

Soil Erosion and
Sedimentation Control--
Model Ordinance--
Progress Report

Alderman Welsh said that the Town is obligated by the state to have an ordinance. She said she would like to see a draft of the ordinance before February 15. Town

Manager Kendzior said that the staff has been working on the draft and has had two meetings with Carrboro and Orange County. Mr. Kurt Jenne, Director of Urban Development, said that several meetings have been held to discuss the state model ordinance. This group wishes to investigate the possibility of a joint ordinance with Carrboro and Orange County as opposed to separate local ordinances. Alderman Welsh asked if he had a copy of the ratified bill. Mr. Jenne said no. Alderman Welsh said that the sooner the ordinance is ready, the sooner a model program can be developed. The Town should send a representative to the public hearing with a copy of the drafted ordinance. Mr. Pearson Stewart said that the hearing will be held on February 12, 6:00 p.m. in the Highway Commission Auditorium in Raleigh. Alderman Welsh asked for a rough draft for the February 11, 1974 Board of Aldermen meeting. Mr. Jenne said that the major concern is the issue of joint or separate ordinances. If the Board so desires, the current draft prepared by Mr. Burnham can be passed out to the Board of Aldermen.

There being no further business to come before the Mayor and Board of Aldermen, said meeting was adjourned at 10:22 p.m.

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD
OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN
THE MUNICIPAL BUILDING, MONDAY, FEBRUARY 4,
1974 AT 7:30 P.M.

The Board of Aldermen met at a regular meeting on February 4, 1974 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present:	Howard N. Lee, Mayor Gerald Cohen Thomas Gardner Shirley E. Marshall Sid Rancer R. D. Smith Alice M. Welsh
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Absent:	None
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A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, the Town Clerk D. Roberts, and Town Attorney E. Denny.

Alderman Smith moved, seconded by Alderman Gardner, to approve the minutes of the meeting of January 28, 1974 as corrected. Said motion was unanimously carried.

Post Office--Appearance
Commission

Town Manager Kendzior presented a petition from the Appearance Commission in regard to the Post

Office. Alderman Marshall moved, seconded by Alderman Smith, to consider the petition regarding the Post Office under item 6a with the other items related to the Appearance Commission. Said motion was unanimously carried.

Off-Street Parking

Alderman Cohen moved, seconded by Alderman Welsh, to consider off-

street parking under old business on the agenda. Said motion was unanimously carried.

Street--Sidewalk Vending

Alderman Cohen said that street--sidewalk vending was postponed from December 3, 1973 meeting to December 10, 1973 at which time the Board decided to ask for a recommendation from the Central Business District Study Committee for January 21, 1974. The report has still not been made. Alderman Cohen said that he is not willing to delay discussion of this matter indefinitely. Alderman Smith said that there are many items in CBD report that should be referred to the Planning Board and that the report should be discussed in its entirety and not piecemeal. Alderman Marshall said that she agrees that the report is important, but feels that the vending situation should be considered as soon as possible. Alderman Cohen moved, seconded by Alderman Marshall, that the issue concerning sidewalk vending be referred to the Planning Board for consideration, study and recommendation back to the Board of Aldermen. Alderman Welsh said that the fundamental issue in question is the process with which the Board dispenses with matters; standing committees and special committees have worked well in the past and it is desirable to continue these. Using paid consultants is very costly. Local volunteers serve on the advisory commissions and for this reason the Board cannot be very strict about deadlines. Street vending has been a problem for three years, and should be resolved in CBD group study where it belongs. The CBD committee should report before budget time so that the Board will have time to study its recommendations. It is a serious matter for the University, merchants and Town to pay \$27,000 for a study, so serious attention should be paid to it. The report indicates that the atmosphere of the downtown area is its major strength. Alderman Welsh offered a substitute motion, seconded by Alderman Gardner, that the CBD Committee, with the assistance of the Planning Board, Appearance Commission, Administration, Planning Staff, UNC principals, merchants and Historical Society study the CBD report, submit a specific and complete plan on sidewalk vending to the Board, that the old Sidewalk Committee of former Alderman Nas-sif and Welsh be dissolved, and that the report should be submitted before budget time. Alderman Marshall said that she appreciates volunteer help from citizens but that the Board is working on a time schedule involving long range planning of which street vending and CBD study is a part. She also reported on a Bicycle Conference which she attended in December. There was major agreement that three points were important in revitalization of downtown areas:

- 1) Removing ordinances that forbid merchants to trade outdoors,
- 2) Finding people to sell on street, and 3) planning physical amenities after motion related to vending can be seen.

Alderman Marshall said that she feels that street vending is very necessary for the downtown area. Alderman Smith said that he wants to take exception to the statement regarding volunteer committees, and that the Board needs to demand a report on CBD study in order that the entire downtown project can be considered as a whole. Alderman Cohen said that he supported the original delay to give the CBD Committee a chance to make the report. He is committed to improvement in the downtown area. Implementing the entire project may take several years, but the vending issue should be decided sooner. The issue is controversial but should not be delayed for this reason. Alderman Welsh's motion would delay the project a year, since it would take longer for this committee to report back. Alderman Welsh said that the CBD report requires about \$95,000 to implement. Budget considerations will require a plan and without a plan vending would be considered out of context. Alderman Gardner said that the CBD report is the main issue. Mr. Wallace has indicated that he would wish to report to the Board when there is no Public Hearing scheduled. He said that he prefers no action be taken until the report can be heard. The substitute motion was defeated with Aldermen Cohen, Marshall, Smith and Mayor Lee opposing. The original motion was defeated with Alderman Gardner, Rancer, Smith and Welsh opposing. Alderman Smith moved, seconded by Alderman Cohen, that the CBD Committee be requested to make a preliminary or final report within the next three weeks. Mayor Lee said that because of the Public Hearing on February 25 the report may have to be given on March 4. Alderman Welsh said that the CBD Committee has not met and that vending may not be a priority issue in their report. Alderman Marshall said that the Planning Board needs to get the report very soon since the budget time is almost here. Mayor Lee said that he will try to im-

press this on Mr. Wallace. Alderman Gardner said that Mr. Wallace indicated the report would be ready for February 25 meeting, but he preferred not presenting it on the same night that a public hearing is held. Said motion passed by a vote of five to one with Alderman Welsh opposing.

Sedimentation Control Ordinance

Mr. Kurt Jenne, Director of Urban Development, presented the draft of an ordinance to provide for

the control of soil erosion and sedimentation. This draft was drawn up to include Chapel Hill, Carrboro, and Orange County. He explained the purposes of the law, which is to control accelerated erosion and sedimentation resulting from land-disturbing activities by establishing a prevention-oriented sediment control program. The basic control objectives are to limit exposed areas, limit time of exposure, manage surface water, control sedimentation, protect critical areas, and manage storm water runoff. The mandatory standards concern buffer zones, slope, and ground cover. Other items considered are minimum performance standards and plan approval. The three major considerations regarding the ordinance are 1) Will the state retain jurisdiction over any project involving a state loan or grant? 2) Will the state have sufficient review and inspection staff to implement this? 3) Would the enactment of such an ordinance present problems to localities in regard to implementation? Mr. Jenne said that the draft ordinance was drawn up in conjunction with three localities. The sentiment is that the ordinance be the same in all three localities, to promote uniformity and similar enforcement. Alderman Smith asked for clarification of "impoundment on or off site." Mr. Joseph W. Rose, Director of Public Works, said that this is a small pond which slows the water up and gets the heavy sedimentation out. Alderman Welsh asked if it would be possible to use as a guideline for subdivisions the Standards and Specifications for Soil Erosion and Sedimentation Control for the City of Raleigh. Mr. Jenne said yes, that detailed provisions of guidelines have not yet been worked out. Alderman Welsh asked if these guidelines should be written into the ordinance. Mr. Jenne said he thought not, but that Town Attorney Denny would have to advise on this. Alderman Welsh said that she has a number of questions that need answering: are there provisions for rehabilitation involving land disturbing activities; can Building Permits be transferred without the Building Inspector's knowledge; are individual lots included, what are the obligations of Public Work Departments; is there sufficient staff for inspection; to whom are appeals made; standards should include runoff, specific vegetable covers and timetable; plans should be drawn to a specific scale; more consideration should be given to disturbing areas next to the site; a timetable for erosion control during construction should be drawn up; provisions should be made for building inspector to add additional controls; provisions should be made for adjacent property protection; prompt removal of soil and debris from street should be required; and inspection should be drawn up more strict and severe than in the draft. Alderman Smith said that if the ordinance will be local, the staff may need to hire a soil conservation expert. He suggested that the Orange County Soil and Water Conservation Service approve the plan. Alderman Marshall asked if this Service had sufficient staff. Mr. Jenne said that he did not think the Service wanted to approve or disapprove ordinance, but that the Soil Conservation Service may be able to recommend items.

Bolinwood Apartments--Tenant Complaints--Report

Town Manager Kendzior said that this report was distributed to give the Board some idea of the complaints

and requests received about the projects underway. Once the Special Use Permit is received, there is the constant problem of enforcing it. For this reason the phased construction is preferred, since the Town can then do something about the lack of compliance. Alderman Rancer said that he wishes to make these complaints public. He said that he checked out these complaints twice and that nothing has been done. He said that since the Town does not have jurisdiction to enforce, if

the tenants' complaints are ignored and if the development is in a state of being unhealthy, unsanitary, or unsafe, have the district health officer in Chapel Hill, Dr. O. David Garvin, inspect the property and order whatever improvements are necessary.

If the tenants have been misled through brochures or through verbal promises as to what they would get as tenants of the development, such as tennis courts, swimming pools, and laundry facilities, then they should complain to the Consumer Protection Division of the Attorney General's Office in Raleigh. Mayor Lee cited the violations of the Special Use Permit. Alderman Cohen said that he too has received complaints from Bolinwood residents. The Town has little power to enforce compliance. There are several bills before General Assembly that would give tenants additional redress, the Legal Committee should look at these. Mayor Lee said that the situation has to be checked closely. Certain stipulations should be met by developers before Certificates of Occupancy are granted. Mayor Lee said that he was not sure if anything can be done in this particular case, but that the Town has to consider the health, safety and welfare of all citizens and that the Board needs to put on pressure when it is needed. Alderman Smith asked if the owner has been contacted regarding these complaints. Town Manager Kendzior said that he met with the owner and the bonding company on January 25, 1974, at which time he reported on the complaints and stated that corrections would have to be made as soon as possible. This is the reason why the Special Use Permit was granted in three phases; it can be terminated because of noncompliance. The developer is proceeding with the second part of construction, but no Certificate of Occupancy will be granted until all the stipulations are met. Mayor Lee said that this is one legal procedure that the Town can follow.

Narcotic Expenditure
Operations

Town Manager Kendzior said that the report submitted by Chief Blake involves both general matters

and matters that might be better handled in an Executive Session. Alderman Rancer moved, seconded by Alderman Smith, to refer the report to the Law Enforcement Committee for consideration, study and recommendation to the Board. Alderman Rancer said that making public some of the information in the report would hinder the Police Department in its work. Alderman Marshall said that she thought discussing it in Executive Session would be better, that the matter could be handled faster, and the budget could be approved. Alderman Rancer withdrew his motion. Alderman Gardner moved, seconded by Alderman Marshall, to discuss the Narcotics Expenditure Report in an Executive Session. Town Attorney Denny said that since the report involves individuals and pending litigations this would be all right. Alderman Cohen asked if the Executive Session would be held immediately after the meeting. Mayor Lee said yes. Said motion passed unanimously.

Service Stations--
Traffic Problems

Town Manager Kendzior reported about the problem of traffic and gas shortages experienced at several service

stations in Chapel Hill. He said that a meeting was held on February 1 with twenty-nine service station owner-operators invited and twenty-two attending. There will be another meeting on February 5. The traffic has been blocking intersections and fire hydrants and nine policemen have been on duty just to handle these problems. There have been many calls from people without gas. The cooperative efforts of the station managers are needed to provide gas to all. The long lines started forming before the end of the month, but they are still continuing with many people buying only a few gallons of gas. Service station owners have agreed to sell the Town 100 gallons a week, on a rotating basis, for emergency use; it has not yet been decided how this gas would be distributed. Another report will be made after the next meeting with station managers. Alderman Marshall said that the Energy Conservation Task Force is meeting on February 6, so that this problem can be considered at that time. Alderman Welsh asked the Town Attorney if selling gas to regular customers only is discriminatory. Town Attorney Denny said that it is discriminatory, but there are other legal questions. Alderman Welsh asked if this could

also be considered under the fair trade practice. Town Attorney Denny said that the problem is country-wide. Alderman Welsh said that many people in Chapel Hill are not regular customers, and that various alternatives should be considered, such as first come, first served, limiting sales to people with less than half a tank full, or the odd-even system. Alderman Cohen said that consumer interests should be protected in any arrangement made. The Board cannot deal with this problem on purely local basis since many people come in from out-of-town to the hospital and need gas. Alderman Smith asked if the Fire Department is going to distribute the emergency-use gas. Mayor Lee said that this has not yet been decided. Alderman Smith said that the gas shortage seems to be localized from Greensboro eastward. If customers are served on first come first served basis, the lines will continue. Mayor Lee said that the Town will have to take some responsibility in the problem since it is not just the service station operators' problem. The rights of the service station operators also need to be protected. He said that he does not want the Police Department to be caught in the middle of the problem and blamed for closing service stations, or removing people from lines. Several suggestions still need to be discussed. Alderman Cohen said that he did not want his remarks to be interpreted to mean that he was blaming the station owners for the problem. Alderman Welsh said that the best suggestions seemed to be to limit the amount of sales, with no sale when a gas tank is more than half full. Alderman Marshall agreed with the idea. Mayor Lee said that the half-tank, and even-odd day sales were the best ideas. He said that he and Mr. Kendzior have received several threatening telephone calls from very upset people and that some problems may be expected.

Pinewood Apartments--
Landscape Plan

Mr. Kurt Jenne, Director of Urban Development, described the landscape plan and presented the

recommended stipulations. The project has been changed since its inception, and on investigating the site with the architect several problems were discovered regarding the present plan. As a result, five stipulations are recommended. Mr. Sid Cohn, Chairman of the Appearance Commission, said that the recommendation was not to have the developer prepare a detailed plan before planting, but to develop a prototype planting which would be followed by detailed plans, if the planting is approved. Mr. Wyant, the developer, agreed with Mr. Cohn. Mr. Cohn said that this proposal assumes some risk on the part of Mr. Wyant, since the plantings may have to be replaced if they do not meet with approval. Alderman Smith asked how this proposal fits in with the ordinance regarding landscaping. Mr. Cohn said that the developer can start planting before a plan is submitted, but that the plan is needed before a Certificate of Occupancy is issued. Town Attorney Denny said that this is correct. Alderman Welsh asked if such a provision is specific enough for enforcement. Mr. Cohn said that the plan will be submitted as soon as the Appearance Commission approves what is planted. The plan will be on file and the inspector will know what is expected. Town Attorney Denny said that a problem is caused by the absence of a stipulation stating, "landscape plan, as approved, be maintained." He suggested that stipulation 4 be reworded to consider the prototype planting, and stipulation 6 be added regarding maintenance by owner. Alderman Smith moved, seconded by Alderman Welsh, that the Pinewood Apartment Landscape Plan Development be approved as modified with the following six stipulations:

1. That within the area disturbed by the construction of the frontage road, additional trees shall be planted to reestablish the natural character of the buffer. This area is designated "Area 1" on the Landscape Plan.
2. That the drainage channel be landscaped to develop a natural stream character. This area is designated "Area 2" on the Landscape Plan.
3. That a six foot high screen wall be provided along the property line abutting the Honda dealership. This area is designated "Area 3" on the Landscape Plan.
4. That detailed planting be executed, and when approved by the Appearance Commission shall be reduced to a detailed planting

plan at 1" = 20' prior to issuance of a partial Certificate of Occupancy for the first apartment building. That this approved plan shall serve as a prototype for the remainder of the landscaping around the apartment buildings. That prior to issuance of a partial Certificate of Occupancy for individual buildings, the landscaping shall be approved by the Appearance Commission.

5. That detailed landscape plans for the entire site, at 1" = 20' be submitted to the Building Inspector prior to issuance of the Final Certificate of Occupancy. That these plans shall represent and list all landscaping material planted on the site.
6. That said plantings, pursuant to the detailed landscape plans be maintained.

Said motion was unanimously carried.

Appearance Commission--
Nominations

Mayor Lee said that the Appearance Commission is recommending Mr. Robert Bryan for a second term on the Commission. Alderman Cohen asked if there is not also another vacancy of the Appearance Commission. Mr. Sid Cohn, Chairman of the Appearance Commission, said that there is, but that the Commission will submit the second recommendation later.

Post Office--
East Franklin Street

Mr. Jim Webb said that the request to include the matter of the Post Office on the agenda came from him as a private citizen not from the Appearance Commission. He has been alerted by Mr. Roger Foushee about possible renovation of the building. Steps have been taken to include the Post Office in the historical district and to register it as a historical monument. The Town has also expressed interest in acquiring the building for public use. Concern should be expressed to the Postal Administration to leave the building as is and not to run the risk of damaging the atmosphere of the building by renovation. Alderman Welsh asked if renovation of the building is imminent. Mr. Webb said that this was his impression. Alderman Welsh said that the Town has a request in to acquire the Post Office and possibly use the interior for a community center. She recommended that the Mayor and Mr. Webb talk to the Postmaster regarding the Post Office, its significance to the community, the architecture and the Town's desire to acquire the building. Mayor Lee said that he and Mr. Webb will meet with the Postmaster and report back to the Board.

Advisory Personnel
Board--Appointments

Mayor Lee said that the Board of Aldermen must consider making nominations to the Advisory Personnel Board on which a total of five members serve three-year terms. Appointments are made in January and members can serve two consecutive terms only. The people who are presently on the Board or have served on this Board in the past are Mr. Jake Wicker, Mr. Frank Hall, Mr. Walt Baucom, Ms. Marion Hubbard and Ms. Jean H. Gauldin. Two people are eligible for reappointment and two vacancies have to be filled, with one person continuing until 1975. At the next meeting, nominations will be considered, and members will be appointed at the following meeting. Town Attorney Denny said that Ms. Gauldin may be moving from Chapel Hill, which will create another vacancy. The terms of appointment are for three years but the initial terms were staggered one, two and three years, with members being able to serve two consecutive three-year terms. Mayor Lee said that because of the importance of this Board, the Board of Aldermen should make the appointments.

208--Federal Water
Pollution Control Act

Mayor Lee said that the Board must consider the adoption of resolution joining 208 planning area as permitted under the Federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500). This resolution was discussed at the Board's January 31, 1974 work session. Mr. Joseph Rose, Director of Public Works, distributed and discussed a summary of the amendment. There are four basic requirements of the act. Mr. Rose described the goals of

Section 201 which are development and implementation of waste treatment management plans and practices considering the most cost effective method, providing control and treatment on an areawide basis, and encouraging construction that would recycle potential sewage pollutants, confine nonrecycled pollutants, reclaim wastewater and dispose of sludge in a manner not causing environment hazards. Mr. Rose said that the grant does not have to be submitted by June 30, 1974 but that the study of alternative waste management techniques must be underway by that date. Mr. Rose discussed following Sections 202-207. Section 208 is the management vehicle for the areawide waste treatment. The area selected must have substantial water quality control problems, the Governor of each state must identify each area or the area may identify itself, if it is part of a Standard Metropolitan Statistical Area. Alderman Welsh asked how Chapel Hill can get into SMSA area. Mr. Pearson Stewart, Executive Director of Triangle J Council of Governments, said that Orange County is part of the Durham--Raleigh SMSA area actually and legally. Mr. Rose said that the 208 plan includes the identification of treatment works necessary to meet the anticipated needs for twenty years, updated annually. Mr. Stewart said that it still has to be determined which agency will do the updating. Mr. Rose said that 208 also deals with establishment of construction priorities, regulatory programs, identification of agencies and measures necessary to provide the facilities, and identification of various sources of pollution. Alderman Welsh asked how long it would take to get a plant under 201. Mr. Stewart said it could be done in five years, since the Chapel Hill area has a high priority. Alderman Welsh asked if alternatives to the Mason Farm Road plant or Farrington Road plant would be considered. Mr. Stewart said yes. Mr. Rose described the authority that the management agency would have in regard to management and said the Board of Aldermen can turn down the resolution or adopt it. Mr. Stewart said that the federal funding is 100% on any portion of study approved prior to July, 1975. Alderman Welsh asked if it is Mr. Rose's recommendation to adopt the resolution. Mr. Rose said yes, and it is also the staff's recommendation. Mayor Lee said that this is his recommendation also. Alderman Smith moved, seconded by Alderman Marshall, that the following resolution be adopted.

RESOLUTION INDICATING INTENT TO JOIN WITH OTHER
GENERAL PURPOSE UNITS OF LOCAL GOVERNMENT IN THE
RALEIGH-DURHAM STANDARD METROPOLITAN STATISTICAL AREA TO DEVELOP AND
IMPLEMENT A PLAN RESULTING IN A COORDINATED WASTE
TREATMENT MANAGEMENT SYSTEM FOR THE AREA

WHEREAS, pursuant to Section 208 of the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500 (hereinafter called "the Act"), the Administrator of the United States Environmental Protection Agency has by regulation published guide lines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems (40 CFR Part 126); and

WHEREAS, the Raleigh-Durham Standard Metropolitan Statistical Area, as enlarged for Section 208 planning purposes satisfies the criteria contained in the Act and guidelines and designation of the area pursuant to Section 208 and those guidelines is desirable; and

WHEREAS, Section 126.10 of the guidelines requires, among other things, that the affected general purpose units of local government within the problem area must show their intent, through formally adopted resolutions, to join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area; and

WHEREAS, Section 208 of the Act requires that the planning agency have in operation a continuing areawide waste treatment management planning process within one year of its designation by the Governor; and

WHEREAS, Section 208 of the Act requires that the initial plan resulting from the planning process be certified by the Governor and sub-

mitted to the Administrator within two years of the commencement of the planning process; and

WHEREAS, such planning process and waste treatment management system is a necessary and significant measure to control present point and non-point sources of water pollution and to guide and regulate future development and growth in the area which may affect water quality, in order to prevent, abate and solve existing and potential substantial water quality control problems;

NOW, THEREFORE, IT IS RESOLVED THAT the Town of Chapel Hill, recognizing that the Raleigh-Durham area has substantial water quality problems, supports designation of the Area pursuant to Section 208 and the EPA guidelines.

IT IS FURTHER RESOLVED THAT the Town of Chapel Hill intends to join with other affected general purpose units of local government within the boundaries of the area to develop a plan designed to produce a coordinated waste treatment management system for the area and, when the plan has been mutually adopted by the Town of Chapel Hill and the North Carolina Board of Water and Air Resources or its successor, to implement the plan.

IT IS FURTHER RESOLVED THAT, inasmuch as the Triangle J Council of Governments is a single organization with elected officials or their designees from local governments and is capable of developing an effective areawide waste treatment management plan for the Area, the Town of Chapel Hill supports the designation of the Triangle J Council of Governments as the planning agency for the Area.

IT IS FURTHER RESOLVED THAT, the designated planning agency will submit the required planning process to the Governor for review and approval within ten (10) months following approval by the Environmental Protection Agency of the delineation and designation and within twenty-one (21) months after submission of the planning process will submit the developed plan to the Governor for review and approval.

IT IS FURTHER RESOLVED THAT all proposals for grants for construction of publicly owned treatment works within the boundaries of the designated area will be consistent with the approved plan and will be made only by the management agency or agencies as included in the mutually adopted plan.

Approved this the 4th day of February, 1974.

Said motion was unanimously carried. Mayor Lee thanked Mr. Rose for the outstanding work.

Sanitary Sewers--
Replacements

Mayor Lee presented a resolution approving contract with Rose, Pridgen and Freeman, Incorporated,

to prepare necessary plans and specifications for replacement of 4" sanitary sewers to 8" at the following locations: Hooper Lane, North Street, Pine Lane and Coker Property. The replacement of these laterals were budgeted under collection system 32-810, pages 94-96-98. Alderman Cohen asked where Coker property is located. Alderman Welsh said that it is located near North Street and Boundary Street. Alderman Smith moved, seconded by Alderman Gardner, that the following resolution be adopted.

R E S O L U T I O N

Resolution authorizing the Town Manager to enter into an agreement with Rose, Pridgen and Freeman, Inc. to provide engineering plans and specifications for replacment of existing sewer laterals to 8" in size.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill,
North Carolina:

THAT WHEREAS the Town intends to employ the Engineer for services in connection with the construction of sewer laterals.

NOW, THEREFORE, the Town and Engineer, for and in consideration of matters herinafter set forth, do hereby agree as follows:

Engineering Services shall consist of the following:

1. Prepare detailed plans for sewer laterals construction of existing 4" sanitary sewer lines to 8" (Town Standards).
Hooper Lane 560 L.F. Pine Lane 300 L.F.
North Street 350 L.F. Coker Pro- 1120 L.F.
 party
2. Prepare specifications, estimates of cost and bidding documents.
3. Prepare tabulation of bids and assist in the bid analysis.
4. Engineering services during construction.
5. Prepare assessments and the necessary plats and descriptions for easements and rights-of-way.
6. Stake out work for construction.
7. Provide the Town with reproducible polyester of as-built drawings of all improvements.
8. Services required for changes and modifications of completed and approved plans and specifications as may be authorized by the Town.

Compensation to the Engineer for his services shall be as follows:

Prepare the plans, specifications, estimates, contract drawings, and furnish engineering services during construction in accordance with the percentage fee schedule established by the North Carolina Society of Professional Engineers as follows:

Less than \$100,000

Payroll cost plus 150%

\$100,000 to \$200,000

A percentage of construction cost
varying from 11.0% down, accord-
ing to ASCE curve attached.

The Town will make monthly payments in response to the Engineer's monthly detailed statements but not to exceed the following:

For Items 1 through 5 above, the Engineer shall be paid 70% of a reasonably estimated cost of the work upon completion of the design plans and specifications and submittal to the Town for bidding.

For Item 6 above, the Engineer shall be paid 30% of the above fee during construction and at such time that partial payments are made to the Contractor. It is understood that the Engineer shall approve all partial estimates prior to payment by the Town.

Basic services of the Engineer shall be done in the following steps:

Preliminary design phase and estimate on or before April 15, 1974.

Final design pahse and revised estimate on or before May 15, 1974.
For work under Item 7 and 8 above, the Engineer shall be paid on a cost perdiem basis as follows:

Payroll cost plus 150%.

- 9. Changes: It is recognized that the local residents may not be easily satisfied with alignment and necessary damage to shrubbery, lawns and natural vegetation, and hence some changes may be required after original surveys and plans have been completed. The Engineer shall keep accurate costs incurred by him in making such changes, and shall be paid extra therefore at the perdiem rates shown above.

It is understood that resident inspection will be furnished by the Town, and at the Town's expense, and that the inspector will work under the direction of the Engineer.

This the 4th day of February, 1974.

Said motion was unanimously carried.

Housing Authority
Commissioners--Commendations Mayor Lee said that the resolutions commending Edwin Caldwell, Sr. and John Bennett for their service as Housing Authority Commissioner will be postponed until the February 11, 1974 meeting, at which time both men will be present.

Budget Ordinance--
Recreation Department Town Manager Kendzior said that this portion of the ordinance concerns only the financing necessary to complete program studies. Additional changes will be needed concerning the Manpower Development Program. He requested that this portion of the ordinance be adopted, with the rest to be considered at the February 11, 1974, meeting. Alderman Gardner moved, seconded by Alderman Cohen, that the following budget ordinance amendment for the fiscal year beginning July 1, 1973 and ending June 30, 1974 be adopted.

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1973 AND ENDING JUNE 30, 1974.

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, 1973 and Ending June 30, 1974" as duly adopted on July 23, 1973 be and the same is hereby amended as follows:

Increase the following Appropriations

Revenue Sharing Fund

	Increase	To Total
50-810 Operations-Operations	3,469	349,834
<u>Capital Projects</u>		
62-810 Parks (NDP)-Operations	1,559	1,559

Decrease the following Appropriations

Revenue Sharing Fund

	Decrease	To Total
50-810 Operations Capital	3,469	473,666

Capital Projects

62-810 Parks (NDP) - Capital

1,559

77,336

SECTION II

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

This the 28th day of January, 1974.

Said motion was unanimously carried.

Human Services Department--Status Report

Ms. Jeanne Jones, Director of Human Services, said that she requested time for this presentation

since there has not been a chance for the Board of Aldermen to become acquainted with the present activities of the Department. The Department is divided in three units: Housing Services, Police Services and Coordinating Services Units. It is also divided by geographical areas and by functional areas, with workers specializing in different fields such as health, manpower, food stamps, etc. and becoming knowledgeable about the resources available. Housing Services is divided into Public Housing, NDP and Building Inspection and includes information, referral and counseling services, and deals with parent-child problems, domestic problems, suicide counseling, public assistance and food stamps. The Department hopes to be able to establish budget and home ownership counseling programs. In terms of providing community services, teenagers and adults participate in community meetings. The department is working to establish a shuttle bus system with the Recreation Department; intervenes in neighborhood disputes, plans to develop day care homes, publishes a community newsletter, has a Tenants Complaint Bureau, conducts a human sexuality counseling group for teenagers, and encourages residents' discussion of items to be placed in Housing Authority budget. Problems that the Department deals with in the apartments are littering, poor lighting, lack of recreational facilities and community meeting rooms, and drainage. In the NDP area the Department is developing an information brochure regarding the availability of 312 and rehabilitation loans, considering individual complaints, developing an after-school tutoring program, and encouraging informational meetings to discuss problems. In Building Inspection, referrals are made for people needing social services, and an attempt is made to relocate families if necessary. Police Social Services Unit works with officers to train them to make the best types of referrals, deals with the problems of run-aways, undisciplined children, and fights. Referrals are made from the solicitors, judges, police, lawyers and A.S.S., but the main problem is the lack of a place to refer the children as an alternative to arrest. The Department hopes to establish therapeutic groups. The officers participating in the Officer Training Program may be able to get certification for the Institute of Government and the program may serve as a model throughout the state. The Coordinating Services Unit consists of various service committees appointed by the Board. The Human Relations Commission is working on cases of discrimination. The Department also is working to operationalize the Manpower Agreement with Durham, developing manpower resources within the area, participating in the NYC-2 program that tries to provide job training to high school age dropouts. The Department may get SIFT in 1974. Future plans involve developing training programs for workers and trying to obtain a contract for VISTA volunteers. Alderman Smith asked if there is a conflict with the Redevelopment Commission in publishing the pamphlet regarding loans. Ms. Jones said no that the Redevelopment Commission is distributing this pamphlet but that the Human Services Department is developing it at their request. Alderman Cohen asked which officers would be trained in the program. Ms. Jones said police officers would be trained to maximize the Social

Service unit. Alderman Marshall suggested that in regard to SIFT, young people be trained to install insulation in houses. Ms. Jones said that was a good suggestion. Alderman Gardner asked if the Department is working with the school system regarding truancy. Ms. Jones said that this was the case in all three units. Alderman Smith suggested that the Board consider creating summer jobs for young people in SIFT by clearing the underbrush on Town owned open space property. Mayor Lee thanked Ms. Jones for the comprehensive report. Ms. Jones said that she gives monthly reports to the Town Manager if anyone wants to follow the progress of specific programs.

Off-Street Parking--
Status Report

Town Manager Kendzior said that he met with the President and the Director of the Chamber of Commerce

to discuss the proposed parking rates for the off-street lots. He proposed that legislation be adopted to establish attendant type parking with parking rates for Lots 1, 2, 3, and 4 at 20¢ per half hour or 40¢ per hour and that leased parking rental space rates be increased from \$10.00 per month to \$15.00 per month. The hours of operation should be 8:00 a.m. - 8:00 p.m. on lots 1 and 2 and 9:00 a.m. - 12 midnight on lots 3 and 4. Mayor Lee said that the price of parking is still cheap. He said that the Board should consider the presentation, which is based on earlier requests from the Board. Alderman Welsh said that the report is good as far as the proposal is concerned, but that she questions whether leased parking in lots 5, 6 and 7 is an appropriate way to deal with the parking problems in CBD. She was also concerned with the high cost of attendant parking. It may be better to keep the parking meters. She said that she is not ready at the present time to support the proposal. Alderman Cohen said that he agrees with Alderman Welsh regarding the high cost of attendant parking and asked either for legislation to enforce ordinance regarding off-street parking or to set the parking rates high enough to discourage long-term parking. He proposed the rate of 25¢ per 2 hours and 25¢ per hour thereafter. Alderman Marshall asked about the legality of metered parking. If there is a feeling that the ordinance will be upheld in court then it should be passed. She said that the parking fees should be competitive with riding the bus. Alderman Cohen said that the Board should rely on the legislative opinion expressed by the General Assembly. Mayor Lee said that the Town Manager made the proposal with regard to what the Board requested previously. If the Board decides on attendant parking, then the rates should be no less than 30¢ per 2 hours and 30-40¢ per hour thereafter, and the lots should be open from 7:30 a.m. to 12 midnight. The Town Attorney presented a set of probabilities regarding the legality of the ordinance. One case has been ruled on by the Supreme Court, and there may be another case in Chapel Hill. He said that he favors metered parking, passing legislation to do so, enforcement of the legislation to the letter of the law and letting the case take its course. The Board should not back off completely from developing a plan over a reasonable length of time for attendant parking and said that the CBD study may affect the decisions of the Board. Alderman Marshall said that attendant lots would take less police time for enforcement. Mayor Lee said if prior announcement is made regarding strict enforcement, there may not be a problem with noncompliance. Alderman Cohen asked how long it would take to readjust the meters. Town Manager Kendzior said that he will have the information by next meeting. Town Attorney Denny said that any legislation is presumed valid until declared invalid by a court of competent jurisdiction. The Attorney General has answered specific questions in regard to the Britt case; he says that the legislation is valid in that specific instance but that the authority to use revenue realized from off-street parking for any public purpose granted under GS 163-01 at best makes doubtful the enforcement of city owned off-street parking regulation by criminal action if put to the test. Any action by municipality in carrying out a proprietary function cannot be criminally enforced. Off-street parking is not defined as a parking zone, since time limit is dependent on money put in meter, and is therefore considered rental of space. If there is a flat charge for parking, then this is cir-

cumvented. If the matter ever gets to the Supreme Court, in a criminal case, then the ordinance in all probability will be struck down. Even with a flat fee on parking lots, the question of proprietary function still remains. Alderman Cohen suggested a flat parking fee for lots 1-4. Alderman Welsh said that this still leaves the proprietary question. Town Attorney Denny said that this is a legislative discretionary decision to be made by the Board. Alderman Smith said that he recommends reduced hours for attendants, similar to lots operated by the University. He said that he does not mind testing the validity of any ordinance and said that he supports metered parking until some plan can be worked out for attendant parking. Mayor Lee appointed Alderman Welsh and Town Manager Kendzior in consultation with Town Attorney Denny to study the problem and report back to the Board within a week regarding the system of parking with a two hour parking limitation. It will be made public tomorrow that enforcement of metered parking lots will become effective in a week. Town Attorney Denny said that the Board should consider an ordinance to be effective next week. He read the following ordinance.

AN ORDINANCE TO AMEND CHAPTER 21,
CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Article V, Chapter 21, Code of Ordinances, Town of Chapel Hill be, and the same is hereby amended by inserting a new section to be designated Section 21-37.1 to read as follows:

When parking meters are installed in any of the off-street parking lots owned or operated by the Town of Chapel Hill, the owners, operators, managers or drivers of any vehicle desiring to park in any parking space designated at such meter, shall upon entering the parking meter space immediately deposit or cause to be deposited in such meter such proper coin or coins of the United States, or authorized token as is required for such parking.

When required by the directions of the meter, the operator of such vehicle, after the deposit of the proper coin, coins, or token, shall also set in operation the timing mechanism. Failure shall constitute a violation of this article. Upon the deposit of such coin, coins, or token, and the setting of the timing mechanism in operation when so required, the parking space may be lawfully occupied by such vehicle during the period of time for which said coin, coins or token have been deposited, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space, does not exceed the indicated unused parking time without the deposit of additional coins. If such vehicle shall remain in any such parking space beyond the time limit set on the meter as above prescribed, and if the meter shall indicate such illegal parking, then and in that event such vehicle shall be considered as parking overtime and beyond the legal parking time, and such vehicle shall be deemed a violation of this article.

SECTION II

This ordinance shall become effective from and after the 12th day of February, 1974.

SECTION III

All Ordinances or portions of Ordinances in conflict are hereby repealed.

This the 4th day of February, 1974.

Mayor Lee said the ordinance would be effective February 12, 1974.

Alderman Cohen said that the off-street parking budget calls for a rate of 10¢ per hour and asked if a separate ordinance is needed to change the rate. Town Attorney Denny said that the ordinance can increase the rate but not decrease it. Alderman Marshall asked that the cost of changing meter heads and the time required for the change be considered. Alderman Smith asked if it is possible to tow cars for overtime parking in metered zones. Town Attorney Denny said that at present, there is no ordinance to authorize this, but that the ordinance limiting parking in certain areas could be modified to include this. Alderman Smith expressed his concern about people who are blocked in by illegal parking. Alderman Gardner moved, seconded by Alderman Welsh, that the ordinance be adopted as read. Said motion passed by a vote of five to one with Alderman Marshall opposing.

Manpower Development Program

Mayor Lee said since the time the Board acted upon the Manpower Development Program new legislation has been acted upon by Congress and passed down by the Department of Labor; this allows for counties of more than 100,000 population to become sponsors of the program. This appears to eliminate consortiums such as exist between Durham and Chapel Hill. Mayor Hawkins of Durham has been able to get Durham to become a lead agency and prime sponsor of the program. He extended an invitation to Orange County which includes Chapel Hill to join. The Board would be made up of 18 persons, with six from Orange County. Mayor Lee met with the County Commissioners on February 4. He feels that this matter needs further consideration and requested that the County Commissioners take some action so that Chapel Hill can move ahead in considering how it stands in this program. The County Commissioners established a Manpower Study Commission consisting of County Commissioners Garrett and Whitfield, County Manager Gattis, Chapel Hill Mayor Lee, Chapel Hill Town Manager Kendzior, Hillsborough Mayor Cates and Carrboro Mayor Wells. The Commission will study the legislation and look at the advantages and disadvantages of joining Durham and will attend a meeting in Raleigh on February 6 to see what other possibilities are open. The Commission will report back to the County Commissioners. The money that the Board appropriated for this project should not be expended. About \$15,000 has already been released to Durham in the form of a planning grant. Mayor Lee said that he will keep the Board informed on further developments.

Sister City Task Force

Alderman Cohen announced that the task force will meet February 7, 7:30 p.m., in the conference room.

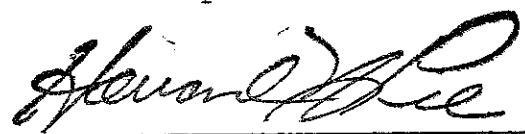
Legislation Committee

Mayor Lee said that Alderman Cohen has suggested that a Legislative Committee be appointed at an early date. He will make recommendations later.


International Student Center--Invitation

Mayor Lee read an invitation from the International Student Center for a reception to meet Robert Rhodes James, UN representative, on Sunday, February 10, 11:30 a.m.

There being no further business to come before the Mayor and Board of Aldermen, said meeting was adjourned at 11:00 p.m.



Mayor



David B. Roberts, Town Clerk