

WHEREAS, the above listed person has made application for refund of said taxes.

NOW THEREFORE, BE IT RESOLVED by the Board of Alderman of the Town of Chapel Hill, that it finds that taxes on the above listed person 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.

Alderman Nassif moved, seconded by Alderman Gardner, to adopt the resolution granting a refund as presented. This motion was unanimously carried.

The meeting was adjourned at 10:50 P.M.


Mayor


David B. Roberts, Town Clerk

MINUTES

June 18, 1973

Board of Aldermen

Town of Chapel Hill

Roll Call

The Board of Aldermen met at a Special Public Hearing on June 18, 1973 at 7:30 P.M. with the following members present: Mayor Lee, Aldermen Gardner, Marshall, Scroggs, Smith, and Welsh. Also present were Town Manager Kendzior, Town Attorney Denny, and Town Clerk Roberts. Alderman Nassif was absent.

PUBLIC HEARING:

ANNEXATION

Mayor Lee explained that the Special Public Hearing was called to discuss two proposed areas of annexation. Town Manager Kendzior said that Area #1 (Weaver Dairy Road) is now being used as recreation land, and is adjacent to the Corporate Limits. He said that the proposal is to include this area in the Corporate Limits. Town Attorney Denny said that Area #1 is contiguous to the Town, that the area is treated as part of the Town boundary, and that the only difference the annexation will make is enlarging the Town area. Alderman Marshall asked if all of the boundaries of this area are clear and settled. Town Attorney Denny said that the Oak Forest boundary has not been completely settled. Alderman Scroggs asked if the description of the area includes the maximum area possible. Town Attorney Denny said he thinks that it does.

Mayor Lee read a description of Area #2 (Village West), proposed for annexation. Town Manager Kendzior said that the Town had received no petitions in opposition or support of the annexation. Town Attorney Denny said that the owners and developers had indicated their intent to petition the Town for annexation when application for the Special Use Permit was made. He said that the first petition submitted was dated before the deed had been recorded, and that he had requested that a new petition be submitted. He said a new petition was submitted with signatures of 100% ownership after the deed was recorded, and that the deed was verified in Hillsborough. Mr. Denny said that the

property meets the two requirements for annexation: 100% of the owners requesting the annexation; and the land adjoins the existing Town boundaries. A citizen asked if this proposal was to grant permission for construction on the land or to annex the land. Town Attorney Denny said that this special public hearing is for annexation, that the Special Use Permit has already been approved. A citizen told the Board that traffic on Umstead is already heavy, and he opposes increasing it. Alderman Scroggs said that traffic had not increased because of Village West, that this is a wise annexation; and that the annexation will increase the tax base. Alderman Gardner said that the Town has requested that Umstead Drive be deleted from the Thoroughfare Plan. Alderman Welsh moved, seconded by Alderman Scroggs, to adopt the ordinance to extend the Corporate Limits of the Town of Chapel Hill as presented. Town Attorney Denny read the ordinance.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER THE AUTHORITY OF CHAPTER 160, SECTION 452 OF THE GENERAL WHEREAS, a Petition for annexation had been received by the Chapel Hill Board of Alderman, signed by 100% of the property owners of the area covered by the Petition as required in GS 160-452, and

WHEREAS, the Town Clerk has certified the sufficiency of said Petition, and

WHEREAS, a Public Hearing on the matter of this annexation was duly advertised and held by the Board of Aldermen on the 18th day of June, 1973, and the Board of Aldermen has taken into full consideration the statements presented at the Public Hearing, and

WHEREAS, the Board of Aldermen finds that said Petition for annexation meets the requirements of GS 160-452, and has concluded and hereby declares that the annexation of the area described herein is desirable for the orderly growth and development of the Town of Chapel Hill.

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

SECTION I

That from and after the 19th day of June, 1973, the effective day of this annexation, the following territory shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to include said territory more particularly described by metes and bounds as follows:

AREA #1:

BEGINNING at the southeastern corner of Lot 16, Tax Map 25, and running in a westerly direction approximately 720 feet along a Corporate Limit of the Town of Chapel Hill to a point at which said Corporate Limit departs from the southern property line of said lot; running thence in a westerly direction approximately 170 feet along the southern property line of Lot 16, Tax Map 25 to the southwestern corner of said lot; thence in a northerly direction approximately 2,390 feet along the western property line of Lot 16, Tax Map 25, to the northwestern corner of said lot; thence in a northerly direction approximately 775 feet along the western property line of Lot 15, Tax Map 25, to the northwestern corner of said lot; thence in a southeasterly direction approximately 1,400 feet along the southwestern right-of-way line of S.R. 1733 (Weaver Dairy Road) to the northeastern corner of Lot 15, Tax Map 25; thence in a southerly direction approximately 50 feet along the eastern property line of Lot 15, Tax Map 25, to the southeastern corner of said lot; thence in a westerly direction approximately 150 feet along the southern property line

of Lot 15, Tax Map 25, to the northeastern corner of Lot 16, Tax Map 25; thence in a southerly direction approximately 2,350 feet along the eastern property line of Lot 16, Tax Map 25, to the southeastern corner of said Lot, the same being the point and place of BEGINNING.

AREA #2

BEGINNING at a point where the eastern right-of-way line of the State University Railroad intersects the southern right-of-way line of Estes Drive Extension and running thence with the southern right-of-way line of said Estes Drive Extension along the Arc of a Circle having a radius of 950.00 feet in a clockwise direction the distance of 337.51 feet to a point in the centerline of Bolin Creek; running thence downstream with the centerline of said Bolin Creek the following calls and distances: South 67° 07' East 132.00 feet; South 60° 00' East 300.00 feet to a point in the Western Boundary of the property of Frank G. Umstead and wife; running thence with Umstead's western boundary line South 14° 00' West 155.00 feet to a point; running thence South 70° 00' East 938.76 feet to a point; running thence South 35° 11' West 250.00 feet to a point; running thence South 87° 19' East 369.43 feet to a point; running thence South 22° 20' West 62.00 feet to a point; running thence South 54° 54' East 645.63 feet to a point where Tanbark Branch and Bolin Creek intersect; running thence up-stream with said Tanbark Branch the following calls and distances: South 81° 00' West 231.75 feet to a point; South 50° 00' West 90.00 feet to a point South 75° 00' West 143.81 feet; running thence North 87° 14' West 669.94 feet to the Southeast corner of the cemetery owned by the Town of Chapel Hill; running thence with the eastern property line of said cemetery North 2° 46' East 200.00 feet to a point, the Northeast corner of said cemetery; running thence with the Northern boundary line of said cemetery North 87° 14' West 406.53 feet to a point in the eastern right-of-way line of said State University Railroad; running thence with the eastern right-of-way line of said State University Railroad North 35° 17' West 1157.67 feet to a point in the southern right-of-way line of said Estes Drive Extension, the point and place of BEGINNING, containing 28.38 acres, more or less, according to plat and survey by Robert J. Ayers, R.L.S., dated November 6, 1972, entitled "Property of Frank Umstead et al."

SECTION II

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to debts, laws, ordinances, and regulations in force in the Town of Chapel Hill and shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION III

That the Mayor of the Town of Chapel Hill cause an accurate map of the annexed territory described in Section I hereof together with a duly certified copy of this Ordinance to be recorded in the Office of the Register of Deeds of Orange County, and the Office of the Secretary of State.

SECTION IV

That notice of the date of adoption of this Ordinance shall be published once in the Chapel Hill Weekly.

This the 18th day of June, 1973.

Alderman Smith asked if this ordinance will require Town maintenance of streets in Village West. Town Attorney Denny said that these streets will remain privately owned as planned, except for the entranceways; but that Village West will be entitled to the same fire and police protection as the rest of the Town. This motion was unanimously carried.

The Special Public Hearing was adjourned at 7:45 P.M.

MINUTES

Alderman Smith moved, seconded by Alderman Welsh, to approve the minutes of the meeting of June 11, 1973 as corrected. This motion was unanimously carried.

PETITIONS

Benefit on Franklin Street

Mr. Harper Peterson said that two groups of singers from Chapel Hill, the Family Gospel Singers and Young, Gifted, and Black singers have been performing at the Hargraves Recreation Center to raise money to go to Washington, to sing in several churches. He requested that the Board approve space on the sidewalk on E. Franklin Street, close to N.C.N.B. and west of the crosswalk, for these two groups to perform on either Thursday, June 21st or Friday, June 22nd, from 2:00 to 5:00 P.M. to raise money to go. Town Manager Kendzior read the invitation for the groups to go to Washington. Alderman Welsh said that she supports the idea. Alderman Scroggs moved, seconded by Alderman Welsh, to accept the petition. Alderman Welsh made a substitute motion seconded by Alderman Smith, to receive the petition and place the item on the end of the agenda. This motion was unanimously carried.

Alderman Nassif came to the meeting.

Noise

Mrs. James H. Riggsbee of 512 Whitaker Street reported loud music, noise, and vulgar talk from 508 Whitaker Street, during all hours of the day and night. She said that Mr. George Tate owns the apartments, and that he had called about the noise, but that the noise continues. She said that the Police have been called several times as Police records will substantiate but this has not affected the problem. She requested that the Board consider this problem immediately. Alderman Welsh moved, seconded by Alderman Marshall, to receive the petition and refer it to the Town Manager for immediate action. This motion was unanimously carried.

Meeting Places

Alderman Scroggs said that the Aldermen should be notified in advance when meeting places are changed. Alderman Marshall asked when a public hearing is held in the Court Room and when it is held in the Meeting Room. Mayor Lee said that regular public hearings must be held in the Court Room According to the Charter. Alderman Scroggs said that the temperature in the Court Room makes it unpleasant to be there. Alderman Welsh agreed and requested that the Town Manager make a recommendation regarding meeting places, as the Meeting Room may be needed for additional office space.

REPORTS

University Lake

Town Manager Kendzior said that staff of the Council of Governments (COG) is working on the potential pollution problem at University Lake. He said that a report will be forthcoming, and that the proposals for reducing the problem will be discussed with Carrboro, Orange County, and other governmental units and agencies. Alderman Scroggs said that Mr. Eagles' letter raises some question, but that he does not understand its meaning. Alderman Nassif said that the letter states concern for the possibility of pollution in the future rather than the existence of pollution now. Mayor Lee said that Mr. Eagles should be requested to clarify his letter. Alderman Welsh said she is concerned that the University is not more concerned about the pollution of the lake. She said that the Department of Air and Water

Resources should be consulted about this problem. Mayor Lee suggested that the Town Manager proceed with his consultation with the COG.

BOARD AND COMMISSIONS

A

Appearance Commission - Conference

Mayor Lee read a request from the Appearance Commission for \$200 to send two members to a four-day Community Appearance Conference at Appalachian State University in Boone, North Carolina. Alderman Smith said that if this request is approved, it should be funded from the 1973-74 budget. Ms. Levine said that funds from the current budget could be used. Alderman Welsh said she would support approving funds for this conference but that the Board should request reports from people attending conferences financed by the Town government, so that the Board can share the information. Alderman Smith moved, seconded by Alderman Welsh, to grant the request from the Appearance Commission and refer it to the Town Manager to determine the source of funds. This motion was unanimously carried.

RELEASES AND REFUNDS

Town Attorney Denny said that he recommends that releases from taxes for 1972 and 1973 be approved because the Town owns the property, but that the refunds requested, for 1969, '70, and '71 not be approved, because the Town did not own the land during that period. Alderman Smith moved, seconded by Alderman Nassif, to adopt the following resolution granting tax release:

RESOLUTION - TAX RELEASES

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

Spence & Lester, Inc.	7560	\$70.99	Town-owned property
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WHEREAS, the above list of person has 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 the taxes on the above listed person 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.

but that the refunds requested not be approved. This motion was unanimously carried.

RESOLUTIONS

There were no resolutions presented.

ORDINANCES

There were no ordinances presented.

OLD BUSINESS

Hillsborough Street Paving

Town Attorney Denny said that in 1960 Townhouse Apartments requested a building permit to build on Rosemary Street and requested that Rosemary Street be extended. He said that, John Manning a lawyer employed by Ross Scroggs to oppose that, convinced the Board that the land was improperly zoned and the permit was denied. He said that Townhouse Apartments then requested a building permit for construction of one building on Hillsborough Street, behind John Manning's home, and that John Manning presented a notice of appeal to the Town against granting this permit. Town Attorney Denny said that Townhouse Apartments made a contract with John Manning and Mr. Baldwin.

Mr. Denny said that in 1967, the Board of Aldermen was petitioned by more than 50% of the homeowners on Hillsborough Street to pave Hillsborough Street and assess the property owners. He said that Mr. Connelly objected to this at the public hearing, and wrote a letter to Town Manager Peck stating that he would not pay the assessment against his property because the Town was supposed to pave Hillsborough Street, according to the contract signed with Townhouse. Mr. Denny said that he advised Mr. Peck that the Town was not a party to the contract, and said that the minutes indicate that Mr. Peck stated at a meeting of the Board of Aldermen that the Town was not involved in the contract, that it was a private contract between Mr. Manning and Mr. Baldwin. Mr. Denny said that Mr. Donnelly is delinquent in his taxes, according to the records, that he has not paid any of the assessment. Alderman Scroggs said that he concurred with Town Attorney Denny's statement, and that each time the question has been raised about this matter, the answer is always the same. Alderman Nassif asked if Mr. Donnelly signed the petition for paving. Town Attorney Denny said he assumes he did not. Alderman Welsh asked if the Town has any information or documents that Mr. Donnelly doesn't have that would help him understand. Town Attorney Denny said that he doesn't know what Mr. Donnelly has seen, but that he should be fully apprised of all of the facts. He then read a part of the paving agreement for Hillsborough Street. Mayor Lee requested that the Town Manager reply to Mr. Donnelly. Alderman Nassif said that these facts should be presented to Mr. Donnelly. Alderman Welsh moved, seconded by Alderman Nassif, that the Board's response to the petition be made clear to Mr. Donnelly with the indication that the matter was reviewed by the Board with the assistance of the Town Attorney. This motion was unanimously carried.

Revenue Sharing

Mayor told the Board that it must designate, before June 20, 1973, how \$189,000 in Revenue Sharing Funds will be used. Alderman Welsh asked how specific the explanation must be. Town Manager Kendzior said that specific commitments of these funds are required at this time, but can be amended later. Alderman Scroggs asked why the Town must designate the use for \$189,000 now. Mayor Lee said that allocations of Revenue Sharing funds are in blocks, and that this is the first block for which a report is required. Alderman Smith suggested designating the money for the accounting machine and the fire truck. Mayor Lee said that there is a loan proposal, using Revenue Sharing Funds, ready for the Board to discuss. Alderman Nassif suggested designating that the funds will be used for low-interest loans in the NDP area. Alderman Welsh said that she supports the loan proposal; that the Board has made a commitment to using the money for relieving poverty and for open space. Alderman Scroggs asked how much would be committed to this proposal. Mayor Lee said this was not discussed, but he would suggest \$300,000. Alderman Marshall requested Mayor Lee to describe the loan program. Mayor Lee said that he has met with HUD and discussed this proposal, and that HUD is enthusiastic about the plan and would like to use it as a model for other cities after it is implemented. He said that the federal revenue sharing agency approved this use of the funds, and that he has met with representatives of local banking institutions and that they are interested and would like to participate in the program. Mayor Lee said that the Housing Authority would pre-screen applicants for loans from the fund. He said that the Board could commit \$300,000 this year and \$50,000 each year that the Town receives Revenue Sharing Funds. If the Revenue Sharing program is ever discontinued, the Town could draw the money out. He said that all families in the Town, with an income of \$10,000 per year or less would be eligible for the low-interest loans. Alderman Marshall asked if the loans would be used for rehabilitation. Mayor Lee said they could be used for three things: rehabilitation, the construction of new homes, and a package which could include the purchase of land and the construction of a new home. Alderman Marshall commended the people working on their homes and improving them without waiting for loans. Mayor Lee said this

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program can demonstrate how a community can help its own citizens without depending on direct federal funds. Alderman Nassif said that contractors in Chapel Hill should be given a priority on bids for building the new homes so that the money stays in Chapel Hill. Alderman Welsh said there is a need for people to get guidance and expertise as they rehabilitate or build their homes and suggested that workshops could be conducted to provide the people with information about construction, financing, etc. Alderman Marshall asked if consultation and expertise services would be available to everyone in Town or limited to the NDP home-owners. Mayor Lee said the Housing Authority will serve the whole Town. Alderman Nassif asked if owners can sell their houses at any time. Mayor Lee said yes. Alderman Nassif said that he hopes the low-interest loans will not be made available to buyers who would not be eligible for them. Town Attorney Denny said that it is legally possible to limit the transfer of these loans. Alderman Nassif said the loans should only be transferred to those who would qualify for them initially. Mayor Lee said that the Housing Authority will be involved in any transfer of loans and will determine eligibility. Alderman Scroggs said that in the transfer of property, the original buyer should receive some equity. Mayor Lee said that Mr. Al Stevenson will present guidelines for the program to the Board. Alderman Welsh moved, seconded by Alderman Smith, to designate low-interest loans for low-income people as the use for \$189,000 of Revenue Sharing Funds. This motion was unanimously carried.

EXECUTIVE AND INFORMAL MEETINGS - REQUESTS

Mayor Lee said that Town Attorney Denny needed to discuss a legal matter with the Board after their regular meeting, and that Town Manager Kendzior requested an open informal meeting with the Board after that. There were no objections.

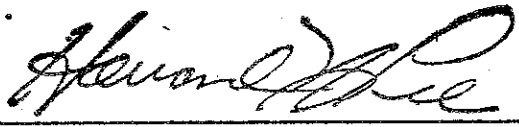
OAK FOREST SUBDIVISION - BRIDGE

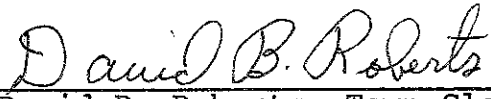
Alderman Nassif said Kenmore Road, in the Oak Forest Subdivision, crosses a creek. He suggested that the Town Manager meet with the developer to discuss the construction of a wider and more open bridge on Kenmore Road so that the creek would not be restricted or flood. He also suggested that as an incentive to the developer to construct the wider bridge, that it may be possible to eliminate the curb and gutter and that section of Kenmore Road by using additional gravel and extending the shoulders of the road. Alderman Scroggs asked about the grades along Kenmore. Alderman Nassif said he doesn't think there is a grade over 10% and that he will present a policy for curbs and gutters to the Board. Alderman Welsh asked if it is as inexpensive to widen the roads as it is to lay curbs and gutters. Alderman Nassif said that the plan he will present will necessitate preparing the subbase properly, extending the shoulders, reducing the size of the pavement, and eliminating the curbs and gutters.

BENEFIT ON FRANKLIN STREET

Alderman Welsh said she would support Mr. Peterson's request with the details to be worked out by the Town Manager. Alderman Smith said he doesn't think the singing should be for three hours, and that 5:00 P.M. may cause traffic problems. Alderman Scroggs said he is 100% in favor of the purpose of the request, but he is not willing to vote for that use of the street. Alderman Welsh moved, seconded by Alderman Marshall, to grant the request for the Family Gospel Singers and the Young, Gifted, and Black singers to perform on Franklin Street on either Thursday, June 21st or Friday, June 22nd, and that the Town Manager work out the details. The motion was passed by a vote of five to one with Alderman Scroggs opposing.

The meeting was adjourned at 9:10 P.M.


Mayor


David B. Roberts, Town Clerk