

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING, MONDAY, DECEMBER 9, 1974 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on December 9, 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 B. Gardner  
Shirley E. Marshall  
Sid Rancer  
R. D. Smith  
Alice M. Welsh

Absent: None

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

Alderman Smith moved, seconded by Alderman Welsh, that minutes of the meeting of December 2, 1974 be approved as circulated. Said motion was unanimously carried.

Council on Aging Alderman Rancer petitioned the Board that consideration of a request involving the Council on Aging be placed on the agenda. Alderman Smith moved, seconded by Alderman Welsh, that the petition be received and consideration of the matter be placed on the agenda under 5d. Said motion was unanimously carried.

Bus System Mr. Doug Johnston requested the Board that the Transportation Advisory Committee and the Director of Transportation submit to the Board proposals for the better utilization of present equipment by elimination of under-utilized segments of routes altogether or at certain times; stricter adherence to posted schedules; and other modifications determined by re-appraisal of basic assumptions regarding why people ride and based upon reasonable weight being given the system's fiscal operation and citizen's interest in the character of their neighborhoods. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and referred to Transportation Advisory Committee. Said motion was unanimously carried.

International Track and Field Meet Mayor Lee presented a letter from L. T. Walker, informing Board that Research Triangle area will be hosting an international track and field meet on July 18-19, 1975 and requesting Town's participation in the sponsorship of the event. Mayor Lee referred the letter to Town Manager for his consideration and recommendation back to the Board.

Mr. Roger C. Wade-- Gimghoul Road Traffic Mayor Lee presented a letter from Mr. Roger C. Wade, in reference to the proposed traffic circulation patterns in Gimghoul Road Area. Alderman Welsh moved, seconded by Alderman Cohen, that the letter be referred to Streets Committee for their review and report back to the Board. Said motion was unanimously carried.

Agenda Additions

Town Manager Kendzior petitioned the Board to add following three matters to the agenda: 1) application for 10% advance on CD funds, to be placed under 8d; 2) budget ordinance amendment to incorporate LEAA funding of tactical squad, to be placed under 9a; and 3) consideration to approve reimbursement in the amount of \$100 for damage to personal vehicle used during working hours, to be placed under 10b. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the three items placed on the agenda where indicated. Said motion was unanimously carried.

National League of Cities Convention--Report

Alderman Marshall reported that the 50th Anniversary Congress of Cities and Exposition at Houston was a tremendous learning experience, and suggested that Town consider sending the Mayor, Board of Aldermen, and Town Manager to the next convention, held in Miami in December, 1975. At the next Board meeting Alderman Marshall will present a report on five workshops that considered the definition of the emerging role of the city council within the concept of new federalism. At the convention Alderman Marshall attended the Environmental Quality Policy Committee meetings, both because they were incorporating national energy policy into this chapter and because the citizens of Chapel Hill have already articulated a grass roots policy for Town. The National Municipal policy was discussed and passed on in open committee meeting at the Congress, presented to, and passed on by, the Resolutions Committee and voted on by the full voting membership. Subsequently the National Municipal Policy is pressed by a strong municipal lobby in Washington. The complete policy will be distributed to Board members early in 1975, and, after time for study, each chapter will be placed on the agenda for discussion. Any suggestions for changes then can be forwarded to the appropriate Policy Committees and resolutions for support in their lobbying effort of aspects of vital concern to Town should be sent to the National League of Cities. Two reports presented at the Convention of special interest to Alderman Marshall were a report from the Town Manager of Cambridge, Massachusetts, dealing with a specific seven point program that he feels municipalities should address now, and a report from the Mayor of Fort Lauderdale, on their dealing with gasoline lines and brownouts. The Energy Conservation Task Force will be asked to meet and discuss the seven point program shortly. The Steering Committee on Environmental Quality adopted sections on energy that are realistic, precise, action-oriented, and appear accurately on target; it was promised that lobbying would begin in earnest to influence the vital policy making that will occur in Washington within the next several weeks. Charlottesville, Virginia, will be sending their bus Councilman to Chapel Hill to consider Town's bus system; it would seem appropriate not only to share knowledge with Charlottesville, but also to begin considering a pressure group formation on that visit to increase Mass Transit help to cities under 50,000; in preparation for another Congress of Cities meeting, Town might contact all the cities UMTA is referring to Town and the bus system as a model to arrange for informal discussions. Mr. Allen Pritchard, the executive director, will be the speaker at the annual banquet of the Triangle J COG in January, 1975, and Alderman Marshall urged strong Chapel Hill representation to the annual meeting. Mayor Lee said that he will report at the next Board meeting on the structure of National League and its significance to cities. He feels that it is important for Town leaders to assume stronger positions in the North Carolina League of Municipalities, with possible representation on the national Board of Directors. The convention was a good opportunity to become personally acquainted with other North Carolina representatives.

Foxcroft Apartments--  
Special Use Permit

Mr. Dan Vogel reported to the Board that he now has all the necessary information regarding the paving of Old Oxford Road, and the architects will be finished with plans by December 16, 1974. Town Manager Kendzior said that some of the other items listed in the stipulations are still not completed, and circulated photographs to show the uncompleted requirements. Mr. Joseph Rose, Public Works Director, said that sewer easements have not yet been granted. Mr. Vogel said that he assumed that the easements were being handled by Cameron Brown; he will contact them to find out the reason for the delay. Town Manager Kendzior said that some of the matters still uncompleted are matters dealing with sanitary sewers and storm sewers. Mr. Rose said that some of the items dealing with storm sewers do not need to be completed until August, 1975. Alderman Smith said that he feels that the situation has to be checked on site before the determination of the completion of all items can be made. Alderman Welsh said that she realizes the financial problems involved with the project; the Board has been very lenient in the matter, but she feels that Mr. Vogel has not acted in good faith. Alderman Welsh moved, seconded by Alderman Smith, that Mr. Dan Vogel be put on notice to show cause why the Special Use Permit for Foxcroft Apartments should not be revoked on January 13, 1975. Mr. Vogel said that he appreciates the Board's granting of the certificate of occupancy, but the items required to be completed before the certificate was granted, such as granting of easements, was in exchange for his inability to pave Old Oxford Road to Mount Moriah Church Road. The easements were given in appreciation for this consideration. Now all of the stipulations have been completed, with only the actual paving and granting of Sewer easements not done; he feels he has acted in good faith. Alderman Cohen asked what would be the effects of revoking the Special Use Permit. Town Attorney Denny said that this would convert the project to a nonconforming use, making it subject to nonconforming use provisions, such as inability to modify to increase its nonconformity, or inability to rebuild if a certain percentage of the project is destroyed. Said motion was unanimously carried. Alderman Marshall moved, seconded by Alderman Welsh, that Alderman Rancer and Smith, Town Manager, Public Works Director and Mr. Dan Vogel meet at the site at a determined time to find out the status of the project, as determined by the list of stipulations to be completed. Said motion was unanimously carried. Mayor Lee requested Alderman Rancer to work out the meeting schedule and to report back to the Board at the December 16, 1974 meeting.

Intergovernmental Coordinator and Public Information Officer

the job description.

Town Manager Kendzior asked that the matter be deferred until he can contact more Board members to get their input in the preparation of

Council on Aging--  
Request for Funds

Alderman Rancer reported that the Council on Aging is providing excellent programs for the elderly, but that he is concerned that low-income elderly are discouraged from participating on some of the out-of-town bus trips, since the groups stop at restaurants for lunches, and some persons cannot afford to pay for these. Alderman Rancer requested that the Board consider contributing \$200, to be placed in the Council on Aging discretionary fund to permit all of Chapel Hill elderly residents to participate in these programs. Alderman Welsh asked who would handle this fund. Alderman Rancer said that Dr. Martin and Ms. Hopkins would handle this fund and keep it confidential, so that the recipients would not be announced publicly. Alderman Welsh asked if it would be appropriate to make similar contribution to the Recreation Department for their bus trips.

Alderman Rancer said that it would be better to start with the Council on Aging, to see how successful the program will be. Alderman Welsh asked how the contribution can be handled under the law, since the Council on Aging is administered by Orange County. Mayor Lee suggested that Town Attorney and Town Manager check on the legality of the contribution. Alderman Cohen moved, seconded by Alderman Rancer, that the matter be referred to Town Manager for investigation and recommendation back to the Board as soon as possible. Alderman Gardner said that he feels the cause is excellent, but that the situation could be handled more appropriately by requesting civic organizations if they would be willing to help financially. Alderman Marshall said that she feels that the matter requires a policy decision by the Board to see what Town can do in the matter; she is in favor of having service organizations help in the matter also. Alderman Smith said that when the Town Council on Aging merged with the Orange County Council, he was concerned that Town citizens may be short-changed in the combined program; this seems to be an indication that this is indeed the case. He feels that this is still part of Town's responsibility and thinks that \$200 is a small amount to contribute to ensure the success of the program. Said motion was unanimously carried. Mayor Lee asked that civic clubs in Town be contacted about providing financial help for the program, in case Town cannot help legally, or to provide long-term help.

Recreation Commission  
Appointment

Mayor Lee asked for further nominations to fill the vacancy on Recreation Commission created by the re-

signation of Mr. Paul Ragland, whose term will expire December 31, 1974. Alderman Welsh moved, seconded by Alderman Gardner, that nominations be closed and Mr. George R. Holcomb appointed to the Recreation Commission for a term ending December 31, 1974 by acclamation. Said motion was unanimously carried.

Appearance Commission--  
Appointments and Vacancies

Mayor Lee said that the Appearance Commission recommends that Ms. Jean Stewart be reappointed to a three

year term. Mr. Gordon Rutherford, whose term is also expiring, is serving in a position to be filled by the University. The Mayor's Office received a letter, dated December 3, 1974, appointing Mr. Rutherford to a three-year term beginning January 1, 1975. Alderman Cohen nominated, Ms. Jean Stewart to a position on the Appearance Commission, seconded by Alderman Smith. Alderman Marshall said that Ms. Stewart has indicated that she would prefer to be appointed at the same time that the other vacancies on the Appearance Commission are being filled. Mayor Lee said that it would be better to make the appointment immediately. Alderman Smith moved, seconded by Alderman Welsh, that Ms. Jean Stewart and Mr. Gordon Rutherford be appointed to the Appearance Commission by acclamation, for terms ending December 31, 1977. Said motion was unanimously carried. Mayor Lee said that the other vacancies on the Appearance Commission are caused by the resignation of Mr. Alexander Julian, whose term expires in 1977, and by expiration of Ms. Sherri Ontjes' term. Nominations for these vacancies will be submitted at the December 16, 1974 meeting.

Town Charter--Resolution of  
Intent to Amend

Alderman Cohen said there will be several things on the Charter Commission recommendations which will

need action by legislature to change, but the majority of things which were presented in the preliminary report can be changed by either ordinance or by voter referendum. After the Public Hearing is held, the Board can consider which of these actions it may wish to pursue. The

intent of the resolution is to place a number of possible options on the agenda, since the Board will be able to consider in its deliberations only options that have been advertised, and may need to hold a second public hearing to be able to consider options that were not advertised for the first one. Alderman Smith said that he thinks the resolution is premature, since Charter Commission has not yet given its final report. Mayor Lee said that the resolution is merely an attempt to avoid a second public hearing, so that the option of including charter changes in the spring election can be left open, if a second public hearing is needed, then the charter changes cannot be included in the spring election, which would delay the date of charter changes until 1977. Town Attorney Denny said that the Board needs to decide whether it wants to have the option of including the charter changes in the spring election; passing the resolution does not commit the Board to any specific option listed in the resolution; it is an attempt to shorten the time needed to implement the process. Charter Commission has made tentative recommendations and is reserving the right to review all of the recommendations made at the public hearing. Alderman Welsh asked if the Charter Commission had considered all the options listed in the resolution. Town Attorney Denny said that the Charter Commission had considered a number of lengths of terms but does not remember if the specific options listed in the resolution were considered; the purpose is to present one other alternative. Mayor Lee said that other alternatives may be brought out at the public hearing that the Board may wish to consider. Alderman Marshall said that, if a second public hearing is to be avoided, all other possible alternatives should also be included in the advertising. Alderman Marshall moved that the possibilities of two year terms for four, six, and all eight Aldermen be included in the resolution. The motion died for a lack of a second. Alderman Smith said that he feels these alternatives should not be presented to the public as possibilities, since the length of terms of Board of Aldermen should be longer than two years. Alderman Welsh said that she finds the resolution, as a means of presenting the alternatives to the public, a problem, since it makes it sound as if the Board is advocating the various options. Alderman Gardner said that he feels an action on the resolution is premature, since the Charter Commission has not submitted its final report. Alderman Smith said that he does not object to the resolution if it will prevent a second public hearing, but he does object to the inclusion of the two-year terms. Mayor Lee said that he does not think that the Charter Commission will object to the inclusion of all possible alternatives for consideration at the Public Hearing. Alderman Welsh said that a second Public Hearing will be necessary if ideas of merit are raised at the public hearing. Town Attorney Denny said that not passing the resolution would eliminate the option of including the charter changes in the spring election; to include the matter in the spring election, the Board needs to wait seven days after the public hearing on January 20, 1975 before it can decide to include the matter in the spring election, then the election has to be held no less than 60 days after this decision; if a second public hearing is needed, then it is impossible to meet this deadline and either the matter has to be included in the fall municipal election or a special election has to be held. If after the public hearing the Board elects to go the traditional route of legislative action, it will be necessary to have a total charter revision, since the Charter Commission is taking out obsolete portions of the charter and, in effect, rewriting it. Alderman Marshall said that when the Charter Commission was set up, it was with the understanding that action on its recommendations would be taken in 1975; she feels that the option of spring election has to be left open. Alderman Marshall moved, seconded by Alderman Smith, that the following resolution for purposes of listening to all the options that citizens may present, but in no way endorsing two year terms, be adopted:

## RESOLUTION

## A RESOLUTION CONCERNING CHARTER AMENDMENTS.

WHEREAS PART 4 OF ARTICLE 5, OF CHAPTER 160A OF THE GENERAL STATUTES PROVIDES THAT MUNICIPALITIES MAY CHANGE THEIR FORM OF GOVERNMENT, NOW, THEREFORE,

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

## SECTION 1.

The Board of Aldermen intends to consider an ordinance amending Sec. 201 of the Charter of the Town of Chapel Hill to provide for a Board of Aldermen consisting of eight members serving overlapping terms of four years; or

An ordinance amending the Charter of the Town of Chapel Hill to provide for a Board of Aldermen consisting of eight members, six of whom shall serve overlapping terms of four years, and two of whom shall serve two year terms.

The Charter currently provides for a Board of Aldermen of six members serving overlapping terms of four years.

## SECTION 2.

The Board of Aldermen intends to consider an ordinance amending the Charter of the Town of Chapel Hill to provide that the Mayor shall serve a term of four years.

The Charter currently provides for a Mayor serving a term of two years.

## SECTION 3.

The Board of Aldermen intends to consider an ordinance amending the Charter of the Town of Chapel Hill to provide that the Mayor has the right to vote on all matters before the Board.

At present the Mayor may vote only to break a tie.

## SECTION 4.

A public hearing shall be held on the proposed Charter amendments on Monday, January 20, 1975, at 7:30 p.m. in the Chapel Hill Municipal Building, 306 North Columbia Street.

## SECTION 5.

A copy of this resolution shall be published at least once, no later than 10 days prior to the date of the public hearing.

This the 9th day of December, 1974.

Said motion passed by a vote of five to one with Alderman Gardner opposing.

UMTA Capital Grant-  
Amendment--Resolution

Town Manager Kendzior said that the grant amendment has his recommendation and that he approves all

the budget requests in it. Alderman Welsh said that she is concerned about the cost of \$302,700 for the site preparation for the garage and asked if the site is still recommended in view of this unexpected expenditure. Town Manager Kendzior said yes; this is the only site in Town zoned industrial that is suitable for the bus system garage and that lends itself to a joint facility with the Public Works Department. Alderman Welsh said that she is concerned about the limited size of the site; the land is in the flood plain and is an old land fill site, requiring extensive fill to make the site buildable. Town is discouraging building in flood plain, and the proposed paving in the garage area will cause extensive run-off into the creek during rains. She said that alternate sites should be considered for the garage, so that this amount of money would not be invested in site preparation alone. Alderman Marshall said that she shares Alderman Welsh's concern about the site, but the garage must be built as soon as possible, so that the maintenance costs for the buses can be decreased; any delay in building the garage or building it farther from a central location will cause increased operating costs in maintenance, which will eventually be higher than the site preparation cost. The original Capital Grant was drawn up using the Town site for matching funds, and it would be too time consuming and costly to change the site now. Alderman Welsh said that the need for other sites was considered when the original grant was drawn up and land should have been found; it is a waste of taxpayers' money to use the funds for site preparation when alternatives exist. Alderman Marshall said that making the change now will not save money, since operating and maintenance expenses would increase if the plan is delayed. Town Manager Kendzior said that other locations have been considered, but that it is difficult to find an appropriate site that is within a reasonable distance. Alderman Smith expressed his concern for the increased costs in construction. Mr. John Pappas, Transportation Director, said that part of this increase is due to inflation; the garage is designed for 41-bus system. Alderman Marshall said that Town is not asking for 20-80 funding, because all of the changes in the site plan were not anticipated, such as relocating the entrance to Estes Drive. Taxpayers will pay more in operating costs over a longer period of time if the project is delayed. Alderman Cohen said that part of the local money is already appropriated, so tax money will not need to be increased to fund the garage. Mayor Lee suggested that action on the Grant Amendment be delayed for another week. Alderman Marshall moved, seconded by Alderman Welsh, that the consideration of UMTA Capital Grant Amendment be delayed until December 16, 1974 meeting, for further consideration by members of the Board. Said motion was unanimously carried.

Forty-Hour Work Week  
Exemption--Resolution

Town Attorney Denny said that Town Manager has presented information to the Board concerning the possi-

bilities existing under the present legislation, possible actions Board can take, and information on what other Towns are doing in the matter. The Board must also consider the general concepts of the wage hours and how these are applicable to the situation: 1) application of wage-hours in no way depends on what the employee wants to do

2) it is based on the concept that Town is responsible for controlling work of all employees, requiring employees to be at certain places at certain times, so that sleep time is also considered work time; and 3) Town controls and has to prohibit employees from certain types of activities, such as working overtime, otherwise it is responsible for paying overtime. For example, policemen would need to be prohibited from being at certain functions in their uniforms, or this would be considered working, and Town would be liable for overtime if their other employer did not pay this; firemen would need to work eight hours every day instead of working 24-hours and then getting a day off. The concept of law as applied to these positions is more complicated than with other Town employees, and the failure to claim the forty-hour work week exemption would change radically their present type of work. The structuring of these jobs is more permissive causing them to be different. Town Manager Kendzior said that at the present time the 28-day work period provides more flexibility in assigning shifts and giving compensatory time off for unexpected work scheduling. Going to a 40-hour work week would mean that double time would need to be paid on holidays, and compensatory time off would not be permitted other than during regular work week. Now police officers and firemen work on a 28-day period and compensatory timeoff can be given during this whole period. Police Chief is experimenting with reducing the police work time to a 40-hour work week in a 28 day pay period. Town Manager requests that the exemption be claimed so that the 28-day work period can be continued for policemen and so that firemen's hours can be reduced from 66 to 60 per work week in a 28-day period. Alderman Gardner moved, seconded by Alderman Cohen, that the following resolution declaring the intention of the Board of Aldermen of the Town of Chapel Hill, N.C. to claim exemption of Section 7 (k) of the Fair Labor Standards Act relative to overtime wages for public safety personnel be adopted:

#### RESOLUTION

A RESOLUTION DECLARING THE INTENTION OF THE BOARD OF ALDERMEN OF THE Town of Chapel Hill, N. C. TO CLAIM EXEMPTION OF SECTION 7 (k) OF THE FAIR LABOR STANDARDS ACT RELATIVE TO OVERTIME WAGES FOR PUBLIC SAFETY PERSONNEL.

WHEREAS, Section 7 (k) of the Fair Labor Standards Act of 1938, as amended, requires an affirmative declaration of the (Board of Aldermen) to claim the exemption of said Section in order to make overtime wages applicable to public safety personnel only for time worked in excess of the maximum hours permitted per designated work period in Section 7 (k) as implemented in 29 CFR 553.12; and,

WHEREAS, Section 7 (k) requires that such a work period for public safety employees shall be at least seven days, but not more than 28 days in length for the exemption to be valid; and

WHEREAS, the Board of Aldermen has, after due consideration, determined that it is in the best interest of the Town to claim said exemption;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, N. C. that it is the intention of the Board of Aldermen to claim, and the Board of Aldermen hereby claims, the exemption of Section 7 (k) of the Fair Labor Standards Act of 1938, as amended, so as to make fire protection personnel eligible for overtime wages only for time worked in excess of the maximum total permitted per designated work period.



BE IT FURTHER RESOLVED that the fire protection employees of the Town of Chapel Hill, N. C. shall work on a work period of 28 days in length.

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill, N. C. that it is the intention of the Board of Aldermen to claim, and the Board of Aldermen hereby claims, the exemption of Section 7 (k) of the Fair Labor Standards Act of 1938, as amended, so as to make law enforcement personnel eligible for overtime wages only for time worked in excess of the maximum total permitted per designated work period.

BE IT FURTHER RESOLVED that the law enforcement employees of the Town of Chapel Hill, N. C. shall work on a work period of 28 days in length.

BE IT FURTHER RESOLVED that this Resolution shall affect only those fire protection and law enforcement personnel who are eligible for the Section 7 (k) exemption, and that the Town Manager is directed to notify all affected employees of this action.

Adopted this 9th day of December, 1974.

The undersigned duly qualified and acting Town Clerk of the Town of Chapel Hill, N. C. does hereby certify that the above Resolution is a true and correct copy of the Resolution Declaring the Intention of the Board of Aldermen of the Town of Chapel Hill, N. C. to claim Exemption of Section 7 (k) of the Fair Labor Standards Act of 1938, as amended, as regularly adopted at a legally convened meeting of the Board of Aldermen held on the 9th day of December, 1974; and, further, that such Resolution has been duly recorded in the Journal of Proceedings of the Board of Aldermen in the office of the undersigned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Town, this 9th day of December, 1974.

(SEAL)

\_\_\_\_\_  
Town Clerk

Said motion was unanimously carried.

Community Development Block  
Grant Entitlements--10%  
Advance--Resolution

Town Manager Kendzior said that Board must consider the resolution authorizing the Mayor to apply for 10% advance for CD Block

Grant Entitlement, which will be deducted from the total CD grant. If the application is approved by the Federal Government, it will then have to be accepted by the Board and then appropriated by the Board. These funds would be used to assure continued staff operation of the Housing Authority between January 1 and June 30, 1975. Town Manager Kendzior said that he will present a more up-to-date progress report on some of the projects by mid-January, 1975, indicating funding levels for each project. Town Attorney Denny said that a full report should be ready from the Housing Authority, indicating the funds will be used for and what other funds they will have available, before Board is asked to appropriate the funds. If HUD does not approve Housing Authority's interim budget, Town is under no obligation to pay the salaries. Alderman Welsh moved, seconded by Aldermen Gardner, that the following resolution, authorizing Mayor to apply for 10% advance against the Community Development Block grant entitlement of the Town of Chapel Hill be adopted:

RESOLUTION FOR BLOCK GRANT ADVANCE

WHEREAS the Department of Housing and Urban Development allows a community to apply for a 10% advance against its Community Development Block Grant Entitlement;

WHEREAS such advances require no matching local appropriations;

WHEREAS the Chapel Hill Housing Authority will require sums during the period January 1 - June 30, 1975, in order to prepare for the orderly transition from categorical grant funding to block grants;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen, Town of Chapel Hill, that the Mayor of the Town of Chapel Hill is hereby authorized to apply to the Department of Housing and Urban Development for an advance of \$46,500 against the Community Development Block Grant entitlement of the Town of Chapel Hill.

This the 9th day of December, 1974.

Said motion was unanimously carried.

Budget Ordinance--  
INFO and LEAA

Town Manager Kendzior said that LEAA has funded three additional officers for the tactical squad,

for a total grant of \$29,809, with local share of \$1,820. Funds for INFO are to pay for rent and telephones, with an estimate costs of \$1,100; if INFO will need additional funds, then these will be requested later. Alderman Cohen asked whether Town will receive additional LEAA grants. Police Chief Blake said that Town will not receive funds for records, but the juvenile officer funding is still under consideration. 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>Budgeted</u>	<u>Increase/Decrease</u>	<u>Total</u>
10-660-99 (Contingency)	\$ 35,506	(\$1,100 INFO) (\$1,820 LEAA)	\$ 32,586
10-510-02 (Police Salaries)	565,292	1,820	567,112
10-610-11 (Telephone & Postage)	800	500	1,300
10-610-21 (Rent)	0	600	600

SECTION II

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

This the 9th day of December, 1974.

Said motion was unanimously carried.

Damage to Personal Vehicle--  
Reimbursement

Town Manager Kendzior said that the incident involves a personal vehicle of an employee of Depart-

ment of Human Services, which was lent to a VISTA to transport a client. In past, Town has reimbursed a police officer when his personal car was damaged during the course of duty. Town Attorney Denny said that the Board should consider a policy on whether Town should pay reimbursement for private vehicle damaged when used in the course of Town business. Mayor Lee said that, while Town does not provide cars for all employees and pays milage for the use of personal cars, the employees need to realize that it is their responsibility to get adequate insurance and need to bear the cost of damages themselves, if not covered by insurance. Alderman Smith said that the location on Columbia Street, where the accident occured, is very dangerous, since pedestrians ignore traffic and walk across the road without considering the walk signs, causing cars to stop very suddenly. Alderman Garnder said that he is very concerned that in the future Town may be subject to a lawsuit because of the use of vehicles; he suggested that action on the matter be postponed until a policy can be formulated. Mayor lee said that the policy should be that all employees will be expected, when using their cars in the line of duty and holding certain positions, to carry adequate insurance to cover these automobiles, and that city of Chapel Hill assumes no responsibility or liabilty for losses occuring during the line of duty when using those automobiles. Alderman Cohen said that he agrees with this policy, but would like to have Town Manager investigate the feasibility of Town Insurance covering the situation. Assistant Town Attorney Drake said that none of the Town vehicles have collison insurance. Alderman Marshall said that Transportation Advisory Committee has recommended that the Board should study Town's insurance policy. On January 28, 1975, Triangle J COG will have a meeting to consider insurance. Town Manager Kendzior said that he will have the policy statement ready for consideration at the December 16, 1974 meeting.

Coker Hills West-Deeding of  
Land to Town

Mayor Lee said that the Board must consider accepting or turning down a deed submitted by Community De-

velopment of Chapel Hill, Incorporated of Lot No. 1, Block B. Phase III, Coker Hills West. Town Manager Kendzior said that the 3/4 acre lot is located on the northwest corner of North Lake Shore Drive and Kensington Road; it has a sewer easement through it and an open drainage ditch. In the past, the area has been maintained by homeowners membership. When the plats were approved, it was required that the area be dedicated for open space but not deeded. Taxes have not been paid on the area and maintenance will be a burden to Town; Town Manager recommends that the deed not be accepted. Mayor Lee asked if the area; is suited for a minipark. Town Manager Kendzior said that a creek runs through the area; also Lake Forest Association wishes to develop a sedimentation pond there to prevent siltation of the Lake. Alderman Cohen pointed out that the area is now dedicated for open space; if taxes on it are not paid, then Town can take the land. Mayor Lee said that in situations such as this each area has to be evaluated individually for its present or future value to Town. Town Attorney Denny said that while the minutes of the meetings when stipulation were discussed do not reflect the total discussion, the question of deeding of the area was brought up by Board members. At the time the area was dedicated, no maintenance requirements were incorporated. Town can charge liens against the land to maintain it, or if taxes are not paid. In addition, the area also has several years back taxes due to Orange County. The Board should consider a policy requiring that areas deeded to Town be in current tax state; this would require subdivision ordinance amendment. Mayor Lee asked that

Town Manager and Alderman Welsh investigate the area in question and the legal aspects of the situation. Town Manager's recommendation is good from the administrative point of view, but the Board needs to consider long term aspects regarding available open space for Town residents. Town Attorney Denny said that he can send a letter to the property owner, stating that Town cannot accept the deed unless the taxes are current.

Work Session-Recreation  
Commission

December 11, 1974 at 4:00 p.m. in the Municipal Building.

Mayor Lee announced that the work session with Recreation Commission will be held Wednesday,

Water and Sewer Authority--Meeting

Wednesday, December 11, 1974 at 6:30 p.m. in Colonial Inn in Hillsborough. The meeting is to consider the proposals prepared by the joint managers on the formation of this authority.

Mayor Lee announced that a joint meeting with County Commissioners and Carrboro Board will be held on

Bicentennial Commission

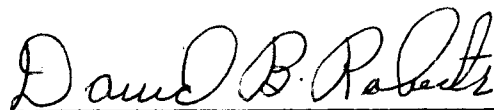
Mayor Lee said that it would be appropriate to form such a commission, since the Orange County Commission is inactive. He asked Board members to consider persons who could serve on this 15-person commission. The group should be appointed by January 1, 1975 and serve through December 31, 1976 at which time it will cease to exist. The group will work with everybody who is interested in the bicentennial observance.

Mayor Lee said that it would be appropriate to form such a commis-

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



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
David B. Roberts, Town Clerk