

Alderman Joseph Nassif and Sandy McClamrock to the Interim Board of the Consumers Utilities Corporation. This motion was unanimously carried.

AIRPORT COMMITTEE - APPOINTMENT

Mayor Lee appointed Alderman Gardner to the Airport Committee.

FINANCE COMMITTEE - APPOINTMENT

Mayor Lee appointed Alderman Gardner to the Finance Committee


STREETS COMMITTEE

Mayor Lee appointed Alderman Marshall to the Streets Committee and asked Alderman Smith to serve as Chairman.

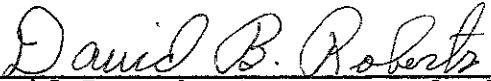
POLICE DEPARTMENT CONSULTANT

Mayor Lee said the next regular meeting of the Board will be brief and will be followed by an executive session with Major Norman Pomerence, the Police Department Consultant.

The meeting was adjourned at 12:15 A.M.



Mayor



David B. Roberts, Town Clerk

MINUTES February 19, 1973

Board of Aldermen Town of Chapel Hill

The Board of Aldermen met at a regular meeting on February 19, 1973 at 7:30 P.M. 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 Welsh, to approve the minutes of the meeting of February 12, 1973 as corrected. This motion was unanimously carried.

LAW OFFICERS RETIREMENT TRANSFER

Mayor Lee said he had received letters from William P. Saunders, Edwin S. Holmes, James E. Ramsey, and David Henderson thanking the Board for the resolution sent to them.

UTILITIES

Town Attorney Denny asked that a discussion of utilities be added to the agenda. There were no objections.

C D REVENUE SHARING WORKSHOPS

Mayor Lee said workshops to discuss C D Revenue Sharing were being held on March 1 and 2 in Lumberton and on March 7 and 8 in Hickory and that Mayors, Managers, and elected officials were urged to attend.

LAKE FOREST ESTATES - SECTION 12 - FINAL PLAT

Van Opdenbrow read the transmittal from the Comprehensive Planning Committee and Recreation Commission representatives recommending approval of the plat with stipulations. Alderman Nassif asked if

the access to Lot 7 would be an easement for the purpose of access. Van Opdenbrow explained what change would be necessary. Alderman Nassif asked if the 16' easement on Lot 9 could be used for public access to the park. Mr. Opdenbrow said that stipulation #3 recommended by the Comprehensive Planning Commission would require that the owner of the lot marked "E. J. Owens," convey this easement through Lot 9 to the Town. Town Attorney Denny said that portions of the boundary with the Town property had not yet been settled. Alderman Marshall said no action should be taken until the boundaries are settled. Alderman Nassif said he approved the staff's recommendation to require an easement for stream maintenance, does not agree with the Town asking for any other easement, but thinks the property line dispute must be finalized. Alderman Nassif moved, seconded by Alderman Welsh, to table this request until the boundary is settled. Mr. R. B. Fitch said he was trying to help Mrs. Owens get this settled, that the question of an easement for pedestrian use and stream maintenance had not been discussed before and he did not know if it would be acceptable to Mrs. Owens. He asked if the Board would consider approving Lots 6 and 7 separately. Alderman Nassif and Marshall said they preferred considering the total subdivision. This motion was unanimously carried. Alderman Scroggs suggested that the Town consider purchasing Lot #9. Alderman Welsh said that she concurred.

PLANNING PROCESS - PROPOSAL FOR REORGANIZATION

Mayor Lee asked the Board if there were any comments on Alderman Nassif's proposal for reorganization of the Planning process. Town Attorney Denny said some Charter modifications would be needed and the deadline for submitting bills to the legislature is March 20, 1973. Alderman Scroggs said that he tried to understand the objectives of the plan, and that in general, no special use or rezoning requests are submitted with regard to Town policy. Alderman Nassif said that his proposal would enable the Planning Board to establish long-range policies and goals and developers will use them. Alderman Scroggs said that the Technical Review Board weakens the Planning Board. Alderman Nassif said that the function of the Planning Board as he is proposing it would be that of a land use review board. Alderman Scroggs said that in the proposal the Appearance Commission does not review special use permit requests until after the public hearing and he does not agree with that procedure. Alderman Nassif said that he is proposing preliminary approval for the land use and site plan with the details to be worked out if that preliminary approval is given. Alderman Welsh said that that procedure would save the developers money but would not give the public the opportunity to react to the visual appearance. Alderman Scroggs said that for subdivisions, the Planning Board has the legal right to give final approval and the Board of Aldermen could be eliminated from the approval process. Alderman Nassif agreed. He also said that the long-range policies and goals for the Town would be outlined and would serve as a guide for the developers, the staff and the Boards. Alderman Marshall said that the idea of having input from all these bodies is good but she questioned whether all of the information could be put together. Alderman Nassif said that the Board could determine the general consensus of citizens by inviting them to participate in their meetings or in public hearings. Alderman Welsh said that there are general policies which the Planning Board and staff are not using now and questioned whether these policies would be used if the process were reorganized. Alderman Nassif said that the Board would translate the policies into ordinances.

Alderman Welsh moved, seconded by Alderman Smith to refer the proposal to the Planning Board, Appearance Commission, and Recreation Commission for review, and a report to the Board of Aldermen by the first meeting in April which would be a joint meeting. Town Attorney Denny asked if there were any objections to preparing the local legislation which would be needed. There were no objections. This motion was unanimously carried.

HOUSE BILL 95

Mayor Lee read a resolution supporting House Bill 95 and called for a voice vote.

R E S O L U T I O N

WHEREAS, House Bill 95 which would authorize the expenditure of Powell Bill funds by municipalities for mass transit systems is now pending action in the North Carolina Legislature, and

WHEREAS, an adequate mass transit system is necessary for the orderly growth of any town and is an essential element in the reduction of air pollution from automobile exhaust fumes, and

WHEREAS, traffic congestion and noise is a growing problem in Chapel Hill which is rapidly reaching critical proportions, and

WHEREAS, local resources are not sufficient to adequately finance a mass transit system and the Town is forced to rely on bond issues, categorical grants, and the cooperation of the University, and

WHEREAS, local decisions regarding priorities for spending tax revenues is a primary requisite for the planned community concept,
NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill supports House Bill 95, and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Honorable James Holshouser, Governor of the State of North Carolina, to Lieutenant Governor James Hunt, to Speaker of the House James E. Ramsey, to President pro tem of the Senate Gordon P. Allen, to State Senators A. B. Coleman, Jr. and William P. Saunders, and to State Representatives Edward S. Holmes and Patricia Stanford Hunt.

This the nineteenth day of February, 1973.

The resolution was adopted by a vote of five to one with Alderman Scroggs opposing.

MAYOR'S COMMITTEE FOR THE HANDICAPPED - APPOINTMENTS

Mayor Lee read a letter from the Mayor's Committee for the Handicapped recommending people to fill the five vacancies on the committee. Alderman Smith moved, seconded by Alderman Scroggs that the nominations be closed. This motion was unanimously carried. A vote was taken and the following people were appointed to the Commission: Ms. Althea Burch; Mr. Bill Coolidge; Mr. Bill McMann; Mr. Clifton P. Jones; and Mr. Donald A. Boulton. These people will serve a three year term ending December, 1975.

RECREATION COMMISSION - APPOINTMENT

Mayor Lee said that the Recreation Commission has a vacancy and requested that Ms. Mary Howes be appointed to it. Alderman Smith nominated Ms. Mary Howes for the vacancy on the Recreation Commission. Alderman Welsh moved, seconded by Alderman Scroggs, that nominations be closed and that Ms. Mary Howes be appointed to the Recreation Commission by acclamation, to fill the vacancy left by Mr. Thomas Gardner for his term expiring December 31, 1975. This motion was unanimously carried.

PURCHASING AGENT - RECLASSIFICATION

Interim Manager Levine recommended that an adjustment be made in the classification of the position of Purchasing Agent to Class 23. Alderman Welsh moved, seconded by Alderman Smith, that the position of Purchasing Agent be reclassified to class 23. This motion was unanimously carried.

BUDGET ORDINANCE

Mayor Lee presented a budget ordinance to the Board of Aldermen. Alderman Scroggs moved, seconded by Alderman Smith to adopt the budget ordinance as presented. A

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OF THE FISCAL YEAR BEGINNING JULY 1, 1972 AND ENDING JUNE 31, 1973

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

SECTION I

That the Budget Ordinance of the Town of Chapel Hill entitled "An Ordinance to Appropriate Funds and To Raise Revenue for the Fiscal Year Beginning July 1, 1972 and Ending June 30, 1973" as duly adopted on July 24, 1972 be and the same is hereby amended as follows:

Decrease General Fund Appropriation Accounts:

	Decrease	Total
6090 Urban Development	7,700	18,390
6305 Engineering	12,425	15,415
6416 Garbage Disposal	153,920	26,080
7620 Civil Defense	3,033	2,587
8000 Contingency	14,750	22,608

Create General Fund Revenue Accounts:

1545 CBD Donations
1622 Landfill Charges
1623 Landfill Rants

Increase General Fund Revenue Accounts:

	Increase	Total
1545 CBD Donations	16,000	16,000
1622 Landfill Charges	54,066	54,066
1623 Landfill Rents	18,000	18,000

Increase General Fund Appropriations and Revenue Budgets by \$88,066 to \$3,184,066.

Create General Fund Appropriations Accounts:

6094 PITCH
6096 CBD Study
6417 Landfill Operations
6418 Landfill Development
6419 Landfill Use

Increase General Fund Appropriations Accounts:

	Increase	Total
6000 General Government	9,779	164,268
6030 Court	1,384	3,884
6091 Planning	7,700	33,174
6094 PITCH	4,500	4,500
6096 CBD Study	18,000	27,000
6275 Drivers License	120	600
6301 Public Works	5,100	64,668
6417 Landfill Operations	54,066	54,066
6418 Landfill Development	149,245	149,245
6419 Landfill	30,000	30,000

SECTION II

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

This the 19th day of February, 1973.

This motion was unanimously carried.

UTILITIES - FORMATION OF CORPORATION

Town Attorney Denny presented a resolution for approving the formation of a consumers utility corporation and appointing members to the Board of Directors. Alderman Marshall moved, seconded by Alderman Smith, to adopt the resolution as read.

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL APPROVING THE INCORPORATION OF CONSUMERS UTILITY CORPORATION A NON-PROFIT CORPORATION AND APPOINTMENT OF MEMBERS TO THE BOARD OF DIRECTORS THEREOF

WHEREAS the University of North Carolina at Chapel Hill owns and operates electric, telephone, water and sewer utilities, some or all of the services of which are used by the citizens and consumers of our political subdivision; and

WHEREAS the University, in the immediately foreseeable future will, apparently, sell or otherwise divest itself of the ownership and/or operation of some or all of these utilities; and

WHEREAS it is vital that the provision of these utility services in future be assured and the best way, economically and otherwise, to assure such is to continue the ownership and/or operation of one or some or all of such utilities in the hands of the consumers of such; and

WHEREAS technical studies--engineering, economic, and legal--are needed to furnish this governing body the information needed for decisions on these matters; and

WHEREAS a formal entity of some type is needed to arrange for and supervise such studies which entity (or other entity(ies) sponsored by it) could, also, advance bids or other proposals for acquisition and/or operating one or some or all of such utilities and could, thereafter acquire and/or operate such; and

WHEREAS such an entity would be representative of other political subdivisions presently and prospectively using such utility services; and

WHEREAS a non-profit corporation would be an appropriate form for such entity; NOW THEREFORE

BE IT RESOLVED that this governing body:

1. Finds as fact all foregoing in this Resolution; and
2. Approves the incorporation of Consumers Utility Corporation and, for that purpose, the filing of Articles of Incorporation therefor, in form and substance substantially shown on "Exhibit A" attached hereto and made a part thereof; and
3. Appoints, as among the initial Directors thereof, Joseph L. Nassif, Roland McClamrock, and John L. McKee; and
4. Finds that the public interest, including specifically the public interest of this political subdivision, would be best served by all actions foregoing in this Resolution.

This the 19th day of February, 1973.

This motion was unanimously carried, Alderman Smith moved, seconded by Alderman Nassif, to designate Mr. John McKee as the process agent for the corporation and his office as the official office. This motion was unanimously carried.

TOWN MANAGER SEARCH COMMITTEE


Mayor Lee said that the Board of Aldermen should begin the process for selecting a new Town Manager, and recommended that three citizens be appointed as members-at-large to the committee: Mr. Jake Wicker, Mr. George Coxhead, and Rev. Charles Helton. Alderman Nassif moved, seconded by Alderman Smith, to appoint Mr. Wicker, Mr. Coxhead, and Rev. Helton as members-at-large to the Town Manager Search Committee.

This motion was unanimously carried. Mayor Lee recommended that the first meeting of this committee be held Tuesday, March 6, 1973 at 7:30 P.M. in the Conference Room. The Board concurred.

GENERAL GOVERNMENT - REORGANIZATION

Mayor Lee said that Interim Manager Levine had requested that the Aldermen meet to discuss reorganization of the Town government. Mayor Lee said a date for that meeting would be set at the next regular meeting of the Board.

The meeting was adjourned at 8:50 P.M.


Mayor


David B. Roberts, Town Clerk

MINUTES

February 26, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a public hearing on February 26, 1973 at 7:30 P.M. 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.

PUBLIC HEARING

Mayor Lee described the procedure for the public hearing.

THREE-FOURTHS VOTE REQUIREMENT

Mayor Lee read a proposed amendment to the Zoning Ordinance to require an extraordinary majority of the Board of Aldermen to grant requests for special use permits and rezoning, in all cases in which the Planning Board unanimously recommends denial. Mr. Opdenbrow described the recent vote on the Credit Union special use which led to the proposed amendment. Dr. Charles Weiss of the Planning Board said the amendment requirement has precedents, and that similar limits were established in other communities. Alderman Nassif asked what constitutes a unanimous vote. Dr. Weiss said a unanimous vote of the members present, not of the total board. Alderman Welsh said that because the Planning Board considers rezoning and special use requests at the same time confusion results. Alderman Scroggs said the proposed amendment would take the final authority away from the Board of Aldermen and that he would vote against it. Alderman Welsh said the Planning Board will be able to rely on more technical assistance from all departments of the Town and that it should base its decisions on facts. Alderman Marshall said the Board of Aldermen was made up of elected officials and that final decisions must be made by the Board. Mayor Lee said the Planning Board is an advisory body and he would not abdicate the responsibility of the Board of Aldermen to make decisions. Alderman Smith said that if this amendment is accepted, the Appearance Commission and the Recreation Commission would expect similar authority, and he opposes that. Dr. Cooke of the Planning Board said the proposal was not intended to remove decision-making power from the Board of Aldermen. Ms. Helen Urquhart, a citizen, said she felt that those speaking were defending their power, and asked if the Town really had a long-range plan. Alderman Marshall said yes. Alderman Nassif moved, seconded by Alderman Marshall, that the proposed amendment to Section 4-c-1 and Section 11 of the Zoning Ordinance requiring an extraordinary majority of the Board of Aldermen to grant requests for special use permits and for rezoning in all cases in which the Planning Board unanimously recommends denial be referred to the Planning Board for further study and recommendations. This motion was unanimously carried.