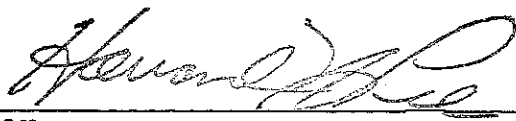



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Aldermen meet in an executive session at 5:00 P.M. on Friday, February 2, 1973.

The meeting was adjourned at 5:33 P.M.



Mayor



David B. Roberts, Town Clerk

MINUTES

February 5, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M. on February 5, 1973 with the following members present: Mayor Lee, Aldermen Marshall, Nassif, Scroggs, Smith, and Welsh. Also present were Interim Town Manager Levine, Town Clerk Roberts, and Town Attorney Denny.

Mayor Lee told the audience that due to an important meeting that the Mayor, Town Manager, and Town Attorney had to attend Mr. Thomas Gardner would be sworn in as Alderman and the meeting would be adjourned until 7:30 P.M.

BOARD OF ALDERMEN - APPOINTMENT

Mr. Thomas Gardner was sworn in by the Town Clerk as a member of the Board of Aldermen to serve the remainder of the term of Mr. George Coxhead who resigned

Mayor Lee recessed the meeting until 7:30 P.M.

The meeting was reconvened at 7:30 P.M.

Mayor Lee welcomed Mr. Thomas Gardner to the Board of Aldermen

MINUTES

Alderman Marshall moved, seconded by Alderman Smith, to approve the minutes of the meeting of January 17, 1973, January 22, 1973, and January 30, 1973 as circulated. This motion was unanimously carried.

WILLIAM MANNING HARGRAVES, JR.

Mayor Lee told the Board and the audience that Mr. Hargraves, a member of the Recreation Commission, had been killed in an automobile accident. He then read a resolution to be presented to Mr. Hargraves' family.

R E S O L U T I O N

William Manning Hargraves, Jr.

WHEREAS, William Manning Hargraves, Jr. was for many years an esteemed citizen of Chapel Hill; and

WHEREAS, since his return from military service in 1960 he has served in many leadership roles in the community; and

WHEREAS, in 1969 he was appointed to the Chapel Hill Recreation Commission; and

WHEREAS, during the years 1969 to 1973 he served as a dedicated and dependable member of the Recreation Commission; and

WHEREAS, he devoted his energies and his abilities to the youth of the Town of Chapel Hill; and

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WHEREAS, William Manning Hargraves, Jr. was killed in a tragic automobile accident on February 4, 1973, at the age of thirty-eight; NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill hereby expresses its respect and appreciation for the life and service of William Manning Hargraves, Jr., and directs that this resolution be entered into the permanent minutes of the Town of CHapel Hill and a copy be sent to the family of William Manning Hargraves, Jr.

This the fifth day of February, 1973.

Alderman Nassif moved, seconded by Alderman Welsh, to approve the resolution as read. This motion was unanimously carried.

REDEVELOPMENT COMMISSION - APPOINTMENT

Mayor Lee told the Board that a vacancy still exists on the Redevelopment Commission and that the Redevelopment Commission had submitted four names for nomination to the vacancy. Alderman Nassif asked Interim Manager Levine to inform all committee chairmen that the policy is to recommend only two persons for one vacancy.

CENTRAL CAROLINA BANK - OPENING

Mayor Lee told the Board that Central Carolina Bank was opening at the University Mall on February 9, 1973 at 9:00 A.M. and that all the members of the Board of Aldermen were invited to attend.

BOOKER CREEK - MAPS 3 AND 4

Mr. Duff requested that the Board approve maps 3 and 4 of the Booker Creek Subdivision and stated that the Planning Board would not permit his appearance at their next regular meeting because he had not submitted the final plats 10 days prior to the meeting as required by the Subdivision Ordinance. Mayor Lee asked Dr. Cooke of the Planning Board if Mr. Duff could be put on their agenda for the next night. Mr. Cooke said no. Alderman Nassif moved, seconded by Alderman Marshall, to receive the petition and insert it on the agenda after Law Officers Retirement Transfer. This motion was unanimously carried.

LAKE FOREST, SECTION 12 - PRELIMINARY AND FINAL PLATS

Mayor Lee read transmittals from the Planning Board, a "minority report" from two members of the Planning Board, and a staff recommendation. Alderman Marshall said that the Board of Aldermen had moved to deny action on Oak Forest because of a boundary dispute and that Lake Forest is much more concerned with the boundary dispute than Oak Forest. Alderman Marshall moved, seconded by Alderman Nassif, that the "minority report" be accepted. Mr. Van Opdenbrow showed the area on a map. Alderman Scroggs said that he did not think minority reports should be presented to the Board of Aldermen and that the motion should not include the words "minority report." Alderman Welsh said that minority reports give as much information as majority reports. Alderman Nassif agreed that minority reports give information about the Planning Board's recommendation, but agreed also that the motion should not state acceptance of a minority report. The motion was restated "to delay action on the preliminary and final plats of Section 12 of Lake Forest on the basis of consistency in the boundary disputes." This motion was unanimously carried.

BOLINBROOK REZONING (VILLAGE WEST)

Mayor Lee read a transmittal from the Planning Board recommending that approval of the rezoning request by Bolinbrook Associates to rezone from R-15 and R-3 to R-6. Mr. Van Opdenbrow showed this area on the map and described the recommendations of the Planning Board. Alderman Welsh said that the minutes of the Planning Board indicated confusion between the rezoning request and the special use request. She said that she approves of the R-15 zoning and opposes the R-3 and R-6 zoning. Alderman Nassif moved, seconded by Alderman Scroggs,

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that the request for rezoning from R-15 and R-3 to R-6 by Bolinbrook Associates be granted and an ordinance be drawn. The vote was 3 to 3 with Aldermen Marshall, Welsh, and Smith opposing. Mayor Lee voted in favor of the motion and the motion was carried.

ORANGE BUILDERS - MODIFICATION OF SPECIAL USE

Mayor Lee read a transmittal from the Planning Board recommending that the modification of the special use permit by Orange Builders be granted with stipulations. Alderman Marshall moved, seconded by Alderman Welsh, to approve the modification of special use permit by Orange Builders with the following stipulations from the Planning Board: that four parking spaces in front of the building be eliminated and that the approved landscape plan remain unchanged; and the following stipulations from the Appearance Commission: that the bulk trash container be located by the drive connection the two large parking areas, and that pedestrian access to Milton Avenue be provided. Alderman Smith asked David Curl if the four parking spaces that had been removed were a part of the agreement for parking with WCHL. Mr. Curl said no, and that more parking spaces than were required were provided. This motion was unanimously carried.

THREE-FOURTHS VOTE TO OVERRULE PLANNING BOARD

Mayor Lee read a transmittal from the Planning Board for amending the Zoning Ordinance to require a three-fourths vote of the Board of Aldermen to grant a special use or rezoning request over a unanimous denial of the request by the Planning Board. This was advertised by the Planning Board for the February public hearing. Mr. Cooke of the Planning Board explained the ordinance, clarified the confusion of Alderman Marshall by stating that this requirement would not only hold when stated Town policies were being considered, and stated that no action by the Board was actually necessary until the Public Hearing. Alderman Nassif said that the Planning Board transmittals needed to be more complete when the Board opposes rezoning or special use requests.

FAIR KEDOS

Mr. Hank Anderson, Director of the Recreation Department, requested that the Board of Aldermen endorse Fair Kedos. Alderman Smith asked if Franklin Street would need to be blocked off. Mr. Anderson said that plans had not been completed yet. Alderman Nassif moved, seconded by Alderman Marshall, to endorse Fair Kedos. This motion was unanimously carried.

Alderman Nassif left the meeting.

Mr. Mick McMahan told the Board that the Town might be able to get \$1500 from the America the Beautiful Fund to support Fair Kedos, and requested the Board's approval for submitting an application for this grant. Alderman Smith moved, seconded by Alderman Scroggs, to approve the submission of an application for a grant from the America the Beautiful Fund for Fair Kedos. This motion was unanimously carried.

Alderman Nassif returned to the meeting.

DRUG ABUSE - GRANT APPLICATION

Mr. Mick McMahan explained a drug education grant that possibly could be obtained from HEW to send seven people from the Town to a training program in Miami, Florida for 13 days. He also explained that no matching funds would be required from the Town. Alderman Smith moved, seconded by Alderman Marshall, to authorize the application for a drug education grant from HEW. This motion was unanimously carried.

INTERGOVERNMENTAL EXCHANGE - APPLICATION

Mr. Mick McMahan explained the Intergovernmental Exchange program and requested that the Board of Aldermen authorize a request for a Building Inspector and/or an Engineer through this program. He explained that this was not the only alternative that the Town had but an additional

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possibility, and that the Town would be under no obligation to hire personnel under this program. Alderman Welsh moved, seconded by Alderman Marshall, to authorize the request for a Building Inspector and an Engineer through the Intergovernmental Exchange Program. This motion was unanimously carried.

PERSONNEL SURVEY

Mr. Mick McMahan explained that a Personnel Survey could be done throughout the Town government without charge to the Town. He said the survey would entail a study of all personnel, job classifications, salaries, and an overall pay scale study. Alderman Nassif moved, seconded by Alderman Smith, to approve a request for a Personnel Survey to be conducted during the next fiscal year in the Town of Chapel Hill. This motion was unanimously carried.

LAW OFFICERS' RETIREMENT TRANSFER

Mr. Larry Young, attorney for the Police Department, described the deficiencies in the present law officers' retirement insurance and presented a resolution.

A RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL 97 AND HOUSE BILL 96, TO BE ENTITLED: "AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS TO TRANSFER MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND."

WHEREAS, law enforcement officers endure greater hazards, work longer and more unusual hours, are subject to more constant and varied demands and work under more intense pressures than members of most other professions; and

WHEREAS, the variety of functions which law enforcement officers are called upon to fulfill, has increased dramatically in recent years and is likely to further increase in the future; and

WHEREAS, analogous governmental professions which are inherently hazardous and demanding offer retirement at a livable income earlier than the norm for the general populace; and

WHEREAS, in order to competitively attract qualified, professionally oriented persons to careers in municipal law enforcement, additional incentives are now needed; and

WHEREAS, state law enforcement officers are now able to retire with full benefits corresponding to the number of years of service and position attained at age 55; and

WHEREAS municipal law enforcement officers who retire at the same age are penalized by a severe reduction in benefits; and

WHEREAS, the existing inequity in retirement benefits between state and municipal law enforcement officers has no basis in rationality; NOW THEREFORE

BE IT RESOLVED, that the Board of Aldermen of the Town of Chapel Hill enthusiastically support and urge the passage by the North Carolina General Assembly of Senate Bill 97 and House Bill 96, to be entitled: "AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS TO TRANSFER MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND."

This the fifth day of February, 1973.

Chief Blake said that he endorsed the resolution. Alderman Smith moved, seconded by Alderman Nassif, to adopt the resolution supporting legislation concerning law officers' retirement insurance introduced to the Legislature. Alderman Welsh asked that the motion be amended so that copies are sent to the legislators, the Lieutenant Governor, the President pro tem, Mr. James Ramsey, and Governor Holshouser.

Alderman Marshall requested that the motion be further amended to have copies endorsing a new bill being considered in the Legislature sent to the Honorable Ike Andrews and the Honorable David Henderson. The motion, with amendments, was unanimously carried.

BOOKER CREEK - MAPS 3 AND 4

Mr. William Duff requested approval of Maps 3 and 4 and described how construction had been held up by one demand after another from the Town of Chapel Hill. Mr. Denny said that he had talked with Mr. Duff's attorney and explained that the requirements on Mr. Duff are ordinance requirements and that Mr. Duff should have submitted his plats 10 days prior to the Planning Board meeting as required in the Zoning Ordinance. Alderman Scroggs asked Mr. Cooke if the Planning Board could meet some time this month in order to hear Mr. Duff's request. Alderman Nassif said that he thought the Planning Board should meet within 10 days, as Mr. Duff had been unduly detained for so long a time. Alderman Smith moved, seconded by Alderman Nassif, to refer maps 3 and 4 of the Booker Creek Sub-division to the Planning Board to be heard within 10 working days from the date of submission and referred back to the Board of Aldermen. This motion was unanimously carried.

COG - PROGRAMS FOR THE ELDERLY

Alderman Marshall gave a report on new programs the COG is developing for housing for the elderly, and requested that a resolution be drawn supporting this and presented at the next meeting.

COG - RESOLUTION

Alderman Marshall explained that Triangle J COG has called for resolutions opposing the moratorium on subsidized housing and water/sewer grant programs. She requested that Interim Town Manager Levine draw up a resolution opposing the moratorium for adoption at the next meeting.

REVENUE SHARING

Alderman Welsh asked if Revenue Sharing funds in Chapel Hill were based on the student population. Mayor Lee said that they were to some degree.

PLANNING PROCESS

Alderman Nassif asked that this item be delayed.

BOARD OF ALDERMEN - AFTERNOON MEETINGS

Alderman Nassif explained that afternoon meetings were intended for considering routine matters only but that these meetings had not been restricted to simply routine matters. He suggested that the meetings either be kept to routine matters, or that all meetings be held at 7:30 P.M. Attorney Denny read an ordinance amending Section 2-3 of the Code of Ordinances of the Town of Chapel Hill.
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AN ORDINANCE TO AMEND SECTION 2-3, CODE OF ORDINANCES - TOWN OF CHAPEL HILL

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

SECTION I

That the first sentence of Section 2-3, Code of Ordinances, Town of Chapel Hill be, and the same is hereby amended to read as follows:

"Regular meetings of the Board of Aldermen shall be held on the first, second, third and fourth Mondays, of each month at 7:30 o'clock P.M., except that no meeting shall be held during the month of August."

SECTION II

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

This the fifth day of February, 1973.

Alderman Nassif moved, seconded by Alderman Scroggs, to adopt the ordinance as read, to amend Section 2-3 of the Code of Ordinances of the Town of Chapel Hill requiring that all meeting of the Board of Aldermen be held at 7:30 P.M. This motion was unanimously carried. Alderman Nassif said that the Court Room had been remodeled and that microphones were available and suggested that the Board of Aldermen use the Court Rooms for all Board of Aldermen meetings. Alderman Scroggs said the display facilities were not adequate. The consensus of the Board was to continue meeting in the Meeting Room of the Municipal Building except for public hearings.

EMERGENCY REPORTING SYSTEM

Interim Town Manager Levine reported on the status of the Emergency Reporting System indicating that it had not been ordered. Mayor Lee said that there was a greater need for the system now than there was two years ago and that the original order for 50 call boxes should be made but with consideration for expansion. Alderman Scroggs said that a larger console could be ordered and that additional call boxes could be added later. Alderman Nassif said that the original order was to be for 50 call boxes and a 100-box console. Mayor Lee asked Interim Manager Levine to order the system with 25 boxes and review the locations for the boxes.

15-501 BY-PASS - VENDORS

Interim Town Manager Levine reported that the problem of vendors on the 15-501 By-Pass had been eliminated by the District Highway Commission.

RELEASES AND REFUNDS

Town Clerk Roberts presented the following resolution:

RESOLUTION - TAX RELEASES

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

Roof Inc.	7516	36.00	House torn down-just lot
Manual L. Estacio, Jr. 1946		3.00	Paid for dog tag also on tax bill

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.

RESOLUTION - TAX REFUNDS

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

Mutual Savings & Loan			
For Robert & Rosa Praylor	5187	36.00	Sewer was charged in error

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.

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Aldermen Smith moved, seconded by Alderman Scroggs to approve the resolutions for releases and refunds as presented. This motion was unanimously carried.

The meeting adjourned at 9:55 P.M.



Mayor



David B. Roberts, Town Clerk

MINUTES

February 12, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on February 12, 1973, with the following members present: Mayor Lee, Aldermen Gardner, Marshall, Nassif, Scroggs, Smith, and Welsh. Also present were Interim Town Manager Levine, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Smith moved, seconded by Alderman Nassif, to approve the minutes of the meeting of February 5, 1973 as corrected. This motion was unanimously carried.

LAKE FOREST ESTATES, SECTION 12 - FINAL PLAT

Mr. R. B. Fitch requested that the Board of Aldermen consider approval of the final plats for Section 12 of Lake Forest Estates subdivision. Alderman Nassif moved, seconded by Alderman Scroggs, to receive this petition and place it at the end of the agenda. This motion was unanimously carried.

HOUSE BILL 95

Mr. Terry Lathrop presented a petition to the Board of Aldermen to adopt a resolution supporting House Bill 95 concerning using Powell Bill funds for mass transit. Alderman Nassif moved, seconded by Alderman Welsh, to request that a resolution be drawn endorsing House Bill 95 for adoption at the next meeting. This motion was unanimously carried. Alderman Welsh moved, seconded by Alderman Marshall, to send a letter to the League of Municipalities indicating opposition to the League's position on this bill and requesting that the League poll its membership before taking official positions on legislation. This motion was unanimously carried. Alderman Marshall requested that a copy of the resolution be sent to the Triangle J COG.

PLANNING PROCESS - PROPOSAL FOR REORGANIZATION

Alderman Nassif said that he was prepared to make his recommendations for the reorganization of the planning process. Alderman Welsh said she did not think recommendations should be made to the Board before the committee designated studied it. Alderman Welsh moved, seconded by Alderman Marshall, to place this item on the end of the agenda and ask the Board to consider its policy of committee reviews. This motion was unanimously carried.

McCAULEY AND RANSOM STREETS - INTERSECTION

Alderman Welsh read a petition requesting a stop and go light or 4-way stop signs at the intersection of McCauley and Ransom Streets. Alderman Welsh moved, seconded by Alderman Nassif, to accept the petition and refer it to the Streets Committee. This motion was unanimously carried.