

6
great deal of time and suggested that the Town of Chapel Hill consider proceeding with this on its own. He said that there is a possibility of making a cooperative arrangement with Durham, but he does not think that is a good idea. Mayor Lee said that he concurred. Alderman Scroggs said that the FCC has pre-empted certain areas and has required certain minimum service which must be provided. He said that no franchising entity can require more than the minimum unless they can justify it, and that the Town will have to justify a separate channel for the University. Mayor Lee said that he supports the proposal for the Town of Chapel Hill to proceed by itself. Alderman Scroggs said that he would like to give the University another few weeks and that he is scheduled to participate in a meeting there and would like to use that opportunity and then recall his committee one more time before making a recommendation. The Board concurred.


TOWN CARS

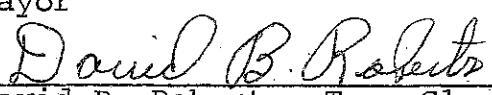
Alderman Scroggs asked why the trucks in the Public Works Department were always very clean and the Police cars were always very dirty. Town Manager Peck said that the Police cars are used 24 hours a day. Alderman Scroggs said that he thinks a way should be found to keep them clean.

LANDFILL EQUIPMENT - COMPACTOR

Mayor Lee invited members of the Board to see a new piece of equipment, a compactor, demonstrated at the landfill. Town Manager Peck said that the demonstration could be held on Thursday morning if the weather is decent.

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



Mayor


David B. Roberts, Town Clerk

MINUTES

January 15, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M. on January 15, 1973 with the following members present: Mayor Lee, Aldermen Smith, Welsh, Nassif, and Marshall. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny. Alderman Scroggs was absent.

MINUTES

Alderman Smith moved, seconded by Alderman Marshall, to approve the minutes of the meeting of January 15, 1973 as corrected. This motion was unanimously carried.

IN-CHU-CO - EXTENSION

Mrs. Ruth Mace of the Inter Church Council requested a one-year extension of the special use permits for In-Chu-Co on Elliott Road and on the Okun property abutting the north side of N. C. Highway By-pass 54. Alderman Welsh moved, seconded by Alderman Marshall, to accept the petition and extend for one year the special use permits for the In-Chu-Co unified housing developments effective on the expiration date of the present special use permits. This motion was unanimously carried.

GEORGE COXHEAD

Alderman Welsh moved, seconded by Alderman Marshall, to place this item at the end of the agenda. This motion was unanimously carried.

7

VENDING - BY-PASS

The Town Manager asked for this item to be placed at the end of the agenda. There were no objections.

CBD

Mayor Lee read a resolution from the CBD Study Committee recommending that building heights in the Central Business District be limited to 35 feet. Alderman Welsh moved, seconded by Alderman Nassif, to approve the request from the CBD Study Committee and prepare advertisements for the February public hearing. Alderman Smith said that he was concerned about recommendations coming from the CBD Study Committee piecemeal instead of as a total plan. Alderman Nassif said that the Appearance Commission had made this request to the Board of Aldermen, that the Board of Aldermen referred it to the Planning Board, and that the CBD Study Committee was now providing a recommendation to the Board of Aldermen. This motion was unanimously carried.

OXFORD APARTMENTS - MODIFICATION

Mr. Glenn Guy presented the declaration of condominium for Oxford Apartments with a request to modify the outstanding special use permit, and said that he had conferred with the Building Inspector who had discussed the condominiums with the Town Manager. He said that he thinks his papers are complete, correct, and in accordance with the law. Town Manager Peck said that Mr. Guy wants to modify his special use permit to provide for condominiums rather than apartments. He said that the Town Attorney had reviewed the papers and found them in order and that the question involved is one of ownership, not a change in the actual plans. Alderman Nassif complimented Mr. Guy on the condition of the present apartments and moved, seconded by Alderman Smith, to approve the modification of this special use permit as requested. This motion was unanimously carried.

COMMITTEES - ORDINANCE AMENDMENT

Town Attorney Denny said that it is not possible to change the terms of membership or appointments for the Redevelopment Commission or the Housing Authority as they presently exist. He said that the Planning Board membership and terms are established in the Charter and a Charter amendment is required to change them. He said that a number of committees and task forces exist, but not by ordinance. He said that there are a number of statutory or Board committees which will continue to function until a new Board of Aldermen is elected. He said that there are seven or eight committees for which there can be a change in terms and appointments, and he read an ordinance amendment changing the terms and appointments of those specific Board and Committees.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCE OF THE TOWN OF CHAPEL HILL
BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That the first paragraph of Section 2-9 of the Code of Ordinances of the Town of Chapel Hill, N. C., is hereby amended to read as follows:

"The Mayor's Committee on the Employment of the Handicapped shall be composed of fifteen (15) members. They shall be appointed by the Mayor and the Board of Aldermen, and vacancies occurring on the Committee shall be filled in the same manner for the unexpired term. The terms of office for members shall be three (3) years, ending December 31st in the odd years, or until their successors are appointed and qualified. The terms of members first appointed shall be as follows: Eight (8) members shall be appointed for a term expiring December 31, 1971; Seven (7) members shall be appointed for a term expiring December 31, 1973.

SECTION II

That the second sentence of Section 2-51 of the Code of Ordinances of

8
the Town of Chapel Hill, N. C. is hereby amended to read as follows:

"Their successors shall be appointed for terms of three (3) years ending on December 31st of the third year."

SECTION III

That Section 2-72 of the Code of Ordinances of the Town of Chapel Hill, N. C., is hereby amended by the deletion of the words, "ending June 30th" and their replacement by the words "ending December 31st."

SECTION IV

That Section 2-86 of the Code of Ordinances of the Town of Chapel Hill, N. C., is hereby amended by the addition of the words "ending December 31st of the second year" at the end of the clause "each member thereafter to be appointed for a two (2) year term."

SECTION V

That Section 9-26 of the Code of Ordinances of the Town of Chapel Hill, N.C. is hereby amended by addition of the words "ending on December 31st of the third year" to follow "all appointments shall be for a three (3) year term."

SECTION VI

That Section 12-18 of the Code of Ordinances of the Town of Chapel Hill, N. C., is hereby amended by the deletion of the words "July 1" and their replacement by the words "January 1."

SECTION VII

That Section 14-47 of the Code of Ordinances of the Town of Chapel Hill, N. C., is hereby amended to read as follows:

"Members of the Advisory Personnel Board shall serve for a term of three (3) years, except that of the members first appointed, two (2) shall serve until January 1, 1974, one (1) shall serve until January 1, 1973, and two (2) shall serve until January 1, 1972. Beginning in 1973, members shall be appointed by the Board of Aldermen at their last regular meeting in December of each year."

SECTION VIII

That the terms of all current members of the Mayor's Committee on Employment of the Handicapped, the Community Appearance Commission, the Citizens' Advisory Committee, the Advisory Council on Aging, the Housing Appeals Board, the Public Recreation Commission, and the Advisory Personnel Board are hereby extended to December 31st of the year in which the term would normally have expired.

SECTION IX

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

This the 15th day of January, 1973.

Alderman Smith moved, seconded by Alderman Welsh, to adopt the amendment to the ordinance as read. This motion was unanimously carried.

AUDITOR

Mayor Lee explained that an auditor should be selected by the Board of Aldermen before July 1. Alderman Welsh said that the policy has been to select a new auditor every three years and that the present auditor had done the audit for longer than that period. Alderman Nassif said that proposals from auditors should be solicited and that the names of those being considered should be presented to the Board. Town Manager Peck said that he would study it.

SNOW REMOVAL

Alderman Smith said that he is concerned about having cars parked on Franklin Street when the Town crews are trying to remove snow. He

9
said that he talked to the Town employees and thinks that the Town needs a policy that will help them to remove the snow more efficiently. Town Attorney Denny said that the only part of the Code concerning snow is Section 21-24. Mayor Lee questioned how much the Town should spend on snow knowing that it is not a frequent problem. Alderman Marshall said that this is the first time in five years that snow has lasted more than 24 hours. Mayor Lee said this is the second time since 1964 that there has been a serious snow storm. Alderman Welsh suggested that recommendations be made by the Director of Public Works. Alderman Smith said that this should be referred to the Public Works Department.

LANDFILL

Town Manager Peck said that the Town had leased a tractor for the landfill for \$3,000.00 per month, that the State Board of Health recommended that a compactor be used at the landfill and that one has been out at the landfill for 10 days for demonstration purposes. He said that bids were taken on a lease-purchase agreement for a compactor, but that he had not seen one type of compactor for which a bid was made. Alderman Marshall said that this was an expensive purchase and she would like a more complete report before action is taken. Town Manager Peck said that he would look at the John Deere compactor which he has not seen. Alderman Smith asked if the D-8 would be returned. Town Manager Peck said that it is being leased, and can be returned at any time. Alderman Smith asked what would be used to cut trenches at the landfill. Town Manager Peck said that another D-8 that is at the landfill would be used. Alderman Smith said that he had seen the compactor being demonstrated and that the men at the landfill seem to like it. Mayor Lee said that action on this purchase would be delayed until additional information is available.

FIRE DISTRICT

Mayor Lee said that he would like to postpone discussion of this item until he had additional information which could be used to re-examine the Town's policy. Alderman Welsh asked if the policy would be reviewed for areas not presently covered by the Town's Fire District. Mayor Lee said that the Board would look at the total area and reconsider its policy. Alderman Welsh asked if there were any possibility of getting a tax benefit from the County. Mayor Lee said that that should be studied, that the people need to know how the Town operates and what fire services they can expect. Alderman Welsh asked if there was adequate fire protection in the Town, particularly in high-rises. Mayor Lee said that the whole question would be considered and that the incident on Piney Mountain Road was a small incident which jarred everyone and opened the question about the Town's policy.

RELEASES AND REFUNDS

Town Clerk Roberts said that Mr. Patrick Hobson requested that the 2% interest charge on his taxes be dropped. Mayor Lee said that he did not see any basis for the change. Alderman Smith moved, seconded by Alderman Nassif, to deny Mr. Hobson's request for dropping the 2% interest charge because his check was mailed on January 1st and not postmarked by December 31, 1972; and to approve the releases as presented.

RESOLUTION - TAX RELEASES

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

Ephriam Mitchell Hrs.	(1972)	4301	1.49	Property not in Town
	(1971)	4483	1.54	Property not in Town

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.

10
This motion was unanimously carried.

VENDING - BY-PASS

Town Manager Peck showed photographs of the vendors on the 15-501 By-pass and read a letter from Chief Blake describing the problems there. Alderman Marshall said that the citizens are very concerned about those vendors. Town Attorney Denny said that the problem of the vendors raises a number of questions, including which types of vending are permitted, whether farm truck sales on public streets are desired, what the legal status of the vendors is, and whether Chapel Hill has the right to take action if the vendors are located on state property. He said that the parking of trucks could be regulated but that that is not the problem. He said that he thinks other than farm products are being sold there, recommended that a strong resolution of concern be sent to the Highway Commission, and that if that doesn't result in any change that an ordinance restricting the vending of farm products could be considered. Alderman Nassif said that perhaps the vending could be restricted on major interchanges. Town Manager Peck said that citizens are concerned about the truckers staying there for several days. Mayor Lee said that perhaps the Town could meet with those vendors and discuss the sanitary problems which are of concern. Alderman Nassif said that the safety hazards and sanitary problems are of great concern to the people who complain. Town Clerk Roberts said that the vendors are required to have licenses. Alderman Nassif said that the licenses could be checked. Alderman Marshall said that the people who are concerned about the vendors are concerned about the severe traffic problems and are not opposed to street vendors. Town Manager Peck said that he and Chief Blake have discussed this problem with the State Highway Commission. Alderman Nassif said that vendors with farm produce who have a license to sell could be permitted there and everyone else required to move. Alderman Marshall said that the Board could request that the Highway Commission study this and respond to the problem. Mayor Lee said that an urgent letter should be sent to the State Highway Commission, and if there is no answer within 60 days a second letter should be sent.

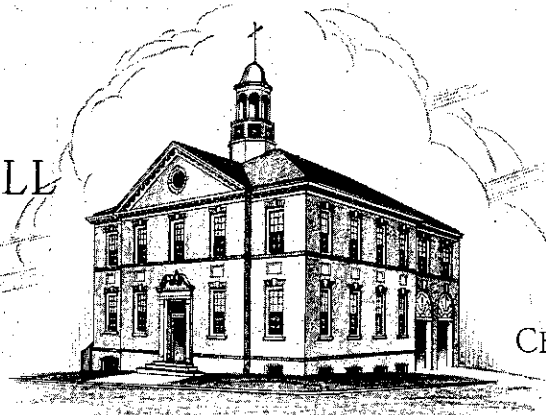
GEORGE COXHEAD

Mayor Lee announced the resignation of Alderman George Coxhead from the Board of Aldermen, indicating that he had submitted his resignation from the Board on Friday, January 12, 1973, at 9:30 A.M. before his appointment to the state ABC Board. Alderman Nassif moved, seconded by Alderman Smith, to receive the resignation of George Coxhead, submitted to the Board of Aldermen on January 12, 1973 at 9:30 A.M., and to accept his resignation and declare the vacancy on the Board of Aldermen. This motion was unanimously carried. Alderman Welsh said that George Coxhead had given unstintingly of his time, knowledge, and interest and was a very diligent and hard working, responsible public official; that the Town is indebted to him for his conscientiousness. Alderman Welsh moved, seconded by Alderman Nassif, to request that a resolution be prepared and presented to Mr. Coxhead. This motion was unanimously carried.

Alderman Scroggs came to the meeting.

Alderman Nassif said that George Coxhead would not like a big fanfare, that that was not his style. He said that he was concerned about labels such as liberal, conservative, etc. being used because adjectives don't explain a person and don't explain George Coxhead. He said that Orange County is honored by having one of its citizens serving on a state Board. He said that George Coxhead is a man honest to his principles, and that this has been shown on every occasion. He said that he is a man with deep integrity, and that in the time that he has served with him on the Board he has grown to respect him, to have a deep love for him, and that now he wishes him well. Alderman Smith said that Alderman Nassif expressed his feelings, that George Coxhead has been a dedicated, hard-working individual with the interest of the people of Chapel Hill at heart.

TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

January 16, 1973

NOTICE OF SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL

TO: Mr. Joseph Nassif
Mr. R. D. Smith
Mrs. Shirley Marshall
Mr. Ross Scroggs
Mrs. Alice Welsh

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Municipal Building at 5:00 p.m. on Jan. 17, 19 73, to fire the Town Manager



MAYOR

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable Howard N. Lee, Mayor, to be held in the Municipal Building at 5:00 p.m. on Jan. 17, 1973.




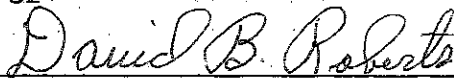
MAYOR

R. E. Scroggs
Shirley E. Marshall
Alice Welsh
R. D. Smith
Joseph L. Nassif

11
Mayor Lee said that the administration should prepare a list of all the committees that Mr. Coxhead had served on in order to make new appointments. He said that all people have differences, but that on the Town Board the differences have resulted in strengths, not weaknesses. He said that the members of the Board had shared a sense of loyalty and responsibility and respect for each other, and that George Coxhead would be missed.

The meeting was adjourned at 5:30 P.M.


Mayor


David B. Roberts, Town Clerk

MINUTES

January 17, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a special meeting on Wednesday, January 17, 1973 at 5:00 P.M. Present were Mayor Lee, Aldermen Smith, Scroggs, Nassif, Marshall, and Welsh. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

Mayor Lee called the special meeting to order and outlined the agenda and procedure for the meeting. Mr. Roland Giduz requested that petitions be presented after the Mayor and Town Manager have spoken. Alderman Scroggs said that the meeting is being held in the Court Room as public hearings are and that it should be considered a public hearing. Alderman Marshall said that public hearings must be advertised to give all citizens an opportunity to speak, and this meeting was not advertised as a public hearing. Town Attorney Denny read section 2-3 and 2-4 of the Code of Ordinances and section 3-22 of the Charter authorizing the Board of Aldermen to set the time and place for meetings. Alderman Scroggs said that people who came to speak should be permitted to. Alderman Nassif said he had no objections to people speaking, but that it is not a public hearing. Mayor Lee said that petitions could be presented after statements by the Mayor and Town Manager.

Mayor Lee read a statement.

STATEMENT

BOARD OF ALDERMEN

On Monday evening, January 15, 1973, the Chapel Hill Board of Aldermen met in executive session to inform Mr. Robert Peck that a majority of the Aldermen felt he should submit his resignation as Town Manager. In the opinion of a majority of the Board he was fully informed as to why this decision was made and reminded of the process through which we had all gone together in an attempt to avert this action. This executive session was held for the expressed purpose of allowing Mr. Peck to vacate his position without embarrassment and fanfare. Also this was done in accordance with the ordinance which allows the Board to discuss personnel matters in executive session. At this meeting Mr. Peck was asked to consider remaining with the town in the position of engineer. However, he felt this not to be in his or the Town's best interest and therefore declined this offer. He further indicated that he would not submit his resignation voluntarily and requested that he be fired at a public meeting. Therefore this meeting today is being held.

As Mayor, I will express the feelings of the four (4) aldermen who are supporting this action; who are Aldermen Shirley Marshall, Joe Nassif, R. D. Smith, and Alice Welsh; with whom I concur. One Alderman, Mr. Ross Scroggs, opposes this action.

The Town Charter grants the authority over the Town Manager which is set forth in Chapter IV, subchapter A, Section 4.21 and recorded as follows; "(A) The Board of Aldermen shall appoint a Town Manager who shall be the administrative head of the Town government and shall be