the Human Relations Commission, who would then study them and recommend, through the normal procedure, to the Board of Aldermen. Alderman Wallace moved, seconded by Alderman Welsh, that the matter be referred to the Human Relations Commission to consider an amendment to their enabling ordinance which would establish a position of liaison with the Board of Aldermen, and a procedure for accepting nominations from the League of Women Voters. This motion was unanimously carried.

APPOINTMENTS - COMMITTEE ON HANDICAPPED

Mayor Lee told the Board that the Committee had recommended for reappointment the following members: Nelson Parker, Leonard Hampton,

Mrs. Doris McCauley, and Mrs. Betty Cogswell. And for appointment for replacements: Mr. Morris Davis, Mrs. Paul Harvel, Mr. Alonzo Squires, Mr. Charles Ward, Mr. George Spransy, and Miss Jean Reiner. Alderman Smith moved, seconded by Alderman Scroggs, that these names be accepted as nominations, to be considered at the next meeting. This was unanimously carried.

TAX PENALTIES

Mayor Lee read a resolution which would allow tax payments at face value of the taxes, through January 3, 1972, and in the following years through the first working day in January, whenever the tax office was closed on December 31st.

R E S O L U T I O N

WHEREAS, Section 105-360 of the General Statutes of North Carolina provides that ad valorem taxes levied by the Town of Chapel Hill may be paid at par or face amount on or after the first day of September, and before the first day of January, and

WHEREAS, the Office of the Tax Collector was closed on December 31, 1971, and

WHEREAS, many taxpayers appeared in person on said date for the purpose of paying taxes, and

WHEREAS, it has been the custom of the Tax Collector to accept payment of taxes by mail, and

WHEREAS, postal authorities have advised the Board of Aldermen that by reason of the holiday schedule and the area method of collection and distribution of letters, that it would have been possible for a taxpayer to deposit a letter in a collection box after 5 o'clock on the 31st day of December, 1971, and said letter may not have been postmarked until the 3rd day of January, 1972, and

WHEREAS, the 3rd day of January, 1972 was the first working day after the 30th day of December, 1971, the last working day in December.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL that it establish as policy of the Board of Aldermen, that whenever the 31st day of December falls on a Saturday, Sunday, holiday or on a day when the Office of the Tax Collector is closed, that payment of taxes may be made at par by payment in person on the first working day thereafter, or by depositing in the mails, postage prepaid, postmarked on the first working day thereafter, and BE IT FURTHER RESOLVED that this Resolution shall apply to the payment of taxes for the fiscal year beginning July 1, 1971, and all subsequent years.

This the 10th day of January, 1972.

Alderman Welsh moved, seconded by Alderman Coxhead, that the resolution be adopted as read. Alderman Smith objected, saying that he did not oppose the idea, but that he felt that the Board did not have the authority to do this. The motion carried by a vote of four to one with Alderman Smith opposing.

ELECTION

The Town Attorney Denny discussed the alternatives under the new state laws governing municipal elections, for conducting a Town election. He said that the Chapel Hill Charter had in the past provided for a non-partisan plurality election, and if they wished to continue this for that action would be necessary in January, 1972. He said that failure to act would place them under a plan which would provide for

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a non-partisan election with run-off. Alderman Scroggs said that the present form had been working satisfactorily, and was the least expensive, and he saw no reason to change. Alderman Wallace said that he preferred the present system. The Board generally concurred that they would prefer that the County Board of Elections run the elections, rather than having an independent Town Board of Elections. Alderman Coxhead moved, seconded by Alderman Welsh, to request the Town Attorney to prepare a resolution which would adopt formally the alternative for a non-partisan plurality election to be run by the County Board of Elections. This was unanimously carried.

EXTRATERRITORIAL ZONING

The Town Attorney discussed the possibilities of the new state act on extraterritorial zoning, by which Chapel Hill would be entitled to zoning authority within three miles, provided the County Commissioners would concur in the boundaries chosen. He pointed out that Durham, Orange, and Chatham all exercise zoning authority in the area around Chapel Hill, not part of the Carrboro zoning district. Alderman Wallace said that the Town should make an effort to extend its planning area to the furthest logical boundaries within the three mile limit. He also said that he felt that the Town Board should appoint all members of the Planning Board, some of which could be residents of the planning area. He said that he felt the request should be made of the County Commissioners prior to the election in May. He said he felt that there should be some extension of the planning district into Durham County, though perhaps not as far in Durham County, as into Orange County. Mr. Denny explained that the County Board of Commissioners would still have the authority to appoint Planning Board and Board of Adjustment members for the planning area outside of Town. Alderman Scroggs suggested that the ratio might be changed. Mayor Lee suggested that members of the Board meet with the County Commissioners of both Durham and Orange Counties to discuss this. Mayor Lee asked that Mr. Scroggs be chairman of a special committee composed of himself, Alderman Welsh, and Alderman Smith to meet with the County Commissioners.

DRAINAGE

Alderman Scroggs said that the amendment to the Subdivision Ordinance pertaining to drainage appeared to be a reasonable start, although it might be necessary to carry it further at a later time. Alderman Smith moved, seconded by Alderman Scroggs, that this be advertised for the public hearing, on February 28, 1972. This was unanimously carried.

LEGISLATIVE COMMITTEE

Alderman Welsh said that the Board should have more follow-up on requested local acts, and that there should be a committee of Board members to review all proposed legislation and act as a clearing house for local interest, and to attend hearings of the legislative committees where appropriate. Alderman Wallace agreed, and suggested that all candidates be asked to go on record on certain questions of interest to the Board. Mayor Lee asked Alderman Wallace to be chairman of a special Committee on Local Legislation made up of himself, Alderman Nassif, and Alderman Welsh.

SPECIAL MEETING

Alderman Smith said that he felt that there should be a special meeting of the Board as soon as practical, to continue the discussion of restructuring the Town government. It was agreed that this meeting would be held January 25th at 4:00 P.M. in the Conference Room of the Municipal Building, and would be a closed meeting.

RELEASES AND REFUNDS

Alderman Smith moved, seconded by Alderman Coxhead that the following resolutions be adopted.

RESOLUTION - TAX RELEASES

WHEREAS, taxes listed below were erroneously levied through clerical error on properties belonging to the following:

WHEREAS, the above list of people have made application for release of said taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that it finds that taxes on the above listed people were levied through clerical error, and in the discretion of the Board should be released to the taxpayer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

Wesley W. Ferguson	1990	\$16.14	Personal property not in Town
James E. Somers	5661	\$87.02	Two lots not in Town
	5662	\$79.27	
Reuben Cole	1231	\$29.16	located on Old Lystra Rd.
J. S. Fowler	2137	\$18.00	Charged \$18.00 too much

RESOLUTION - TAX REFUNDS

WHEREAS, taxes listed below were erroneously levied and collected through clerical error on properties belonging to the following:

WHEREAS, the above listed people have made application for refund of said taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that it finds that taxes on the above listed people were levied and collected through clerical error, and in the discretion of the Board should be refunded to the taxpayer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such refund.

C. E. Schweitzer	(1970) 5158	\$18.00	Was not connected to sewer
James E. Somers	(1968) 4210	\$67.74	These lots not in Town
	(1969) 5128	\$73.58	Dr. Somers asked that
	(1970) 5357	\$80.59	they be refunded
	(1968) 4211	\$61.71	
	(1969) 5129	\$67.03	
	(1970) 5358	\$73.42	

This was unanimously carried.

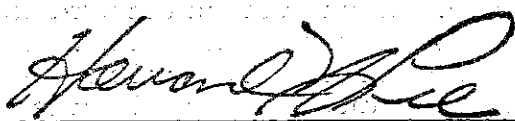
BOOKER CREEK SUBDIVISION - FINAL PLAT


The Town Manager recommended approval of Map I of Booker Creek, including 10 lots surrounding Tilghman Circle. He said that the improvements had all been completed in this area. Alderman Smith moved, seconded by Alderman Scroggs, that this final plat be approved as submitted. This was unanimously carried.

JUNKED CARS

Alderman Wallace said that there were a large number of junked cars in Town, and asked for a further discussion of this matter at the next meeting.

The meeting adjourned at 5:45 P.M.


Mayor


Town Clerk, David B. Roberts

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