

Mayor Lee reported that the County Commissioners would meet at 10:00 Monday morning, October 2nd, and agreed to contact Mr. Harvey Bennett and asked for participation from the County in fighting the beetles in the areas outside of Chapel Hill. Mr. John Temple offered the help from the University to be channeled through the Forestry Department of cutting crews and equipment to remove the brood trees and space at the Airport Landfill Site for burning limbs and tops. He asked that this all be done under the supervision of the Forest Service. Mr. Gelbert and Mr. Grady agreed that persons should not attempt to spray for the pine beetle as it was a strong hazardous chemical and should only be used by persons experienced in its use and that it was of questionable value.

The meeting was adjourned at 5:55 P.M.

Mayor

Town Clerk, David B. Roberts

MINUTES

October 2, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M. on October 2, 1972 with the following members present: Mayor Lee, Aldermen Smith, Scroggs, Welsh, Marshall, and Coxhead. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny. Alderman Nassif was absent.

MINUTES

Alderman Smith moved, seconded by Alderman Marshall to approve the minutes of the meeting of September 25, 1972 as corrected. This motion was unanimously carried. Alderman Smith moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of September 29, 1972 as corrected. This motion was unanimously carried.

PINE BEETLES

Town Manager Peck asked that this item be placed on the agenda. There were no objections.

LEASH LAW

A petition was presented for a Town-wide leash law. Alderman Smith moved, seconded by Alderman Marshall, to receive the petition and discuss it when the Dog Ordinance is considered. This motion was unanimously carried. Ms. Fred Henderson said that her child was bitten by a dog while she was playing and petitioned for a Town-wide leash law. This motion was unanimously carried.

COUNCIL ON AGING - RESIGNATION

Mayor Lee read a letter from Ms. Carol Kinlow resigning as volunteer visiting chairman under the Council on Aging.

SIDEWALKS

Mayor Lee read a petition from Mr. Charles Foskey requesting sidewalks be constructed on Willow Drive. Alderman Coxhead moved, seconded by Alderman Smith, to receive the petition and discuss it when sidewalks are discussed on the agenda. This motion was unanimously carried.

DOG ORDINANCE

Gus Shoffner, Dog Warden, presented pictures demonstrating the need for a leash law in Chapel Hill and recommended that the changes in the Dog Ordinance as presented to the Board on September 18th be adopted.

He recommended reducing the holding time at the pound to 48 hours for dogs with no tags and reducing it to 72 hours for dogs with tags. He recommended increasing the pound fee, establishing a spaying and neutering clinic, and limiting the number of dogs per household. He requested permission for the Dog Warden to hold a rabies clinic once a year. Alderman Coxhead moved, seconded by Alderman Welsh, to have an ordinance prepared for adopting the changes recommended by the Dog Warden. Town Clerk Roberts asked how to handle the tax assessments. The Town Manager and Mayor suggested asking the County to change the tax form. Alderman Smith said that he was not going to vote for the ordinance because it discriminates between businessmen and other citizens. He said that the Town needs a leash law that will apply to everyone. Alderman Welsh said that she agreed with Alderman Smith, but sees this as a first step in establishing a Town-wide leash law. She asked how soon such a leash law would be possible. Gus Shoffner said that the pound would need to be expanded and there would have to be an adequate budget and adequate facilities. Alderman Welsh asked if the budget request for the next year would be made with the expectation that there would be a Town-wide leash law. Mr. Shoffner said yes. Alderman Marshall said that she also agreed with Alderman Smith, but thinks that there are three problems: (1) dogs are an immediate menace to the community; (2) there is an urgency for getting the message about controlling dogs to dog owners; and (3) a humane shelter needs to be established. She also suggested that the pound fee for a dogs first offense be \$5.00, the second offense \$10.00 and the third offense up to \$40. or \$50. that would go into an account to create a humane shelter. Mr. Shoffner said that an animal shelter is the opposite from the dog pound and the two cannot be combined. Alderman Scroggs said that everyone needs to recognize that the Town must eventually establish a town-wide leash law as Alderman Smith suggests, but that it cannot be done at this time without the adequate resources. Mayor Lee said that the Dog Warden already has more calls than he has facilities, and more calls than he can handle. Alderman Smith said that a town-wide leash law should be passed to see if the problem would be eliminated. He said that when the Town pound is full dogs could be taken to the County pound. Alderman Scroggs said that the results of the Dog Warden's efforts were already apparent, particularly on the University campus. Mayor Lee said that he thought that the Dog Warden's recommendations should be accepted rather than the Board giving the Dog Warden a charge he can not meet. This motion was carried by a vote of four to one with Alderman Smith opposing.

NOISE ORDINANCE

Alderman Smith requested that the Dog Warden remain at the meeting to see how the Noise Ordinance would be applied to barking dogs. Mr. Larry Young, Legal Counsel for the Police Department, described the drafts of a Noise Ordinance that had been circulated. He explained the difficulties with using property lines and normal conversation to determine violations of the ordinance. He described the permit provision proposed for hired bands and the North Carolina League of Municipalities' model Noise Ordinance. He recommended that whatever draft is approved by the Board that the following be included in it: (1) the presumptions from draft B; (2) the permit provision from draft D; (3) the prohibitions in draft C; and (4) some of the exceptions in draft B. Alderman Welsh said that Mr. Young's report was excellent and further study would be necessary before a decision about the ordinance could be made. She asked if it is legal to use electronic equipment in court. Mr. Young said that it would be subject to the following questions: (1) the quality of the equipment; (2) the qualifications of the operator; and (3) the reasonableness of the sound level established by the Board. Alderman Welsh said that Memphis, which is known as "the quietest city in the country" has a simple ordinance but very good enforcement. She said that she doubts that the policemen here stop motorists for driving noisy vehicles. Mr. Young said that most of the action taken by the Police Department for enforcement of the Noise Ordinance is in response to complaints received, and some action for noisy motorcycles. Alderman Welsh asked if citations were issued and whether the Town has ever gone to court over the

Noise Ordinance. Town Attorney Denny said that there have been court cases involving noisy mufflers. Alderman Scroggs said that the Board may want to adopt a combination of the drafts rather than any specific one. He said that the model from the League of Municipalities had some problems involving judgments being made and was surprised that the model did not contain actual standards. Mayor Lee said that Mr. Young, Alderman Scroggs, and the Noise Committee could meet, study the proposals, and make a recommendation. Dr. Al Turner, Chairman of the Noise Committee, said that he had reviewed Noise Ordinances from several parts of the country and referred to a U.S. Department of Commerce publication, "The Noise Around Us," in which Noise Ordinances are rated according to comprehensiveness. He said that he agreed with the recommendations for a cooperative study of the ordinance. Alderman Smith asked what control the Town had on equipment on a motorcycle and who determines whether it is improperly muffled. He also said that he did not think a Noise Ordinance should be adopted if it does not include barking dogs. Alderman Scroggs said that there should be State standards for equipment sold, and referred to a letter complaining about the noise from chain saws which are used to remove trees. Town Manager Peck said that dogs barking belongs in the Noise Ordinance because of the Police enforcement. Alderman Welsh moved, seconded by Alderman Marshall, to refer the proposed amendment to the Noise Ordinance to the Noise Committee for study and recommendation and to appoint Larry Young to that Committee. This motion was unanimously carried. Mayor Lee expressed his appreciation to Mr. Young for the work he had done on the ordinance.

CATV

Alderman Scroggs asked the Board to delay action on this item until the next afternoon meeting.

SCHOOL ANNEXATION

Town Manager Peck said that he has not met with Dr. Hanes or anyone else regarding the school annexation. He noted that some Chapel Hill residents would be asked to pay for protecting school property but could not send their children to school in Orange County without paying tuition. Mayor Lee said that action on this should be delayed until the Town Manager meets with Dr. Hanes. Alderman Smith moved, seconded by Alderman Scroggs to delay action on the school annexation until the Town Manager has met with Dr. Hanes. Maryl Levine said that Alderman Nassif asked for his position on this to be read into the minutes. Alderman Scroggs objected. This motion was unanimously carried.

AUDITOR

Charles Carver of Rodenhizer and Umstead, the Town's Auditor, said that there was a carry-over into this year's budget of \$340,000 and that the excess revenue in the general fund was \$40,000. He said that a big step had been made in helping to set up a system that will provide the most accurate information in the shortest amount of time, and that he can give the Town a clean bill of financial health. Town Manager Peck asked Mr. Carver to comment on the uniform accounting system. Mr. Carver said that the Town is in a better position now to set up the uniform system and has a new employee who knows the system and will be able to set it up. Town Manager Peck asked the auditor to comment on the quality of the equipment being used. Mr. Carver said that the Town needed a new posting machine. Mayor Lee expressed his appreciation to the auditor for a job well done.

SPECIAL USE - EDMISTON

Mayor Lee read a letter from Bryant D. Paris, Jr. of Revinco, Inc. requesting a six-month extension of the Special Use Permit for the proposed office development on property owned by Edmiston's, Inc. of Chapel Hill. Alderman Welsh moved, seconded by Alderman Marshall, to approve the six-month extension requested for the Edmiston property. Alderman Smith asked if there would be modifications. Mr. Edmiston said no, just an extension. This motion was unanimously carried.

SPECIAL USE - CHURCH STREET APARTMENTS

Mr. Seibel requested a six-month extension for the Special Use Permit granted for the Church Street Apartments. He said that the final plans are at HUD and that he is waiting for approval. Alderman Welsh said that she assumes that although no dates are stated in the request for the extension, that it will begin when the Special Use Permit expires. Mr. Seibel said yes. Alderman Welsh moved, seconded by Alderman Smith, to approve the six-month extension requested by Mr. Seibel for the Church Street Apartments. This motion was unanimously carried.

STREET NAME CHANGE

Mayor Lee read a petition requesting that the north section of Lyons Road be changed to Beech Tree Court. Alderman Marshall said that some people wanted the name Lyons to be changed to Lyon Road after the botanist for whom it was named. Alderman Marshall moved, seconded by Alderman Coxhead, to approve the name change to Lyon Road for one section of Lyons Road, and to Beech Tree Court for the other section. This motion was unanimously carried.

SIDEWALKS

Town Manager Peck said he received a petition from Mr. Charles Foskey requesting that a sidewalk be constructed on Willow Drive, and another petition for a brick sidewalk to be constructed on the 400 block of Cameron Street. He summarized the recommendations from the Sidewalks Committee: that the priority for sidewalk construction is Ephesus Church Road on the north side of the street from Tinkerbelle to the School property line; and that in addition, curb and gutter be installed using funds from the sidewalk account; that a sidewalk be constructed on Willow Drive between Spruce Street and Longleaf; that a concrete sidewalk be constructed on the 400 block of Cameron Street; that a traffic count be taken to determine whether a traffic light is needed near the Estes Hills School at Caswell Street; and that the property owners on the south side of W. Rosemary Street from Church Street to the Carrboro city limits be contacted to dedicate the right-of-way with the understanding that the Town will construct sidewalks there. Alderman Scroggs asked why the cost of the curb and gutter should be taken from the sidewalk account. Town Manager Peck said that it could come from the streets account. Alderman Marshall and Alderman Welsh agreed with Alderman Scroggs that the curb and gutter should be paid out of the streets account. Town Manager Peck said that if that money was taken out of the streets account, additional funds might be available to construct the sidewalk requested on Cameron Avenue. Alderman Scroggs said that if the property owners there wanted a brick sidewalk, they should be asked if they would be willing to pay for it. Alderman Welsh moved, seconded by Alderman Scroggs, to request that the Town Manager prepare a revised report with the curb and gutter for Ephesus Church Road taken from the streets account, that the Cameron Street property owners be contacted with regard to that sidewalk, and to proceed with the construction of the Willow Drive sidewalk. This motion was unanimously carried.

LIBRARY BOARD - APPOINTMENTS

Mayor Lee read a letter from the Library Board recommending the following people for the vacancy created by Ms. Samuel Hill, Jr. whose term ends June, 1974: Mr. James Barnett, Mr. Thomas Farmer, and Mr. W. Tobin Savage. Alderman Coxhead moved, seconded by Alderman Scroggs, that nominations be closed. This motion was unanimously carried. Alderman Scroggs said that he did not know any of those nominated. Alderman Coxhead described each of the nominees. The Board voted, and Mr. Savage was appointed to fill the vacancy on the Library Board.

REDEVELOPMENT COMMISSION - APPOINTMENT

Alderman Smith moved, seconded by Alderman Scroggs, to reappoint Ms. Mabel Weaver to the Redevelopment Commission for a full term. Alderman Welsh asked if someone from the CBD Study Committee could become an ex-officio member of the Redevelopment Commission. Mayor Lee said that that was a good idea. This motion was unanimously carried.

HUMAN RELATIONS COMMISSION - APPOINTMENTS

Mayor Lee read the names of the people recommended for appointment to the Human Relations Commission. Alderman Welsh moved, seconded by Alderman Marshall, that nominations be closed. This motion was unanimously carried. Alderman Welsh moved, seconded by Alderman Smith, that the following be appointed to the Human Relations Commission to fill the specific positions stated: Mr. Gerald Cohen, representing the University Student Body and replacing Ms. Judy Dixon; Ms. Joanne Peerman, representing Chapel Hill High School, replacing Susan Sockwell; and Mr. David Wright, filling the second Chapel Hill High School Student vacancy unfilled during the past year. This motion was unanimously carried.

MEETING ROOM USE

Mayor Lee read a resolution regarding the policy for the use of the meeting room. Alderman Smith moved, seconded by Alderman Scroggs, to adopt the resolution as read.

A RESOLUTION TO AMEND THE RESOLUTION OF FEBRUARY 28, 1972 REGARDING THE POLICY FOR THE USE OF MUNICIPAL MEETING ROOMS.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the policy for use of the meeting rooms in the Town Hall and the Municipal Building be amended by changing "Board of Aldermen" to Town Manager" in the fourth paragraph.

This the 18th day of September, 1972.

This motion was
unanimously carried.

STREET FAIR AND BIKE RACE

Harper Peterson of the Recreation Department described a Halloween Street Fair that is being planned for October 28th and 29th and requested that the Board approve the closing of Franklin Street from Henderson Street to S. Columbia on October 29th, and requested that portions of E. Franklin Street, S. Columbia, Cameron Avenue, and S. Boundary be closed for a Wheels of Fire Bike Race on November 5th. Alderman Welsh said that the Town's Jaycees have had a Halloween carnival in the past and asked Mr. Peterson to check with the Jaycees to see if cooperative activities could be planned. Mr. Peterson said that he is meeting with the Jaycees for that purpose. Alderman Smith asked if the route for the Bike Race has been approved by the University. Mr. Peterson said yes, that he has a letter from Mr. Eagles. Alderman Smith said he was concerned about how confusing and dangerous it will be to close one lane of traffic, and that he prefers closing an entire street for the bike race rather than just a portion of it. Mr. Peterson said that closing a portion of the street for the last bike race was successful. Alderman Smith said that he was concerned about having cars and bike riders on the same street. Mayor Lee asked if he had checked with the Police Department. Mr. Peterson said yes, and that the Chief did not foresee any problems. Mayor Lee asked about the possibility of using Rosemary Street. Mr. Peterson said that the surface of it is not suitable for a bike race. Alderman Marshall asked how young the children participating in the bike race would be. Mr. Peterson said twelve or thirteen. Alderman Marshall said that she felt that they ought to be able to cope with cars. Alderman Smith asked if the track at the University could be used. Mr. Peterson said that he was not sure whether it would be suitable for bike races and then showed the proposed route for the bike race. Alderman Smith said that he did not think that the bike race should be approved until an alternative route was considered. Alderman Welsh asked if the other Board members had seen the "Wheels of Fire" race. She said that there was great enthusiasm and support for this kind of activity. She said that it gets the people in the Town involved in a recreational activity, and closing the street is not an inconvenience as much as it is a safety problem, which apparently Chief Blake and Mr. Eagles have considered. Alderman Marshall said that the more bikes there are on the street with automobiles, the safer

the bike riders will be. Alderman Coxhead suggested an alternative route. Claudia Cannady said that in the past the University had discouraged the Town's use of its facilities. Mr. Peterson said that he had reviewed the course with the University and they found that it was suitable. He said that decreasing the route would result in having bike riders in a smaller area and would increase the danger. Alderman Marshall moved, seconded by Alderman Welsh, to approve the Street Fair, with activities coordinated with the Jaycees, and the closing of Franklin Street between Henderson Street and S. Columbia on October 29th from 1:00 to 5:00 P.M. This motion was carried by a vote of four to one with Alderman Scroggs opposing. Alderman Welsh said that she would like to see this event take place with the Board's pleasure and said that perhaps to protect the safety of the riders a revised route plan should be considered. Mayor Lee asked Mr. Peterson to consider an alternate route and to bring a map of the proposed routes.

PINE BEETLES

Town Attorney Denny read an ordinance concerned with dealing with the problem of the Southern Pine Beetle infestation. Alderman Smith moved, seconded by Alderman Coxhead, to adopt the ordinance as read.

AN ORDINANCE PROVIDING FOR THE REMOVAL OF INFECTED PINE TREES FROM PRIVATE PROPERTY

THAT WHEREAS, the general law and the Charter of the Town of Chapel Hill empowers the Board of Aldermen to adopt such Ordinances, Rules, and Regulations as may be necessary or appropriate to protect the health, life or property, or to preserve, promote the comfort and convenience, good order and good government or general welfare of the Town of its inhabitants, and

WHEREAS, the Board is informed and has so determined that an emergency exists within the Town of Chapel Hill created by an epidemic infestation of the Southern Pine Beetle, upon advice by the State Forester is imminently dangerous and injurious to pine forest trees located throughout the Town, and

WHEREAS, Article 4A of Chapter 113 of the General Statutes of North Carolina has empowered the North Carolina Forest Service to devise control measures to suppress or eradicate the outbreaks of forest insect pests, and

WHEREAS, the North Carolina Forestry Service has advised the Board of Aldermen of this serious threat to the pine trees located within the corporate limits of the Town, and

WHEREAS, it is unlikely that such trees as become infested can be saved, and

WHEREAS, to control the spread of such infestation, it is necessary that such pine trees as become actively infested with said pine beetle be promptly destroyed by cutting and removal of said infested trees, and the removal thereof to prevent multiplication of such infectious insects.

WHEREAS, it appears that the emergency created by such infestation is likely to endanger properties of citizens and residents of the Town of Chapel Hill as well as the public safety if such infestation is not promptly suppressed.

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

SECTION I

That the Board of Aldermen hereby finds and determines that an emergency exists dangerous to the public welfare and property of the citizens of the Town of Chapel Hill through the wide spread infestation of the Southern Pine Beetle into pine trees located within the corporate

limits of the Town of Chapel Hill.

SECTION II

From and after the effective date of this Ordinance, representatives, contractors, employees of the North Carolina Forest Service or the Town of Chapel Hill or persons appointed by it be, and they are hereby authorized to go upon property situated within the Town of Chapel Hill, whether public or private, for the purpose of inspecting trees for the presence of said infestation, and if infested trees are found which are determined to be dangerous to the public safety or property of the citizens of the Town of Chapel Hill, to take such measures as may be reasonably necessary to prevent the spread of said infestation, including but not limited to the removal of such infested trees, provided however, that reasonable attempts will be made to inform the owner of said property prior to the removal of such trees on his property, and obtain his consent therefore, provided however, that such consent shall not be required if in the event it would unreasonably delay the cutting, removal and destruction of such infected trees.

SECTION III

No person shall be held liable, civil or criminally for acting in obedience to orders given pursuant to the provisions of this Ordinance nor for giving of such orders or for damages to property ordered to be destroyed.

SECTION IV

All Ordinance and portions of Ordinances in conflict herewith are hereby repealed.

This the 2nd day of October, 1972.

AN ORDINANCE AMENDING SECTION 7-1 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL

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


SECTION I

That All Ordinances and portions of Ordinances prohibiting the open burning of trees, limbs or a part thereof infected or likely to be infected with the Southern Pine Beetle within the Town are hereby repealed.

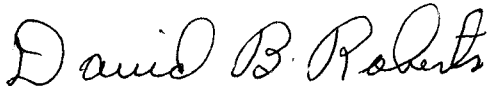
This the 2nd day of October, 1972.

Alderman Scroggs asked if a house or property is damaged or destroyed as trees are being removed, who would be liable. Town Attorney Denny said that the Town could be. This motion was unanimously carried. Town Attorney Denny read an ordinance permitting the burning of pine trees infected by the Southern Pine Beetle. Alderman Welsh moved, seconded by Alderman Scroggs, to adopt the ordinance as read. (Above) This motion was unanimously carried.

The meeting was adjourned at 6:20 P.M.



Mayor



Town Clerk, David B. Roberts