

WHEREAS said action is pending, NOW THEREFORE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the amount of deposit in the action entitled Town of Chapel Hill vs. Rock Spring Farms, Inc. be and the same is hereby increased to \$10,035.00, said amount now being determined by the Board of Aldermen to be just compensation for said taking, and the appropriate officials of the Town of Chapel Hill are authorized to deposit said additional amount with the Court, and

BE IT FURTHER RESOLVED that the Attorney for the Town of Chapel Hill is authorized and directed to prepare such Amended Notice as may be required pursuant to law to make said additional deposit.

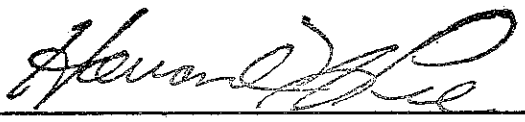
This the nineteenth day of March, 1973.

This motion was unanimously carried.

ADMINISTRATION - CENTRAL FILES

Interim Manager Levine told the Board that there is a serious problem with the central files and that a central file system needs to be developed. She asked the Board to authorize her to employ a person for this purpose. There were no objections.

The meeting was adjourned at 10:40 P.M.


Mayor


David B. Roberts, Town Clerk

MINUTES

March 26, 1973

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a Public Hearing on March 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 Attorney Denny, and Town Clerk Roberts.

PUBLIC HEARING

Mayor Lee described the procedure for the public hearing.

ZONING ORDINANCE AMENDMENT - AUTOMOBILE SALES

Mayor Lee read the proposed amendment to the Zoning Ordinance amending Section 3, Table of District Regulations--Uses Permitted. Van Opdenbrow gave reasons for the amendment and indicated that those persons involved in automobile sales in Chapel Hill had been notified of the public hearing and sent a copy of the proposed amendment. Ms. Jean Stewart said that the amendment was not clear and that it does not explain such things as "storage." She said that there is an ordinance which sets yard requirements that vary with the zones. She said that there is a problem with screening automobile sales businesses across or adjacent to residential areas. Mr. Jim Allen requested that the Board consider how the amendment relates to the entire zoning plan of Chapel Hill. He said that it is impractical and unreasonable to single out used car dealers with cars parked on the lot from parking lots, drive-ins, on-street parking, shopping centers, and motels, and that because the cars are for sale is no reason for setting car dealers apart from other businesses. Mr. Allen said that car lots are a target for thievery and that a shield will decrease police surveillance and increase theft. He said that "shielding" should be clarified in the amendment, and that if a solid

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wall is required there will be problems of graffiti. Mr. Allen described the present businesses and car storage areas in Town and the problems that the amendment would create for them. He said that the amendment needs more thought. Mr. Bob Harriss said that if this amendment was passed the Board would be indicating that car dealers are not wanted in Chapel Hill. Mayor Lee said this is not the intent of the amendment. Mr. Harriss said that businesses in Chapel Hill can not meet the requirements of the amendment. Alderman Scroggs said that there are inconsistencies in the Zoning Ordinance and he feels that he opposes the amendment. He questioned that there could be a distinction made between "parked" and "stored" cars, particularly with the existing commercial parking lots. Alderman Nassif asked why this was presented at a public hearing. Van Opdenbrow said that the Building Inspector presented two conflicting uses in the Zoning Ordinance and that the Planning Board advertised it for public hearing to resolve the conflict. Alderman Nassif said that he thought the original intent was for screening junked cars, not to require total screening of new cars. Alderman Scroggs gave background information about the present restrictions on car dealers and the conflicts in the Zoning Ordinance. Alderman Welsh said that there is a distinction between "storage" and "parking" and that it is a question of how long used cars should be stored. She said that the Planning Board should meet with automobile dealers to determine an acceptable wording of the ordinance. Alderman Welsh moved that this matter be referred to the Planning Board. The motion was not seconded and died. Alderman Nassif said there are so many problems in this amendment, and that if a new amendment is developed, it would have to be re-advertised. Alderman Scroggs moved, seconded by Alderman Marshall, to refer this matter to the Planning Board and request that all off-street parking, auto sales, and off-street parking in special use permits be reviewed for consistency and desired standards. Alderman Smith said that the Planning Board should also consider the question of "screening." This motion was unanimously carried. Alderman Scroggs moved, seconded by Alderman Smith, that the proposed amendment to Section 3 of the Zoning Ordinance not be referred to the Planning Board. This motion was unanimously carried.

The Public Hearing was adjourned at 8:00 P.M.

REGULAR MEETING

Mayor Lee called the Regular Meeting of the Board of Aldermen to order.

MINUTES

Alderman Smith moved, seconded by Alderman Nassif, to approve the minutes of the meeting of March 19, 1973 as corrected. This motion was unanimously carried.

BOTANICAL GARDEN

Mr. C. R. Bell, Director of the North Carolina Botanical Garden, petitioned that the Board of Aldermen consider granting funds for the Botanical Garden. Alderman Marshall moved, seconded by Alderman Smith, to accept the petition and place it on the April 2, 1973 agenda for discussion. This motion was unanimously carried.

BUDGET AMENDMENT

Interim Manager Levine requested that consideration of a budget amendment be placed on the end of the agenda. There were no objections.

GEORGE WATTS HILL - CONTRIBUTION

Alderman Welsh said that a letter of appreciation should be sent to Mr. George Watts Hill thanking him for his contribution to the Town. Interim Manager Levine said that a letter had been sent.

PRESERVATION SOCIETY - HOGAN FARM

Alderman Welsh read a letter from Ms. William Friday requesting that the Board grant salvaging rights to the Preservation Society for the Hogan Farmhouse located on the Eubanks Road landfill site. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and referred to the Town Manager. Alderman Scroggs said the Town should be assured that it would be immune from damages. This motion was unanimously carried.

STREETS COMMITTEE - LARGE TRUCKS

Mayor Lee said that he had had complaints about large trucks traveling on North Street and referred the matter to the Streets Committee.

CATV

Mayor Lee reviewed the Town's action on Cable TV, described the formation of the Triangle Cable Policy Task Force, and asked Mr. Andy Berlin of the Task Force to discuss Cable TV with the Board. Mr. Berlin introduced Mr. David Lange, Chairman of the Task Force. Mr. Lange described the work of the Task Force in the Triangle area and its capabilities for assisting Chapel Hill. Mr. Berlin described the work that the Task Force did in Durham. Alderman Welsh asked why Chapel Hill should have Cable TV. Mr. Berlin said that Cable TV could bring opportunities for all types of information to Chapel Hill. Mr. Lange listed numerous possibilities including security systems and data transmitters. Alderman Scroggs asked if the Town should proceed with CATV before the controversy over the Copyright Act is resolved. Mr. Lange said yes, that even if the act is rewritten, it shouldn't be a problem. He said that it may be demonstrated that local origination would be more desirable than importing distant signals. Alderman Scroggs asked if the Task Force had information about certificates issued since the FCC regulations were changed. Mr. Lange said yes, that FCC regulations involve minimums which are maximums, which means it would be difficult to require more. He said there is a question of whether Chapel Hill is among the top 100 cities, and that a letter from the FCC would clarify that. Mr. Berlin said that the population of Chapel Hill could be considered with Durham and Raleigh. Mr. Lange said that the FCC's attitude is generally to help communities get Cable TV. Alderman Welsh asked about the experiences cities have had with Cable TV. Mr. Berlin said that no cities have had experience yet because of the strong requirements. Alderman Welsh asked how paid TV fits into this system. Mr. Lange said paid TV is a different situation which was opposed by theatre owners and television networks. Alderman Scroggs said he would suggest that Chapel Hill request as much aid from the Task Force as it can give. Mayor Lee asked if Alderman Alderman Scroggs, Town Attorney Denny, and the Task Force could prepare the beginning documents for the Board to consider. Mr. Lange said the Task Force would be glad to work with Chapel Hill. Mayor Lee said that Alderman Scroggs has been impressed with the Triangle Cable TV Task Force, and its role in Durham, and that he also has heard many compliments on their work. He said that the Board appreciates the Task Force being willing to take the time and effort to help Chapel Hill in this effort. The Board concurred.

RECREATION FOR THE HANDICAPPED - PROPOSAL

Mayor Lee read a memorandum requesting approval to submit a grant application for funds from the Developmental Disabilities Services Act to expand the recreation program for handicapped children. Mr. Rud Turnbull, President of the Orange County Association of Retarded Children, described the lack of year-round programs for handicapped children in Chapel Hill. He said that 148 children and approximately 100 adults, in Chapel Hill, would be involved in the proposed program. He said that the services that could be provided could include play, social, and cultural activities and training in special education. Alderman Welsh said she is in favor of the program and

asked if it would be sponsored by the Recreation Department. Mr. Turnbull said yes. Alderman Welsh said that if non-residents of Chapel Hill participate, they should be required to pay a fee. Mr. Turnbull agreed. Alderman Welsh said that the Town needs a program for physically handicapped adults also. Alderman Nassif asked if the \$22,000 grant request would include a therapeutic recreator. Mr. Mick McMahan said yes, and that it would include a second-hand bus and van which could be used for other recreational purposes when not in use by the special program. Alderman Welsh asked if special office space would be required. Mr. Turnbull said that the minimum of office space required could be provided by the Recreation Department, and that the programs could be held at Binkley Baptist Church, DDDL, Frank Porter Graham School, Umstead Center, and the High School gymnasium. Mayor Lee asked if the Town would have to take over the support of the program if federal funds were cut. Mr. McMahan said that this program would be a pilot project, and that the citizens could be asked if they want to continue the program next year. Mr. Turnbull said it is possible that grants would be continued next year. Alderman Nassif asked if the Town is limited in the amount that can be requested. Mr. Turnbull said he had been told to keep the request under \$25,000. Alderman Nassif moved, seconded by Alderman Welsh, to endorse the proposal, authorize the Town to proceed with submitting the grant application, and adopt the proposed resolution. Mayor Lee read a resolution supporting the recreation program for the handicapped and requesting funds.

R E S O L U T I O N

WHEREAS recreation is an integral part of a balanced life and is essential to the health of every person and to the entire community, and

WHEREAS there is a serious need for planned recreation for the mentally handicapped to assist them in acquiring a balance of skills and interest in sports, cultural, social and other activities.

WHEREAS basic motor skills, such as throwing, kicking and hitting are more difficult for the handicapped and therefore preclude their participation with other children, and

WHEREAS the Town of Chapel Hill has no continuing recreation program which permits organized opportunities for the mentally retarded, the cerebral palsied, and the epileptic to enjoy social interaction and physical activities, and

WHEREAS the Developmental Disabilities Services Act provided categorical grants for projects involving the mentally handicapped, NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill hereby authorize the Town to apply for DDSA funds which shall be used to develop a recreation program for the mentally handicapped, and

BE IT FURTHER RESOLVED that the Board authorizes the appropriate administrative officials to carry out the normal clerical functions required in the grant process and to provide any additional information necessary to the state and federal agencies involved.

This the 26th day of March, 1973.

This motion was unanimously carried.

FAIR KEDOS

Mayor Lee read a memorandum from Harper Peterson requesting the use of several downtown areas for Fair Kedos. Alderman Welsh said that the request for using sidewalks for the art show on Sunday from 11:00 - 5:00 P.M. would interfere with church and asked if the time could be changed. Harper Peterson said it could be changed to 1:00 -

6:00 P.M. Alderman Gardner asked if these requests had been discussed with the Police Department. Mr. Peterson said that they had and there are no problems. Alderman Nassif asked if the merchants oppose closing Henderson Street and the adjacent parking lots on a Saturday. Mr. Peterson said that he had met with some merchants and they thought the plan was acceptable. Mayor Lee suggested that the merchants be consulted about the specific details. He said that he would prefer closing this area on Sunday. Mr. Peterson said that Sunday would be alright. Alderman Smith asked if Mr. Hill should be contacted about using his lot. Town Attorney Denny said Mr. Hill should be contacted for permission or a Town-owned lot should be used. Alderman Welsh said that the request to close E. Franklin Street from S. Columbia to Henderson on April 8th from 1:00 - 6:00 P.M. could be approved. Alderman Scroggs said he would oppose closing any streets. Alderman Welsh said that request to use the sidewalk areas on E. Franklin Street on April 22nd from 1:00 - 6:00 P.M. could be approved; that the request to use the parking lot on N. Columbia and E. Rosemary be discussed with Mr. George Watts Hill; and that the request to close Henderson Street and the adjacent parking lot from 1:00 - 8:00 P.M. be approved if the day were changed to Sunday, April 29. Alderman Nassif moved, seconded by Alderman Welsh, to approve the requests with the changes and stipulations stated. The motion carried by a vote of five to one with Alderman Scroggs opposing.

LEGISLATION

SB 145

Alderman Welsh said that this bill would provide a fair tax on state and national banks. Alderman Welsh moved, seconded by Alderman Smith, to request that a resolution be prepared supporting this bill. This motion was unanimously carried.

SB 304

Alderman Welsh said that the tax this bill would repeal is regressive, that the bill should be supported, and that medicine should be included in it. Alderman Welsh moved, seconded by Alderman Smith, that a resolution be prepared in support of SB 304 and to request that prescription medicine be included in the bill to be exempt from the 3% federal tax. This motion was carried by a vote of five to one with Alderman Gardner opposing.

SB 175

Alderman Welsh said that the Town needs positive ways to acquire additional revenue and to tax medical corporations would be fair. Alderman Welsh moved, seconded by Alderman Smith, that a resolution be prepared to support SB 175. This motion was carried by a vote of five to one with Alderman Nassif opposing.

SB 148

Alderman Welsh said it is important to stabilize land costs in the Town and that this tax would provide relief for elderly persons with limited incomes. Alderman Scroggs asked if \$3500 would be the maximum limit set on appraisal value. Town Attorney Denny said yes. Alderman Welsh moved, seconded by Alderman Nassif, to request that a resolution be prepared to support SB 148. This motion was unanimously carried.

S 290
H 362

Alderman Marshall said that Region J is the only region that opposed this bill. She said the original bill has been re-written and should be discussed at the next meeting.

SOIL EROSION AND SEDIMENTATION CONTROL

Alderman Welsh asked if Carrboro has acted on this bill. Mayor Lee said that Carrboro did not support it. Alderman Welsh said there is a great need for this kind of control and that it would benefit this region. Alderman Welsh moved that letters be sent to Region J, Orange County Soil and Water Conservation District asking for support for this legislation and to Carrboro expressing the need for this control. She said a letter to Orange County should be sent expressing appreciation for their support. There was no second and the motion died. Mayor Lee suggested that a conference be held with Carrboro officials to discuss the problem of soil erosion. Town Attorney Denny said that Carrboro supported the State bill, but saw no need for local legislation. Alderman Marshall said that Region J supported this legislation. Alderman Welsh said there is a need for regulations for sedimentation control and that the Town Managers should discuss this with the Carrboro Town Manager. Alderman Nassif said that he thinks the bill will pass and that the Carrboro Board is a governing body and that Chapel Hill should respect its decisions. Mayor Lee said Chapel Hill should respect Carrboro's position and the decisions they make.

LEGISLATION - RESOLUTIONS

SB 250

Mayor Lee read a resolution supporting SB 250 with stipulations. Alderman Welsh moved to adopt the resolution as read. The motion was not seconded and died. Alderman Nassif said that specific problems are not explained and that the bill needs extensive research. Alderman Marshall moved, seconded by Alderman Welsh, to send a letter favoring the idea of SB 250 and supporting its concept, but opposing the bill in its present form. Alderman Marshall said that the letter should state the objections to the wording. This motion was unanimously carried.

HB 151

Alderman Scroggs said that the wording of this bill needs to be improved. He said he doesn't think the bill refers to individuals, that it refers to state agencies and does not refer to the Town. He said he would agree to paragraph 2 and 3 in the proposed letter but not with paragraph 1. Mayor Lee suggested that a letter be sent to our representatives pointing out the confusion in the language of the bill and asking the sponsors to reconsider it. Alderman Smith moved, seconded by Alderman Marshall, to send a letter to the representatives and sponsors of the bill pointing out the confusion in the language and requesting that it be reconsidered. Town Attorney Denny said there should be some amendments to the language of the bill. He said that the bill will not affect private developers, but would affect the operation of the landfill from the standpoint of the Health Department being involved. Alderman Nassif said he opposes the bill. The motion was unanimously carried.

HB 333

Mayor Lee read a resolution supporting HB 333. Alderman Nassif moved, seconded by Alderman Smith, to adopt the resolution in support of this bill as read.

R E S O L U T I O N

WHEREAS Article V, Section 2(5) of the North Carolina Constitution now provides that local governments may not levy taxes without a vote of the people except for "necessary expenses," and

WHEREAS this requirement is often costly and time consuming, and

WHEREAS House Bill 333 (also Senate Bill 265) would provide that local governments may not levy property taxes without a vote of the people

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except for purposes "authorized by general law uniformly applicable throughout the State,"and

WHEREAS the purposes for which local governments may levy the property tax are clearly defined in the General Statutes of North Carolina, and

WHEREAS House Bill 333 states that a property tax levy which causes the effective tax rate to be greater than \$15.0 per \$100 valuation for any purpose requires a vote of the people, and

WHEREAS this statutory limit and other legal restrictions clearly protect citizens from unnecessary and burdensome taxes, NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill hereby supports House Bill 333 and urges the passage of this legislation.

This the twenty-sixth day of March, 1973.

This motion was unanimously carried.

HB 335

Mayor Lee read a resolution supporting HB 335. Alderman Nassif moved, seconded by Alderman Marshall, to adopt the resolution supporting HB 335 as read.

R E S O L U T I O N

WHEREAS the revised Local Government Budget and Fiscal Control Act becomes effective on July 1, 1973, and

WHEREAS the Act revises and consolidates all of the general laws governing the adoption and administration of budgets and the insurance of general obligations and revenue bonds by units of local government and local public authorities in this State, and

WHEREAS the procedures which are required in the Act necessitate responsible control of public moneys while permitting flexibility for local initiative in developing good financial programs, and

WHEREAS House Bill 335 (also Senate Bill 270) would make certain technical changes in Chapter 159 of General Statutes in order to implement the Local Government Budget and Fiscal Control Act, NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill does hereby support House Bill 335 and urges the passage of this legislation.

This the twenty-sixth day of March, 1973.

This motion was unanimously carried.

PURCHASING AGENT

Interim Manager Levine told the Board that Ms. Carole Beauchamp has been hired as the Purchasing Agent for the Town.

LANDFILL EQUIPMENT

Interim Manager Levine said that bids were taken for the purchase of a compactor for the landfill and recommended that the bid for the Rex 3-50 compactor be accepted. Alderman Nassif moved, seconded by Alderman Scroggs, to accept the bid from the E. F. Craven Company for the purchase of a Rex 3-50 compactor for \$57,794 to be shared by Carrboro and Orange County. Alderman Nassif asked if the County and Carrboro have accepted this bid. Interim Manager Levine said they had. The motion was unanimously carried.

ANNEXATION - ORDINANCE

Town Attorney Denny requested that this item be considered on a later

agenda. There no objections.

EMPLOYMENT SECURITY COMMISSION - OFFICE SPACE

Alderman Smith moved, seconded by Alderman Nassif, to approve the allocation of funds for rent, telephones, and partitions for an Employment Security Commission office in the E. Franklin Street Post Office Building. This motion was unanimously carried.

COMMUNITY DEVELOPMENT PROGRAM

Mayor Lee said this item should be deleted from the agenda.

REORGANIZATION - ADMINISTRATION

Mayor Lee requested that this item be delayed. There were no objections.

RESOLUTION - SHELTON COLE WOMBLE

Mayor Lee read a resolution to be presented to Mr. Shelton Cole Womble in appreciation of his work for the Town. Alderman Nassif moved, seconded by Alderman Marshall, to adopt the resolution as read.

R E S O L U T I O N

WHEREAS Shelton Cole Womble was first employed by the Town of Chapel Hill on September 1, 1948 as a laborer in the Department of Conservation and Welfare, and

WHEREAS through his ability and dedication he became the Director of Public Works in 1957 and served in that position fo seventeen years, and

WHEREAS for more than twenty-four years he served as a faithful and hard-working employee of the Town of Chapel Hill, and

WHEREAS Shelton Cole Womble has submitted his resignation from the post of Public Works Director to be effective March 30, 1973, NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill hereby expresses its appreciation for the service of Shelton Cole Womble and directs that this resolution be entered into the permanent minutes of the Town of Chapel Hill and that a copy be sent to Shelton Cole Womble.

This the twenty-sixth day of March, 1973.

Alderman Thomas Gardner

Alderman Shirley Marshall

Alderman Joseph L. Nassif

Alderman Ross E. Scroggs

Alderman Reginald D. Smith

Alderman Alice Welsh

This motion was unanimously carried.

PERSONNEL

PUBLIC WORKS DEPARTMENT

Interim Manager Levine informed the Board that Mr. Harold Harris would become the acting Director of Public Works as of April 1, 1973.

PLUMBING AND HEATING INSPECTOR

Interim Manager Levine told the Board that Mr. John R. Durham had been hired as Plumbing and heating Inspector to begin April 2, 1973.

BUDGET AMENDMENT

Mr. Neal Evans, Finance Director, discussed additional Powell Bill funds, proposed an appropriation for street construction and re-surfacing in accordance with the 1972-73 budget, and read a budget amendment. Alderman Scroggs moved, seconded by Alderman Welsh, to adopt the budget ordinance as presented.

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

Increase the General Fund Revenue Account "1504 Powell Bill" by \$30,162 to \$280,162.

Increase the General Fund Appropriations Account "6310 Street Maintenance" by \$14,030 to \$208,617

Increase the General Fund Appropriations Account "6330 Street Construction" by \$16,132 to \$80,132.

Increase the General Fund Revenue and Appropriations Budgets by \$30,162 to \$3,214,228.

SECTION II

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

This the twenty-sixth day of March, 1973.

This motion was unanimously carried.

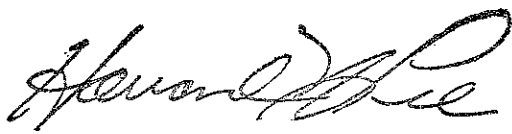
TOWN MANAGER SEARCH COMMITTEE

Mayor Lee said that 40 new applications for the position of Town Manager had been received and that the Search Committee should set a date for the selection of a Town Manager.


REVENUE SHARING

Alderman Welsh asked when Revenue Sharing would be discussed. Mayor Lee said a date would be set.

The meeting was adjourned at 10:45 P.M.



Mayor



David B. Roberts, Town Clerk