

MINUTES

February 7, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M., Monday, February 7, 1972, with the following members present: Mayor Lee, Aldermen Nassif, Wallace, Coxhead, Smith, Scroggs, and Welsh. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Smith moved, seconded by Alderman Scroggs to approve the minutes of the meeting of January 24, 1972 as circulated. This was unanimously carried.

DRAINAGE

Mr. Quentin Patterson of the Soil Conservation Service told the Board about the small Watershed Protection and Flood Prevention programs under Public Law 566 which authorizes assistance in planning and carrying out small watershed projects for soil conservation, flood control, etc. for watersheds no larger than 250,000 acres. State agencies and qualified local organizations may submit an application for soil and water conservation, flood-control, drainage, irrigation or other special purposes. The federal government will pay for technical assistance, and part of the cost for land treatment measures, construction related to flood prevention, and engineering and related services. Loans are available to help local organizations pay their share of project costs. Mr. Patterson also told the Board about the Reconservation and Development Project which involves federal and state funds. Alderman Welsh asked if there were funds for the purchase of flood ways or flood plains? Mr. Patterson said that they can only be allocated as part of a total development plan for a watershed. Alderman Nassif asked if funds were available at this time? Mr. Patterson said they were not at the present time, although they have generally been available in North Carolina. The process usually takes two to three years.

ZONING ORDINANCE AMENDMENT--SUB-STATIONS

Mayor Lee read a transmittal from the Planning Board recommending approval. Alderman Nassif moved, seconded by Alderman Scroggs, that the Zoning Ordinance be amended to place responsibility for approving sub-stations with the Board of Aldermen rather than the Board of Adjustment. The motion was unanimously carried.

ZONING ORDINANCE AMENDMENT--TRANSMISSION LINES

Mayor Lee read a transmittal from the Planning Board recommending approval. Alderman Nassif questioned the need for Special Use Permits for overhead transmission lines. Alderman Scroggs said that Special Use was an amendment to the Zoning Ordinance and transmission lines should be considered under special use, subject to protest petitions. Alderman Welsh, opposing special use in this case, said utility zoning could be used. Alderman Nassif said he agreed that the zoning on a strip was enough, that another vote of 5-1 by the Board of Aldermen should not be necessary, and that a protest petition could be submitted for re-zoning. Alderman Scroggs said special use gives extra privileges. Alderman Nassif discussed the difference between a "use permit" and a "special use permit" and said there was nothing special about the transmission lines. Alderman Scroggs said special use violates uniform zoning. Alderman Nassif said the Board should follow the Zoning Ordinance now and consider an amendment later. Alderman Wallace moved, seconded by Alderman Scroggs that the Zoning Ordinance be amended to establish as a special use all high-voltage electric power electric transmission lines, high-pressure gas transmission lines, and liquid fuel transmission lines under pressure; and delete existing provisions of the Zoning Ordinance governing electric transmission lines. The motion was carried by a vote of 4-2 with Aldermen Nassif and Smith opposing.

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SPECIAL USE REQUEST--TRANSMISSION LINE

Mayor Lee read transmittals from the Planning Board and the Design Review Committee recommending, with stipulations, a special use permit for an electric transmission line, and he read a petition opposing it. Alderman Wallace asked about the relationship between the Zoning Ordinance and the Special Use Request. Town Attorney Denny said an ordinance for zoning must be passed and action on the special use permit was conditional on the adoption of that ordinance. Alderman Wallace moved, seconded by Alderman Coxhead, that the Board of Aldermen grant the request for a Special Use Permit with single-column tubular steel poles installed instead of the conventional towers. Alderman Wallace asked what the difference in cost is between the poles and the towers, and what the delivery time would be? Mr. Allen Waters of U.N.C. said the towers cost \$72,000 per mile, and the poles cost \$332,000 per mile. Mr. Walter McKinnan of the Duke Power Company gave similar estimates and said the delivery time for the poles was twelve months, but that the towers were in stock. Alderman Scroggs said the line was needed by next summer and moved, seconded by Alderman Coxhead, that the request for the electric transmission line be approved with the conventional towers. Alderman Smith said he was concerned about the lack of power for next summer, but that he opposes Duke Power using the land at a strategic corner of the Chapel Hill planning district, and that he opposes Duke Power using five acres of land if only two acres are necessary for the project, particularly because the extra acreage would limit development along the boulevard. Mr. Waters said that the University was responsible for the site selection, not Duke Power. He said that it was possible to build the sub-station on two acres, but proposed using five acres to provide sufficient natural screening around the sub-station, removing only the high trees near the plant, having a winding road entrance, and planting screening along Mt. Moriah Church Road. Alderman Welsh said she did not think development would be stopped, and that the project is a public necessity. She said the fair market value was being paid for the land being purchased and that the plans are designed to make the area attractive. Alderman Nassif asked what the construction schedule is? Mr. McKinnan said that as soon as the project was approved, they would begin their surveying. Mr. Waters said the total program must be approved before they could begin although the design is underway and a preliminary survey has been done. Mr. McKinnan said that a combination of towers and poles could be used, but that it was important to have towers at the corners and at the junction with the existing line. As soon as the approved design and survey have been completed, 90 days would be required to complete the transmission line. Alderman Wallace asked if the conventional towers could be put in now and replaced with the tubular poles later? Mr. McKinnan said the sub-station could not be taken off the line. Mr. Waters said that the university would like to comply with the Planning Board recommendations and that a combination might be worked out. Mr. McKinnan said they could use poles on the straight line and towers at the corners. They are committed to having the poles in a low, ornamental structure nearest the sub-station. Alderman Wallace asked if the lines could be done with fewer turns? Mr. McKinnan said it would probably have two turns, but may have three or four. The vote on the substitute motion was defeated 2-4 with Alderman Coxhead and Scroggs in favor of it. Alderman Wallace withdrew his original motion. Alderman Wallace moved, seconded by Alderman Nassif, that the Board, finding that the proposed electric transmission line:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;
2. Meets all required conditions and specifications;
3. Will not substantially injure value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and Its Environs if developed according to the plans as modified by the stipulations recommended below.

approve the transmission line as proposed with the stipulation that single-column tubular steel poles be installed except at the corners and at the take-off point where conventional towers are necessary,

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and that work on this project be commenced within one year and completed within six months thereafter. The motion was carried with a vote of 5-1 with Alderman Smith opposing.

#### REZONING--INDUSTRIAL--POWER LINE

Mayor Lee read a transmittal from the Planning Board recommending that the Board of Aldermen take no action. Alderman Nassif moved, seconded by Alderman Welsh, that this item be tabled until the next meeting. The motion was unanimously carried.

#### ZONING ORDINANCE AMENDMENT--PARKING REQUIREMENTS ON HISTORIC SITES

Mayor Lee read a transmittal from the Planning Board recommending that the Board of Aldermen defer action. Alderman Smith moved, seconded by Alderman Wallace, to defer action on this amendment. The motion was unanimously carried.

#### FINAL PLAT--MAP 2--BOOKER CREEK

The Town Manager recommended approval of this plat with certain lots excepted. Alderman Nassif moved, seconded by Alderman Wallace, that the plat be approved with the exception of Lots 6, 7, 8, 10, 11, 21, and 22. The motion was unanimously carried.

#### SEWER AGREEMENTS

Alderman Nassif moved, seconded by Alderman Scroggs, that the Board authorize the signing of the sewer agreement with the Town of Carrboro and one with the University.

NORTH CAROLINA

ORANGE COUNTY

THIS AGREEMENT, made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 1971, 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 consistantly 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

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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, or may require a surcharge in lieu of pretreatment for sewage that is more difficult to treat than domestic sewage in order to equitably apportion the cost of treatment. Such surcharge would be paid to Chapel Hill and used to reduce the part of the operating cost allocated under Section 5A. 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. Carrboro further agrees to pay a use fee amounting to 1/2 the fee shown under 5B which will be paid by Chapel Hill to the University in accordance with the agreement between Chapel Hill and the University.

D. 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 undertakes 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, C, and D of Paragraph 5 of this Agreement. A use fee will be made for upgraded treatment facilities, based on cost and computed in the same manner as the fee under Section 5C.

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 costs 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 WHEREOF, Each party hereto has caused this Agreement, consisting of this and the preceding four (4) pages, to be executed in its corporate name by 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

STATE OF NORTH CAROLINA

AGREEMENT

COUNTY OF ORANGE

UNIVERSITY OF NORTH CAROLINA, )  
Chapel Hill, North Carolina )  
)  
and )

THE TOWN OF CHAPEL HILL, )  
North Carolina, a municipal )  
corporation )

THIS AGREEMENT, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 1971, by and between the University of North Carolina at Chapel Hill, North Carolina, party of the first part, and the Town of Chapel Hill, a municipal corporation, party of the second part;

W I T N E S S E T H :

THAT WHEREAS, the parties hereto have for a number of years operated a sewage disposal plant which serves the sewage disposal facilities for both parties, and

WHEREAS, on February 16, 1949, the parties hereto entered into an Agreement with respect to the improvement and future operations of said facility, and

WHEREAS, Town of Chapel Hill desires to enter into an Agreement with the Town of Carrboro, in order that the Town of Carrboro may begin using the sewage disposal facilities owned jointly by the parties hereto, and

WHEREAS, the parties have investigated the feasibility of permitting the Town of Carrboro to begin using the sewage disposal

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facilities, said investigation including discussions with personnel of the Research Triangle Planning Commission, officials of the State of North Carolina Department of Water and Air Resources, and others, and

WHEREAS, it has been concluded that it would be desirable for all concerned for the facility owned by the parties hereto to become a metropolitan facility serving the needs of the entire area including the needs of the Town of Carrboro, and,

WHEREAS, in order to implement this decision, it is necessary that the parties hereto execute a Supplemental Agreement to define the interest and obligation of each of the parties hereto with respect to the ownership, operation, and improvement of the sewage disposal facilities as described herein.

NOW, THEREFORE, in consideration of the aforesaid and the mutual covenants and conditions hereinafter set forth, the parties hereto do agree as follows:

1. Modification. Except as modified herein, the agreement by and between the parties hereto dated February 16, 1959, is continued in effect.
2. Annual Operating Costs. The University's share of the annual operating costs of the facility shall be determined annually when operating costs allocations are computed, on a formula basis, with the formula being based on the total water consumption of the three entities that will be using the sewage disposal facility, namely the Town of Chapel Hill, the Town of Carrboro, and the University of North Carolina. Total water consumption will be adjusted downward by the water consumption in each entity that does not flow into the sewage treatment plant. This adjustment would allow the University to exclude the water consumption of the University owned steam generating plant and would allow the Towns of Chapel Hill and Carrboro to exclude water customers other than University of North Carolina whose sewage does not flow into the Chapel Hill-University Sewage Treatment Plant. The water consumption for the prior calendar year will be used for determining the proration of the operating costs of the succeeding year. Operating costs are defined as those costs related to the annual operation of the facility, routine repairs, and maintenance of the facility, and annual minor capital improvements that are necessary to maintain the facility at its current operating capacity.
3. Prohibition of Harmful Waste. Town of Carrboro has agreed to enact an ordinance prohibiting the discharge into its sewer system any material prohibited by the Town of Chapel Hill. Such ordinance may require pretreatment to render the discharge equivalent to domestic waste. A future ordinance may apply a surcharge in lieu of pretreatment for sewage that is more difficult to treat than domestic sewage in order to equitably apportion the costs of treatment. At such time as a surcharge is applied, sewage strength as well as volume shall be used in computing the distribution of operating costs among Chapel Hill, Carrboro, and the University. The amount of surcharge and the method of application, if to be applied to the University, shall be covered by an addendum to this agreement.
4. Computation of Sewage Flow. The University and the Town of Chapel Hill do mutually agree to use the following formula basis for determining the sewage flow from the University into the facility:

Responsibility for the treatment of sewage measured at the Morgan Creek Treatment Plant, less the flow from Carrboro measured at the Smith Level Metering Station, shall be assumed by the University and the Town of Chapel Hill according to the ratio of water metered to consumers who are connected to the Sewer System, the University being responsible for all University owned buildings and the Town responsible for all other users. It is understood that the water used at the Power Plant does not enter the sewer system. Water use shall be determined from the records of the University Service Plants for each calendar year, beginning with 1970. The 1970 and 1971 records will be used for 1972-73 budget year. Subsequent computations will be made from the average of records for the most recent three years.

5. Share of Plant Capacity. At the present time the jointly owned sewage treatment facility has a daily capacity of 4,500,000 gallons.

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It is agreed that 2,250,000 of capacity is dedicated to University use. It is further agreed that the University will participate in the costs of future expansions in the capacity of the treatment plant only to the extent determined by the University to be needed for future University growth. In the event that it is determined that the existing capacity allocated and owned by the University is adequate for future requirements of the University, the University would not participate in the expansion of the capacity of the facility.

6. Major Improvements. In the event it is necessary to make major improvements to the existing facility related to meeting the standards of the State of North Carolina or the Federal Government related to sewage disposal facilities then in effect, the University agrees to fund the related costs at fifty percent of the costs of such improvements so as to maintain its allocated 2,250,000 gallon capacity at the level required for treatment facility. In the event that the facility capacity is subsequently expanded, University will fund the upgrading costs that are necessary to modify its share of the expanded capacity to the level required by the standards then in effect.

7. Use by Carrboro. It is hereby mutually agreed that the Town of Chapel Hill will pay to the University on an annual basis a portion of the use charge levied by Chapel Hill. This fee shall be based on Carrboro's proportion of the total sewage treated and Chapel Hill's debt service requirements for financing the 1966 addition to the Morgan Creek Plant. Chapel Hill will collect from Carrboro and pay to the University amounts in accordance with the schedule shown in Appendix A. For any future upgrading of the Morgan Creek Plant which is paid for by Chapel Hill and the University, an additional fee shall be charged to Carrboro and paid to the University, computed in the same manner as the fee above. It is agreed and understood that payments by the Town of Carrboro constitute a use charge, and in no way imply a transfer of interest in the facility to the Town of Carrboro.

8. Plant Expansion. Any expansion of the capacity of the existing facility will be made on the basis of the projected treatment needs of the three entities involved with the participation by the University being as hereinabove set forth. The Town of Chapel Hill agrees to finance the costs of the expansion that is related to the projected need of Chapel Hill and Carrboro in accordance with an agreement between the Towns involved and will in no way involve the University in the funding of expansion costs related to the needs of the Town of Chapel Hill nor the Town of Carrboro.

9. Unilaterla Responsibility. It is further agreed that the University will in no way assume any responsibility for facility or operating costs not related to its own needs. The entire matter of the Carrboro use of the facility mointly owned by the University and the Town of Chapel Hill will be a matter between the Town of Carrboro and the Town of Chapel Hill, except that it is agreed that no agreement between the Town of Chapel Hill and the Town of Carrboro shall diminish the ownership and control of the University in the jointly owned facility.

IN WITNESS WHEREOF, the parties hereto have caused this supplemental agreement to be executed by their duly authorized representatives this \_\_\_\_\_ day of \_\_\_\_\_, 1972.

UNIVERSITY OF NORTH CAROLINA

By \_\_\_\_\_

TOWN OF CHAPEL HILL

By \_\_\_\_\_

Mayor

Town Manager



## APPENDIX A

Debt Service: Morgan Creek Plant used for computation of use fee paid to the University.

Year	Principal	Interest	Total
1971-72	9,949.30	11,113.37	11,062.67
73	9,949.30	10,516.41	20,465.71
74	9,949.30	10,018.95	19,968.25
75	14,923.95	9,640.87	24,456.87
76	14,923.95	9,073.76	23,997.71
77	14,923.95	8,526.55	23,450.50
78	14,923.95	7,939.54	22,863.49
79	14,923.95	7,372.43	22,296.38
80	14,923.95	6,805.32	21,729.27
81	24,873.25	6,238.21	31,111.46
82	24,873.25	5,293.03	30,166.28
83	24,873.25	4,347.84	29,221.09
84	24,873.25	3,402.66	28,275.91
85	24,873.25	2,457.48	27,330.73
86	24,873.25	1,512.29	26,385.54
87	14,923.95	567.11	15,491.06

The motion was carried unanimously.

## MORGAN CREEK PLANT

Mayor Lee read a memorandum from Town Manager Peck to the Board of Aldermen summarizing a meeting held February 1, 1972 with Mr. Millsapps and Mr. Ferneybough of the Office of Water and Air Resources in which the town was put on notice to plan immediately for advanced sewage treatment. It was recommended that the following schedule be adopted by the Town and submitted to the Office of Water and Air Resources:

1. That a consultant be selected and commissioned to prepare plans for additional treatment of waste water at the Morgan Creek Plant. The proposed plans would include, but not be limited to, phosphate removal and reduction of BOD and solids. These plans would be scheduled for completion during the summer of 1972.
2. That if the state Clean Water bond is approved by the voters in May, 1972, an application will be prepared for grants for plant improvement to be carried out during the fiscal years 1972-73 and 1973-74.
3. That if the state Clean Water bond is not approved, that the Town will call for a bond election during the fiscal year 1972-73 in sufficient amount to carry out the improvements with available federal matching funds.

Alderman Nassif asked if the bond issue were defeated, and Eastowne develops, what would the Town do? Improvements must be made. Eastowne is being used as a lever for action. Alderman Welsh asked if there were funds for a consultant? Town Manager Peck said there were some contingency funds. Alderman Welsh asked how much it would cost? Town Manager Peck said approximately \$200,000 with either 80% being paid by the federal government and 20% paid by the Town or with the Town financing 2/3 of the cost. Alderman Scroggs asked if the Town would run out of plant to handle the sewage? No! Alderman Smith asked if the University would pay 50%. Yes! Alderman Coxhead moved, seconded by Alderman Welsh, to proceed on the recommended schedule with the design and construction of additional treatment at the sewer plant.

Alderman Nassif said some people in the Morgan Creek section needed sewer. Alderman Nassif moved, seconded by Alderman Wallace, that the property owners in Morgan Creek be notified that they may petition for construction of collector sewer lines. The motion was unanimously carried.

## CURTIS ROAD SIDEWALK

Town Manager Peck said that a sidewalk on the north side of the



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road from the bridge on North Lake Shore Drive to the path at the intersection of Elliott and Curtis Road could be paved for an estimated \$6,000. Alderman Welsh asked how much was left in the budget? Town Manager Peck said \$15,00, less the expenditure required for Merritt Mill Road. Alderman Nassif moved, seconded by Alderman Welsh, to take bids on the sidewalk. The motion was unanimously carried.

#### APPOINTMENT--PLANNING BOARD

The Planning Board recommended the appointment of Herbert Bodman to replace Dr. Mitchell. Alderman Welsh said she would like additional nominations made for the vacancy. Alderman Wallace moved, seconded by Alderman Welsh, to postpone the appointment until next week. The motion was unanimously carried.

#### APPOINTMENT--CBD PLANNING COMMITTEE

Miss Sonna Loewenthal, a graduate student in the Department of City and Regional Planning, was recommended for appointment by Joe Stallings, Student Body President. Alderman Coxhead moved, seconded by Alderman Scroggs, that an additional category be made on the Committee for a representative from Student Government, and that James Wallace be appointed and be made Chairman of the Committee. The motion was carried with a vote of 5-0-1 with Alderman Wallace abstaining. Mayor Lee named Alderman Welsh to serve as the representative of the Board of Aldermen. Alderman Welsh accepted. Alderman Wallace nominated Mrs. Katherine Klingberg. Alderman Coxhead nominated Mr. John Foushee. Town Manager Peck said that the Chancellor nominated Mr. Stuart Chapin for the University's appointment to the Committee. Alderman Smith moved, seconded by Alderman Scroggs, that the committee be constituted with one vacancy in the at-large category to be filled at the meeting on February 14. The motion was unanimously carried. Alderman Nassif said that the Committee was charged with more than locating parking decks, and that its review of the downtown traffic was for several purposes, parking being only one.

#### CAR DAMAGE

Town Manager Peck asked the Board to take action on the damage to Lieut. Pendergrass's car. Alderman Wallace moved, seconded by Alderman Smith, to authorize an advance of \$100.00 to Lieut. Pendergrass, to be repaid when the court had collected the money. The motion was unanimously carried.

#### TRACTOR BIDS

Town Manager Peck said Andrews Riggsbee submitted the low bid, \$3,160.76 with a 60-day delivery schedule. Next was Colvard Farm Equipment for \$3,463.00, and N.C. Equipment Company for \$3,843.00. Alderman Coxhead moved, seconded by Alderman Welsh, to accept the low bid. Alderman Nassif asked if the 60-day delivery would be in time for the recreation department's needs? Yes. The motion was unanimously carried.

#### NIGHT CLUB IN EASTGATE

Mr. Norton Kurlan requested that the Board approve a license for a pool room at the rear of his night club in Eastgate. He said that it would be in a room connected by swinging doors, and that no alcoholic beverages would be allowed in the pool room. Chief Blake told the Board that there had been no trouble at the bowling alley where beer was served in the same building. Town Attorney Denny said the proposed night club appears to violate Sections 10-69 through 10-71 of the Code. Alderman Welsh suggested having separate outside doors. Alderman Wallace said that perhaps the ordinance is out-of-date. Mayor Lee suggested restudying the ordinance. Mr. Kurlan said he hoped to be in operation by the last of March. Alderman Smith asked if another entrance could be made? Mr. Kurlan said that would be difficult to do. Alderman Smith moved, seconded by Alderman Nassif, to ask the Town Attorney to prepare a new ordinance and to table action on Mr. Kurlan's request for two to three weeks. The motion was carried by a vote of 5-1 with Alderman Welsh opposing.

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RESOLUTION - E. J. OWENS

Mayor Lee read a resolution regarding the death of E. J. Owens. Alderman Smith moved, seconded by Alderman Scroggs, that the resolution be adopted as read. The motion was unanimously carried.

RESOLUTION

WHEREAS, E. J. (Peg) Owens has for many years been a successful and valued member of the business community of Chapel Hill, recognized in 1972 as Merchant of the Year, and

WHEREAS, as an outstanding realtor and developer Peg Owens has done much in the development of residential areas of Chapel Hill to create the high standards in which the Town takes pride, and has served as President of the Chapel Hill Board of Realtors, and

WHEREAS, Peg Owens, a public spirited citizen, gave generously of his time and talent to the betterment of Chapel Hill. He has been President of the Chamber of Commerce, a member of the Transportation Commission, and was one of the founders of Home Ownership Opportunities, and

WHEREAS, Peg Owens has been lost through his untimely death, but will be long remembered by his associates and many friends, NOW THEREFORE,

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill expresses its appreciation of the many services of Peg Owens to Chapel Hill and its deepest sympathy to his family.

This the 7th day of February, 1972

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
ALDERMAN

\_\_\_\_\_  
ALDERMAN

\_\_\_\_\_  
ALDERMAN

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ALDERMAN

\_\_\_\_\_  
ALDERMAN

\_\_\_\_\_  
ALDERMAN

ZONING REQUEST--WEAVER ROAD

Mayor Lee read a letter from Attorneys Jones and Strayhorn requesting that Mr. C. Whid Powell's request for zoning be withdrawn. Alderman Nassif moved, seconded by Alderman Wallace, that the zoning request be permitted to be withdrawn. The motion was unanimously carried.

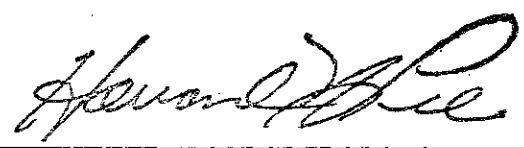
RESIGNATION--JAMES WALLACE

Mayor Lee described the contribution James Wallace has made while serving on the Board of Aldermen, expressed his and the Board's regret for his having to resign, and wished him the best in his new position with the State Board of Water and Air Resources. Alderman Wallace said he hesitated to accept the position but felt he should, that he regretted resigning from the Board of Aldermen and expressed his thanks for the cooperation he had while serving on the Board.

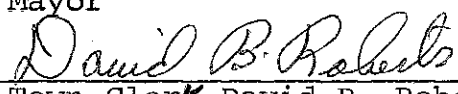
NEW HOPE DAM

Town Attorney Denny said the papers to intervene in the New Hope Dam suit were presented to the court and the judge agreed to have the Town of Chapel Hill participate as an intervening plaintiff.

The meeting adjourned at 6:45 P.M.



Mayor



Town Clerk, David B. Roberts

IAA762

MINUTES

February 14, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 7:30 P.M., Monday, February 14, 1972, with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Welsh, Coxhead, and Nassif. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Welsh moved, seconded by Alderman Nassif, to approve the minutes of the meeting of February 7, 1972 as corrected. This was unanimously carried.

Alderman Coxhead moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of February 4, 1972 as circulated. This was unanimously carried.

APPOINTMENT--BOARD OF ALDERMEN

Chris Daggett, Vice-President of the U.N.C. Student Body read a petition nominating Jerry Cohen, a graduate student in the Department of Political Science, to fill the vacancy on the Board of Aldermen. Alderman Welsh moved, seconded by Alderman Nassif, that the petition be received and be placed on the agenda at the appropriate time. The motion was unanimously carried.

POLLUTION

Mayor Lee read a petition from the Hidden Hills Neighborhood Park Association requesting that the pollution problem developing from waste from commercial car washes be studied and corrected before it becomes more serious. Alderman Coxhead moved, seconded by Alderman Nassif, to accept the petition and refer it to the Town Manager and the Public Works Department for action. Alderman Nassif asked if the Board could have a report on the similar situation in Bolin Creek? Alderman Scroggs said he favored supporting the citizens' efforts to deal with pollution problems and suggested that Town Manager Peck check with the state Office of Water and Air Resources to determine what might be done. The motion was unanimously carried.

APPOINTMENTS--BOARD OF ALDERMEN

Mayor Lee suggested that the Board delay action on this appointment and consider it at a special meeting which he would call within the next two weeks. Aldermen Scroggs and Smith favored the delay and the Board agreed to hold a special meeting.