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MINUTES OF A PUBLIC HEARING AND REGULAR MEETING
OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE
TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING,
MONDAY, FEBRUARY 11, 1974 AT 7:30 P.M.

The Board of Aldermen met for a joint public hearing with the Planning Board, followed by a regular meeting, on February 11, 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

Absent: None

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts, Ms. Libby Conley, Mr. Philip Cooke, Mr. Charles Helton, Ms. Peg Parker, Mr. Charles Weiss, and Mr. Don Wells. Town Attorney E. Denny was absent.

PUBLIC HEARING

Planning Board--Changes; Mayor Lee opened the public hear-
Planning District--Extension ing before the Board of Aldermen
and the Planning Board of the

Town of Chapel Hill to consider changes in the makeup of the Chapel Hill Planning Board and extension of the Chapel Hill Planning area into Durham County. The Town Board of Aldermen at its regular January 14, 1974 meeting received a report from Mr. Joseph L. Nassif, Chairman of the Charter Commission, recommending to the Board of Aldermen that the Charter Commission requested that a public hearing be held on the extension of the Planning District into Durham County. The notice of the public hearing was published in the February 3, 1974 CHAPEL HILL NEWSPAPER and February 3, 1974 DURHAM MORNING HERALD. Mayor Lee asked for a report from Mr. Kurt J. Jenne, Director of Urban Development, Mr. Jenne said that Chapel Hill Charter provides for extraterritorial jurisdiction into current Chapel Hill Planning Area and at its option and that of the Orange County Board of Commissioners', south into the Research Triangle area at the bottom of Orange County. General Statute 160A allows a North Carolina city of over 25,000 to extend its extraterritorial jurisdiction to a limit of three miles with the approval of the Board of County Commissioners of the area involved. Currently the City of Durham Planning Area extends west three miles. Mr. Jenne showed the proposed Chapel Hill Planning Area extension on map and explained that it would extend eastward from the current line of eastern boundary of Orange County to be continuous with the Durham City Planning Area. The line extends 400 feet east of Mt. Moriah Church Road, across highway 15-501, 400 feet east of Pope Road, 400 feet east of Ephesus Church Road to a line where it intersects the northern tributary of Little Creek, along Little Creek to Durham County--Chatham County line, west to intersect with Orange County boundary, north to the present eastern Planning District line and back to the starting point. 160A requires that the Planning Board and Board of Adjustment be reconstructed to include a representation of people from all involved areas. The Charter Commission has recommended that, were the action to be taken to extend the Planning Area into Durham County, the Planning Board be reconstructed by adding two members, with six members from Chapel Hill, four from Orange County and two from Durham County. This would maintain a 50-50 Town-County balance. Mayor Lee asked for a report from Mr. Joseph L. Nassif, Chairman of the Charter Commission. Mr. Nassif said that the Charter Commission's recommendation is contingent on the fact of extension of the Planning District line into Durham County. The Charter Commission wishes to hear public opinions about the composition of the Planning Board and whether it is in public interest to extend into Durham County. Any extension will also have to be agreed upon by Durham County. Mr. David Drake, Assistant Town Attorney, said that the 6-4-2 composition would need special legislation from State Legislature, so if the Board is planning to consider any extension, it might wish to authorize tonight a proposal of the legislation. Mayor Lee asked for a report from Alderman Welsh. Ms. Welsh said that she met with the Durham County Manager, Durham County Planner, Chairman of the Durham County Commissioners

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Previous contacts had been made with these officials, but this was the first time that a real discussion was held concerning land use management problems involved in extending the Planning District and the problems of I40, the thoroughfare plan and sewer service. Responses from people in the area have been collected by the County Manager, since they were informed in the last few months of the possible Chapel Hill Planning District extension. A petition with about 35 signatures opposing the extension was presented from Pope Road area, and two letters in favor of the extension were written from FarringtonBarbee Chapel Hill Road area. Chapel Hill has no present plans for development of this area, since it already has overloaded sewers and sewage treatment plant. Nobody at the meeting had facts regarding the appropriateness of expansion, but all agreed that it is legally possible. Durham County Planner will discuss coordinating planning goals in this area with the Chapel Hill Planning department regarding density, long range goals, and the location of the boundary line. Since both Durham and Chapel Hill are involved in 201 and 208 programs flood plain, open space, sewers and highways will also be discussed. The decision was to recommend postponing immediate action until the two planning bodies can discuss the land use management goals and planning problems with an aim to better coordination between the two areas. If the Board decides to postpone action, there will be ample time to submit the legislation to the 1975 General Assembly. Mayor Lee asked for statements in support of the proposal. Mr. Clayton Wethington, resident of Lake Side Drive circulated a photograph of his neighborhood and said that the residents of this community are willing to listen with an open mind to the proposal if Chapel Hill can offer something better in existing services, such as police protection, sewers, garbage collection, and better schools, but not otherwise. Their neighborhood contains some of the best property in North Carolina and the residents want to protect it. The area is a no-man's land, outside the Durham territory and not in Chapel Hill district, but it is closer to Chapel Hill. If Chapel Hill cannot provide the better services, then the residents will have to go on record as opposing the proposal. Mr. Wethington said that Chapel Hill police patrols his neighborhood and that he has moved his business into Chapel Hill. The neighbors are very concerned about the proposal. He talked in the past two weeks to Durham Planning people and they said that they would notify the residents of any meetings but they did not. Mr. Wethington said that if Chapel Hill can show the residents something to make it worth their while then the Town will find support, but if the intent is just to domineer the residents, then there will be opposition. Mayor Lee asked for comments in opposition. Mr. Gordon Pope, resident of Pope Road, said that he circulated the petition in opposition. He was able to contact all, except two, residents; only one wished to wait until after the public hearing to express an opinion and all others wished to stay with Durham County. The opposition is mainly because the residents feel that they can vote for the Durham County Commissioners who are in charge of the zoning and cannot do so for the Orange County officials. Two members from this area out of twelve on the Planning Board is not enough representation. Mr. Pope said that he thought he expressed the views of about 95% of property owners in his area. Alderman Marshall said that she was disturbed about the idea of asking what Chapel Hill has to offer. The Board is asking for the recognition that this area is closer to Chapel Hill, and with two representatives on the Planning Board the residents will have a direct voice in what will happen to the area closest to them. Mr. Wethington asked why the Board wants this area and what effect two members could have on a twelve member Planning Board. The two members might be chosen from an area in Durham completely removed from Chapel Hill. Alderman Marshall said that the representatives have to be from the Planning District in Durham County. Mr. Wethington said that Chapel Hill has had the problem of radical versus conservative for a number of years and there is nothing that two members with one inclination could do to influence ten members with another inclination. Mayor Lee said that there is no attempt on part of this Board, the Planning Board or any individual or group within the corporate limits of Chapel Hill

or the Planning District of Chapel Hill to force anyone to do anything. The fact exists that Chapel Hill limits are now within Durham County limits. The growth in the next few years between Chapel Hill and Durham can be astronomical in areas where there is no control, planned development, or directional setting. There would be very little that the area residents could do about it. This may not necessarily happen, but the idea is to try to have citizens of Chapel Hill and Durham to sit down and plan their futures together regardless of their philosophies, outlook on life or interpretation of surroundings. A planned district can prevent disruption in a neighborhood caused by lack of enforcement of planning laws or planning zones. A section of Colony Woods was developed outside the Chapel Hill Planning District and was annexed later, but the Town did have some control over the development. Chapel Hill may be able to take the area under discussion into its limits, but there is no guarantee that this will happen. The idea of the public hearing is to find out what people want and to see if working together can be of mutual benefit, and not to ram anything down one's throat or to say that Chapel Hill cannot go without an area. Mr. Wethington asked if the Board is aware that the present zoning of the area is Agricultural or Single Family and wondered how this can be improved. Alderman Cohen said that the zoning may now be uniform, but that pressure for development will grow when land is bought from present residents. The question is what attitude the Planning Board will have to which the development requests come. In Durham County the area in question has 600 residents out of 150,000. Anything that this Board decides would still have to be approved by Durham County Commissioners. Mr. Weatherington asked if the Durham County Commissioners are at the meeting. Mayor Lee said that they have been contacted and that Alderman Welsh reported on the meeting. Mr. Wethington said that they have not contacted the residents of the area. Since Chapel Hill has announced its intentions, the residents plead their case to the Chapel Hill Board. Alderman Smith said that Chapel Hill has come to the residents not to change present zoning but to deal with problems such as I-40. Chapel Hill Board has gone on record to oppose I-40 and think that the residents may wish to join in the support of the opposition. Alderman Marshall said that there are more requests for changes of Agricultural zoning than any other and that these come when land is bought. The question is where the residents will get the best help in controlling these requests. Mr. Pope said that he is not opposed to Durham County Commissioners and that he likes to be able to vote for people who tell the residents how the land will be used. Alderman Welsh said she is not sure what action is appropriate, since the recommendation is to delay any action until the two planning bodies have an opportunity to look at the area and reconsider the goals and the boundary of the area; then a decision could be made regarding the mutual benefit of both areas. Assistant Town Attorney Drake said that if any possibility exists for extension into Durham County, then it is necessary to authorize special legislation request to General Assembly tonight. Alderman Welsh said that the question is whether the proposed legislation will be needed before the General Assembly meets in 1975. Alderman Cohen said that the purpose of the public hearing is to discuss legislation that will enable continuation of discussions with Durham. The proposed draft presupposes agreement between Chapel Hill and Durham. Enactment of the legislation would not prejudice the rights of the residents of the area or of either Board. It would guarantee the makeup of the Planning Board if the agreement take place, but does not guarantee the agreement itself. Alderman Smith moved, seconded by Alderman Welsh, to refer the recommendation to the Planning Board for consideration, and recommendation back to the Board. Alderman Cohen made a substitute motion, seconded by Alderman Marshall, that the question of the extension of the Planning District into Durham County be referred to Planning Board for consideration and recommendation back to the Board, and that the question of change of composition of the Planning Board be referred to the Town Attorney for drafting of legislation for submittal to the General Assembly. Alderman Smith asked what would be the advantage of the legislation if the Planning

Board recommends disapproval of extension into Durham County. Mayor Lee said that the legislation may be useful several years from now. Alderman Marshall said that since part of Chapel Hill is now in Durham County, under the present legislation the makeup of the Planning Board can be changed to 5-5-5 even with the small number of residents in Durham County. Mayor Lee explained that the Board of Aldermen are referring the question of the Planning District to the Planning Board, which can only make recommendations. The Board of Aldermen are not likely to take any action of the matter without more discussion and consultation. The question of the legislation relates to the fact that Chapel Hill is now in Durham County, and with the current legislation the Planning Board could be restructured to give equal representation to Durham County, which the Board feels is improper because of the few people who reside in Chapel Hill city limits within Durham County. The representation would be five each from Chapel Hill, Orange County and Durham County. Mr. Nassif explained that the 5-5-5 makeup would become effective only if the outlying areas of Durham County were taken into the Planning District without a change of legislation. Mr. Wethington said that if the Chapel Hill wants the area, the representation should be 5-5-5. Alderman Cohen said that Chapel Hill Planning District also extends into Orange County, with about 5000 residents in ten square miles, the Durham County area has about 750 residents in 5 square miles and Chapel Hill has about 30,000. Since the Planning Board considers the whole area, the representation needs to be balanced with regard to population. Said substitute motion was unanimously carried. The public hearing was adjourned at 8:20 p.m.

REGULAR MEETING

Alderman Smith moved, seconded by Alderman Marshall, to approve the minutes of the meeting of February 4, 1974 as corrected. Said motion was unanimously carried.

Thoroughfare Plan-- Petition

Mayor Lee presented a petition and statement on proposed revision of thoroughfare plan from 387 resi-

dents of Colony Woods. Alderman Welsh moved, seconded by Alderman Gardner, that the petition from Colony Woods residents be received to be used for information purposes. Said motion was unanimously carried.

Edwin Caldwell, Sr.-- Resolution

Mayor Lee read a resolution commending Mr. Edwin Caldwell, Sr. for his service as Housing Authori-

ty Commissioner. Alderman Welsh moved, seconded by Alderman Smith, that the following resolution be adopted.

A RESOLUTION COMMENDING MR. EDWIN CALDWELL, SR, FOR HIS SERVICE TO THE TOWN OF CHAPEL HILL AND ITS RESIDENTS

WHEREAS, Mr. Edwin Caldwell, Sr. served as a member of the Chapel Hill Housing Authority Commission from March, 1964 to January, 1974; and

WHEREAS, during said period, Mr. Caldwell, Sr. served the Twon of Chapel Hill and its residents faithfully, diligently and devotedly during this period; and

WHEREAS, Mr. Calsdwll, Sr. became Housing Authority Cahirman in 1967, there were no Public Housing Units in the Town of Chapel Hill and under the leadership has caused the development of over a hundred untis; and

WHEREAS, Mr. Calsdwll, Sr. made great strides towards ensuring decent housing for all citizens; and

WHEREAS, Mr. Caldwell, Sr. played a key role in aiding the process of merger of the Housing Aurhotiry and Redevelopment Commission.

WHEREAS, after devoting more than ten pressurized and diffiucflt years to the Housing Authority, Mr. Caldwell, Sr. for personal reasons and from apparent fatigue tendered his resignation as a member and Chairman of the new Chapel Hill Housing Authority on January 8, 1974; NOW
THEREFORE

BE IT RESOLVED that the Board of Aldermen of theTown of Chapel Hill, North Carolina, on behalf of the government and citizens of the Town

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of Chapel Hill, expresses its deep appreciation and thanks to Mr. Edwin Caldwell, Sr. for his faithful and devoted service, while serving on the Housing Authority.

BE IT FURTHER RESOLVED THAT the Board of Aldermen encourages the Housing Authority Board of Commissioners to consider naming a Public Housing Project in honor of Mr. Edwin Caldwell, Sr. as a living symbol of his great contributions and personal sacrifices to bring Public Housing to Chapel Hill.

BE IT FURTHER RESOLVED that this resolution is effective immediately upon its adoption.

This the eleventh day of February, 1974.

Said motion was unanimously carried. Mayor Lee thanked Mr. Caldwell for a job well done.

John Bennett,--
Resolution

Mayor Lee read a resolution commending Mr. John Bennett for his service as Housing Authority Commissioner.

Alderman Smith moved, seconded by Alderman Marshall, that the following resolution be adopted.

A RESOLUTION COMMENDING MR. JOHN BENNETT FOR HIS SERVICE TO THE TOWN OF CHAPEL HILL AND ITS RESIDENTS

WHEREAS, Mr. John Bennett served as a member of the Chapel Hill Housing Authority Commission from 1968 to January, 1974; and

WHEREAS, during said period, Mr. Bennett served the Town of Chapel Hill and its residents faithfully, diligently, and devotedly during this period; and

WHEREAS, Mr. Bennett made a special contribution during his period of service in advancing the purposes of the Housing Authority Commission; and

WHEREAS, Mr. Bennett has resigned from the Housing Authority Commission for personal reasons' NOW THEREFORE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill, North Carolina, on behalf of the government and citizens of the Town of Chapel Hill, expresses its deep appreciation and thanks to Mr. John Bennett for his faithful and devoted service, while serving on the Housing Authority.

BE IT FURTHER RESOLVED that the Board of Aldermen of the Town of Chapel Hill hereby directs the Town Clerk to file a copy of this resolution with the official permanent records of the Town of Chapel Hill.

BE IT FURTHER RESOLVED that this resolution is effective immediately upon its adoption.

This the eleventh day of February, 1974.

Said motion was unanimously carried. Mayor Lee thanked Mr. Bennett for the service he has given.

Perry Property--Approval of
Appraisal

Alderman Welsh asked that a petition be received to place on agenda the consideration of the

appraisal of the property donated by Mr. William Perry to Town. Alderman Marshall moved, seconded by Alderman Gardner, that the item be placed at the end of agenda. Said motion was unanimously carried.

Sister City--Task Force
Report

from Sister City Task Force. Alderman Welsh moved, seconded by Alderman Marshall, that the item be placed at the end of agenda. Said motion was unanimously carried.

Post Office, East
Franklin Street

of interior changes of Post Office. They were informed that some minor changes are contemplated, but none that would have a detrimental effect on the overall appearance of the building. These changes include replacement of light globes, improvement of the fence and improvement of steps. Some thought has been given to knocking out the internal partitions, but this will not be done. Paneling will be cleaned, brass fixtures polished and doors improved. Mr. Reigher was very cooperative and showed great sensitivity as to the maintenance of the building. He said that as long as he has any authority to do so, the Post Office building will be maintained in the present form. Mayor Lee said that he asked Mr. Reigher to maintain contact with the Preservation Society and the Historical Society, and he agreed to do so. Mayor Lee suggested that each succeeding postmaster be reminded of the Town's desires.

Off-Street Parking--
Report

Mr. Ross Scroggs reminded the Board that the present question of enforcement began last year when he pointed out that there is no legislation for enforcement. He said that he would suggest that other approaches than metered parking be considered, but that if the Board is determined to continue this method, then he offers to test the statute for the Town. Alderman Welsh said that the Committee met and in attendance were Town Manager, Town Attorney, Mr. Watts Hill, Jr., Mr. Gene Kozart, Mr. Joseph Augustine Nassif, and Aldermen Cohen, Gardner and Welsh. The Committee agrees that the parking situation is a major problem in CBD. The following points were brought out: 1) both on and off-street parking need studying in regard to efficiency in traffic circulation and short and long terms car storage; 2) successful parking system is viable to CBD area, with East Rosemary being better suited for short-term parking; 3) peak parking hours are between 8:30-10:00 a.m., lunch time, and 4:00-6:00 p.m.; 4) East Rosemary street should be short-term parking with long-term parking in western part of the business district; 5) parking rates need to be increased and time limits changed; and 6) a new rate structure is needed, based on cost analysis of parking lots, consideration of parking revenues in the past, consideration of owners, and consideration of customers. Mr. Kozart says that parts are available at about \$5 per meter head; there are 268 spaces. It would take about three weeks to install the new heads. Meter system should be considered while keeping attendant parking in mind, since meter system has its own problems. For long term solution CBD report should provide some guidance. The Committee recommends that 1) the Board delay establishing a new rate structure for short-term off-street parking on lots 1,2,3 and 4 until the committee can make further study; 2) a cost analysis be done to determine rates, time limits and type of system; and 3) that a greater enforcement of the present ordinances take place. It is recommended that the entire CBD area be subject to multi-tickets on hourly basis. The Committee will make another report at the next Board Meeting. Alderman Marshall said that it is a good report, but that she cannot vote for something that she feels is unconstitutional. Alderman Smith said that the Board should begin to plan for attendant parking on a limited scale, such as 8 or 9 a.m. until after business hours. This would reduce the capital outlay needed. The Town will have to move in this direction anyway. Alderman Welsh said that any changes should be

based on cost analysis. There are also problems on lots 5, 6 and 7 that need to be considered. Mayor Lee said that he voted for the meter system because too much time has elapsed since last July to get just to this point. Within thirty days the lots should be attended between 7 a.m. and 10 p.m., hiring students at about \$2.00 per hour. If rates are 25¢ for first two hours and 25¢ per hour thereafter, the profit should be about \$26,000 per year. Alderman Gardner said that he agrees with the Committee report regarding parking problems in all lots. The Committee felt that the meter parking recommendation is the most practical solution on a short time basis, but may recommend something else as a long term solution. Mayor Lee said that since he feels the ordinance is not completely legal he cannot support it. Town may be able to issue tickets in the parking lots, but may not get enough money back. He said he will wait until after CBD report is scheduled before further action. He appreciates the committee's report, but is concerned with the ultimate solution. Alderman Smith said that the Committee can still continue to study the rate structure and whether attendants should be also in other lots. Alderman Welsh said that if attendant parking will begin in 30 days, then meter heads should not be changed. The Committee did not intend to recommend meter parking as a long term solution, but were asked to investigate the cost of changing the meter heads; it also considered only lots 1, 2, 3, and 4 since the problems in other lots are entirely different. Both owners and merchants should be consulted regarding the parking rates; a token system might also be considered. Mayor Lee said that the Board should clear itself by saying it will move expeditiously to attendant parking. Alderman Marshall moved, seconded by Alderman Rancer, that the Town Manager implement attendant parking in lots 1, 2, 3, and 4 within 30 days; and that the Board have recommendations on rate structure by February 25, 1974, in consultation with Mr. Watts Hill, Jr., owners of the lots, and the Merchants' Association. Alderman Cohen asked if the attendant should be on the job in 30 days. Alderman Marshall said yes. Mayor Lee said that the Town Manager has indicated 30 days is a reasonable length of time. Alderman Welsh said that it might be considered placing parking lots in private operating hands since five out of seven lots are privately owned. Alderman Smith asked if all the equipment can be ready in 30 days. Town Manager Kendzior said yes. Said motion was unanimously carried. Alderman Welsh moved, seconded by Alderman Gardner, that the present ordinances regulating off-street parking be enforced for 30 days. Said motion passed by a vote of five to one with Alderman Marshall opposing.

Baseball Uniforms--Bids

Town Manager Kendzior said that the following bids were

received for Little League and Pony League Baseball uniforms.

Firm	7 sets Little League Uniforms	4 sets Pony League Uniforms	Total Cost
Durham Sporting Goods, Co.	\$1,515.78	\$ 897.60	\$2,413.38
Harriss Sporting Goods, Inc.	1,754.55	1,030.40	2,784.95
Johnson-Lambe Co.	1,554.00	1,065.00	2,619.00

Town Manager Kendzior recommended the acceptance of bid from Johnson-Lambe Co. The recreation director reviewed the bids, and the apparent low bid had several exceptions to the stipulations, such as inferior quality, small choice of colors, late delivery date, and lack of warranty. Alderman Marshall moved, seconded by Alderman Gardner, that the bid by Johnson-Lambe Co. for eleven sets of Little League and Pony League baseball uniforms be accepted. Alderman Smith asked how much money had been budgeted for the uni-

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forms. Town Manager Kendzior said that \$9100 had been budgeted and \$2619 will be spent. Said motion was unanimously carried. Alderman Smith requested that all department heads reevaluate their budget requests more thoroughly to make a more accurate estimate. Town Manager Kendzior said that this budget item is a consolidation of several items and consists of more than just uniforms.

Tax Lien Sale

Tax Collector, Mr. David B. Roberts, said that the New Machinery Act of 1971 requires the Municipal Tax Collector to report on the second Monday in February the total amount of unpaid taxes for the current fiscal year that are liens on real property; this year the total is \$328,289.52. The tax lien sales can be held on the second Monday in March, April, May or June. Mr. Roberts recommended that the sale be held on June 10, 1974. Alderman Smith moved, seconded by Alderman Gardner, that the Municipal Tax Lien sale be held on June 10, 1974. Alderman Cohen asked how the unpaid amount compares with last year. Mr. Roberts said that he does not have the information with him. Said motion was unanimously carried.

Advisory Personnel Board-- Nominations

Mayor Lee said that Mr. Jake Wicker and Mr. Walter Baucom are available for reappointment to the Advisory Personnel Board, and that replacements are needed for positions held by Mr. Frank Hall, Ms. Marion Hubbard and Ms. Jean H. Gauldin. Alderman Marshall nominated Ms. Jean Wagner because of her special concern for people and her understanding of legal issues as they involve people. Alderman Cohen nominated Ms. Jeanette Vass, an employee of the University. Mayor Lee said that further nominations will be open until February 25, 1974, when the appointments will be made.

Appearance Commission-- Nominations

Mayor Lee said that the Town Board at its regular February 4, 1974 meeting received a January 29, 1974 communication from the Appearance Commission that Mr. Robert Bryan be reappointed to a second term. There is an additional vacancy on the Commission. There were no other nominations. The appointment will be made on February 25, 1974.

Colony Woods, Section III, Phase V--Preliminary Plat

Mayor Lee said that the Development Review Staff and the Planning Board recommend approval, with stipulations. Mr. Kurt Jenne, Director of Urban Development, described the project. It is zoned R-10 and lies to the north and east of Fireside Drive and Highview Drive. Mr. Jenne described and explained the recommended stipulations. The developer has indicated dedication of about a third of an acre of open space in the north west area of the subdivision; this is adjacent to agricultural area leaving the possibility open for future open space expansion. The Development Review Staff and the Planning Board are unanimous in their recommendation. Alderman Smith asked if the problem with pavement is similar to that in the Lake Forest area. Mr. Jenne said that the problem is caused by soil expansion and contraction, causing the pavement to crack. Alderman Welsh asked if the repairs to the pavement will be done to Town standards and with the approval of the Town Manager. Mr. Jenne said yes. Alderman Welsh asked about the legality of limiting the open space to the immediate neighborhood if it is dedicated to the Town. Assistant Town Attorney Drake said that the general statute requires that the dedication be made for the use of people in the neighborhood. Alderman Welsh moved, seconded by Alderman Marshall, that the preliminary plat for the Colony Woods Subdivision, Section III, Phase V, be approved subject to the following stipulations:

1. That lots 25 and 26 be combined into one lot, and that a thirty (30) foot storm water drainage and pedestrian easement be provided along the drainage swale for the depth of the lot.
2. Repairs shall be made to the pavement within the platted area on Highview Drive and Fireside Drive to Town standards and approved by Town Manager.

3. Individual sewage pumps shall not be accepted.
4. That fire hydrants be installed as approved by the Fire Chief.
5. That the open space be dedicated to serve the residents of the immediate neighborhood within the subdivision.

Said motion was unanimously carried.

Lake Forest, Section 13,
Final Plat

Mayor Lee said that the Development Review Staff and the Planning Board recommend approval,

with stipulations. Mr. Kurt Jenne, Director of Urban Development, described the project and recommended stipulations. The project is located east of Eastwood Lake and south of Honeysuckle Lane and includes 15 lots with four lots being previously approved by the Planning Board on November 19, 1973. Alderman Cohen asked if the Booker Creek Road and Lake Shore Lane are adequate for the traffic generated. Mr. Jenne said that the right-of-way is 60 feet, which indicates normal residential width. He showed the location of Booker Creek Road in relation to Lake Shore Lane and Honeysuckle Road. Alderman Smith moved, seconded by Alderman Gardner, that the final plat for the Lake Forest Subdivision, Section 13, be approved subject to the following stipulations:

1. That bond or a letter of credit be posted in the type and amount as set by the Town Manager to cover all improvements including utilities and the open ditch along Booker Creek Road.
2. That final plans, profiles, cross-sections, and specifications of streets, drainage facilities, and underground utilities be approved by the Town Manager prior to construction.
3. That fire hydrants be installed as approved by the Fire Chief.
4. That Booker Creek Road be improved to connect the existing pavement and curb and gutter of Booker Creek Road to the existing pavement and curb and gutter of Honeysuckle Road.
5. That Lake Shore Lane be improved to connect the existing pavement and curb and gutter of Lake Shore Lane to the paving and curb and gutter of Booker Creek Road.
6. That Owens Cort be constructed to Booker Creek Road.

Said motion was unanimously carried.

Coker Hills West, Phase 5,
Final Plat.

Mayor Lee said that the Planning Board recommends approval of all but Lot 11 with stipulations.

The Development Review Staff

recommends delay pending resolution of problems concerning Lot 11. Mr. Kurt Jenne, Director of Urban Development, said that the Development Review Staff recommended delay because of storm drainage easement on one lot. Since then Mr. Rose, Director of Public Works, has approved development of Lot 11. For this reason the Development Review Staff now recommends approval of the project. Mr. Jenne described the project and recommended stipulations. The project is located west along Kensington Drive and contains 21 lots. There is a provision for a 30-foot pedestrian easement running south along Kensington Drive and connecting Estes Hills school with Curtis Road sidewalk. Mayor Lee asked if the Development Review Staff recommends approval of all lots. Mr. Jenne said yes. Alderman Welsh asked if the sedimentation problems have been solved, regarding the silting of Eastwood Lake. Mr. Jenne said that the Town has no means to control the runoff from the project. Alderman Welsh said that the Orange County Soil and Water Conservation District supervisor can work up a plan for controlling erosion and sedimentation. Mr. Jenne said that part of the road is already under construction, and that some discussions have been held with the Soil and Water Conservation District supervisor. Mr. Phil Cooke, Chairman of the Planning Board, said that the recommended approval was made of the final plat with the exception of lot 11. Since that time the Planning Board has reviewed this lot and has determined that it can be built to specifications. Alderman Welsh moved, seconded by Alderman Gardner,

that the final plat for the Coker Hills West Subdivision, Phase 5, be approved subject to the following stipulations:

1. That bond or a letter of credit be posted in the type and amount as set by the Town Manager to cover all improvements including the construction of Kensington Drive and Wellington Drive.
2. That all streets be improved to the limits of the plat. This shall include the improvement of Wellington Drive to the limits of lot 18.
3. That fire hydrants be installed as approved by the Fire Chief.
4. That the 30' walkway be designated "30' walkway easement" on the final plat.
5. That Lyons Road be corrected to Beech Tree Ct. on the final plat.
6. That recommendations from Orange Soil and Water District supervisor be implemented if directed by the Town Manager.

Said motion was unanimously carried.

First Citizens' Bank--
Modification of Special
Use Permit

Mayor Lee said that the Planning Board and Appearance Commission recommend approval, with stipulations. Mr. Kurt Jenne, Director

of Urban Development, said that the bank is located on the corner of Elliott Road and East Franklin Street. The request is to modify the Special Use Permit to accommodate the change in sign. The original sign of bronze letters on brick facia of the building were nearly invisible, the architect changed the sign with a reduction of the total area of the sign and size of letters. The Appearance Commission recommends approval. Alderman Cohen requested that in the future all stipulations mentioned in a recommendation be included. Mayor Lee said that these can be found in the minutes of the date when the Special Use Permit is granted. Alderman Welsh asked if the Appearance Commission reviewed the sign plan before the Special Use Permit was granted. Mr. Condoret, Architect for the project, said that he did not think so. He said he reduced the size of the sign by 56% since it was almost invisible and was under the impression that the sign contractor had received approval, but this had not been done. Mr. Phil Cooke, Chairman of the Planning Board, said that there is a question whether signs should come before the Planning Board at all, since they concern appearance. Alderman Smith moved, seconded by Alderman Gardner, that the modification of the Special Use Permit for First Citizens' Bank be approved subject to the stipulation that all stipulations on the existing Special Use Permit granted June 12, 1972, shall continue in force. Said motion was unanimously carried.

NCNB, Willow Drive,
Modification of Special
Use Permit

Mayor Lee said that the Appearance Commission recommends approval with stipulations. Planning Board made no recommendations after

reviewing this request. If there is no Planning Board recommendation within 30 days, this automatically constitutes a favorable recommendation. Mr. Kurt Jenne, Director of Urban Development, said that the minutes of the Planning Board meeting were incorrect and that the Planning Board did approve the modification subject to the Appearance Commission stipulations. The modification of the Special Use Permit is requested in view of conservation of energy. The present Special Use Permit was granted for a building about 90% glass and the modification calls for about 90% fluted concrete block. Alderman Welsh moved, seconded by Alderman Rancer, that the modification of Speical Use Permit for NCNB on Willow Drive be approved subject to the following stipulations:

1. That all stipulations on the existing Special Use Permit granted October 8, 1973, shall continue in force.
2. That screening walls shall conceal all mechanical equipment.
3. That there shall be no mechanical equipment on the roof.
4. That building materials shall be as indicated on the approved plans dated January 29, 1974.
5. That the colors of the sign shall be white letters on brown facia.
6. That the lettering of the signs shall not exceed fifteen (15) inches in height.

Said motion was unanimously carried. Mr. Cooke, Chairman of the Planning Board said that this is one of the first requests involving energy conservation.

Substation and Transmission
Line--Special Use Permit

Mayor Lee said that the Appearance Commission will review this request on February 13, and recommendation from both Planning Board and Appearance Commission will be forwarded at that time.

Zoning Ordinance Amendment

Mayor Lee said that the Planning Board recommends delay for further review and consideration. Mr. Kurt Jenne said that the three proposed ordinances under consideration are the Service Station, Unified Housing, and Parking Garage Special Use Ordinances.

Releases and Refunds

Mayor Lee presented the releases and refunds. Alderman Smith moved, seconded by Alderman Marshall, that the following resolution be adopted:

RESOLUTION - TAX RELEASES

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

Suzanne Rose Varano	6422	\$ 16.84	Property listed in error. Located in Durham County.
R. Henry Temple	6223	22.47	Personal property was listed in error. Located on Wave Road in county.
Margie L. Harris	7969	36.49	Personal proerpty was listed in error. Located in North Forest Hills
Robert M. Nelson	2394	59.91	Personal property was not in town in 1966.
Phil Rominger	(1966) 810 (1972)	86.70	Value changed due to house demolished (from 14,880 to 9,250 valuation)
Wesley Foundation	7916	54.46	Leak in water line. UNC gave him an adjustment of 121,000 gallons.

WHEREAS, the above list of persons has made application for release of said taxes;

NOT THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it finds the taxes on the above listed persons 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.

RESOLUTION - TAX RELEASES

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

Shirley D. Davis	1530	15.54	Clerical error in adding personal property.
Nellie L. Ferrell	1993	1,147.47	Vaulation of 142,300 included 12 acres of land and house. New value: house \$14,000 land \$10,700. Tax on house and 1 acre is \$228.48. She paid \$1,376.05.

WHEREAS, the above listed persons have made application for refund of said taxes.

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

Said motion was unanimously carried.

Landfill Rates Town Manager Kendzior said that at January 7, 1974 meeting the rates were approved subject to approval by Carrboro and Orange Coutny. This approval has now been received. Alderman Smith moved, seconded by Alderman Cohen, that the following resolution be adopted, effective January 1, 1974.

RESOLUTION OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA
ESTABLISHING LANDFILL FEES
TO BE EFFECTIVE JANUARY 1, 1974

WHEREAS Carrboro, Chapel Hill, and Orange County have organized to oeprate a landfill, and

WHEREAS operation of the landfill is administered by the Town of Chapel Hill with the approval of Carrboro and Orange County, NOW THEREFORE

BE IT RESOLVED by the Town Board of Aldermen that the Landfill fees will be as follows:

Regular garbage and trash	\$2.00/ton
Construction and demolition materials	4.00/ton
Stumps	4.00/ton
Logs	4.00/ton
Tires	4.00/ton
Trash and Garbage Delivered in:	
cars	1.00 Flat Rate
pick-up trucks	2.00 Flat Rate

This resolution shall become effective immediately upon its adoption and be retroactive to January 1, 1974.

This the eleventh day of February, 1974.

Said motion was unanimously carried.

Budget Ordinance Amendment Town Manager Kendzior presented the Budget Ordinance Amendment and said that the recreation operation and parks changes are excluded from this amendment and will be forwarded at a later date after review by the Recreation Commission. Alderman Marshall moved, seconded by Alderman Rancer, that the following budget ordinance as amended 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:

<u>General Fund</u>	<u>Increase</u>	<u>To Total</u>
10-440 Finance-Personnel	500	73,851

10-510	Police-Operations	2,500	107,015
10-510	Police-Capital	5,644	49,977
10-512	Parking-Personnel	1,500	22,272
10-614	Council on Aging-Personnel	1,726	26,524
10-614	Council on Aging-Operations	29	13,154
10-614	Council on Aging-Capital	585	1,710
10-660	Non-Departmental-Operations	163,309	680,906

Wastewater Fund

32-660	Non-Departmental	12,328	195,111
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Landfill Fund

35-810	Operations-Operations	5,000	25,650
35-810	Operations-Capital	7,000	110,000

Revenue Sharing

50-660	Non-Departmental-Operations	750	750
50-810	Operations-Operations	10,0000	359,834

Capital Projects

63-810	NDP-Operations	28,882	35,060
63-810	NDP-Capital	125,976	249,540
64-810	Sanitary Sewers-Operations	10,200	10,200

Decrease the following Appropriations:

<u>General Fund</u>	<u>Decrease</u>	<u>To Total</u>
10-420 General Administration-Personnel	2,000	66,140
10-420 General Administration-Capital	874	6,036
10-470 Legal-Personnel	3,261	41,706
10-500 Lands & Buildings-Operations	1,200	24,660
10-500 Lands and Buildings-Capital	67,159	28,641
10-560 Streets-Capital	1,499	287,268

Wastewater Fund

32-810	Collector System-Capital	19,000	108,171
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Landfill Fund

35-660	Non-Departmental Operations	4,071	9,654
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Revenue Sharing Fund

50-810	Operations-Personnel	750	12,750
50-810	Operations-Capital	10,000	463,666

Capital Projects

64-810	Sanitary Sewers-Capital	41,217	1,000
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Increase the following Revenues:

<u>General Fund</u>	<u>Increase</u>	<u>To Total</u>
10-335-03 Donations-COA	440	440
10-339-00 Intangibles Tax	14,939	150,739
10-343-00 Powell Bill	59,562	339,562
10-351-00 Court Costs	2,500	12,500

10-353-02	Fire Protection-UNC	1,701	40,000
10-383-00	Fixed Assets Sales	3,150	5,150

Debt Service

20-329-00	Interest on Investments	2,000	2,000
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Landfill Fund

35-390-00	Matching Funds	46,375	105,085
35-391-10	Charges to GF	3,010	47,300

Revenue Sharing Fund

50-329-00	Interest on Investments	9,643	34,643
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Capital Projects

63-329-00	NDP-Interest	7,000	12,000
63-397-10	NDP-Contributions Fund	130,733	130,733
63-397-32	NDP-Contributions from Waste-water Fund	7,125	7,125
63-397-64	NDP-Contributions from Capital Projects	10,000	10,000
64-329-00	Sanitary Sewer-Interest	719	1,919

Decrease the following Revenues:

<u>Debt Service Fund</u>	<u>Decrease</u>	<u>To Total</u>
20-391-10	Charges to General Fund	4,626 77,693

Wastewater Fund

32-397-10	Contribution from the General Fund	6,672	84,230
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Revenue Sharing Fund

50-349-01	Federal Revenue Sharing	8,754	371,246
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Increase the following Appropriated Fund Balances:

	<u>Increase</u>	<u>To Total</u>
General Fund (10)	17,508	367,508
Debt Service Fund (20)	2,626	54,626

Decrease the following Appropriated Fund Balances:

	<u>Decrease</u>	<u>To Total</u>
Landfill Fund (35)	41,456	(51,456)
Revenue Sharing Fund (50)	889	431,111
Capital Projects-Sanitary Sewers (64)	31,736	9,231

Increase the Total Revenue and Appropriation Budget as follows:

	<u>Increase</u>	<u>To Total</u>
General Fund (10)	99,800	3,700,856
Landfill Fund (35)	7,929	207,764
Capital Projects - NDP (65)	154,858	284,600

Decrease the Total Revenue and Appropriation Budget as follows:

	<u>Decrease</u>	<u>To Total</u>
Wastewater Fund (32)	6,672	504,426
Capital Projects-Sanitary Sewers (64)	31,017	11,200

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The total budget of all funds is increased by \$224,898 to \$6,645,753 less interfund transfers of 559,862 for a net total budget of \$6,088,891.

SECTION II

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

This the 11th day of February, 1974.

Said motion was unanimously carried.

Board of Aldermen--Meeting

meeting on February 18, 1974, to permit newly elected Board members to attend the Institute of Government Sessions for new Board members.

Mayor Lee reminded the Board that there will be no regular Board

Town Fire Code--High Rise Buildings

meeting the proposed additions to Town Fire Code governing "High Rise" buildings.

Mayor Lee said that the Town Board of Aldermen will consider at its February 25, 1974 regular

Perry Property--Approval of Appraisal

Foushee. Mr. Perry donated a three acre lot to Town for a park. Alderman Welsh moved, seconded by Alderman Marshall, that the approval of the appraisal of \$15,000 be granted, and that a letter be forwarded to Mr. Perry stating the acceptance of the appraisal. Alderman Smith suggested that in the future more than one appraisal be required. Alderman Welsh said that this is Mr. Perry's problem and that Town requires more than one appraisal for its purchases. Said motion was unanimously carried.

Alderman Welsh said that Mr. Perry needs official approval of the \$15,000 appraisal by John

Sister City--Task Force Report

15, only five groups appointed representatives. In view of this lack of interest and the fact that Chapel Hill has unique contacts with foreign communities through the foreign students at UNC and Chapel Hill High School as well as through other foreign persons in the Schools of Public Health and Medicine and the Research Triangle, the Task Force recommends that the Town of Chapel Hill not pursue sister city affiliation at this time. Mayor Lee said that a letter will be sent to the Sister City Program informing them of the decision and dismissed the committee.

Alderman Cohen reported that the Task Force met on February 7, 1974.

Out of the potential membership of

Legislative Liaison

for this General Assembly session. Alderman Marshall asked if Alderman Cohen would investigate the legislation regarding cemeteries and obtain a copy. Alderman Smith said that Triangle COG will be able to help in the liaison between Town and Legislature.

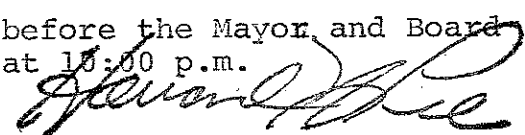
Mayor Lee asked Alderman Cohen to serve as Legislative liaison person

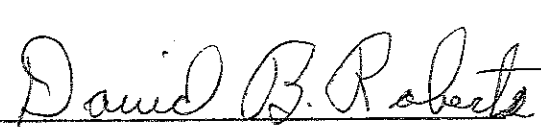
Housing Authority Report

day. Copies of the report were distributed to the Aldermen. Mayor Lee said that he requests that the report not be made public before Wednesday, February 13, so that the Board members can review it. It is difficult to ask a newly formed Board to take on this task, but it is the obligation of the Board to monitor and oversee any commission, committee, board or program that operates under the jurisdiction of the Town. Any Commission or board can be assured that if any information is received that may warrant investigation, that this will be done.

Mayor Lee said that the Housing Authority Report was submitted to-

There being no further business to come before the Mayor and Board of Aldermen, said meeting was adjourned at 10:00 p.m.


Mayor


David B. Roberts, Town Clerk