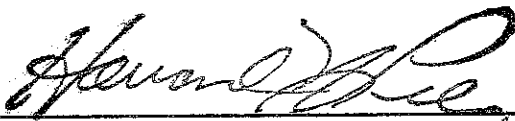



said it presently is over \$23,000. Alderman Nassif said he thought the salary should be left open. Mayor Lee said the Committee will meet in a closed session March 6th to review the applicants.

The meeting was adjourned at 11:25 P.M.

  
Mayor

  
David B. Roberts, Town Clerk

#### MINUTES

March 5, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on March 5, 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 Welsh moved, seconded by Alderman Scroggs, that the minutes of the meeting of February 26, 1973 be approved as corrected. This motion was unanimously carried.

#### DRAINAGE

Ms. Venus Alexander told the Board that water drained from the Roberson Street project onto her property at 125 S. Graham Street. She asked that the Board consider this problem and have something done about it. Alderman Welsh moved, seconded by Alderman Smith, to receive the petition and refer it to the Town Manager and Public Works Department for evaluation and a report back to the Board. This motion was unanimously carried.

#### MINUTES - AVAILABILITY

Mr. Robert Kelley said that he had had problems acquiring copies of the Board of Aldermen's minutes and asked the Board to consider making at least 20 copies available to the public. Alderman Smith moved, seconded by Alderman Welsh, that 20 sets of Board of Aldermen minutes be made available to the public at each meeting. This motion was unanimously carried.

#### DRAINAGE

Rev. John C. Burnett told the Board that water drained from Roberson Street and Franklin Street onto his property on Merritt Mill Road. He said that he had talked to Carrboro and Chapel Hill representatives and was promised that the drainage would be improved but that it had not. Alderman Welsh moved, seconded by Alderman Nassif, to receive the petition and refer it to the Town Manager and the Public Works Department to investigate and to consult with Carrboro, if necessary. Alderman Smith said the problem resulted from a lack of storm drains and asked if these could be installed. This motion was unanimously carried.

#### STREET TREE PLANTING TRANSPORTATION COMMISSION INSPECTION DEPARTMENT LEGISLATION - BICYCLE LANES

Mayor Lee requested that these items be placed at the end of the end of the agenda. There were no objections.

## LEGISLATION - SB290, 291, 295

Mr. Pearson Stewart explained the intent of bills numbered SB291, SB 295, and SB 290, and said that the League of Municipalities, the Association of County Commissioners, and the Region J Council of Governments wanted the Board of Aldermen's comments on these bills. Alderman Welsh asked Mr. Stewart if he preferred Senator Stallings' bills over the other bills. Mr. Stewart said he did not think these bills should be supported as they are written although each has good aspects. Alderman Scroggs said the bills seemed to have been written by someone with only a nodding acquaintance with their content and should not be supported. Mayor Lee asked if the bills could be re-written. Mr. Stewart said yes. Mayor Lee asked if they would be voted on in the next week. Mr. Stewart said no. Alderman Marshall said that if the Board as a whole has recommendations it would send them to the next Region J meeting. Alderman Smith said that Senate Bill 290 would eliminate the ten representatives of the Research Triangle Regional Planning Commission. Mayor Lee said he opposes that. Alderman Scroggs said approval of the "lead organization" proposed in these bills would work against the Town. Alderman Welsh said she liked the idea of the advisory council. Mr. Stewart said the bills' intents were to have one set of elected officials at the regional level responsible for all of the councils. Alderman Welsh asked if this set of officials would deal with policies and legislation. Mr. Stewart said policies only. Alderman Scroggs asked who would draft new bills. Mr. Stewart said his staff would work with Senator Stallings in Drafting the bills. Alderman Scroggs said that the bills, as they stand now, would be a hazard if passed.

## EROSION CONTROL - LEGISLATION

Mayor Lee read a local bill for erosion control. Alderman Scroggs recommended a revision. Alderman Welsh said that the bill was strengthened by not exempting power companies and utilities. Alderman Welsh moved, seconded by Alderman Nassif, that the Board of Aldermen request that the North Carolina General Assembly enact this bill granting Chapel Hill and the other governmental units authority to carry out the intent of the bill.

## A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE EITHER THE TOWN OF CHAPEL HILL, THE TOWN OF CARRBORO, THE TOWN OF HILLSBOROUGH OR ORANGE COUNTY BY ORDINANCES TO REGULATE SOIL EROSION.

The General Assembly of North Carolina enacts:

SECTION I. The Board of County Commissioners of Orange County is hereby authorized to make such ordinances as it deems appropriate to prevent soil erosion by requiring the submission of plans and other pertinent data in order to control sediment erosion at the site of any construction, landscaping, clearing projects or any other project except normal agricultural operations which in any manner alters the natural structure of the land mass within the county. The Board of County Commissioners may establish by ordinance a sediment control program whereby prior to any alteration of the land mass within the unincorporated portion of the county. A permit must be obtained from the Board of County Commissioners, in the manner prescribed by the ordinance, and in accordance with the criteria and standards for proper sediment control as established by the Board of County Commissioners. Such ordinance may also regulate the alteration of the land mass within the territorial jurisdiction of any municipality whose governing body by resolution agrees to such regulation; provided, however, that any such municipal governing body may, upon thirty (30) days written notice, withdraw its approval of the county ordinance, and that ordinance shall have no further effect within the municipality's jurisdiction; and the adoption of a soil erosion ordinance by any municipality authorized by this or subsequent acts shall be deemed a per se rejection of the county ordinance, if such ordinance exists.

SECTION 2. The Board of Aldermen of the Town of Chapel Hill, the Board of Aldermen of the Town of Carrboro and the Board of Aldermen of the Town of Hillsborough are each authorized to make such ordinances as they deem appropriate to prevent soil erosion by requiring the submission of plans and other pertinent data to control sediment erosion at the site of any construction, landscaping, clearing projects or any other project which in any manner alters the natural structure of the land mass within their respective Towns and within any territory over which the have been given or shall subsequently be given planning and zoning jurisdiction. A permit must be obtained from the Board of Aldermen of the Town within which or within whose area of planning and zoning jurisdiction the project is proposed, in the manner prescribed by the ordinance, and in accordance with the criteria and standards for proper sediment control as established by the Board of Aldermen of the Town within which or within whose area of planning and zoning jurisdiction the project is proposed.

SECTION 3. This act shall become effective upon ratification.

This motion was unanimously carried. Alderman Nassif asked if a legislator could be a co-sponsor of a local bill. Town Attorney Denny said yes, that legislators present the bills. Alderman Nassif said that in view of the last bill he would like to ask Senator Coleman and Representative Hunt to co-sponsor the bill.

#### LEGISLATION - SEDIMENTATION CONTROL

Mayor Lee read a resolution supporting SB 244 and HB 300 for a program for sedimentation control. Alderman Scroggs moved, seconded by Alderman Smith, to adopt the resolution as read.

A RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL 244 AND HOUSE BILL 300 TO BE ENTITLED "AN ACT TO ESTABLISH A PROGRAM FOR THE CONTROL OF POLLUTION FROM SEDIMENTATION"

WHEREAS, the sedimentation of streams, lakes and other waters of North Carolina and of the Town of Chapel Hill constitutes a major pollution problem, diminishing the holding capacity of our reservoirs, interfering with the recreational benefits of our waterways, and choking streams, lakes and ditches, thus increasing the opportunities for flooding, and

WHEREAS, removal of sediment from streams, lakes, reservoirs, ponds, ditches and culverts can be extremely costly to local, state and federal governments as well as to private interests, and

WHEREAS, the costs of sediment removal are rarely born by the parties responsible for the sedimentation, and

WHEREAS, control of erosion and sedimentation is deemed vital to the public interest and necessary to the public health and welfare, and

WHEREAS, sedimentation occurs from the erosion or deposition of soil and other materials into the waters, principally from construction sites and road maintenance, and

WHEREAS, growth patterns in North Carolina and the Town of Chapel Hill indicate that pollution through sedimentation will increase unless timely and appropriate action is taken, and

WHEREAS, the Board of Aldermen of the Town of Chapel Hill sees pollution by sedimentation as a problem that individual communities cannot solve in isolation, but one which needs to be dealt with at the scale of the river basin, and

WHEREAS, state government is an appropriate level at which to deal with problems involving entire river basins,

51

BE IT RESOLVED, that the Town of Chapel Hill supports and urges the passage by the North Carolina General Assembly of Senate Bill 244 and House Bill 300, to be entitled: "AN ACT TO ESTABLISH A PROGRAM FOR THE CONTROL OF POLLUTION FROM SEDIMENTATION"

and send it to all district representatives and senators, and Senator Staton and Representative Whichard. This motion was unanimously carried.

#### LEGISLATION - BICYCLE LANES

Mayor Lee read a bill authorizing the Town of Chapel Hill to establish bicycle lanes on state-maintained roads within the Town. Alderman Scroggs said bicycles should be operating under the same rules as any other vehicles and suggested that the wording be changed because the resolution suggested that bicycles would have the right-of-way through intersections. Alderman Welsh said the lines should be painted in a color not white or yellow. Mayor Lee said a glowing paint could be used to mark the lanes. Alderman Smith said he does not agree with the words "all other vehicles" because bicycles should defer to emergency vehicles. He said he felt that lanes would create a hazard because 3 foot bicycle lanes will reduce the traffic lanes. Alderman Welsh said she was concerned with safety and said that other cities painted bike lanes next to curbs and remove parking. Alderman Scroggs said if bicycles become a major mode of transportation, the Town will have to provide separate bicycle lanes. He said a raised divider could be used. Alderman Welsh said all local bills should be in by next week.

#### CHARTER - PLANNING REORGANIZATION

Attorney Denny said that one point in the charter concerned with approval of the final plat should be changed if the planning reorganization is adopted. Mayor Lee asked if that could be delayed until the next legislative session. Town Attorney Denny said yes. Alderman Scroggs asked if Chapel Hill's extraterritorial limits were extended into Durham if representation from Durham would be required. Town Attorney Denny said yes. Alderman Nassif said he would not recommend changing the Charter except with regard to approval of final plats.

#### POLICE DEPARTMENT - RECOMMENDATIONS

Mayor Lee read a budget ordinance amendment providing funds for a revised pay plan for the Police Department. Alderman Smith moved, seconded by Alderman Scroggs, to adopt the ordinance as read

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE OR THE FISCAL YEAR BEGINNING JULY 1, 1972 AND ENDING JUNE 30, 1973

BE IT ORDAINED by the Board of Alermen 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:

Increase the General Fund Appropriations Account "6210 Police Department" by 11,965 to 617,435;

Decrease General Fund Account "8000 Contingency: by 11,965 to 10,643.

##### 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. Mayor Lee asked the Board to discuss implementation of the recommendations in the Police Consultant's report. He said that priority #1, revising the pay plan, was being worked out by the Manager and Chief of Police. Alderman

Smith said he would like to see a plan with design and cost for priority #2, a new police facility. Mayor Lee said he thought priority #2 would take more planning than some of the other priorities and that the Board should reorder the priorities in the report. Alderman Marshall moved, seconded by Alderman Smith, to implement all of the priorities in the Police consultant's report, with the exception of priority #2. This motion was unanimously carried. Alderman Nassif said he hoped that the Board would look at the other facilities of the Town in addition to the Police facilities because many are not adequate. Alderman Marshall agreed and said that perhaps the Police Department building could be used for other Town needs. Alderman Welsh said that departments should be required to present long-range plans for capital improvements to be expected. Alderman Scroggs said that the Police Department could be improved by redecorating. Alderman Marshall said the part-time janitorial service should be changed to full-time. Mayor Lee said that the Parking lot for Police cars should be considered and improved. Alderman Smith asked if the E.A. Brown lot could be used for parking. Chief Blake said it was being used now.

#### FEES FOR REZONING AND SPECIAL USE PERMITS

Alderman Nassif said that filing fees alone cost the Town from \$12 to \$18 and that the average cost of legal notices is \$42 to \$50. He said the present fee is \$10 for a rezoning or special use request, that the Town is not recovering most of the cost, and that a \$100 fee is in line with other cities. Alderman Scroggs said he concurred. Alderman Nassif moved, seconded by Alderman Scroggs, for an ordinance to be prepared changing the rezoning and special use request fees from \$10 to \$100. Alderman Smith asked if a public hearing would be required. Town Attorney Denny said no. Alderman Welsh said the overhead is a legitimate reason to make this change. This motion was unanimously carried.

#### FIRE TRUCK - BIDS

Mayor Lee read a memorandum from Interim Manager Levine requesting that the Board authorize the Town to advertise for bids on a new fire truck. Alderman Nassif moved, seconded by Alderman Smith, to authorize the advertisement of bids on two fire trucks, one with a water tower and one without. This motion was unanimously carried.

#### PARKING - SPACES FOR THE HANDICAPPED

Interim Manager Levine told the Board that the Police Department reports a great deal of illegal parking in the spaces for the handicapped and recommends increasing the fine from \$1.00 to \$5.00 for parking in these spaces without proper identification, and that cars parked illegally be towed. Mayor Lee said he preferred the \$5.00 fine without towing. Alderman Welsh said that towing might be the answer. Alderman Scroggs said he thought towing was legally questionable and that he opposes it because there would be a mechanic's lien on the towed cars. Alderman Gardner said that handicapped persons coming into Town would not have cards authorizing them to park in these spaces. Alderman Nassif moved, seconded by Alderman Smith, that an ordinance be prepared authorizing a \$5.00 fine for anyone parking in a handicapped parking space without proper identification. This motion was unanimously carried.

#### BULK TRASH CONTAINERS

Mayor Lee read an ordinance to repeal a portion of Section 8-35 of the Code of Ordinances concerning bulk trash containers. Alderman Welsh said that two studies related to this have been authorized. Alderman Nassif moved, seconded by Alderman Scroggs, to adopt the ordinance to repeal a portion of Section 8-35 of the Code of Ordinance of the Town of Chapel Hill as read.

AN ORDINANCE TO AMEND CHAPTER 8 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 the following be repealed from Section 8-35 of the Code of Ordinances:

Existing multiple residential units of six (6) or more units shall within two years of the date of adoption of this article provide bulk containers. (Ordinance of 10-26-70)

SECTION II

All ordinances an portions of ordinance in conflict herewith are hereby repealed.

This the 5th day of March, 1973.'

This motion was unanimously carried.

Mayor Lee said he was concerned about containers in the downtown area. Alderman Marshall asked about people without access to land for containers. Mayor Lee said there could be cooperative efforts. Alderman Smith asked what could be done about the back of Fowlers. Alderman Nassif said that businesses receiving merchandise in large boxes should be required to break down the boxes. Mayor Lee read an ordinance repealing Subsection A of Section 8-32. Alderman Welsh moved, seconded by Alderman Smith, to adopt the ordinance as read.

AN ORDINANCE TO REPEAL SUBSECTION A  
OF SECTION 8-32, CODE OR ORDINANCES,  
TOWN OF CHAPEL HILL

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

That Subsection A of Section 8-32, Code or Ordinances, Town of Chapel Hill be, and the same is hereby repealed.

This the fifth day of March, 1973.

This motion was unanimously carried.

Alderman Scroggs said that the unloading of dumpsters made undue noise in the morning and that shock absorbers on dumpster lids and shock absorbing material on the truck arms would reduce it considerably.

BOARD OF ADJUSTMENT - APPOINTMENT

Mayor Lee read a memorandum indicating that the Board of Adjustment recommends that Mr. Laurens Walker be appointed to replace Mr. Thomas Schoenbaum whose term expires June, 1973. Alderman Nassif said Mr. Walker was an attorney, and that the Board of Adjustment prefers to have an attorney on their Board.

TRANSPORTATION - ELECTION RESULTS

Mayor Lee read the official abstract of votes for and against the special tax from the Orange County Board of Elections. Alderman Nassif moved, seconded by Alderman Smigh, to receive the abstract from the Orange County Board of Elections and insert it in the Official Minute Book.

ABSTRACT OF VOTER CAST IN THE TOWN OF CHAPEL HILL FOR AND AGAINST THE LEVY OF A SPECIAL TAX FOR THE SUPPORT OF A PUBLIC TRANSPORTATION SYSTEM IN SAID TOWN.

<u>PRECINCT</u>	<u>FOR TAX</u>	<u>AGAINST TAX</u>
COLONIAL HEIGHTS	149	144
COUNTRY CLUB	627	234
EAST FRANKLIN	516	257
EASTSIDE	170	141
ESTES HILLS	488	388
GLENWOOD	258	122
KINGS MILL	108	81
NORTHSIDE	261	79
RIDGEFIELD	294	215215
WESTWOOD	372	198
TOTALS	3,243	1,859

STATE OF NORTH CAROLINA - COUNTY OF ORANGE

The County Board of Elections of said County, having opened, canvasses, and judicially determined the returns according to law, we do hereby certify that the above is a true abstract of the original returns of the levy of a special tax election in the above precincts in the Town of Chapel Hill, said county, held as above states, and contains the number of legal ballots cast in each precinct for and against said tax.

This the 22nd day of February, 1973.

This motion was unanimously carried.

Mayor Lee read the official abstract of votes for and against the \$350,000 bonds.

ABSTRACT OF VOTES CAST IN THE Town of Chapel Hill for and against an ordinance authorizing \$350,000 of bonds for the operation and maintenance of a public bus line and mass transit system In said town.

<u>PRECINCT</u>	<u>FOR ORDINANCE</u>	<u>AGAINST ORDINANCE</u>	
COLONIAL HEIGHTS	155	138	138
COUNTRY CLUB	643	214	214
EAST FRANKLIN	537	238	238
EASTSIDE	183	127	127
ESTES HILLS	509		367
GLENWOOD	269		113
KINGS MILL	112		78
NORTHSIDE	265		71
RIDGEFIELD	308		202
WESTWOOD	384		188
TOTAL	3,365		1,736

STATE OF NORTH CAROLINA - COUNTY OF ORANGE

The County Board of Elections of said County, having opened, canvassed, and judicially determined the returns according to law, we do hereby certify that the above is a true abstract of the original returns of the bond ordinance election in the above precincts in the Town of Chapel Hill, said county, held as above states, and contains the number of legal ballots cast in each precinct for and against said ordinance.

This the 22nd day of February, 1973.

Alderman Nassif moved the adoption of the following resolution:

WHEREAS, the Registrar and Judges of Election appointed to hold, in each of the election precincts of the Town of Chapel Hill, the Special Election ordered to be held on February 20, 1973, have held said election and have made returns of the result thereof; and

WHEREAS, the Board of Aldermen has considered said returns and has canvassed the result of said special election; NOW, THEREFORE,

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that it be and hereby is determined and declared that the number of voters registered and qualified to vote at said special election was 13,958.

FURTHER RESOLVED, that it be and hereby is determined and declared that the number of votes cast at said election "FOR the ordinance authorizing \$350,000 of bonds for the purpose of acquiring vehicles, equipment and apparatus, acquiring and improving land and constructing buildings in connection with the operation and maintenance by the Town of Chapel Hill of a public bus line and mass transit system in said Town, and a tax therefor" was 3,365. The total number of voters who voted "AGAINST" said bonds and said tax was 1,736.

FURTHER RESOLVED, that a statement showing the number of votes cast for and against said proposition, and the number of voters qualified to vote at said special election, and declaring the result of said election shall be prepared and signed by at least a majority of the members of the Board of Aldermen and delivered to the Town Clerk so that such statement may be filed and recorded in accordance with law.

Alderman Scroggs seconded the motion, and the motion was adopted. Those voting for the motion were Aldermen Gardner, Marshall, Nassif, Welsh, Scroggs, and Smith. No one voted against it. The members of the Board of Aldermen voting for the adoption of the above resolution thereupon signed a statement of the result of the election and delivered the statement so signed to the Town Clerk. Alderman Marshall moved that the Town Clerk be directed to file the original statement in his office and to publish a copy of the statement in the manner provided by law. Alderman Smith seconded the motion, and the motion was unanimously adopted. Aldermen Gardner, Marshall, Nassif, Welsh, Scroggs, and Smith voting for the motion and no one voting against it.

#### MUNICIPAL ELECTIONS - FILING FEES

Town Clerk Roberts said that the Town could adopt a filing fee for candidates running in municipal elections. He said that the fee could be from \$25 to \$50, and that if the Board did not adopt a fee that the Orange County Board would. Alderman Marshall moved, seconded by Alderman Nassif, to adopt a filing fee of \$25 for municipal elections in the Town of Chapel Hill. This motion was unanimously carried.

#### RELEASES

Alderman Smith moved, seconded by Alderman Scroggs, to approve the resolution for releases as presented.

#### RESOLUTION - TAX RELEASES

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

David Sydnor Wells	6738	18.38	Property listed in error was in Mass. 9/12/71
Terry P. Anderson	115	20.94	This property was released by the County
	(1970)		
O. E. Brown	765	205.90	Town owns this property
Martha L. Bullock	7915	25.41	Property located in Booker Creek Town House
Charlotte Heitman	1407	2.00	Did not own a dog
	(1963)		

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.

This motion was unanimously carried. Town Clerk Roberts read a letter from Mrs. James W. Pruett requesting that the Board of Aldermen waive the interest on her taxes. Town Attorney Denny said the statutes regarding this are clear. Alderman Smith said the Board can not be responsible for mail delays. Alderman Welsh moved, seconded by Alderman Gardner, that the interest applied to Mrs. James W. Pruett's taxes be waived and a letter informing her of this be written. This motion was carried by a vote of five to one with Alderman Smith opposing.

#### TRANSPORTATION COMMISSION

Mayor Lee said a public transportation authority should be considered so that if Carrboro passes the bus referendum a separate authority could be created. Town Attorney Denny said the special act passed gives authority for this. Mayor Lee said that if Carrboro does not participate, the transportation system would be operated as a department of the Town. Alderman Marshall said a committee should be formed to work on the implementation of the transportation system. Alderman Welsh asked if a local bill establishing a separate authority should be prepared. Town Attorney Denny said yes. Mayor Lee suggested that Attorney Denny be authorized to prepare a local bill for the Town to create a transportation authority. Attorney Denny said the bill would have to be acted on by the next meeting.

#### STREET TREE PLANTING

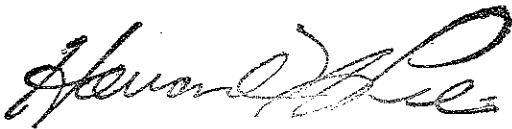
Mayor Lee read a memorandum from the Action Committee of the Appearance Commission requesting authorization from the Board to plant trees and shrubs and to place benches and trash containers on W. Franklin Street. Alderman Marshall moved, seconded by Alderman Welsh, to authorize the planting of trees and shrubs and the placement of benches and trash containers along W. Franklin Street as requested with the money appropriated for this purpose in the budget. This motion was unanimously carried.

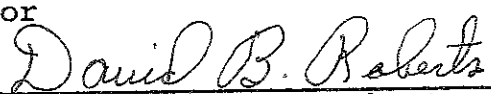
Alderman Smith asked if the Town had adequate personnel to maintain the plantings. Interim Manager Levine said they would be maintained.

#### INSPECTION DEPARTMENT

Interim Manager Levine announced that John Davis, former deputy building inspector for the Redevelopment Commission, has been hired as Chief of the Inspections Department, to replace Col. Thomas Spiller who resigned February 28, 1973.

The meeting was adjourned at 10:25 P.M.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk David B. Roberts