

Alderman Welsh summarized the CBD Parking report distributed

East Franklin Street merchants seem to have an advantage over West Franklin Street merchants in regard to parking. Alderman Welsh said that she agrees that less spaces are available on West Franklin, especially if the University parking permit fees will increase in cost. Alderman Cohen said that some areas near Carrboro, off Franklin Street, may be potential parking lots. Alderman Marshall said that the Town needs a large attendant parking lot in West Franklin Street area. Alderman Welsh said that the Leary CBD report recommends three peripheral lots, which would solve some of the problem. Mr. Joe Augustine of Merchants Association said that the problem presently is one of supply and demand, with lots in East Franklin Street area being filled to capacity daily between 10 a.m. and 2 p.m., but that spaces are available in West Franklin Street lots. There is more free off-street parking in West Franklin area, but more space may be needed in the future. Alderman Welsh recommended that CBD Parking Report become a tool to be used by Administration, Planning Board and Board of Aldermen in deciding on programs, policy and future action regarding parking. Alderman Welsh moved, seconded by Alderman Cohen, that Town Manager Kendzior appoint the Finance Director and Town Attorney to begin immediate lease negotiations with the owners of lots 3 and 4 for a lease for a minimum period of two years and to have a progress report in two weeks. Said motion was unanimously carried. Alderman Welsh recommended that an advisory parking committee be established, with a member from the Board of Aldermen on it, to serve for a two year period to study the bus system, the parking needs in CBD, make observations on policy needs and net revenues, help determine if purchase of lots is desirable, study the use of condemnation as a tool to acquire parking lots, consider the use of Revenue Bonds and other approaches to parking needs in CBD, and report back annually. Alderman Welsh said that she understands that Charter Commission is recommending changes in both the governmental and administrative structure, so the appointment of the advisory parking committee can wait until this report is received. Alderman Welsh further recommended that letters of appreciation be sent to all the people listed in the introduction to the CBD Parking Report. Alderman Welsh moved, seconded by Alderman Marshall, that an advisory parking committee be established for a period of two years, the appropriate legislation be drawn indicating that an Alderman will chair the committee and that the committee be required to report to the Board within a month of establishment, with an outline of its functioning over the two year period. Said motion was unanimously carried. Alderman Marshall said that CBD Implementation Committee will have its report ready within 60 days and asked if it should discuss parking. Mayor Lee said yes. Mayor Lee suggested that Alderman Welsh be appointed chairman of the Advisory Parking Committee. Town Attorney Denny suggested that the ordinance be prepared establishing the committee and the chairman be appointed after the ordinance is approved.

Ticketing and Enforcement--
CBD Parking Report

Alderman Welsh commented on the present situation regarding ticketing and enforcement of parking

ordinances. The purpose of enforcement of parking ordinances is to provide adequate turnover of short-term parking spaces and the following points should be observed: the plan should be clear, the enforcement consistent, the followup routine, the responsibility for the system of maintenance must be recognized and assumed, and common sense must be applied when issuing citations. At the present time over 70% of the tickets are issued by one individual, with more than 1500 tickets issued per week; there is almost no multiple ticketing. Only 33% of the tickets are collected. The Town has issued no warrants for parking violations since 1970. The report considers the legal and operational problems and recommends that the system of handling parking tickets from the issuance through collection of fines be immediately reviewed and the resulting system be set up in an operating manual, that specific performance objectives be established and if they cannot be met the system be further revised or new personnel be given responsibility until the objectives are met, and that the monitoring of the system be undertaken by the Advisory Parking Committee. The report does not recommend towing as the best method for working with parking violators. Town Attorney needs to look at parking ordinances

to see if they need to be rewritten. Alderman Smith asked if the tickets are mainly on on-street or off-street parking and the basis for towing. Alderman Welsh said that the report deals mainly with on-street parking and that cars should be towed for blocking inter-sections, cross walks or loading zones. Alderman Smith asked about the legality of towing from off-street parking lots. Town Attorney Denny said that it is legal to tow from Town owned parking lots after a certain number of hours have passed, and suggested that there is a need for overtime parking enforcement by multi-tickets and warrants, all of which are administrative procedures and can be handled as such. Mayor Lee said that the administration should be instructed to proceed with the enforcement along the suggested lines and the problem should also be passed to the Advisory Parking Committee. Alderman Welsh asked if Board action is needed in regard to multi-tickets. Town Attorney Denny said that it is already legally possible. Alderman Welsh said that the report makes no recommendation in regard to tickets, but that there is a need for more effective enforcement of parking regulations and that an immediate litigation may show that Town intends to continue enforcing parking ordinances. Alderman Smith asked if there is a reluctance on the part of the magistrate to go to court. Town Attorney Denny said that this is a problem area that he is considering with police legal advisor and police chief in regard to possible action under existing ordinances. At the present time, if a judge does not wish certain types of cases on his calendar, the magistrate will not place them there. The Advisory Parking Committee would oversee, observe and recommend to the Board on the operation of enforcement system. Alderman Smith asked that Town Attorney Denny report back to the Board after the discussions are finished with police legal advisor and police chief. Mayor Lee expressed his appreciation to Alderman Welsh and the members of CBD Parking Committee. Town Manager Kendzior said that Town has been monitoring the revenue from parking tickets and that it has been \$1770 in January, \$6514 in February, \$3810 in March and \$2000 in first week in April. Mr. Watts Hill, Jr. said that off-street parking revenues have been off 64% since last year and that there needs to be a breakdown of where the collected tickets originated.

Cash Management--Report

Town Manager Kendzior presented a report from Finance Director regarding the utilization of idle funds, and showing the amount of interest collected.

Resurfacing of Streets

Mayor Lee presented a request from Town Manager Kendzior for permission to accept bids for the fiscal year 1973-1974 to resurface the following streets: Barclay Road (Ward Street east to Airport Road), Purefoy Road (Old Pittsboro Road east to Mason Farm Road), Tinkerbelle Road (Fountain Ridge Road south to corporation limits,) Whitehead Circle, and Honeysuckle Road (Brookview Drive east to corporation limits). Town Manager Kendzior said that this is a carryover from last year's list, with \$35,000 budgeted this year for the project. There is also a budget ordinance amendment on the agenda that would increase this amount by \$25,000. With the Board's approval, bids will be solicited. Alderman Welsh asked if all the funds will be used up that were originally set aside for the project. Town Manager Kendzior said yes, and showed on the map areas involved in both street construction and street improvements. Alderman Marshall said that the Board works with unrealistic amounts at budget time if the bids go out so late in fiscal year, and asked if there is any way that the bids can go out earlier. Mr. Joseph Rose, Director of Public Works, said that this problem has to do with the fact that funds do not become available earlier in fiscal year. Alderman Cohen said that with the cost of inflation it may be cheaper to borrow funds from other parts of the budget and submit bids earlier in the year. Town Manager Kendzior said that it would be difficult to borrow from other parts of the budget, since these funds would be needed for day-to-day operation of various departments. Alderman Cohen said that Powell funds will become available in October and asked if these can be used. Town Manager Kendzior said that Powell funds, motor license fees and gasoline sales tax are projections of income and can have unexpected decreases. Mayor Lee said that the bids could go out early in the year for construction later in the year. Mr. Rose said

that the bids could be programmed for a period of two years, with overlapping fiscal years; the Town gets a financial advantage by offering large projects for bids. Aldermman Welsh said that she would like to see all unpaved streets within Town limits paved or surfaced. Alderman Cohen moved, seconded by Alderman Smith, that Town Manager Kendzior be authorized to ask for bids on the five projects listed by Mayor Lee. Said motion was unanimously carried.

Consumer Utility Corpora-
tion--Additional Funding

Town Manager Kendzior said that at the present time he does not have any additional information regarding the requested additional funding and requested that this matter be deferred to next meeting.

Land Purchase--Fire
Station Site

Town Manager Kendzior requested that this matter be dicussed in an executive session, since it is the policy of the Town to do so. All of the preliminary work has been done. Town Attorney Denny said that it is not required that it be discussed in an executive session. Alderman Gardner moved, seconded by Alderman Welsh, that the matter of land purchase be discussed in an executive session. Said motion passed by a vote of five to one, with Alderman Cohen opposing.

Council on Aging--
Appointment and Reconsti-
tution

Mayor Lee presented for considera-
tion a request from Council on
Aging that the Board of Aldermen
consider the following: 1) ap-
point three consumer members, 2) reconstitute the Chapel Hill Council
on Aging, and 3) reconsider the length of terms of appointments made
at the January 14, 1974 Regular Board Meeting. Mayor Lee said that
the nominations will be received at the next Board meeting. Mr.
Hugh McLeese, Chairman of the Advisory Council on Aging, explained
that the present Council needs to be reconstituted to a Committee
on Aging to serve the needs of residents of Chapel Hill and to act
as an advisory group to the Orange County Council on Aging, Inc.
Mayor Lee asked if a legislation is needed for this. Town Attorney
Denny said that the existing ordinance can be rewritten. Mr. McLeese
said that the Orange County Council on Aging has requested that three
members of the present Chapel Hill Council on Aging who are over age
sixty, and a member of the Town government be appointed to act on the
advisory group to the Orange County Council on Aging. Alderman
Marshall moved, seconded by Alderman Gardner, that Town Attorney
Denny be authorized to redraft the ordinance dealing with the Chapel
Hill Council on Aging. Said motion was unanimously carried.

Subdivision Ordinance
Amendment--Filing Fees

Mayor Lee presented the Planning
Board and staff recommendations
approving the ordinance amendment
establishing filing fees for preliminary plats. Alderman Smith
moved, seconded by Alderman Welsh, that the following ordinance be
adopted:

AN ORDINANCE AMENDING THE CODE OF
ORDINANCES OF THE TOWN OF CHAPEL HILL

WHEREAS, after due advertisement as provided by law, a public
hearing was duly called and held on March 25, 1974 by the Board
of Aldermen and the Planning Board of the Town of Chapel Hill to
consider the changes in the Code of Ordinances as set forth in
Section I below; and

WHEREAS, after said public hearing the Board of Aldermen adopted
certain recommendations of the Planning Board, NOW THEREFORE

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

That the Code of Ordinances of the Town of Chapel Hill be and the
same hereby is amended as follows:

SECTION I

Amend Article II of Chapter 18 by adding the following section:

Sec. 18-22. Fee to accompany request for approval of preliminary sketch.

There shall accompany each request for approval of a preliminary subdivision sketch a base fee of twenty-five dollars (\$25.00), plus an additional fee of five dollars (\$5.00) per lot in the proposed subdivision, to a combined maximum total of one-hundred dollars (\$100.00).

SECTION II

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

This the 8th day of April, 1974.

Said motion was unanimously carried.

Carol Woods Retirement
Center--Unified Housing
Special Use and Sewer
Tap-On Permit

Mr. Kurt Jenne, Director of Urban Development, described the project and showed it on the map. The request for Special Use from Chapel Hill is being submitted

as a condition of the Town permitting the project to tap onto the town sewer in the vicinity of SR1732 and Weaver Dairy Road as discussed by the Board of Aldermen on October 15, 1973. The proposed development would be phased as follows: Phase 1) 111 units and central facilities except auditorium and part of infirmary to be finished 12 months from start; Phase 2) 115 units, auditorium and balance of infirmary to be finished six months later; and Phase 3) 88 units outside peripheral road to be finished 24 months later. The applicant has requested a variance from the 471 parking spaces required under the Zoning Ordinance, and proposes to provide 371 parking spaces. The developer proposes to provide a five acre lake in the center of the project, 42 acres of open space, contract fire service, internal trash pickup and compaction at central facility and disposal by contract, and contract bus service with periodic trips from central pickup point into town and return. With regard to the Town's remaining capacity for treatment of wastewater at the Morgan Creek Plant and the recommendations of the Wastewater Treatment Committee, Phase 1 would require about 11,600 gallons per day, Phase 2 about 12,100 gallons and Phase 3 about 9,200 gallons. University Service Plants has determined that its current ability to provide adequate water service to the project appears to be marginal, but there are engineering studies being prepared to determine what improvements are needed to the system in order to provide needed service. With respect to the sewer service, on October 15, that in order 1973 Board informed for the applicant to tap into the Town sewer system on the condition that he would have to apply for a Special Use Permit. While the project appears to be within the Town's capability and policy for receiving additional treatment loads, there exists some uncertainty as to when the Town's lines can receive the discharge. The proposed project would generate wastewater through the Rogerson Drive lift station and Glen Lennox gravity flow line into the treatment plant. At this time these facilities are generating at capacity with existing tap-ons and those which are pending as the result of projects approved and underway. Therefore, the Rogerson Drive/Glen Lennox facilities must be improved before the proposed project could be permitted to tap on even the first phase construction. Plans for the improvement of these facilities are currently under engineering contract. The Town has two alternatives regarding the scheduling of these improvements: 1) upon approval by the State Board of Air and Water Resources, proceed immediately to upgrade the facilities, with estimated completion time December 1975. In this case no federal or state funds would be available for construction and the Town would have to fund the improvements in their entirety unless affected developers were willing to share in the cost. 2) Upon completion of the 201 study, seek approval of EPA and State Board of Air and Water Resources and proceed with construction of the facilities as a first priority, with estimated completion time 1977-1979. In this case funding would be 75% federal, 12.5% state and 12.5% Town. The Director of Public Works cannot recommend either alternative until after

the engineering study is completed. Recognizing that no tap-on can be allowed prior to completion of the improvements, the stipulations recommended with the staff's recommendation for approval of the Special Use Permit have been formulated to deal with the uncertainty about when the improvements will in fact be completed. The Planning Board and the Appearance Commission have recommended approval subject to stipulations. Alderman Cohen asked if the developers are willing to pay for some of the upgrading of the wastewater treatment facilities. Mr. Jenne said that there has been no discussion on this point. Town Manager Kendzior said that at the present time the cost of upgrading is not known, and that federal funding may be needed if cost is too high. Alderman Welsh said that there is some question as to whether Town should be expected to pay the entire cost of improvement. Under 201-208 federal help will be provided, but the developers could pay this share if they so wished. Alderman Smith asked if one of the alternatives for the Board is to approve the project even with no cost estimate regarding sewer facilities. Mr. Jenne said that the Planning Board intended that if Board of Aldermen approves Special Use, Town should also provide the lift station improvements as soon as possible. Alderman Smith said that if this is done prior to 201 completion, Town needs to know how much money to budget. Mr. Joseph Rose, Director of Public Works, said that staff recommendations did not consider this point, but that if it is possible to fund the improvements directly this can be done early; otherwise the improvements will have to wait until after 201. The final estimates and design of the proposed improvements are not yet finished and also approval must be obtained from the State Board of Air and Water Resources to see if the improvements can be done prior to 201. Alderman Smith moved that the approval of the project be delayed until a recommendation can be received from the Director of Public Works. The motion died for a lack of a second. Alderman Welsh said that all of the final information is not needed for the Board to make a decision since staff recommendations bypass some of the possible timing problems. The construction can be begun when the developers wish, but tap-on time determination is needed and has been dealt with in the recommendations. If the developer can agree with the stipulations, then there is no problem. Alderman Cohen said that he has no objection to approval of the project. The project will pay a large property tax. Mr. Rose said that there are problems now with the existing wastewater treatment facilities and will affect new improvements or subdivisions for the next four or five years. Alderman Cohen said that it would be better if the improvements could be funded over a period of several years, but that it would be impossible to budget \$400,000 over a two year period, especially if this was for the benefit of one project only. Alderman Smith said that he is concerned that there is a need for an ending date for any project and if the sewer improvements are done under 201, the project cannot be permitted to tap on until 1982. Town Attorney Denny said that if beginning and ending dates are omitted from the Special Use, then the maximum time permitted applies. Alderman Welsh said that the project can be finished in five years, and if not, an extension can be granted. Alderman Marshall said that if the project was partially finished at the end of five years, there would be pressure on the Board to permit tap-on. Alderman Welsh said that the Board has indicated its wish to support the project, the recommended stipulations are easy to follow and said that she favors approval. Mr. Jerry Hancock, representing Carol Woods, said that this is a very expensive project and that there is no possibility for financing or obtaining a building permit until the sewer question is settled. Alderman Welsh asked if the developers are willing to have Special Use permit with the tap-on time unknown. Mr. Hancock said yes. Alderman Welsh moved, seconded by Alderman Gardner, that Unified Housing Special Use Permit be approved and sewer tap-on request for Carol Woods Retirement Center be granted subject to the following stipulations:

1. That all technical requirements be met.
2. That the density be as requested by the developer.
3. That adequate access for emergency vehicles be provided, to be approved by the Town Manager prior to the developer's application to Orange County for a building permit.

4. That the parking areas be connected with the walkway system by sidewalks.
5. That a right-of-way of 45 feet from the centerline of the existing road be provided on the north side of Weaver Dairy Road and a right-of-way of 30 feet from the centerline of the existing road be provided on the west side of SR 1732.
6. That the landscape plan, to be reviewed by the Appearance Commission and approved by the Board of Aldermen, include the following:
 - a. Design and location of signs.
 - b. Design and location of lighting.
 - c. Location and screening of mechanical and electrical equipment.
 - d. Location and screening of bulk trash containers.
 - e. Outdoor recreational facilities.
7. That entries and exits to the project be so located and designed as to provide adequate sight distances, detailed plans to be approved by the Town Manager prior to the developer's application to Orange County for a building permit.
8. That SR 1732 be paved to a width of 20 feet to Town and State Department of Transportation standards for the length abutting this property.
9. That sedimentation and erosion control measures recommended by the Orange Soil and Water Conservation District be carried out as directed by the Town Manager.
10. That the project is built according to plans submitted for a Residential retirement and nursing facilities.
11. That all stipulations attached to the Special Use Permit are met to the satisfaction of the Town Manager.
12. That if the owner or optionee sells the land, the Special Use Stipulations are for this particular kind of residential facilities only and that any change of use or modification of plans would require review and approval by the Chapel Hill Board of Aldermen.
13. That the eastern entrance to the project and the paving required in stipulation 7 be provided in Phase 2 of the project.
14. That no tap-on into the Town sewer systems, that is, no physical connection be made until the Rogerson Drive and Glen Lennox sewer improvements have been completed, and the Town Manager has approved such a tap-in.
15. That the requested variance from the parking requirement be granted, and parking provided as shown on the site plan.
16. That a fire sprinkler system and smoke detection system approved by the Town Manager be installed in the central complex of buildings.
17. That completion of the project be made in five years and that extension is recommended if the project is not completed in this time.
18. That no inflammable portion of any structure shall be constructed before water lines and hydrants have been installed, are operative, and have been approved by the Town Manager.
19. That the owner petition for annexation when requested by the Town to do so.
20. That all construction drawings be approved by the Town Manager prior to the developer's application to Orange County for a building permit.
21. That the elevations and building materials of each different type of building, and such amenities as the covered walkways, be reviewed by the Appearance Commission and be approved by the Board of Aldermen prior to issuance of a building permit.
22. That all mechanical equipment initially installed, or installed in the future, shall be adequately screened from view.
23. That all trees to be preserved in the near vicinity of construction and/or grading activity shall be temporarily fenced prior to the beginning of construction or grading; the location of these to be shown on the landscape plan.

24. That the level of the soil around trees which are to be preserved shall not be disturbed in an area described by a circle the diameter of which shall be equal to one foot for every inch of the tree's diameter. There shall be no storage within this area.
25. That all landscaping shall be completed prior to the issuance of the final certificate of occupancy.
26. That all plans approved by the Board of Aldermen in issuing the Special Use Permit shall be revised to incorporate all stipulations imposed upon the granting of the permit, and two copies of revised plans shall be filed with the Town prior to the issuance of a building permit.
27. That the construction area shall be maintained in a neat, clean and orderly manner, including weekly removal of construction debris.
28. That in addition to natural vegetation, plant screening be provided which is adequate to shield the project from view from the two houses in the southeastern quadrant of the project.

Alderman Cohen asked if this is a tap-on permit. Alderman Welsh said that the request is for tap-on, and that Town has a policy to permit tap-on from outside corporate limits only if Special Use Permit is followed. Alderman Gardner asked if there can be any problem with the permit if there is a change in ownership. Town Attorney Denny said that the tap-on is for this project for these owners, but as far as the Unified Special Use is concerned the ownership is immaterial; he suggested that the motion includes granting Special Use Permit incorporating all stipulations. Alderman Smith said that he cannot vote for the motion since the completion date is stipulated as five years and the sewer may not be available by then. Alderman Welsh said that five years is the maximum that may be granted, but that the developer may apply for an extension. Mayor Lee said that the motion attempts to deal with the tap-on problem, and that the developer cannot get financing for the project until sewer improvements are made. Mr. Hancock said that he understands and supports the motion, that granting the tap-on request with an uncertain timing is more desirable than turning the request down, and that the developer will not be unfairly burdened by the stipulations. Alderman Cohen asked if another Special Use Permit will be needed if the developer wishes to make changes. Town Attorney Denny said that it is required that developments outside Town Planning District requesting sewer tap-ons follow guidelines and limitations for Special Use as specified in Zoning Ordinances. Alderman Cohen asked if the Special Use is applicable only to the owner of the project. Town Attorney Denny said that there is a distinction between Special Use and conditions preceding sewer tap-on. Alderman Welsh said that Town has turned down requests for tap-ons because of sewer problems but that this is a worthwhile project. The developers can build what they want, but if changes are made then sewer tap-on can be granted only after further approval by the Board. Alderman Cohen asked if it would make a difference if the developer sells land. Town Attorney Denny said it would make no difference for the Special Use Permit. Said motion passed by a vote of five to one with Alderman Smith opposing because of the time stipulation.

Finley Road Subdivision--
Final Plat Approval

Mr. Kurt Jenne, Director of Urban Development, described the project and showed it on

the map. The preliminary plat was approved on March 11, 1974. The Planning Board and Development Review Staff recommend approval. Since bondable improvements already exist on the site, no bond is required. Alderman Marshall moved, seconded by Alderman Gardner, that Finley Road Subdivision final plat be approved. Said motion was unanimously carried.

Releases and Refunds

Alderman Smith moved, seconded by Alderman Gardner, that the

following releases and refunds be granted:

RESOLUTION - TAX RELEASES

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

Patsy C. Owens	7840	\$148.50	Sewer rent was computed wrong. Charged \$373.50 should have been \$225.00
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WHEREAS the above list of persons has made application for release of said taxes;

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

RESOLUTIONS - TAX REFUNDS

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

William Golden	2341	\$ 59.61	Count valued car at \$13,770. Should have been \$7,325. Mr. Golden paid on \$13,770 on Dec. 31, 1973.
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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.

Blue Cross--Blue Shield
Sewer Agreement--Resolution

Town Manager Kendzior requested authorization to enter into agreement with North Carolina

Blue Cross and Blue Shield, Inc. for sanitary sewer conveyance and maintenance. The agreement is for a period of ten years. Alderman Welsh moved, seconded by Alderman Marshall, 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 NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INCORPORATED, 5901 CHAPEL HILL - DURHAM BOULEVARD, DURHAM, NORTH CAROLINA TO CONVEY SANITARY SEWER SYSTEM TO THE TOWN AND MAINTENANCE OF SAID SANITARY SEWER SYSTEM BY THE TOWN.

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

THAT WHEREAS this AGREEMENT, made and entered into as of the 15th day of September, 1972, by and between NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC., with its principal office at 5901 Chapel Hill-Durham Boulevard, Route 7, Durham, North Carolina, hereinafter referred to as OWNER, party of the first part, and the TOWN OF CHAPEL HILL, a North Carolina municipal corporation, hereinafter referred to as the TOWN, party of the second part;

WHEREAS, the OWNER has constructed a sanitary sewer outfall system at a cost of \$256,675.77, to provide the hereinafter described sanitary sewer system for the NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC. BUILDING COMPLEX and future developments east of Chapel Hill, and has agreed to convey said system to the TOWN in return for an agreement by the TOWN to maintain said sanitary sewer system as part of its municipal sanitary sewer system and to make collections and refunds to the OWNER as hereinafter provided; and

WHEREAS, the TOWN has agreed to maintain said sanitary sewer system as a part of its municipal sanitary sewer system and to charge and collect the following fees for connections made to said sanitary sewer system and to pay said collected charges to the OWNER on the following basis:

An acreage charge of ONE HUNDRED TWENTY-FIVE (\$125.00) DOLLARS per net acre for residential connections; SIX HUNDRED TWENTY-FIVE (\$625.00) DOLLARS per net acre for commercial connections; plus charges for direct connection to this sanitary sewer outfall line of FOUR HUNDRED (\$400.00) DOLLARS per acre or TWO (\$2.00) DOLLARS per foot of frontage of the property on the sanitary sewer outfall line, whichever is the less. Payment to the OWNER shall be made as and when collected for connections made to said sanitary sewer system between September 15, 1972 and September 14, 1982, not to exceed the total sum of \$232,488.27; and

WHEREAS, the aggregate net area in OWNER'S development includes 38.7 acres, for which an allowable credit on sanitary sewer connection charges has been made to the OWNER in the sum of \$24,187.50, which charges have been collected by the TOWN as shown on Table I below, which amount when deducted from the total construction cost of \$256,675.77 leaves a balance of \$232,488.27 as being the total remaining construction cost recoverable by the OWNER, which balance of construction cost is to be recovered from the future charges made for connections to said sanitary sewer in areas outside the 38.7 acre development listed above, said Table I being as follows:

TABLE I

NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC.
SEWER OUTFALL

TOTAL COST

<u>Location</u>	<u>Net Area</u>	<u>Use</u>	<u>Rate</u>	<u>Amount</u>
NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC.	38.7 acres	Comm.	\$625	24,187.50

Amount to be reimbursed:

$$\$256,675.77 - 24,187.50 = \$232,488.27$$

NOW, THEREFORE, in consideration of the foregoing and following undertakings and agreements of the parties thereto, the OWNER does hereby transfer, sell and convey unto the TOWN the sanitary sewer outfall system which is now constructed and in use at the OWNER'S development, which sanitary sewer outfall system begins at the northern property line of the NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC., tract on U. S. 15-501 Highway, and extends from that point to the north side thereof, and then runs under U.S. 15-501 Highway and continues along the U.S. 15-501 right-of-way for a distance of approximately _____ fee to the connection into the Town of Chapel Hill Booker Creek Outfall north of Eastgate Shopping Center. A map of the location of said outfall sewer line is attached hereto and made a part of this agreement.

TO HAVE AND TO HOLD said sanitary sewer outfall system unto the TOWN, its successors and assigns, together with the right and privilege unto the TOWN, its successors and assigns, to go upon the property of the OWNER wherein and whereupon said sanitary sewer outfall sys-

tem is located, with necessary men, machinery and equipment for the purpose of maintaining and repairing said sewer outfall line. However, any disturbance of or damage to the grounds or other parts of the premises by reason of such maintenance and repair work on the premises of the OWNER shall forthwith be remedied and restored by the TOWN to its condition immediately prior to such disturbance, at the sole cost and expense of the TOWN and without any cost or expense to the OWNER.

Adopted this 7th day of April, 1974.

Alderman Gardner asked if it is normal for Town to repair sewer outfall line on the owner's property. Mr. Rose, Director of Public Works, said that proper easements have been provided. Alderman Smith asked if the acreage charges are in keeping with Town regulations. Town Attorney Denny said yes. Said motion was unanimously carried.

Ordinance Amendment--Speed
Limit on Manning Drive

Mayor Lee said that the Board must consider changing speed limit on Manning Drive from Columbia

Street to U.S. 15-501 Bypass. The N.C. Board of Transportation requested that the Town Board change the speed limit. This request was reviewed by the Board's Street Committee. Town Manager Kendzior said that this is a congested area because of the student dormitories, and the request is to reduce speed limit to 25 miles per hour in this area. Alderman Smith moved, seconded by Alderman Welsh, that the following Ordinance amendment changing speed limit on Manning Drive from 35 miles per hour to 25 miles per hour be adopted:

O R D I N A N C E

Speed Limit on Manning Drive

SECTION I

Be it ordained by the Board of Aldermen, Town of Chapel Hill, that § 21-11 the Code of Ordinances, Town of Chapel Hill, be amended by numbering the material presently within section 21-11 (A)(2), twenty-five miles per hour, as § 21-11 (A)(2)(a); and adding a new § 21-11 (A)(2)(b) to read as follows:

- (b) Manning Drive (SR 1902) from Columbia Street (N.C. 86) to a point 0.85 miles east of N.C. 86.

SECTION II

Be it ordained by the Board of Aldermen, Town of Chapel Hill, that § 21-11 (A)(3) of thirty-five miles per hour, the Code of Ordinance, Town of Chapel Hill, be amended by the addition of a new § 21-11 (A)(3)(0) to read as follows:

- (o) Manning Drive (SR 1902) from a point 0.85 miles east of South Columbia Street (N.C. 86), to U.S. 15-501 Bypass.

SECTION III

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

This the 8th day of April, 1974.

Alderman Marshall asked if the designation of Columbia Street as Highway 86 is correct. Alderman Cohen said that the state has extended Highway 86 to Town limits. Said motion was unanimously carried.

Street Vending

Mayor Lee said that CBD Implementation Committee is requesting

a delay of two weeks on this matter.

Wastewater Treatment
Plant--Bid Submission

Mayor Lee said that the Board must consider granting authorization to submit a bid for half

of the wastewater treatment plant facility owned by UNC and offered for sale by the Church Commission, with bid opened on April 16. Town Manager Kendzior requested that the Board authorize Town submitting a bid in accordance with the guidelines and specifications as discussed in an executive session. Alderman Smith moved, seconded by Alderman Welsh, that authorization be granted for Town to submit a bid for half of the wastewater treatment plant facility as discussed in the executive session. Mr. Brown expressed his concern that 201-208 study may recommend a possible closing of the facility, with Chapel Hill transferring its wastewater treatment to Durham. The study will recommend the most cost effective solution. If Town decides to buy, it may own something of limited value. Mr. Brown asked if it were possible to discuss this problem with the University. Mayor Lee said that it would be difficult at this point to have more discussion, but that there is a provision allowing for negotiation and discussion at a future date. Said motion was unanimously carried.

Board of Aldermen Meeting--
April 15, 1974

Mayor Lee said that Board must consider rescheduling April 15th Board meeting for April 29th.

According to Section 14-108 of the Town Code, Monday, April 15 will be a Town Holiday. April has five Mondays, and ordinarily the fifth Monday would not be a regular Board meeting date. The Board has held meetings on Easter Monday in the past. Alderman Cohen asked how difficult it would be preparing for a meeting. Town Manager Kendzior said that since it is a staff holiday, there would be no opportunity for last minute changes. Alderman Marshall said that she did not think it necessary to tie in the request of taking a holiday on this date with a fifth Monday. Alderman Smith said that it is the Board's prerogative to call a special meeting if necessary and that the Board has no right to take the holiday from Town employees. Alderman Smith moved, seconded by Alderman Marshall, that there be no Board meeting on April 15 because of a holiday and that a special meeting be held on April 29 should the need arise. Alderman Welsh said that she feels it is necessary to have four meetings in April. Alderman Welsh offered a substitute motion, seconded by Alderman Gardner, that April 15 meeting be rescheduled to April 29. The substitute motion was defeated by a vote of two to four, with Aldermen Welsh and Gardner supporting. The original motion was passed by a vote of four to three with Aldermen Cohen, Gardner and Welsh opposing.

Recreation Commission--
Vacancy

Mayor Lee said that the Recreation Commission has announced the resignation of Sherri Simpson.

Nominations will be accepted at the next Board meeting.

Bus System--Bids for
Interim Buses--Resolution

Mayor Lee said that Town Attorney Denny has prepared a resolution for authorization to

submit a bid for used buses. Alderman Rancer made the following statement:

I have reviewed the invitation to bid statement, from the director of contracts and procurement, Atlanta Rapid Transit Authority, and heard the statement of our own Transportation Director, and have investigated expert opinion regarding the 1958 and 1959 buses being offered for sale, and upon which we are being asked to bid.

Regardless of our urge to supply bus service to the people of Chapel Hill and to the University at the earliest possible date, I think certain practical matters are being overlooked, and my investigation has reinforced my point of view.

These buses are from 15 to 16 years old. This class of bus, with this amount of age, is generally regarded in the trade as little more than junkers, and will require 132 tires at \$190.00 each and 22 batteries at \$75.00 each before they can be driven around the block. Before we can put them to use, they will require 22 coats of paint at an estimate of \$800.00 each. To save you some figuring, that amounts to an investment of \$44,250.00, plus the cost of the buses.

Regarding maintenance and repairs, a new engine, and some will be needed, costs between \$4000.00 and \$5000.00. A new transmission will cost about \$3000.00, and a rear end also costs about \$2,000.00.

The bid figure, discussed the other day, for these 22 buses is about 5 times the value, as I see it.

We plan to use these buses for only a few months, and then put our new ones on the routes, and then sell the Atlanta purchases. I hope we can do so, but I do not see how we can accomplish these things without a loss of over \$100,000.00 for buses, parts, maintenance, and equipment, a loss that the taxpayer has a right to expect us to prevent when a few months delay will make the loss unnecessary.

The loss, for instance, will negate nearly a third or more of the income to be derived from the University for the bus system.

I would like, also, to point out that: the city does not have a building for repairs and maintenance, heavy tools, or equipment, at the present time; we do not have, nor have we budgeted for spare parts; we do not have the mechanics, at present.

But above all, tired old buses, some of which will break down at bad moments, are not going to put this system with its competitive best foot forward in building public acceptance. From a business point of view, it simply does not make sense to expect to capture public interest and support with run down, inefficient equipment. I do not see how good morale can be built among the new transit system employees.

I do not think there is anyone on the Board who would buy a 15 to 16 year old jalopy and expect it to run all day long, day in and day out, without heavy repair and mechanic bills.

We have an important transportation system to be developed, but I do not see how we can do it safely and adequately this way without taking advantage of the citizens of this town.

We are committed to a bus system,... FINE! ... Then let's go at it in a practical way, well prepared, well organized, and not like children buying toys. This is a million Dollar plus project, not a 5 and 10 cent store purchase that we can hold together with airplane cement.

Alderman Rancer said that he has investigated an alternate bus purchase and that he proposes that Town purchase buses from a Norfolk, Virginia based British company handling double decker buses. The Town can purchase 22 buses, guaranteed for six months on all parts, painted and overhauled, with free spare parts available, changed to left hand drive and with door moved to left hand side, and delivered to Chapel Hill before August 1, 1974 for \$8,000 per bus and maybe less. These would be unusual and unique with good resale value. Alderman Rancer said that the Board should forget the proposed bid and consider this possibility; he has discussed the Atlanta buses with experts and they discourage buying. Alderman Cohen said that the Board has to consider the competence of the company and its ability to make good on its guarantees. Alderman Rancer said that the guarantor and seller is the British government. Alderman Smith asked what the deadline for the bid is. Mr. John Pappas, Transportation Director, said that the deadline is 3:00 p.m., April 9, 1974, and that he wishes to be in Atlanta when the bids are opened. Mr. Crowell Little said that as a long time dealer in motor vehicles, he is concerned about the proposition to bid on used buses, since there is the question of the availability of parts, of people who are knowledgeable about working on them and of resale value. The proposal of English buses merits consideration. It is impossible to appraise a bus without driving it. Alderman Marshall said that Mr. Pappas did inspect the buses. Mr. Pappas said that the buses are 1958-59 models, but that they are some of the newest buses available now. They are now in daily use, with recently overhauled motors. The British buses would not blend in with future equipment and the resale value would not be very high; the recommended buses would have a higher resale possibility. Alderman Cohen said that the other

possibility should be investigated if the Board feels that Alderman Rancer's suggestion has merit. Alderman Welsh said that Town has a contract with the University to have buses on the streets by August 1, 1974, and that all possible means must be taken to see that the contract is honored. Mr. Little said that purchase of used school buses is another possibility. Alderman Rancer said that he has contacted Thomas Body Works and they would be willing to supply 40-seat buses for \$10,000 each, or 25-seat buses for \$8500 each with delivery to Town in 30 to 45 days if 22 chassis can be found. Mr. Pappas said that spare parts on the proposed buses would not be a problem, since they are standard GM coaches. Alderman Cohen said that if Town is bidding seriously for ten of the Atlanta buses, then Town can consider obtaining 12 buses from the Norfolk company. Mayor Lee said that Alderman Rancer's proposal deserves investigation but that it is to Town's best interests to follow through with the proposed bid and then have Town Manager investigate the Norfolk Company for 12 more buses. Alderman Gardner asked for a statement from Mr. Pappas. Mr. Pappas said that the proposed buses are American make, and that other buses have been investigated in Fort Worth, Allentown, Atlanta, Washington, D.C. and other places. The other Towns bidding on the Atlanta buses are Los Angeles, Seattle, and Kansas City. Alderman Smith moved, seconded by Alderman Marshall, that a resolution be authorized for Town to submit a bid for Atlanta buses and that Town Manager be authorized to follow through with the investigation of Norfolk buses. Alderman Welsh expressed her regret that the new information was not available sooner. Alderman Cohen said that he feels that any other alternatives should be brought to the attention of the administration. Said motion passed by a vote of five to one with Alderman Rancer opposing. Mayor Lee read the following resolution:

R E S O L U T I O N

BE IT RESOLVED BY THE TOWN OF CHAPEL HILL, that the Mayor and the Town Clerk are authorized and empowered to execute the Certificate of Power of Execution to appoint Chester Kendzior, Jr., Town Manager, to execute bid in the name of the Town of Chapel Hill with the Metropolitan Atlanta Rapid Transit Authority, and the other powers setforth in said Certificate of Power of Execution.

David B. Roberts
Town Clerk

This is to certify that the foregoing is a true and correct copy of Resolution duly adopted by the Board of Aldermen of the Town of Chapel Hill at the regular meeting held on the 8 day of April, 1974.

David B. Roberts
Town Clerk

SWORN TO AND SUBSCRIBED BEFORE ME, THIS THE 8 DAY OF April, 1974.

Sandra W. Stewart
Notary Public
My commission expires: August 28, 1977.

Alderman Smith moved, seconded by Alderman Gardner, that said resolution be adopted. Said motion was unanimously carried. Alderman Welsh said that she hopes the interim buses will give the Town a chance to see how the bus system is working.

Airport Road Storm
Sewer--Approval of bids

Mr. Joseph Rose, Director of Public Works, described the project and showed it on the

map. The bids were received on March 12, 1974 on the proposed

storm drainage improvements on Airport Road at Bolin Creek. Mr. Rose described the alternate proposals:

Alternate #1 is a design of the storm system which is entirely on the east side of Airport Road, and as much as 32 feet deep in parts.

Alternate #2 is a much longer and shallower design which crosses Airport Road and runs up to the public housing site. Alternate #2 is a more desirable course to follow, because a greater amount of old pipe is taken out of service than under Alternate #1.

The road crossing in alternate #2 was bid as "open cut", however the State Division of Highways has refused to approve such an open cut, even in view of the cost savings to the Town. We have subsequently negotiated a boring alternate with the low bidder on alternate #2, Billings and Garrett, which would cause a net addition of \$23,316 to the bid. We believe that the negotiated price is a fair one, as we have compared it with price quotes from other contractors.

A display of the low bids on each alternate is as follows:

Alternate #1 (Wrenn-Wilson)	\$54,007.00
Alternate #2 - open cut (Billings & Garrett)	39,741.10
Alternate #2 - bored (Billings & Garrett)	63,057.10

The recommendation of this firm is to award the construction contract to Billings and Garrett for alternate #2-bored, for the estimated total of \$63,057.10.

Alderman Smith asked if the budget will need to be amended to include this project. Mr. Rose said yes. Town Manager Kendzior said that he recommends approving the low bid of bored Alternate #2 from Billings & Garrett. Alderman Welsh moved, seconded by Alderman Smith, that the bid recommended by Town Manager be approved. Alderman Smith asked about the contractor. Mr. John McAdams of Rose, Pridgen & Freemon, Inc, said that it is a Raleigh company of good reputation. Mr. Rose said that it is desirable to close the contract as soon as possible. Said motion was unanimously carried.

South Boundary Street--
Closing on April 13, 1974

Town Manager Kendzior presented a request from the Everyman Theater Company to close off South

Boundary Street behind the Forest Theater on April 13, between 7:15 and 10:30 p.m. to prevent distraction during a free performance of "As You Like It." Alderman Cohen said that the street is routinely closed off for Playmakers' performances. Town Manager Kendzior recommended granting the request; Campus police will handle traffic. Alderman Smith suggested that the street be closed off at Highway 54 to prevent cars driving into a dead end. Alderman Cohen moved, seconded by Alderman Welsh, that the request to close off Boundary Street on April 13 evening be granted. Said motion was unanimously carried.

Budget Amendment--Street
Resurfacing and Interim
Bus System

Town Manager Kendzior said that these two items are presented together to make all changes in budget at the same time.

Alderman Gardner requested that action on the matter be deferred to April 22, 1974.

There being no further business to come before the Mayor and the Board of Aldermen, said meeting was adjourned at 10:30 p.m.