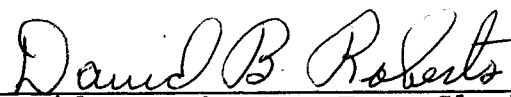


There being no further business to come before the Mayor and Board of Aldermen, said meeting was adjourned at 10:10 p.m.



Mayor



David B. Roberts, Town Clerk

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
OF THE TOWN OF CHAPEL HILL HELD IN THE
MUNICIPAL BUILDING, MONDAY, NOVEMBER 18, 1974
AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on November 18, 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 R. D. Smith Alice M. Welsh |
|----------|--|

| | |
|---------|------------|
| Absent: | Sid Rancer |
|---------|------------|

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior, Town Clerk D. Roberts and Town Attorney E. Denny.

Alderman Smith moved, seconded by Alderman Marshall, that minutes of the meeting of November 11, 1974 be approved as corrected. Said motion was unanimously carried.

Petitions

Town Manager Kendzior petitioned the Board that the following items be added to the agenda: 1) budget amendment for increased costs for the paving of North Lake Shore Drive and Burris Place, to be placed under 9c of the agenda; 2) consideration of a request from Utilities Study Commission to discuss proposal for Water and Sewer Authority, to be placed under 10a of the agenda; 3) rescinding of contract for janitorial service for the Chapel Hill Police Department Building, to be placed under 10b of the agenda; and 4) consideration of instructing Town Manager to contact the necessary representatives in Congress to support Senate Bill 386, which would make Transportation Funds available not only for capital expenditures but also for operational expenditures, to be placed under 10c of the agenda. Alderman Cohen petitioned the Board to place an announcement on the listing of property taxes next January under 4d of the agenda. Alderman Welsh moved, seconded by Alderman Smith, that the petitions be received and placed on the agenda as indicated. Said motion was unanimously carried.

78

Parking Lots--Holiday
Schedule

on the following holidays: Thanksgiving, November 28; Christmas, December 25; and New Year's Day, January 1, 1975. The bus system will operate Sunday route service on these holidays.

Mayor Lee announced that the Off-Street Parking Lots that are staffed by attendants will not be manned

Christmas Holidays
for Town Employees

25, and 26 for Town employees as allowed by Section 14.108 of the Town Code. Bus system and parking lots will operate on regular schedules on December 24 and 26. Alderman Smith moved, seconded by Alderman Welsh, that December 24, 25, and 26, 1974 be designated Christmas holidays. Said motion was unanimously carried.

Mayor Lee said that the Board must consider designating three-day Christmas holidays for December 24,

December Salaries for
Town Employees

day, December 20, 1974 along with weekly employees.

Town Manager Kendzior announced that salaried employees will receive their December checks on Friday,

Property Tax Listing

tion requesting County to conduct a personal property tax listing in Chapel Hill in addition to the one in Carrboro. County Administrator has indicated that tax listings in Chapel Hill can be held on Thursday, Friday and Saturday mornings in January. Alderman Cohen asked Town Manager Kendzior to investigate if the meeting room will be available on these mornings in January, 1975.

Alderman Cohen said that in March, 1974 that Board passed a resolution

Animal Protection
Society--Report

operate a shelter for the Towns of Carrboro and Chapel Hill. Animal control problem involves many different duties, such as picking up unwanted, stray or injured animals, taking them to a shelter and holding them until they are returned to owners, new owners are found, or the animal is disposed of. In addition, it involved law enforcement, record keeping and other duties. Many communities have turned the operation of shelters over to humane society. The advantages of such a plan are that it provides a central location for reclaiming lost or apprehended animals, frees town dog officer from time consuming chores and permits him to concentrate on law enforcement, puts the responsibility for humane animal care and disposal with the APS, reduces stray animal problem, provides a location where an owner can take unwanted animals, relieves local governments of dealing with citizens having animal problems, and may result in savings to both Towns. The Board needs to resolve the questions of financing, responsibility for shelter operation, location and size of the shelter, and whether county participation is feasible and desirable. The Animal Protection Society proposes that a committee made up of six members, two each appointed by the Town of Chapel Hill, Town of Carrboro and the APS be formed to study the feasibility of a regional shelter operated by the APS. The committee should be instructed to complete the study in time for recommendations to be considered in the next fiscal year's budget. Mayor Lee asked if Town should proceed with its program while the study is going on. Dr. Reist said yes. In response to questions from Mayor Lee, Alderman Smith said that he has recommended in the past that this type of procedure be followed; Mr. Blake, Assistant Town Manager for Public Safety, said that he feels this is a feasible course to follow. Mayor Lee recommended that Alderman Smith, Mr. Blake, Dr. Reist and Mr. William Rump be part of the committee, and that Carrboro representatives and maybe Orange County Representatives be also added to the committee. Alderman Welsh moved, seconded by

Dr. Parker Reist from Animal Protection Society asked the Board to consider whether the APS should

Alderman Smith, that the committee be set up as recommended by the Mayor and that it report back to the Board as soon as possible. Said motion was unanimously carried. Mayor Lee requested that the committee report back to the Board within ninety days.

Horace Williams Airport--
Report

Dr. Jeffrey Andresen asked the Board to consider the problem of UNC's operation of a high traffic airport

close to downtown Chapel Hill. The airport is essentially a municipal airport, with less than ten percent of its locally based aircraft involved in any fashion with the University; the only restriction is the barring of flight training to non-university people. It services a large air traffic volume, with landing intervals of less than 20 seconds being common, occurring at very low altitudes over residential and school areas. Prior to the construction of the schools on Estes Drive, the Chancellor of the University gave assurance that the airport would be moved and on October 8, 1971 the minutes of the meeting of the Faculty Council record that the Chancellor of the University pledged that the University was pursuing the matter of relocation of the airport; however, the report just published on University planning through 1980 holds no such indication of University intent. In fact, Mr. Branch, an administrator for the University, has indicated the possibility of a steady expansion of local flight instruction. As far as the Town actions are concerned, Alderman Welsh has indicated that an ad hoc committee was appointed at the time of the latest debates over the airport expansion, to consider the Town's interests in this matter; at no time has the airport been considered in Town zoning deliberations. Dr. Andresen suggested that Town Attorney should explore legal avenues available to the Town, such as its jurisdiction over its airspace; the Town should begin a systematic assessment of the traffic flow at the airport, including contributions of the flight-training operations and density of traffic at various times of the day; and Town should also enter into discussions with the University in regard to the operation of the airport, asking for cessation of flight training operations reduction of locally berthed aircraft, and eventual relocation of the airport. Colonel Earl Provanca, who is in charge of the Medical Foundation aircraft operation at the airport, said that the traffic volume of the Medical Foundation planes has increased from 199 in October, 1973 to 257 in October, 1974. He is not familiar with any violations in regard to 50 locally berthed aircraft only. Mr. Dan Boone, owner and operator of Carolina Flying Service, said that flight training cannot be given to persons who are not University connected. There has been some increase in flight volume since 1973. He fails to see a problem in connection with the nearby schools, since this area would not be suited for emergency landings, and does not think that the noise of airplanes is a problem, although the aircraft engines are not yet required to be muffled. In response to questions from Alderman Cohen, Colonel Provanca said that Medical Foundation is the only group operating routinely from the airport; other airplanes are used sporadically. The number of locally berthed airplanes were limited to 50 about a year and a half ago; before that time there were about 35 airplanes locally berthed. Mayor Lee said that the Board is conscious of the problem of the airport. The ad hoc committee appointed several years ago met for discussions with the University, which has never given an official commitment to moving the airport. Mr. Pearson Stewart, who at that time was heading the Research Triangle Planning Commission, investigated a number of possible sites for the airport, which were presented at a public hearing; one of these sites seemed to be a possibility for relocation but there has never been any commitment from the University or State to look at it, and no action was taken. When the proposal for paving and lighting the runways was made, efforts were made to prevent this to discourage night flying

and frequency of flying. As a compromise, only one runway was paved and jet traffic was not permitted. As the negotiations with University ended, Board accepted the fact that Town has no authority over the operation of the airport, but that the future relocation of airport may still be considered by the University at some later date. The Board has gone on record opposing the increase in air traffic but supporting the Medical Foundation program. Alderman Cohen asked if annexing the airport would give Town more legal power regarding airport operation. Town Attorney Denny said that General Statutes give municipalities a clear power to regulate overflight; Chapel Hill has such an ordinance stating that no airplane shall fly over any portion of the corporate limit of Town of Chapel Hill at an altitude less than 1000 feet except for medical purposes, emergency purposes or performing governmental functions. If the airport proper were inside Town limits, then the question arises whether take-offs and landings would violate the ordinance. Secondly, the airport is in the zoning jurisdiction of Town; municipalities have been granted zoning authority to regulate certain building activities on the part of State or State institutions. It is unclear whether land uses without structures is included in this law; runway lights probably are not considered buildings. In response to questions from Alderman Cohen, Town Attorney Denny said that Town cannot regulate the hours of airport use but that Town has an antinoise ordinance which can be violated by aircraft. The privately owned airplanes at the airport are taxed the same way as any other personal property, at the owner's residence. In response to a question from Alderman Welsh, the Chairman of the Chapel Hill Flying Club said that the airport is heavily used on football weekends and on weekends with good weather; as far as the flying clubs are concerned, they are very safety conscious. Dr. Andresen said that in 1967 the airport had an estimated 36,400 local takeoffs; considering the Medical Foundation figures given, the actual University traffic is much less than 10% of the volume. Alderman Smith asked if Dr. Andresen has sent a copy of his report to the University Board of Trustees. Dr. Andresen said no. Alderman Cohen said that he attended the faculty meeting at which the 50 plane maximum was set; the impression he got was that the University would try to decrease the amount of traffic at the airport. Although he realizes the problems caused by the airport, he cannot see where else it could be located. In response to questions from Alderman Gardner, Dr. Andresen said that he defines a high traffic airport as one where overflights are continuous. He is aware of the helicopters using the airport, which are used for medical and ROTC training programs; he is not aware of the proposal to build a helicopter pad at the hospital. Alderman Gardner said that major airports are discouraging their use by small planes, pushing them toward smaller airports. The Horace Williams Airport had the longest grass runway east of Mississippi prior to paving and paving made it safer. He favors improving the airport in regard to safety, but would be concerned if commercial traffic was considered at the airport. He feels that the use of the airport by private planes may be decreased as University increases its use; the airport also provides substantial savings to the University. In response to a question from Alderman Smith, Colonel Provanca said that about 40% of North Carolina small towns have airports close to town; there is a tendency for towns to grow toward the airports. A resident of Rock Creek Road said that he has the highest house in the area and is subjected to airplane noise from six in the morning until 11:30 at night. The concern of the area residents is about the number, height and frequency of plane overflights. He is disturbed that nobody seems to have exact data about the types of planes using the airport and would like to see a committee formed to investigate the number of planes using the airport, reasons for use, number of flights, frequency, etc. Mayor Lee said that such a committee will be appointed within the week, but area residents should be

aware that there is probably not much that Town can do about the problem. Town is concerned about the airport safety and there should be no conflict between Town, citizens and airport in this regard. He supports the medical operations but is concerned about the flying services out of the airport because he considers this inappropriate because of the location. Alderman Cohen moved, seconded by Alderman Welsh, that a study considering the annexation of airport be made for presentation to the Board in spring, 1975. Said motion passed by a vote of three to two, with Aldermen Gardner and Smith opposing. A resident of the area asked if Town has been monitoring the planes for possible anti-noise violations. Town Manager Kendzior said no. Alderman Welsh said that FAA regulates the noise at airports, and Town has no control over this. Town Attorney Denny said that Town has authority to regulate overflight of aircraft and noise level on ground within Town limits.

Community Development Plan--
Timetable--Task Force
Appointment

Town Manager Kendzior said that Board must consider approving the general timetable and organizational responsibilities for preparation

of the application for Community Development Plan and appointing a Community Development Task Force. Alderman Marshall asked about the timing of submitting A-95 review. Mr. Kurt Jenne, Assistant Town Manager for Community Development and Services, said that Town has two alternatives; it can get approval from HUD saying that A-95 approval by state is acceptable; or, if actual submission is needed, the schedule during the last six months may be moved up. The latter dates in the timetable may need adjustments in any case, although the final date of submission to HUD is firm. Alderman Marshall moved, seconded by Alderman Welsh, that the following proposed timetable and organizational responsibility for formulation of Town's Community Development Application be adopted, recognizing flexibility within dates proposed but no flexibility of the date of submission of April 15, 1975:

PROPOSED TIMETABLE AND ORGANIZATIONAL RESPONSIBILITY
FOR
FORMULATION OF TOWN'S COMMUNITY DEVELOPMENT APPLICATION

November 18, 1974

| <u>ACTIVITY</u> | <u>RESPONSIBILITY</u> | <u>DEADLINE</u> |
|--|---|-----------------|
| 1. Prepare CD advertisement (what, when, how) | Planning Dir | Wed Nov. 13 |
| Begin formulating housing needs (data) for Housing Assistance Plan | Ex. Dir Hsg Auth (Interns) (Chief Insp) | Wed Nov. 13 |
| 2. Adoption of procedures and schedule and appointment of Task Force | Aldermen | Mon Nov. 18 |
| 3. Ads published (CHN, Tarheel, Advocate) | Planning Dir | Wed Nov. 20 |
| 4. Organizational meeting of Task Force' schedule and procedure for meetings | Planning Dir | Fri Nov. 22 |

| | | | |
|----|---|------------------|-----------------------------|
| 5. | Ads for first meeting published | Planning Dir | Wed Nov. 26 |
| | Prepare agenda of persons & groups to speak for first meeting | Dir Human Srvs | Wed Nov. 26 |
| | Prepare opening presentation | Planning Dir | Wed Nov. 26 |
| 6. | Task Force meetings--overall needs | Task Force | Wed Dec. 4 - Wed Dec. 11 |
| 7. | Compositing of overall needs statements | Planning Dir | Mon Dec. 16 |
| | Preparation of housing needs statements and tabulations | Ex. Dir Hsg Auth | Mon Dec. 16 |
| 8. | Meeting to finalize overall needs statement | Task Force | Fri Dec. 20 |
| | Meeting to finalize housing needs statements and tabulations | Hsg Auth | Fri Dec. 20 |

| <u>ACTIVITY</u> | <u>RESPONSIBILITY</u> | <u>DEADLINE</u> | |
|-----------------|---|--|--------------|
| 9. | Presentation to Aldermen of overall and housing needs | Task Force and Hsg. Auth | Mon Jan. 6 |
| 10. | Prepare recommended overall objectives | Planning Dir | Fri Jan. 17 |
| | Prepare recommended housing objectives | Ex. Dir Hsg Auth | Fri Jan. 17 |
| 11. | Meeting to finalize overall objectives | Task Force | Wed Jan. 22 |
| | Meeting to finalize housing objectives | Hsg Auth | |
| 12. | Presentation to Aldermen of overall and housing objectives | Task Force and Hsg Auth | Mon Jan. 27 |
| 13. | Preparation of alternative plans and programs | Asst. Town Mgr | Fri Feb. 21 |
| | - Overall CD | Planning Dir | |
| | - Housing Assistance | Ex. Dir Hsg Auth | |
| 14. | Review and final Integration of plan alternatives | Town Manager Asst. Town Mgr Planning Dir Ex. Dir Hsg Auth | Fri Mar. 7 |
| 15. | Presentation of Hsg Asst. plans as part of CD Plans to Hsg Auth | Ex. Dir Hsg Auth | Tue Mar. 11 |
| 16. | Presentation of CD plans including Hsg Asst Plans to Task Force | Planning Dir | Thur Mar. 13 |
| 17. | Presentation of CD Plans to Planning Board | Planning Dir | Tue Mar. 18 |

- 18. Presentation to Aldermen of alternative plans and programs with recommendations - PUBLIC HEARING Asst Town Mgr Task Force Hsg Auth Planning Board Mon Mar. 24
- 19. Final action by Aldermen and action to apply Aldermen Mon Apr. 7

| <u>ACTIVITY</u> | <u>RESPONSIBILITY</u> | <u>DEADLINE</u> |
|----------------------------|-----------------------|--------------------|
| 20. Submit for A-95 review | Asst. Town Mgr | Tue Apr. 8 |
| 21. Submit to HUD | Mayor | NLT Tue Apr. 15 |

NOTE: Assistant Town Manager for Community Development and Services responsible for overall coordination of activities.

Said motion was unanimously carried. Mayor Lee recommended that the following persons be appointed to serve on the Community Development Task Force: Mr. Joseph Farrington from PAC, Mr. Joe Augustine of Chamber of Commerce and Merchants Association, Ms. Dee Kiester of Inter-Church Council, Mr. Don Coltrane of Jaycees, Mr. David Brunn of Council on Aging, Ms. Lynn Harmon of League of Women Voters, Dr. Gertrude Willis of Orange-Chatham Community Action Program, Ms. Ruth Mace and Mr. Bill Thorpe as two general citizens, another person from the general business community and a person from Citizens Advisory Committee. Mayor Lee said that some of the persons have confirmed that they will serve if appointed and others have not yet indicated their acceptance. Alderman Smith moved, seconded by Alderman Gardner, that the Community Development Task Force be appointed as outlined by the Mayor, with the Mayor retaining authority to fill any vacancies that may exist. Said motion was unanimously carried.

✓ Mayor's Franklin Street Traffic Committee--Appointment

Mayor Lee announced that he has appointed Alderman Smith, Ms. Madeline Sparrow, Town Manager Kendzior and a business representative to

the Committee to investigate the possible causes for traffic congestion on Franklin Street and to report back to the Board in sixty days with a possible sixty day extension. Town Manager is given authority to name a staff person to the Committee of his choosing. Alderman Welsh moved, seconded by Alderman Marshall, that the committee to study traffic circulation problems on Franklin and related streets be confirmed as presented. Said motion was unanimously carried.

✓ Blue Cross-Blue Shield--Agreement Amendment

Mr. Ed. Pizer said that on reviewing the contract entered into by Blue Cross-Blue Shield and Board of

Aldermen, an error was discovered in reference to the reimbursement for sanitary sewer connection on April 8, 1974. Mr. Pizer said that a section of ordinance necessary in the agreement was omitted. The matter has been discussed with Town Attorney, and Board is asked to authorize the amending of the contract to agree with Town policy. Town Attorney Deny said that the existing contract will repay to the property owner who put in a sewer line only a fraction of fees collected by Town; Town ordinance states that Town may provide for reimbursement to the full extent of fees collected. Alderman Welsh asked if the sewer outfall is operating properly. Mr. Joseph Rose, Public Works Director, said yes. Alderman Smith moved, seconded by Alderman Gardner, that the execution of the following agreement, which is an amendment to a prior agreement, be approved:

NORTH CAROLINA
ORANGE COUNTY

A M E N D M E N T T O A G R E E M E N T

This AMENDMENT TO AGREEMENT, made and entered into as of the 18th day of November, 1974, 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;

W I T N E S S E T H:

WHEREAS, the parties hereto entered into a written AGREEMENT dated as of the 15th day of September, 1972, wherein it was recited that NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC. had constructed a sanitary sewer outfall system at a cost of \$256,675.77 to provide therein described sanitary sewer system for the NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC. BUILDING COMPLEX and future developments east of Chapel Hill, and had agreed to convey said system to the TOWN OF CHAPEL HILL 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 therein provided; and

WHEREAS, there was inadvertently omitted from said written AGREEMENT some of the provisions specified in Sections 23-71, 23-72, 23-73, 23-74, and 23-76 of the Code of Ordinances of the Town of Chapel Hill relating to making collections for connections and providing for reimbursement thereof to the OWNER; and

WHEREAS, the parties hereto now desire to amend the said AGREEMENT between them dated as of the 15th day of September, 1972, so as to specifically make the terms and provisions of said cited sections of the said Code of Ordinances of the Town of Chapel Hill a part and parcel of said AGREEMENT between the parties;

NOW, THEREFORE, it is mutually understood and agreed between the parties hereto that said AGREEMENT heretofore entered into between them dated as of the 15th day of September, 1972, be, and the same is hereby, amended by striking out the following words and figures appearing on page 1 and the first two lines of page 2 of said AGREEMENT reading as follows:

"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; 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";

and by substituting in lieu of said words and figures so stricken the following words and figures, to-wit:

"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 for connections made to said sewer line the fees specified in SS23-71, 23-72, 23-73, 23-74, and 23-76 of the Code of Ordinances, Town of Chapel Hill, and to pay the whole of said collections to the OWNER. 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"

Except to the extent as herein amended, the remaining terms and provisions of the AGREEMENT between the parties hereto dated as of the 15th day of September, 1972, shall remain in full force and effect.

IN TESTIMONY WHEREOF, the parties hereto have caused this AMENDMENT TO AGREEMENT to be executed in duplicate original by their duly authorized officers and their corporate and official seals affixed, all by authority first duly granted, as of the day and year first above written.

NORTH CAROLINA BLUE CROSS AND BLUE SHIELD, INC.
By: _____
President

ATTEST:

Secretary

TOWN OF CHAPEL HILL

By: _____
Mayor

Alderman Gardner asked if Town Attorney has any reservations about the agreement. Town Attorney Denny said that it is in agreement with existing Town ordinances, but that it may be advisable for Town to review these ordinances. Said motion was unanimously carried.

Liquid Alum for Wastewater Treatment-Bids

Town Manager Kendzior said that 1974-75 Budget allocated \$53,462 for **chemicals**; of which a large por-

tion is for liquid alum. Bids were requested for a one-year supply beginning November 1, 1974. On October 28, 1974, the Board rejected the first set of bids in order to give more qualified prospective bidders an opportunity to bid. Notice to Bidders appeared in the October 25, 1974 edition of the Chapel Hill Newspaper and notices and specifications were sent to three prospective bidders. On November 4, 1974, three bids were received, all of which contain exceptions, with price adjustments either on a monthly or quarterly basis. Town would have the option to void the contract and rebid if the price adjustments are unreasonable. The Director of Public Works and Engineering Services, and the Purchasing Agent recommend that Board accept the low bid from Allied Chemical Corporation at \$66.95 per ton or \$63,602.50 for 950 tons, for a year's supply of liquid alum beginning December 1, 1974. This would be a seven-months' supply in this fiscal year or approximately 37,101.47 at the beginning price. Alderman Marshall asked if this cost would cause the total amount budgeted to be exceeded. Mr. Joseph Rose, Public Works Director, said no, since Town is not on full alum treatment even the full \$37,000 may not be used. Alderman Welsh moved, seconded by Alderman Smith, that the low bid for liquid alum from Allied Chemical Corporation at \$66.95 per ton be accepted. Said motion was unanimously carried.

Zoning Board of Adjustment--
Vacancy

both individuals declined to serve. Mayor Lee said that nominations will be open until November 25, 1974 meeting, at which time appointment will be made.

Mayor Lee said that the Zoning Board of Adjustment had submitted two names for nomination, but

Budget Ordinance--Fire
Department

new Fire Officers, effective January 1, 1975, to comply with the Fair Labor Standards Act (P.L. 93-259), which extends coverage to Fire Officers and mandates that they must be paid overtime if they work an average work week after January 1, 1975 exceeding 60 hours per week. At the present time fire officers work 66 hours per week. The budget amendment also includes the necessary funding for fringe benefits. Alderman Smith moved, seconded by Alderman Marshall, that the following ordinance amending the budget ordinance for the fiscal year beginning July 1, 1974 and ending June 30, 1975 be adopted:

Town Manager Kendzior said that this ordinance is needed to make provisions for the hiring of four

O R D I N A N C E

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

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, 1974 and Ending June 30, 1975" as duly adopted on July 15, 1974 be and the same is hereby amended as follows:

| <u>General Fund (10)</u> | <u>Budgeted</u> | <u>Increase/Decrease</u> | <u>Total</u> |
|--|-----------------|--------------------------|--------------|
| 10-530-02 (Fire Salaries) | \$423,629 | \$15,096 | \$438,725 |
| 10-660-05 (FICA) | 135,000 | 772 | 135,772 |
| 10-660-06 (Group Ins.) | 41,500 | 720 | 42,220 |
| 10-660-07 (Retirement) | 165,000 | 772 | 165,772 |
| 10-397-50 (Contribution from Revenue Sharing) | | (17,360) | 17,360 |
| <u>Revenue Sharing (50)</u> | | | |
| 50-660-91 (Contribution to General Fund) | | 17,360 | 17,360 |

SECTION II

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

This the 18th day of November, 1974.

Alderman Gardner asked if alternate possibilities, in place of hiring additional fire officers, have been considered. Town Manager Kendzior said that other alternatives, such as an eight-hour day or ten-hour day, have been considered; but, in order to maintain present service standards, the additional fire officers must be funded. Fire Chief Lloyd said that the Town fire insurance rating is determined by the number of men on duty at one time; compliance with this is checked every five or six years. Alderman Gardner said that since Town is considering annexation of additional areas, purchasing of another fire truck and moving to Class 4, any possible savings should be considered. Said motion was unanimously carried.

Budget Ordinance--Packer Truck Purchase

Town Manager Kendzior said that the purchase of the truck was approved on November 4, 1974, but

action on budget ordinance was deferred. Alderman Marshall moved, seconded by Alderman Gardner, that the following ordinance amending the budget ordinance for the fiscal year beginning July 1, 1974 and ending June 30, 1975 be adopted:

O R D I N A N C E

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

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, 1974 and Ending June 30, 1975" as duly adopted on July 15, 1974 be and the same is hereby amended as follows:

| <u>Revenue Sharing (50)</u> | <u>Budgeted</u> | <u>Increase/Decrease</u> | <u>Total</u> |
|-----------------------------|-----------------|--------------------------|--------------|
| 50-810-73 (Packer Truck) | \$ 25,000 | \$ 1,220 | \$ 26,220 |
| 50-810-99 (Contingency) | 141,013 | (1,220) | 139,793 |

SECTION II

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

This the 18th day of November, 1974.

Budget Ordinance-- Recreation Department

Mayor Lee said that the budget ordinance is needed to pay consulting fees for the Recreation Department.

Alderman Smith said that he is concerned that, when the expenditure for consultants was originally approved, the Board indicated that further Board approval is needed prior to expenditure if these funds were to be exceeded; this request is made after the funds have already been spent. Town Manager Kendzior said that earlier

in the year a request was made by the Recreation Commission for additional consultant fees and Board granted this request; still more work was needed and the Recreation Commission did not follow Board's request in this case. Mayor Lee said that he feels the problem was caused unintentionally, because of a lack of monitoring of available funds. Since the consultant fees are owed, these should be paid and additional discussions on the matter held at the joint work session with Recreation Commission. Alderman Marshall said that she is very upset about the matter, since the Board has made it clear that budgetary adjustments of this sort are not to be made; she will vote to pay the consultant fees even though it is in opposition to her feelings. Alderman Gardner moved that the \$800 be paid out of existing Recreation Department budget, with Recreation Commission deciding which programs should be cut to get the funds. The motion died for a lack of second. Alderman Welsh said that she agrees with Alderman Gardner in principle, but Town Manager has indicated that it is impossible to get the necessary amount from within Recreation Department. Town Manager Kendzior said that some of the funds budgeted for Recreation Department have already been committed and it would be very difficult to get the \$800 from the individual recreation programs. Alderman Gardner asked if the master plan for recreation has been submitted. Town Manger Kendzior said yes, the additional funds were spent for additional input in the plan. Alderman Gardner asked that the dates and minutes of the six Recreation Commission meetings referred to in the yellow page supplemental agenda, and the source of budget fund from which the consultant had been sold be made available by next Board meeting. Mr. Hank Anderson, Recreation Director, said that the Recreation Commission chairman was informed at the end of the contract that funds had been used up; this was before the \$800 were spent; he is not aware who authorized the further expenditures. The master plan was completed on June 1, 1974 and presented to Recreation Commission on June 5, 1974. The consultants in question were hired to complete the physical work on the master plan, such as schematic drawings. Mayor Lee said that he agrees in principle how the \$800 should be obtained but is concerned about the fact that a number of recreation projects have not yet been completed and funds are very tight in the Recreation Budget; he suggests that the Board pay the \$800 and consider the problem itself at the joint work session. Alderman Smith moved, seconded by Alderman Welsh, that the following ordinance amending the budget ordinance for the fiscal year beginning July 1, 1974 and ending June 30, 1975 be adopted, with the understanding that no further expenditures in excess of Recreation Department budget be made or, if such expenditures occur, funds be found in the Recreation Department budget to cover them:

ORDINANCE

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

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, 1974 and Ending June 30, 1975" as duly adopted on July 15, 1974 be and the same is hereby amended as follows:

| <u>General Fund (10)</u> | <u>Budgeted</u> | <u>Increase/Decrease</u> | <u>Total</u> |
|---------------------------------|-----------------|--------------------------|--------------|
| 10-620-04 (Rec. Prof. Svcs.) | 1,000 | 800 | 1,800 |
| 10-660-99 (Contingency) | 36,306 | (800) | 35,506 |

SECTION II

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

This the 18th day of November, 1974

Said motion passed by a vote of three to two with Alderman Cohen and Gardner opposing. Mayor Lee requested Town Manager to present a report to the Board on the present status and expected completion dates for NDP minipark, Burlington Boulevard and Ephesus Road projects. The Recreation Commission requests that a joint work session be held on December 11, 1974 at 4:00 p.m.

Salary Ordinance--Fire Department Personnel

Town Manager Kendzior said that the ordinance amendment is required to reduce the hours for Captains, Lieutenants, Fire Drivers, and Fire Officers from 66 hours to 60 hours per week.

Alderman Smith moved, seconded by Alderman Gardner, that the following ordinance amending the ordinance establishing salary ranges and position classifications be adopted:

O R D I N A N C E

AN ORDINANCE TO AMEND AN ORDINANCE ESTABLISHING SALARY RANGES, POSITION CLASSIFICATIONS, SALARIES, BONDS OF OFFICIALS AND CERTAIN BENEFITS FOR THE VARIOUS SALARIED AND HOURLY FULL-TIME EMPLOYEES, AND SALARIES FOR THE VARIOUS PART-TIME AND NON-PERMANENT EMPLOYEES WITHIN THE SERVICE OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA, FOR THE PERIOD JULY 1, 1974 TO JUNE 30, 1975.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill, Orange County, State of North Carolina:

SECTION I

That portion of Section B (Fire Department) be amended as follows:

| <u>Position</u> | <u>No.</u> | <u>Hours</u> | <u>Range</u> | <u>Salary Range</u> |
|-----------------|------------|--------------|--------------|---------------------|
| Captains | 2 | 60 | 25 | \$11,160 - 14,580 |
| Lieutenants | 6 | 60 | 22 | \$ 9,636 - 12,600 |
| Fire Drivers | 10 | 60 | 19 | \$2.66 - 3.48 Hour |
| Fire Officers | 22 | 60 | 17 | \$2.41 - 3.16 Hour |

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

This the 18th day of November, 1974.

Effective January 1, 1975.

Said motion was unanimously carried.

Budget Ordinance--Increased
Costs for Street Work

Town Manager Kendzior said that the Board has been distributed a progress report on North Lake Shore Drive and Burris Place street construction. The proposed budget amendment will provide necessary funds for increased construction costs by the use of Powell Bill and Revenue Sharing Funds. Alderman Smith moved, seconded by Alderman Welsh, that the following ordinance amending the budget ordinance for the fiscal year beginning July 1, 1974 and ending June 30, 1975 be adopted:

O R D I N A N C E

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

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, 1974 and ending June 30, 1975" as duly adopted on July 15, 1974 be and the same is hereby amended as follows:

| <u>General Fund (10)</u> | <u>Increase/Decrease</u> | <u>Total</u> |
|--|--------------------------|--------------|
| 10-560-73 (Streets | \$ 36,439 | \$ 36,439 |
| 10-343-11 (Powell Bill) | (32,263) | 344,263 |
| 10-397-50 (Contribution from Revenue Sharing) | (4,176) | 4,176 |
| <u>Revenue Sharing Fund (50)</u> | | |
| 50-810-73 | \$ (4,176) | \$407,324 |
| 50-660-91 (Contribution to General Fund) | 4,176 | 4,176 |

SECTION II

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

Adopted the 18th of November, 1974.

Said motion passed by a vote of four to one with Alderman Cohen opposing.

Water and Sewer Authority

Alderman Smith said that the Board needs to decide by November 25, 1974 by a letter of intent whether it wishes to form the Authority; otherwise it will have to wait until the sale to Duke Power is final, at which time it probably would be more expensive to obtain the utilities. Alderman Marshall said that the feeling at the meeting on Friday, November 15, was that a few members from each governing body would meet to work up the preliminary ideas for the authority, after which a joint meeting with all three bodies would be held. It is also necessary to find out if the University is interested in being part of this body. Mayor Lee said that it is necessary to decide if Town wishes to have a Water and Sewer Authority and that this intent be made known to the negotiating committee. Alderman Cohen moved, seconded by Alderman Gardner, that a letter be sent to the negotiating committee from the three governing bodies indicating interest

in setting up a Water and Sewer Authority. Town Manager Kendzior said that the three managers have set up a meeting for Wednesday, November 20, 1974 at 12 noon to discuss the work that needs to be done to set up the Authority. Mayor Lee suggested that Alderman Cohen and Welsh attend this meeting. Said motion was unanimously carried.

Janitorial Contract for Police Department Building

Town Manager Kendzior said that on October 21, 1974, the Board awarded the contract for janitorial service

for the Chapel Hill Police Department Building to Mr. Albert Washington because it was a low bid and because Mr. Washington's insurance agent had indicated that a performance bond could be obtained as required by the bid proposal. Since then, Town has been notified that Mr. Washington cannot get the required performance bond. The Board cannot waive a specification as major as a performance bond after bids are submitted; however, Town is not required by statute to demand a performance bond on this type of contract. The Director of Public Works and Engineering Services, the Town Attorney and the Purchasing Agent recommend that the award of the contract be rescinded so that Mr. Washington's bid bond can be returned and that Town re advertise for bids for the Police Department Janitorial Service without the performance bond requirement. Mayor Lee said that Town should review the performance bond requirements and decide in which case it is appropriate. Alderman Gardner moved, seconded by Alderman Marshall, that the contract for Police Department Janitorial Service be rescinded and readvertised for bids without the performance bond requirement. Said motion was unanimously carried. Town Manager Kendzior said that the bids will be received in two weeks.

Transportation Bill-- Communications to Representatives in Congress

Mayor Lee said that Transit Association has requested that interested municipalities send communications to representatives in Congress

asking for support of Senate Bill 386. The Board needs to authorize such communications. Alderman Welsh moved, seconded by Alderman Gardner, that communications asking for support of Senate Bill 386 be sent to Senator Ervin and Representative Fountain. Said motion was unanimously carried.

Board Meeting Cancellation-- December 23, 1974

Alderman Marshall moved, seconded by Alderman Smith, that the regular Board meeting for December 23,

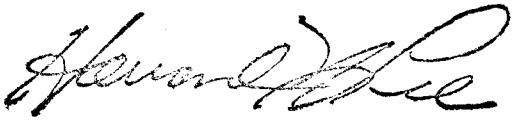
1974, be cancelled. Said motion was unanimously carried.

Foxcroft Apartments

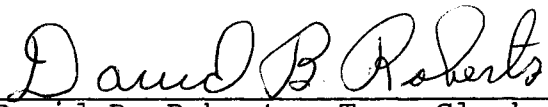
Alderman Welsh asked that Mr. Vogel be present at the next Board meet

ing to discuss the lack of progress at Foxcroft Apartment. Mayor Lee said that he will write a letter to Mr. Vogel this week indicating that Board is considering taking strong measures in the matter.

There being no further business to come before the Mayor and Board of Aldermen, said meeting adjourned at 10:20 p.m.



Mayor



David B. Roberts, Town Clerk

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE
TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING, MONDAY,
NOVEMBER 25, 1974 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on November 25, 1974 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present: Howard N. Lee, Mayor
Gerald A. Cohen
Thomas Gardner
Shirley E. Marshall
R. D. Smith
Sid Rancer
Alice 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 and Town Attorney E. Denny. Alderman Smith moved, seconded by Alderman Marshall, that minutes of the meeting of November 18, 1974 be approved as corrected. Said motion was unanimously carried.

Petitions and Requests

Alderman Marshall petitioned the Board that a short report from COG meeting in reference to A-95 review of Community Development application be placed on agenda under 5e. Alderman Welsh petitioned the Board to receive a petition from North Street residents in regard to bus system. Alderman Welsh moved, seconded by Alderman Marshall, that the petition from North Street residents be received and referred to Transportation Advisory Commission for consideration, action and report back to the Board. Alderman Marshall said that TAC is beginning to formulate guidelines on how to respond to this type of petition. Alderman Welsh said that she wishes to be sure that the complaints from Kings Mill residents and this petition come before the TAC and become part of the record. Said motion was unanimously carried. Alderman Cohen said that, since the Budget Ordinance on Recreation Department was passed by a vote of three to two at the November 11, 1974 meeting, it will need to be revoted and should be put on agenda under 9a. Alderman Marshall said that the report on a Grantsman scheduled under 10b, should also include a Public Information Officer. Alderman Welsh moved, seconded by Alderman Marshall, that the petitions be received and placed on agenda where indicated. Said motion was unanimously carried.

Mayor Lee said that Mr. Vogel requests that his report be the first heard. Alderman Marshall moved, seconded by Alderman Smith, that the report from Mr. Vogel in reference to Foxcroft Apartments be moved to 5a of the agenda. Said motion was unanimously carried.

Mr. Melvin Whitfield--
Resolution

Mayor Lee asked Mr. Whitfield to step forward, and read the following resolution:

R E S O L U T I O N

WHEREAS, Mr. Melvin Whitfield has served as a member of the Orange County Board of Commissioners from September, 1973, to December, 1974; and

WHEREAS, Mr. Melvin Whitfield was appointed to an unexpired term and asked to assume this responsibility during a very difficult time; and

WHEREAS, during said period, Mr. Melvin Whitfield has served the citizens of Orange County with understanding, sincerity, and complete devotion; and