

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 16, 1974 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on December 16, 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 S. 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 Cohen, that minutes of the meeting of December 9, 1974 be approved as corrected. Said motion was unanimously carried.

Executive Session--Personnel Matters Mayor Lee announced that a brief executive session will be held following the meeting to deal with personnel matters. An announcement will be issued to the press immediately afterwards.

Petitions and Requests Alderman Welsh petitioned the Board to include on the agenda under 5d the consideration of bus safety. Alderman Cohen petitioned the Board to include on the agenda under 9b the consideration of an ordinance permitting right hand turns on red signal, after the state law expires. Alderman Welsh moved, seconded by Alderman Gardner, that the petitions be received and placed on the agenda where indicated. Said motion was unanimously carried. Town Manager Kendzior petitioned the Board to include on the agenda under 5e the consideration of a report on the fire at Pines Restaurant from Fire Chief Lloyd and to include on the agenda under 8c the consideration of disposal of surplus Town property. Alderman Welsh moved, seconded by Alderman Smith, that the petitions be received and placed on the agenda where indicated. Said motion was unanimously carried.

Town Management Meeting-- Report Town Manager Kendzior reported that he and Mayor Lee attended a two day meeting in Washington D. C., sponsored by HUD and International City Management Association, to which representatives of six cities were invited, to discuss and review policy problems and issues confronting Towns with a view towards developing a publication series or a work manual to help in solving these problems. Subsequent meetings will be held. All expenses of Town representatives were covered by HUD.

Triangle J. Council of Government Board members were distributed material from Traingle J. Council of Government.

Foxcroft Apartments-- Special Use Permit Alderman Rancer reported that on December 11, 1974, at 9:00 a.m., representatives from the Town of

Chapel Hill met with Mr. Dan Vogel at the Foxcroft Apartments site. The following persons were present: Mr. Joe Rose and staff members; Mr. Chester Kendzior, Town Manager; Alderman Smith; Alderman Rancer; and Mr. Dan Vogel. He said that each of the points presented at the December 9, 1974 Board of Aldermen meeting regarding construction progress were visually inspected by the representatives of the Town and discussed in detail with Mr. Vogel. The following is the same list with comments from the Town's representatives. Each of these comments, or progress levels, are as of 10:00 a.m., December 11, 1974.

Progress  
12-11-74

Time Table  
for Completion

|  |         |  |
|--|---------|--|
| No Progress  | 9/30/74 | (1) Old Oxford Road from Foxcroft private drive (including the connection of the private drive to Old Oxford Road) to a point approximately 900 lin. feet east (south-east corner of Booker Creek Subdivision) |
| No plans Submitted   | 8/15/74 | Engineering plans must be submitted and approved by the Town of Chapel Hill and State Highway Department before work is started.   |
| None   | 8/1/75  | (2) Road improvements. From the southeast corner of Booker Creek Subdivision to Mt. Moriah Church Road.  |
| No attempt or progress has been made to date   |         | Engineering plans must be submitted and approved by the Town of Chapel Hill and State Highway Department.  |
| <u>Sanitary Sewers</u>   |         |  |
| No Progress. Mr. Vobel said he will check the cost to see if he can afford to slope banks and safeguard pipes. | 9/30/74 | (1) Widen Booker Creek and stabilize banks at station 1+37 as shown on sheet U-3.  |
| Completed  | 9/30/74 | (2) M. H. #2 is knocked loose allowing storm water and mud to flow in.   |
| Construction over sewer Town has no easement. Problems could cost \$2,000 to \$3,000 because                   | 7/31/74 | (3) Tennis courts have been constructed over the sewer outfall between M. H. #2 and  |

2 or 3 manholes and 200 feet of pipe would have to be installed to service this line. Original plans show tennis court in wrong location. Town needs 30 feet of easement for sewer line.

M. H. #3. Written Notice must be given that the Town shall not be responsible for damages to said courts caused through maintenance of said line. An additional access easement must be granted and cleared of all trees and other obstructions around the enter forces of adequate width for maintenance equipment

Mr. Vogel said he would send a letter to Town Attorney stating that he will maintain line, Town will not have to. 7/9/74

(4) M. H.'s 10 & 11 have been checked. It must be determined whether or not the Town will accept this portion for maintenance.

There are 15" of cover over pipe. 8/16/74

(5) There is not enough cover over the clay pipe between M.H. 4 and M.H. 5. A minimum of 30" is required.

There are 15" of cover over pipe. 8/16/74

(6) Not enough cover over the line between M.H. 5 and M.H. 6.

Located 8/16/74

(7) Cannot locate M.H.7 at this time.

Has not been located 8/16/74

(8) Cannot locate M.H. 8 at this time.

Cannot locate manhole. Visually determined course of line; and it appears to run under the corner of the corner of the building. 8/16/74

(9) Corner of building 12 is possible over the sewer line. Shrubs at this same location are planted over sewer line. There is not enough width between building 12 and the storm drainage ditch for maintenance equipment.

Completed 8/9/74

(10) M.H. 9 knocked loose allowing water and mud into our system. Elevations will have to be checked at this point to see if line was installed at the elevation required for future extension of this line.

|   |         |   |
|---|---------|---|
| Mr. Vogel will write a letter stating he will not be able to complete until spring.   | 8/16/74 | (11) Final Clean-up of construction material on sewer easements and all encroachments.  |
|   |         | <u>Storm Sewer</u>  |
| No progress   | 8/1/74  | (1) Drainage ditch from Booker Creek to the 3-48" R-C. pipes and stabilized to meet the approval of the Director of Public Works. |
|   | 8/1/75  | (2) Pipes and spaces draining into this ditch must be stabilized.   |
|   | 8/1/75  | (3) The 48" pipes projecting through the east headwall are to be broken flush with the wall and have no rough edges exposed.      |
| Completed   | 8/9/74  | (4) Grading and seeding along 15-501 access road.   |
| Culvert Problem. Dangerous situation. Mr. Vogel said problem is state's and he will contact State for them to check problem. Culvert needs 15-foot extension. | 8/9/74  | (5) Culvert Extension, grading and seeding required.  |

Alderman Rancer said that he wishes to address the following statement to Mr. Dan Vogel and to others who may become involved in a similar situation: "We understand you are having problems; we have tried to work with you, but there comes a time when things come to a head. As far as we are concerned, the time has come to stop playing games on Foxcroft; action is necessary. We did not appreciate slopping through mud to verify what our town staff had reported. No appreciable progress has been made, even though you came before this Board many times promising to do certain necessary things to satisfactorily complete this project. These promises have not been kept. We, the Board of Aldermen, are public servants elected to do a job, and we are going to do it. It must take a positive and firm position in this matter to protect the rest of the citizens in this community and to protect the tax paying citizens who are footing the cost of administrative expenses. We need not constantly be forced to policing construction projects to see that all work is going according to plan, that schedules are met, and that there is complete compliance with conditions of the use permit that was issued. Our feeling is that from now on all use permits will have to be satisfied to the letter. We cannot and will not allow construction of any type to be of such poor quality that our citizens cannot enjoy comfortable living without danger or inconvenience the moment they contract to rent or lease. A certificate of occupancy should not and will not be issued in the future unless the project is complete in every detail to the satisfaction of

our building inspector, fire department, public works department, and any other municipal department necessary to OK the complete project. We expect quality construction which will provide the town with facilities that require a reasonable expenditure for maintenance. The Board wants the best for our citizens; we will not settle for less in convenience, facilities, environment, and safety. You've had enough time and must live up to your agreements."

Mayor Lee asked Alderman Rancer if there is any reason for the Board to reconsider the action taken at the meeting of December 9, 1974. Alderman Rancer said no. Alderman Welsh said that she feels a very thorough investigation has been made, showing that no progress has taken place in compliance with the stipulations. Alderman Welsh moved, seconded by Alderman Marshall, that the motion made on December 9, 1974 be rescinded, and Mr. Dan Vogel be put on notice to show cause why the Special Use Permit for Foxcroft Apartments should not be revoked effective January 6, 1975. Alderman Cohen said that he was reluctant to support the previous motion, but after the investigation he feels it is very appropriate to adopt this motion. Alderman Smith said that he concurs with the report presented by Alderman Rancer. He said that he is upset about the attitude of the developer in regard to the existing problems, in particular to the situation existing at the drainage ditch where equipment needs to go to service the line; the developer should be concerned about the potential danger of the exposed gas line. Mr. Dan Vogel, developer of Foxcroft Apartments, said that he has stated to the Board previously that he has not completed the necessary work on Old Oxford Road. In regard to the other specifications: 1) Booker Creek has been widened, and the banks have been cut back, but the water coming through has eroded the slope; 2) manhole #2 has been completed December 16, 1974; 3) Cameron Brown has been contacted in regard to the granting of easements, but they have refused to do so and have advised Mr. Vogel to have his lawyer, Mr. Mitchell, contact the company lawyers; 4) it is impossible for Mr. Vogel to check the line between manholes 10 and 11 for Town and has given a letter to Alderman Rancer stating that he prefers Town not to maintain this portion of the sewer line; 5) he has not complied with the insufficient cover over the clay pipe between manholes 4 and 5 because he was erroneously informed that this matter has been attended to, and additional fill has been put on the area the afternoon of December 11, 1974 6) the line between manholes 5 and 6 is of steel pipe and needs no specific depth of cover, therefore he is in compliance; 7) manhole number 7 has been located in the memorandum; 8) manhole number 8 has been located in the memorandum, and in addition an as-built sewer drawing showing the location of manhole number 8 and of the sewer easements that the Town has requested is being provided; 9) the corner of the building 12 is not over the sewer line; 10) work on manhole 9 has been completed; 11) the final cleanup on sanitary sewer has been completed; and 12) the work on storm sewer need not be completed until August 1, 1975. Mr. Vogel agreed that the corner of building 12 is close to the sewer line, but, when the line was installed, he did not know that Town would take over maintenance; he cannot move the sewer line. He also cannot force Cameron Brown to grant the necessary easements to Town. Alderman Smith said that the committee was going by visual evidence during inspection; he does not doubt that the bank on Booker Creek was cut back, but it was not stabilized in a satisfactory manner to prevent washing. The committee has no way to determine that the line between manholes 5 and 6 is of cast iron. Mr. Vogel said that Mr. Tommy Tapp checked the line at manhole and it is cast iron. Mr. Joseph Rose, Director of Public Works, agreed that it is cast iron. Alderman Smith said that the sewer line that is close to building 12 will extend to the adjoining property and Town has to have adequate access; it was sug-

gested that a wall might be built to provide the access necessary. The committee sighted the line, but had no way to determine if it is under the building, since manhole 8 could not be located. Alderman Smith said that he indicated to Mr. Vogel during the inspection to contact the Public Works Department to have them inspect any items completed before this meeting, so that they could be deleted from the report. Mayor Lee asked if Mr. Vogel has requested that PWD to check the completed items. Mr. Vogel said no. Mr. Rose read a progress report as of noon December 16, 1974, from Mr. Harold Harris, stating that the manhole at the other end of the head wall has been located and raised, using seven rows of brick; three rows is the maximum that can be used, and three rows plus eight inch casting add up to fifteen inches which is over maximum and need to be corrected. Some dirt has been put over the sewer line between manholes 5 and 6, but the work has been completed. Mayor Lee asked if Mr. Rose can add anything new to the report presented by the Committee. Mr. Rose said no. Alderman Gardner asked if a written notice, in regard to easement granting, has been provided to Town, as related to the damages. Mr. Vogel said no, since the easement has not been granted. He said that on a letter that Cameron Brown wrote to Mr. Rose, Mr. Rose has noted that sanitary easement around the tennis and basketball court, to conform to the sanitary sewer easement area, must be cleared to provide for access for future line relocation; and that Mr. Dan Vogel has read the above and is in full agreement with consent to granting the said easements. Mr. Vogel said that he is willing to grant the easements but that Cameron Brown is preventing this. Mr. Rose said that Cameron Brown has agreed in letters to grant the necessary storm drainage and sanitary sewer easements for purpose of maintenance for sanitary sewer and storm drainage confined in the project; this letter is signed by Charles R. Miller, Senior Vice President. A separate letter of intent has been signed by Mr. Vogel and Will P. Carpenter, Vice President for Cameron Brown, indicating that he is in full agreement to grant the said easements. Mr. Mitchell, attorney for Mr. Vogel, said that Mr. Vogel is presently operating the apartment project under reorganization chapter of federal bankruptcy act, trying to refinance, but also attempting to meet all requirements. Cameron Brown is attempting to foreclose the project and has been restrained, so quite possibly they will not wish to cooperate in the granting of easements. Mr. Mitchell said that he would like to meet with Town Attorney to see if the problems can be worked out. Mayor Lee asked whether the Town Attorney sees any reason not to act on the motion Town Attorney Denny said no. Said motion was unanimously carried.

Policy Leaders Workshops--  
Report.

Alderman Marshall presented the following report in reference to Policy Leaders Workshops, as

discussed at the 1974 National League of Cities Convention:

Local Government is very much at present, and has been, traditionally, of continuing interest in our community, not only to those who govern and administer, not only to the taxpayer, but also to those citizens whose job it is to report on us and to help us, as well as to influence us -- not only the media, but various elements of the academic and professional community. Therefore, I hope this report will be informative to a wider group than those of us who meet, in any of our capacities, in this room each week. I especially request the Town Manager to see that copies are sent to each member of the Charter Commission, and that, if in our deliberations on the Charter, or at the Public Hearing, there is an appropriate place, this report be entered in the official record. Four elements are found here, and while none is distinct, and all interact, one of them will be uppermost in each portion of the report. First, what we define as the new federalism and how this has changed the role of local government.

Second the general, institutional response to the changes in local government posed by the new federalism. Third, the particular problems of the Council and of its individual members in approaching this new role; and fourth, specific tools that the Council should use, or consider using. Allen Pritchard, partly quoting Mayor Bradley, defines the issue.

During the last couple of years we've been going through a very soul searching exercise in the National League of Cities trying to better define its mission and how it ought to relate to cities, to the governing elements of cities, and to the State municipal Leagues. We've increasingly come to the view that if federalism is going to be effective in this country, we have to move effectively and vigorously to increase the capacities of governments at the local level not only at governing at the local level, but (in) being able to articulate policy positions in the entire governmental system -- state level and at the national level. Within this nation we have really developed a kind of federalism where the mix of policy making and the mix of program implementation involves all levels of government and as Mayor Bradley said... we are at the point of looking at the federal budget not just as federal budget for the federal government but increasingly as a national budget that has great implications for the federal government, for the state government, for the local government. And the problem of waiting until the middle or late January, with bated breath, to find out what federal decision is going to do to your local activities is a matter in which we simply cannot sit back and let go on. Now if we are going to have a capacity to involve ourselves in the kinds of decision making that go on we have to have very clear understandings of what it is we want at all levels. And this is, in the federal system, changing the role of governments at the local level. We really have to be moving on to the job of defining what we mean by local governance, and who plays the roles and how they play them effectively... These sometimes get very confused in our minds and yet it is going to become increasingly critical that we sort these out and improve our procedures and improve our methods and our capacities to deal with each of these functions if the system is going to work effectively -- it is really not adequate simply to have someone come up with an idea, pass it, and forget about it and move on to something else. With the scarcity of resources and the expectations of the public, we are going to have to look much harder at and to those programs we approve, to those expenditures we authorize (in order to) produce the results we expected them to produce -- not just does the garbage get picked up, but does the whole program in any way affect the quality of life of the community and if there are better ways to affect the quality of life by using those resources in some other way... these are the problems that must be dealt with, particularly by local legislative bodies... While the new federalism carried the aura of the Nixon administration it did not begin in that administration and it will not end with it. It is part of a much greater movement... It is not our view (NLC) that we can separate (mayors and councils as a policy team) so completely as to have one group going one way and one group going the other... As we talk of the role of council... we also have to think of them in terms of a part of a policy making, policy implementation, oversight, evaluation team which includes the mayor and the council and in many cities it includes the City Manager... we really need to look at that governance function and while there are distinct roles to be played, they are not separate in the sense that they can go their own way without integrating their activities and relating them very closely."

Historically, the NLC has not been oriented to the council but only to the mayor -- some municipal leagues still do not let councilmen be members and no councilman has been a president of the League. Mayor Bradley was put in line of succession as a councilman and unless the new second vice president runs for mayor in the next two years she will become both the first woman and first councilman to head the League. Councilmen, minorities and women are all pressuring hard at the same time and each have had their numbers increased significantly in this year's selection of officers and directors. The councilmen as a group are vocally angry and as diverse in their calls for action as minorities and women have become. Within the league the anger seems to have boiled over two years ago, was addressed at a single sometimes violent session at San Juan last year that resulted in an ad hoc committee being formed to find ways to bring the help this anger showed the need for. Within the NLC this has resulted in this series of 5 track workshops, the initiating of a round robin experiment where the councils of Los Angeles, Kansas City, Baltimore and New Orleans, have or still will be visiting each city and exploring the roles, the needs, and how they are met. It is hoped other such round robins will be set up for other similar groups -- under 50,000 population, and the satellite suburb of the large city, for instance. From these meetings documents should be prepared for use of all cities and their governing bodies. Regional teaching workshops will be set up -- one in the southeast in the spring -- addressing these new problems and not following the same lines as our traditional schools. Councilmen will begin to get mailings from NLC directly as they have given up on mailings going to manager and/ or mayor being forwarded. The extensive survey summed up in Nations Cities on America's Mayors and Councilmen: Their Problems and Frustrations has been done and published. Other institutional help is available from HUD which carries out many capacity building projects throughout the country -- for immediate help and to provide documented help to all in future. Along with the Kettering Foundation, HUD is doing extensive systems analysis/consciousness raising study with the Councils in Dayton and Cincinnati. 701 planning money is available to councils to use to initiate their own experiments.

The vast majority of councilmen are paid paltry sums necessitating that they be defined as part-time officials. Yet, the official that is effective puts in a minimum of 36 hours a week on municipal and municipal-related business seeking to fulfill the responsibilities now his; -- the far-reaching and long lasting decision making, the policy implementation, the oversight and the evaluation. Council feel their efforts aborted by "strong" mayors and managers as they seek information and techniques needed to fulfill these mandates. They have -- universally -- more than 60,000 strong, been accused of meddling with management, of confusing policy making with administration. Criticism pours down from without and within; there seems a conspiracy to try to jam us newly-oriented "square" officials into traditional and inadequate "round" holes. The newly-elected official moves into this position with no expertise and often elected for a two-year term, even though it takes two years to learn the job. This official also is confronted with a current popular chorus that says all politicians are crooks and a local citizenry that both displays marked apathy to the political process and also demands -- and rightly so -- citizen and consumer input into the decisions that involve the quality of their life and the spending of their tax monies.

Not to cut down on the 36 hour week, but to make this time more useful, is the goal. We need more staff help. It is not that we should not be investigating the structure of how our policy and budget decisions are carried out within town departments, nor demanding more sensitive and more immediate reaction from the administration, we should;



but as part-time employees we need full time, professional budget and management analysis staff, knowledgeable in the ways of Town governance, such as we find in our Town attorney, to keep us up to date on all this information and to sit in on all formulative sessions that lead to preparation of the next year's budget -- both within each department and between and/or among department heads and the town manager. As Neal Evans once told us quite forcibly, we need to make our policy decisions before the manager prepares the budget, and in no case should be expected to react cold to a prepared document. We ought to be examining the Agenda to see how it might be improved to serve us better; the scheduling and presentation of background materials -- including development of forms on which information can be presented automatically and with consistency. Any information needed should be clearly and concisely presented at least ten days before action is expected. It becomes then our obligation to use this time for study, resolving our questions and doubts. Properly we do not sit publicly as a forum in which we do this, but as a legislative body; we must not thus abuse the administration and delay action. We must find visual means of picturing precisely the expected time-schedule of implementation of a program or policy along with where that project is at any one moment; this should be always open to and clearly understandable by the citizen.

A routine part of the preparation of materials before presentation to us must include in depth reaching out to the citizen. Our long meeting on the development of our parks is a concrete example of premature and therefore useless presentation. Two towns about our size reported that they are in the process of developing first time 5-year Capital Improvement Programs as we are, and each has appointed neighborhood area committees that function to feed into the administration what the citizen wants, to tell the citizen what the cost will be of what he wants and the alternate methods of financing. Neither Council will see formally the CIP until it has been developed to the point that the staff feels the program represents a balancing of citizen wants with what the citizen is willing to pay. Two other concrete suggestions surfaced and resurfaced. One was that councils must stop being polite and begin to express openly and in public session the dissatisfaction they feel when the administration, or any portion within it, has let it down or put it on the spot. The second notion stressed the importance that the Council not hesitate to use the power of the purse strings to implement policy -- not in the next fiscal year with a budget that is at best a plan and never seems a promise -- but at the moment of frustration. Defunding, or reappropriating to contingency any program or any departmental budget, until the Council is satisfied, is said to be a remarkably effective tool.

Mayor Lee thanked Alderman Marshall for the report and for representing Chapel Hill at the convention, and said that it is important for other members of the Board to attend conventions in the future. Municipalities are now beginning to consider full-time mayors, and grants-persons, employment and working conditons of town employees, and the necessity for cities to begin meeting local problems with local funds, snce it is very likely that federal government will stop the funding of local projects. Mayor Lee urged future participation in National League of Cities and U.S. Conference of Mayors.

Traffic and Parking Problems Alderman Marshall presented a report listing four elements needed in trying to solve traffic and parking problems. She asked for response from the Board on these four area, and for a response from Town Manager in regard to identifying and immediately marking areas where parking is not permitted. Transportation Advisory Board feels

that the response from administration has not been sufficient in this regard, since it required ten days to respond to the proposal and since it has been indicated that five weeks is the earliest date that the yellow lines can be painted. Town Manager Kendzior said that he received the request from Mr. Marvin Silver just before Thanksgiving. The request came at a bad time, since the weather is not normally warm and dry enough to do the painting, and since the work time is short in December because of the holidays. If this weather is dry and above 40 degrees, then the lines can be painted in three days. This request needed to be scheduled in with other necessary work and priorities had to be set. Alderman Marshall said that the members of the Transportation Advisory Committee and citizens with whom she has talked find it difficult to understand why the areas, where parking is prohibited by the Town Code of Ordinances, are not marked and have not been marked; she feels that the TAC are implying that they find it difficult to continue their work without the Board's support. Mr. Joseph Rose, Public Works Director, said that Town has never before developed such a plan for the Public Work Department to carry out, and the plan may not be exact as the Board may wish it to be, since the location of each area needs to be reviewed individually. Some of these areas may need to be changed next year and a report will be presented to the Board in this regard early in the year. The marking of the areas has been made a priority, and it will be carried out as soon as possible, weather permitting. Alderman Marshall said that all the areas that are identified in the Code should be marked now, and then the hazardous areas can be referred to the Streets Committee. Alderman Smith said that the Streets Committee and TAC will need to meet jointly, after which Streets Committee can begin considering problems related to parking and the need for marking off additional spaces. Mayor Lee said that the Board may not always be happy with the way matters are handled, but that it does wish to support the committees; all the volunteers are needed on the job, even if matters are not moving as fast as they may wish. It is important for Aldermen to continue serving on the various commissions so that information can be relayed from the Board to the commissions.

#### Bus Safety

Alderman Welsh said that the Town Manager's report to the Board in regard to the various problems raised by Dr. Smith about bus safety is quite thorough. Alderman Welsh asked whether the other matters referred to Town Manager, such as excessive speed on Rolling Road, incomplete stops at stop signs, and discharging passengers at other than bus stops, have been investigated. Town Attorney Denny said that the speed limit on residential streets that are part of state highway system is 35 mph; in other areas the speed can be reduced to 25 mph, but the Board has no authority to reduce it below that. Town Manager Kendzior said that he does not have any concrete proposals to present in regard to Rolling Road; there are some cars parked there, and parking on the road could be eliminated. Alderman Smith said that many persons misjudge the speed of buses, since they appear to move faster because of their size. Mayor Lee said that Mr. John Pappas, Transportation Director, has indicated that the maintenance of brakes is more than required, and asked if any buses may be operating with brakes that are slipping. Mr. Pappas said that bus drivers can call in to request a bus replacement if they feel it is necessary; if a replacement is available it is sent; if it is not available, the bus driver uses his judgement in either continuing to operate while exercising great caution or parking the bus, with a mechanic coming to work on it. There have been two cases of brake failure. Mayor Lee said that the policy should be that any time a driver reports, bad brakes, the bus should be pulled off the route or replaced as soon as possible.

Fire at Pines Restaurant--  
Report

Fire Chief Everette Lloyd reported that the fire at Pines Restaurant occurred on December 9, 1974, and

was reported to the number 2 station at 11:06 p.m., at the same time that a report was called in to the headquarters from Pines. Water was directed into the building through several water lines, but the department was unable to extinguish the fire. During the fire, Carrboro fire department stood by at the main headquarters building. The fire department has 41 men and 8 volunteers, and 37 men and four volunteers responded to the fire call. The building was vacated by staff at 10:45 p.m., and no sign of fire was seen then; Captain Pendergraft of the police department checked the area between 10:45-50 p.m., with no sign of fire; 16 minutes later the fire was visible from outside and was out of control by the time the first fire truck arrive on scene. The Fire Department has been trying to determine the cause of the fire, but has been unable to do so, although indications are that it started near the offices. The Fire Department has a mutual aid agreement with Carrboro, Hillsborough, Eno, and Orange Grove fire departments, to stand by in case of major fires. They have formed an unofficial association which meets once every three months; they are compiling a list of all equipment in county for mutual help. This cooperative effort should give good fire insurance ratings at the next inspection. Fire Chief Lloyd said that every time there has been a big fire in the last ten years, it has either been a delayed alarm or it has been arson. Fire Chief Lloyd listed the 11 fires in the past ten years where the damage has been over \$50,000. In 1974 to date 366 fire calls have been received, with a total of \$199,720 damages. Mayor Lee asked if a fire alarm system in Town would help. Fire Chief Lloyd said yes. Mayor Lee said that he raised the matter of fire alarm system in Town in 1970, proposing that it should start from CBD and be extended gradually to the periphery of Town. He feels that Town can anticipate more major fires until a fire alarm system is installed. Fire Chief Lloyd said that he feels fire alarms are needed both in new and old homes and apartments and suggested that a civic club may wish to take on a project for selling smoke detectors.

Appearance Commission--Va-  
cancies

Mayor Lee requested that consideration of the matter be delayed until January 6, 1975 meeting.

Cedar Ridge Office Condomin-  
ium--Unified Business Spe-  
cial Use Permit

Mr. Kurt Jenne, Assistant Town Manager for Community Development and Service, presented the project as given at the Public Hearing on No-

vember 11, 1974.

The following points were considered in the review of the proposal:

1. With regard to safety and health: The project would be located on a five-lane major thoroughfare at a point where visibility is excellent in both directions. The use of a single entrance/exit which aligns with an existing street intersection (Barclay Road) would provide the least complicated system of traffic movement at this location. Water is available to the site by means of an existing 6" line along the site frontage on Airport Road. Sewer service is available to the site by means of an 8" line on the west side of Airport which would be tapped by tunneling under Airport Road. This line does run through the Rogerson Drive lift station which is committed to capacity. However, because of the comparatively low volume of sewage estimated to be generated by the project as proposed and because of substantial delays in several of the projects committed to Rogerson Drive, DPW judges that this project could be accommodated at the time of construction, the project with its size and characteristics could be equipped with a "closed system" with discharges during times of low flow.

2. With regard to conditions and specifications: The proposal complies with all applicable ordinances and standards.
3. With regard to property values: The nature of the use (office and banking), the screening affects of the existing site features (topography, trees, road) from abutting or adjoining properties and the scale and treatment of structures and site as proposed as well as the nature and location of adjoining and abutting properties indicate minimum conflict of uses.
4. With regard to harmony and conformance with the plan: The location and scale of the structures and of the site development was considered to be in harmony with the area. The site's fringe topography and the natural vegetation provides a good transition between the proposed use and the single family residential uses to the east. The scale and proposed use is also in harmony with the multifamily residential uses across Airport Road as well as the single family residential uses in the Barclay Road neighborhood.

By the criteria suggested in the Planning Board's commercial development policies, new commercial development on Airport Road would be encouraged either in or around the existing Town and Country center or in a new location north of Estes Drive intersection. While it was felt that an office condominium use does not fall strictly within the intent and objectives of that policy, some attention was given to the desirability and incorporation of the branch bank with office use at this location versus its inclusion with retail commercial uses at another location. It was pointed out that inclusion of such a facility with retail commercial uses could allow concentration in the locus of commercial transactions and thus possible reduction in auto travel. However, in terms of this particular area, it was concluded that location of a branch bank as proposed in this project has considerable merit. There is no branch bank currently located in this northern section of the Town. There is little feasibility for incorporation of such a facility in the Town and County Center, and the proposed location is well suited to serve the Colonial Heights and Mount Bolus neighborhoods.

The Director of Planning recommends that the Board of Aldermen make the required four positive findings and approve the request with eleven stipulations.

Mr. Jenne said that some Planning Board members expressed concern about the appearance of the project with inclusion of a branch bank, and the vote was seven to two to approve the project with the stipulations recommended by the Planning Director; Appearance Commission voted unanimously to approve the project with nine stipulations added. Alderman Smith asked about the closed sewer system. Mr. Jenne said that, to his best knowledge, this will not be needed, but this can be added when the project is near completion; the closed system will not cause a problem since the matter is covered in stipulation two. Alderman Gardner asked about the landscaping for the project, if the project is finished in stages. Mr. Arthur Cogswell, architect for the project, said that each building will be landscaped as it is completed; he is willing to provide screening for the entire project along Airport Road at the time that the first portion is completed. Alderman Smith said at the Public Hearing a question was raised about the adjacent triangular property. Town Attorney Denny said that this property is not included in the application, and is a separate subdivided plot. Alderman Welsh moved, seconded by Alderman Gardner, that the Board grant the request for a Unified Business Special Use Permit under Section 4-c-21 of the Zoning

Ordinance to construct two office condominium structures and a branch bank on Airport Road; that the Board finds that the use will not materially endanger the public health or safety if located where proposed and is developed according to the plan as submitted and approved; that the use meets all required conditions and specifications; that the use will not substantially injure the value of adjoining or abutting property; that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of the development of Chapel Hill and its environs; that the following stipulations from the Director of Planning be included:

1. That no retail activity be permitted in the project.
2. That sanitary sewer plans be approved by the Town Manager prior to issuance of a building permit.
3. That a sewer line extension permit be approved by the State Environmental Management Agency prior to issuance of a building permit.
4. That erosion and sediment control plans be submitted to and approved by the Regional Office, Raleigh, North Carolina of the Office of Environmental Management, North Carolina Department of Natural and Economic Resources prior to start of construction of improvements.
5. That one set of revised drawings showing all items stipulated be filed with the Town prior to issuance of a building permit.
6. That all driveways and parking areas be paved and constructed with the curb and gutter.
7. That a sidewalk be constructed to Town standards along the entire length of the property line abutting Airport Road and that the interior sidewalks be connected to this sidewalk.
8. That existing unused curb cuts along the project's frontage with Airport Road be removed and replaced with curb and gutter to Town standards.
9. That the parking spaces which adjoin the entrance drive be angled to no more than 80° to provide directional parking on the entrance drive and that an adequate turning radius be provided around the east end of the entry exit island as approved by the Town Manager.
10. That fire hydrants be located and installed as approved by the Town Manager.

That the following stipulations from the Appearance Commission be included:

1. That all mechanical equipment, whether installed prior to or subsequent to issuance of the Certificate of Occupancy shall be screened and plans approved by Appearance Commission, from view from public rights-of-way.
2. That all bulk trash containers shall be screened from view on three sides by planting or by a wall or fence the colors and material of which shall be in harmony with the project as a whole.

3. That all trees and other natural features 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 all such fencing shall be shown on the landscape plan.
4. That the level and compaction 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 six inches for each inch of the tree's diameter. There shall be no storage within this area.
5. That all landscaping shall be completed prior to the issuance of the final Certificate of Occupancy; and that; in the event that a partial Certificate of Occupancy is requested, all landscaping for that portion of the total project for which such Certificate is requested shall be completed prior to issuance of such certificate as well as landscaping along Airport Road.
6. That hose bibbs shall be provided within two-hundred (200) feet of any and all planting; or other system or irrigation shall be provided as approved by the Appearance Commission.
7. That any and all planting which dies during the life of the Special Use Permit shall be replaced with planting of the same species and approximately the same size during the next planting season.
8. That all lighting fixtures shall be designed and installed so that the source of light is not visible from public rights-of-way and adjacent properties.
9. That the construction area shall be maintained in a neat, clean and orderly manner, including weekly removal of construction debris.

and that construction begin within one year and be **completed** within four years. Said motion was unanimously carried.

Releases and Refunds

Alderman Smith moved, seconded by Alderman Gardner, that the following resolutions, granting releases and refunds, be adopted:

**RESOLUTION - TAX RELEASES**

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

| <u>NAME</u>       | <u>REC #</u> | <u>AMOUNT</u> | <u>REASON</u>  |
|-------------------|--------------|---------------|--|
| Wallace Womble    | 6590         | \$ 35.66      | Listed a mobil trailer that was located in the county.   |
| William E. Jenner | 3159         | 18.04         | Was living in Carrboro on Jan. 1, 507 Chateau Apartment. |
| C. T. Womble      | 6585         | 95.76         | Sewer charged on 4 houses. Only 2 were connected.        |

|                      |           |        |   |
|----------------------|-----------|--------|---|
| Claiborne S. Jones   | 3232      | 61.55  | Was over charged for sewer only 1 unit.                             |
| Annie Pickard        | 8391      | 7.31   | Home Exemption  |
| Community Developers | 7215 (72) | 74.07  | Val changed from 6010 to 1200.                                      |
|                      | 7214 (72) | 63.14  | Val changed from 5130 to 1030.                                      |
|                      | 7216 (72) | 64.52  | Val changed from 5230 to 1040.                                      |
| William D. Mattern   | 7438      | 114.00 | Was charged sewer in error moved in house in Aug. 74.               |
| Ruth L. Homewood     | 2940      | 13.50  | County reduced valuation from 48,000 to 46,000.                     |
| Paul R. Perkins      | 4785      | 46.71  | Personal property was reduced from 9375 to 4325.                    |
| J. E. Adams          | 26        | 345.03 | County changed valuation from 39,700 to 2,400. Farm Exemption       |
| Arthur Caldwell      | 887       | 46.25  | Home exemption of \$5,000.00.                                       |
| Michael Faurest      | 1941      | 18.73  | Car valuation was wrong. Was charged 11,100 should have been 9,075. |

WHEREAS, the above listed persons have 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.

#### RESOLUTION - TAX REFUNDS

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

C. T. Womble

6909 (73)

108.00

Was charged for  
4 houses. Had  
only 2 connected  
to sewer.

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.

NDP Application--Resolution Town Attorney Denny said that the resolution is needed to receive the transitional funding for the Housing Authority. The resolution is identical in content with the three previous resolutions that were adopted for the full year fundings. The resolution makes the necessary findings and authorizes the filing of application. Alderman Welsh moved, seconded by Alderman Smith, that the following ordinance be adopted, with blanks on page 3 to be filled in by the Town Attorney:

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL  
APPROVING THE URBAN RENEWAL PLANS AND THE FEASIBILITY OF  
RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROGRAM NO. R.C.A-5

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Secretary of Housing and Urban Development is authorized to provide financial assistance to Local Public Agencies for undertaking the carrying out Neighborhood Development Programs; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall require that the Urban Renewal Plan for the respective urban renewal areas comprising the Neighborhood Development Program be approved by the governing body of the locality in which the areas are situated, and that such approval include findings by the governing body that: (1) the financial aid to be provided in the contract is necessary to enable the Program to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal areas by private enterprise; (3) the Urban Renewal Plan conforms to a general plan for the development of the locality as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the sites covered by the Plan; and

WHEREAS, it is desirable and in the public interest that the Chapel Hill Housing Authority, herein called the "Local Public Agency" undertake and carry out the Neighborhood Development Program, herein called the "Program", identified as "R.C.A-5, Northside-Knolls Street, RDP", and encompassing the area heretofore described in the preceding Resolution adopted by the Board of Aldermen, Town of Chapel Hill, State of North Carolina, herein called the "Locality;" and



WHEREAS, the Local Public Agency has applied for additional financial assistance under such Act and proposes to enter into an additional contract or contracts with the Department of Housing and Urban Development for the undertaking of, and for making available additional financial assistance for the Program; and

WHEREAS, the Local Public Agency has made studies of the location, physical condition of structures; land use; environmental influences; and social, cultural, and economic conditions of the urban renewal area or areas comprising the Program and has determined that the areas to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large, and the members of this Governing Body have been fully apprised by the Local Public Agency and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the Board of Aldermen of the Locality for review and approval an Urban Renewal Plan for the urban renewal areas dated September 10, 1974, and consisting of pages and exhibits, and supported by the following supplementary material, data, and recommendations not a part of the Urban Renewal Plan; and

WHEREAS, the Urban Renewal Plan has been approved by the Governing Body of the Local Public Agency, as evidenced by the copy of said Body's duly certified resolution approving the Urban Renewal Plan, which is attached thereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the Board of Aldermen, which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendation respecting the Urban Renewal Plan for the urban renewal areas comprising the Program and has certified that the Urban Renewal Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations, and certification of the planning body; and

WHEREAS, the Local Public Agency has prepared and submitted a program for the relocation of individuals and families that may be displaced as a result of carrying out the Program in accordance with the Urban Renewal Plan; and

WHEREAS, there have also been presented to the Governing Body information and data respecting the relocation program which has been prepared by the Local Public Agency as a result of studies, surveys, and inspections in the areas comprising the program and the assembling and analysis of the data and information obtained from such studies, surveys, and inspections; and

WHEREAS, the members of the Governing Body have general knowledge of the conditions prevailing in the urban renewal areas and of the availability of proper housing in the Locality for the relocation of individuals and families that may be displaced by the Program and, in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the relocation program and the Urban Renewal Plan for the Program in conformity with the contract for financial assistance between the local Public Agency and the United States of America, acting by and through the Secretary of Housing and Urban Development; and

WHEREAS, the Governing Body is cognizant of the conditions that are

imposed in the undertaking and carrying out of urban renewal activities and undertaking with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, or national origin:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

1. That it is hereby found and determined that the urban renewal areas comprising the Program are blighted areas, and qualifies as eligible areas under GS-160-456.
2. That the Urban Renewal Plan for the Program, having been duly reviewed and considered, is hereby approved, and the Town Clerk be, and is hereby directed to file said copy of the Urban Renewal Plan with the minutes of this meeting.
3. That it is hereby found and determined that where clearance is proposed that the objectives of the Urban Renewal Plan cannot be achieved through rehabilitation of portions of the urban renewal area comprising the Program.
4. That it is hereby found and determined that the Urban Renewal Plan for the Program conforms to the general plan of the Locality.
5. That it is hereby found and determined that the financial aid to be provided pursuant to the contract for Federal financial assistance pertaining to the Program is necessary to enable the Program to be undertaken in accordance with the Urban Renewal Plan for the areas comprising the Program.
6. That it is hereby found and determined that, in addition to the elimination of slums and blight from the urban renewal areas, the undertaking of the Program in such areas will further promote the public welfare and the proper development of the community and by making land in such areas available for disposition, for uses in accordance with the Urban Renewal Plan for redevelopment in accordance with the use or uses specified in the Plan for said areas; and by providing, through the redevelopment of the urban renewal areas in accordance with the Plan, a cohesive neighborhood environment compatible with the functions and needs of Urban Renewal Plan.
7. That it is hereby found and determined that the Urban Renewal Plan for the urban renewal area comprising the Program will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the renewal of the areas by private enterprise.
8. That it is hereby found and determined that the Urban Renewal Plan for the urban renewal areas give due consideration to the provision of adequate park and recreational areas and facilities as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the sites covered by the Plan.
9. That it is hereby found and determined that the Program for the proper relocation of individuals and families displaced in carrying out the Urban Renewal Plan in decent, safe, and sanitary dwellings in conformity with acceptable standards is feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Plan; and that such dwellings or dwelling units available or to be made available to such displaced individuals and families, are at least equal in number to the number of displaced individuals and families, are not generally

less desirable in regard to public utilities and public and commercial facilities than the dwelling of the displaced individuals and families in the areas comprising the Program, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.

10. That, in order to implement and facilitate the effectuation of the Urban Renewal Plan hereby approved, it is found and determined that certain official action must be taken by this Body with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action, and accordingly, this Body hereby pledges its cooperation in helping to carry out the Urban Renewal Plan requests the various officials, departments, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such end, and to exercise their respective functions and powers in a manner consistent with the Urban Renewal Plan, and stands ready to consider to take appropriate action upon proposals and measures designed to effectuate the Urban Renewal Plan.

11. That additional financial assistance under the provisions of Title I of the Housing Act of 1949, as amended, is necessary to enable the land in the areas comprising the Program to be renewed in accordance with the Urban Renewal Plan for the Program, and accordingly, the proposed Program and the annual increment are approved and the Local Public Agency is authorized to file an application for financial assistance under Title I.

Mr. Al Stevenson, Housing Director, said that the funds requested will continue existing programs, with no new activities begun. Said motion was unanimously carried. Mayor Lee said that a progress report on the various projects will be requested from Housing Director and the Chairman of Housing Authority toward the end of January, 1975.

UMTA Capital Grant Amendment--Resolution

Alderman Welsh said that she is willing to approve the application, but that it is necessary to clarify exist-

ing problems, since she is opposed to the high preparation cost of the site. Ms. Maryl Levine, former Assistant Town Manager, has indicated that when the original UMTA grant was written, Town was very rushed for time, and the Plant Road site was the only available land for Town use; even then the site was seen as having problems, and it was considered that designating this site for the garage was just a formality and not to be taken seriously. UMTA assured Town that it would be acceptable to amend the grant by choosing a different site. This site has been used as a landfill as recently as 1972; a descriptive zoning designation was made, designating the site as industrial, in mid 1950's. It is Alderman Welsh's opinion that the zoning designation is no longer appropriate and needs to be reconsidered. Mr. Sternloff recommended in 1970 that the site be used for recreation facilities. The Planning Board minutes of November 19, 1974 reflect dissatisfaction with the site location and cost of preparation. Mr. George Hemmens and Mr. Sid Cohn, Planning Board members, have indicated that alternative locations should be considered. Alderman Welsh said that her objections to the site are based on the excessive cost of site preparation, and feels that alternative sites should be considered. Alderman Smith said that he feels the estimated construction costs for the garage and office space as indicated on p. A-3 of the grant application, are excessive. Mr. Arthur Cogswell, architect for the project, said that construction costs are increasing very rapidly, and he feels the estimates may not be high enough. The cost includes special mech-

anical installations necessary in maintenance facility and includes interior finishing for the office space. Mayor Lee said that it may be possible to amend the grant further to reflect more nearly the actual construction costs. Alderman Gardner said that he is concerned that the cost of site preparation is about \$30,000 per acre for ten acres. Mr. Kurt Jenne, Assistant Town Manager for Community Development and Services, said that the figures also include the estimated cost of construction of a bridge over the access road to Estes Drive; this will cost an estimated \$66,000. Mr. Cogswell said that the location of the facility near the center of operation grid is very important, and the cost of site preparation will be offset by decreased operational cost. Alderman Smith asked about the discrepancy of cost figures for item 10-03-01. Mr. John Pappas, Transportation Director, explained that one of the figures is for the present grant and the other for the amendment. Mayor Lee said that if the Board approves the grant, UMTA has the attitude of working cooperatively with the local systems, and tend to look favorably on any amendment to save money or strengthen programs. It is very important to consider the operational costs of the system versus site preparation, but approving the resolution will not obligate Town to set plan; this can be reconsidered at a future time before the actual construction is begun. Alderman Marshall said that, at the present time, site preparations are being carried out at Plant Road site by the Department of Public Works, and asked how much actual work and time has been spent on that. Town Manager Kendzior said that the overall planning review included the entire site and considered how Public Works Department could be developed. The actual work under progress involves only the PWD part of the area, clearing an area to make room for the construction of an equipment shed. This work is in no way related to the Transportation Department, and is not dependent on the UMTA grant. Mayor Lee said that the use of the site by PWD needs to be considered separately from this discussion. Alderman Welsh said that she feels that the Board needs to reconsider the use of the entire site, considering alternate sites where both PWD and Transportation Department can be located. Mayor Lee said that the PWD matter needs to be deferred, with only grant application being considered at the present time. Alderman Marshall said that a decision needs to be made on the location of PWD, since a firm commitment is needed before construction can begin. Alderman Gardner said that there are still many undecided matters with the Transportation System, such as whether Carrboro will come into the system, and, if they do, how they will wish to operate; also the contract with UNC will need to be renegotiated after another year. He said that he feels this information is important to have before Town decides to contract for another seven buses. Town will soon be receiving 13 small buses, which will make a good operational fleet. When the original grant was made, Town knew that the price of buses would increase, but it chose to start with a smaller number than it could have. The ridership has been excellent, and it should be necessary to keep some of the MARTA buses, but, once the new buses arrive, some of the MARTA buses should be resold and the fund returned to Revenue Sharing Fund. If all the buses are kept and seven new ones are ordered, the fleet will number 49, which is too many. Alderman Gardner said that he feels that seven new buses are not needed. Since UMTA is concerned with the success of mass transit, it would look favorably to other grant amendment at a later time when the local program is more settled. He said that he also feels that the garage development will not be very quick on the Plant Road site with the needed site preparation; another site should be considered because maintenance space is needed as soon as possible. Mayor Lee said that the history of the bus system in Chapel Hill is evidence that the planners did not know what to anticipate; more smaller buses were ordered than Town needs, and not enough large ones. In 1972 Town received a mandate from voters to get a

first class system, and the Town has made a very good effort to do so, but more new buses are needed, since the MARTA buses have extensive maintenance problems. Each ordering seven new buses, some of the MARTA buses will need to be retained, since the new small buses will not be adequate to carry all the passengers. It can be anticipated that a heavy tax will be placed on gasoline in the future and that the country will have another energy crisis; with the present fleet Town will not be able to accommodate all the persons who will wish to use it. Mayor Lee said that he feels the money will be well spent to get the MARTA buses off the streets. Alderman Gardner said that since Town has no experience operating new buses, it cannot be anticipated what maintenance will be needed. Mayor Lee said that two of the small buses cannot take the place of one of the large ones. There are some areas in Town that may be better served by the small buses, because of narrow streets and small number of riders, but most areas need large buses. The present 25 buses are inadequate, since some persons have given up using buses because they have been left standing at the bus stops too often. Alderman Smith said that the Board will be able to reconsider on the application after the small buses arrive in January, 1975, since the new buses will not yet have been ordered. Alderman Cohen said that the Board knew that the MARTA buses would be used as interim buses, and assumed that the new buses would be sufficient, but it has not proven to be the case. Last year 6-7 months were needed to fill the order for buses and there is no reason to assume that the time period will be shorter now. MARTA buses need to be replaced as soon as possible. He said that he feels the grant application needs to be approved. Alderman Welsh said that she wishes to make some changes in the grant application: page B-9, paragraph 1, second sentence change "is" to "may"; page C-1, last paragraph change "the only" to "a"; page G-3, paragraph 3, first sentence change "has been" to "may be"; page J-2, Part C, Environment, should include a statement to the effect that it is possible that the project could have a negative impact; page L-1 shows an indication that the site is located in a flood plain, and that there have been complaints of odor and noise in the area. Alderman Marshall said that she feels the environmental statement also does not include some favorable facts, such as the buses using diesel fuel. Alderman Welsh said that she feels Section 2L-1, should be rewritten to include the entire situation. Alderman Welsh moved, seconded by Alderman Cohen, that the amended application for a capital grant for a public transportation system for Chapel Hill, North Carolina be approved and be filed with the Urban Mass Transportation Administration; that Urban Mass Transportation Administration be given a separate notice that the construction of Chapel Hill bus maintenance facility and the location of the bus maintenance facility site will be subject to future review and future amendment by the Town of Chapel Hill; that the Town Manager submit alternate sites for the Board of Aldermen to consider as soon as possible, including the consideration of a considerable larger site from the present one; that the Planning Board be instructed to review the use and zoning of the Plant Road site and report back to the Board of Aldermen. Alderman Gardner asked whether the motion includes the purchase of the seven new buses. Alderman Welsh said yes. Alderman Smith asked if the motion should include the recommendation of future sites. Town Attorney Denny said that the Board needs to adopt the resolution; if the motion on the floor is adopted, then further action is needed. Said motion passed by a vote of five to one, with Alderman Gardner opposing. Alderman Welsh moved, seconded by Alderman Smith, that the following resolution be adopted:

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R E S O L U T I O N

The following resolution authorizing the filing of an amended application was the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as Amended, was offered by Aldermen Welsh.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as Amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services:

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill:

1. That the Mayor and the Town Manager are authorized to execute and file an amended application on behalf of the Town of Chapel Hill, North Carolina with the U. S. Department of Transportation to aid in the financing of the purchase of transit vehicles and ancillary equipment, the construction of a vehicle maintenance facility and passenger shelters, and purchase of signs and required maintenance equipment.
2. That the Mayor and the Town Manager are authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That Chester Kendzior, Town Manager, is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application of the project.

Said motion was unanimously carried.

Damage to a Personal Vehicle--  
Reimbursement

Mayor Lee said that the Board must consider approving reimbursement in the amount of \$100 for damage to personal vehicle used during working hours. The action was deferred from the meeting of December 9, 1974, pending the establishment of a policy on the use of a private vehicle for Town business. Town Manager Kendzior said that the vehicle was loaned to a VISTA to transport a client from her place of employment to Department of Hu-

man Services for signing up for food stamps. The vehicle carried an insurance of \$100 deductible. The request is to reimburse the staff member for the \$100. The following interim policy is proposed: "It shall be the Town policy that all Town employees will be expected (when Town transportation is not available) when using their personal vehicles while on Town business and holding positions with the Town, should carry adequate insurance to cover their vehicles, and that the Town will not assume responsibility nor liability for damages or losses occurring during use of any such personal vehicle at any time." Town Manager Kendzior said that it will be necessary to review the policy for each department, considering the milage reimbursement and when cars can be used. It is Town Manager's recommendation that the staff member be reimbursed for sustained damages of \$100 and that the interim policy be adopted as presented, until Town Manager can present to the Board a full review of the study of the entire requirement when private vehicles must be used; this report should be ready for the January 13, 1975 meeting. Mayor Lee instructed Town Attorney to work with Town Manager in writing the new policy. Alderman Smith said that the Board will need to decide which persons will be furnished Town vehicles. Mr. Charles Haywood, Director of Human Services, said that he feels it is a good idea to study this, since the policy, as presented, is prohibitive. This is a chronic problem at the Department of Human Services, since the staff persons need to use personal vehicles. He said that he hopes the Board will consider providing Town vehicles for use of all Town employees on Town business; otherwise, if the employees need to carry certain amounts of insurance, the Board need to consider if it is proper for the employees to go to personal expense to do Town Business. Alderman Welsh moved, seconded by Alderman Gardner, that the \$100 reimbursement be approved for the use of a private vehicle, and that the interim policy be adopted as presented, with Town Manager working with Town Attorney and reporting back to the Board on January 13, 1975. Said motion was unanimously carried.

Surplus Town Property--  
Disposal

Town Manager Kendzior said that the various Town departments have listed 22 items as expendible. Alderman Smith suggested that the cars on the list be donated to Chapel Hill schools for shop training. Town Attorney Denny said that there is a wide range in disposition of property in both Town Charter and General Statutes, and the Board needs to consider which method to use. Mayor Lee said that he would like to give anybody a chance to bid on the items; he proposed that sealed bids be used. Town Attorney Denny said that the Board can require an informal sealed bid without a bid bond. Town Attorney Denny read the following resolution:

RESOLUTION AUTHORIZING THE DISPOSAL  
OF SURPLUS PERSONAL PROPERTY

WHEREAS, Article 12 of G. S. 160A, and Section 4.144 of the Charter of the Town of Chapel Hill, authorizes the Town to dispose of surplus personal property, and

WHEREAS, the Town desires to dispose of certain articles of personal property, no longer needed for Town purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

SECTION I

That the following articles of personal property are hereby declared surplus property:

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| Department<br>Account | Article   | Quantity                    | Estimated<br>Unit Value |
|-----------------------|---|-----------------------------|-------------------------|
| 10-550                | Ohdner Electric Adding<br>Machine   | 1                           | \$ 10.00                |
| 10-550                | Smith Corona Electric<br>Typewriter   | 1                           | \$ 10.00                |
| 10-550                | Thermofax Copying Machine   | 1                           | \$ 25.00                |
| 10-550                | Large pile of scrap<br>steel, iron, & cast<br>iron  | plus or<br>minus<br>10 tons | \$200.00                |
| 10-510                | Wrecked 1973 Dodge<br>Police Car  | 1                           | \$ 30.00                |
| 10-512                | Duncan Dual Head Parking<br>Meters  | 100                         | \$ 50.00 each           |
| 10-512                | Rockwell Dual Head Parking<br>Meters  | 39                          | \$ 10.00 each           |
| 10-512                | Duncan Single Head Parking<br>Meters  | 4                           | \$ 25.00 each           |
| 10-512                | Rockwell Single Head<br>Parking Meters  | 5                           | \$ 5.00 each            |
| 10-580                | 1963 Chevrolet Truck, Cab<br>& Chassis (No Transmission<br>or rear end gears)                 | 1                           | \$25.00                 |
| 10-595                | 3/8" Drill Motor  | 1                           | \$ 5.00                 |
| 10-595                | 50 foot mechanic's drop<br>cord lights  | 3                           | \$ 6.00 each            |
| 10-595                | Alemite Electronic Wheel<br>Balancer  | 1                           | \$50.00                 |
| 32 810                | Lewis Allis Electric Mo-<br>tors 3 H. P.  | 2                           | \$75.00 each            |
| 32-810                | Electric Pump Motors,<br>5 H.P.   | 2                           | \$75.00 each            |
| 32-810                | Baldor Electric Motors,<br>1 1/2 H.P.   | 2                           | \$100.00 each           |
| 32-810                | Yeoman Brothers Sewer Pumps 2<br>1465 R.P.M. with<br>General Electric Pump<br>Motors, 20 H.P. | 2                           | \$150.00 each           |
| 32-810                | 4" Sewer Pumps with 5 H.P.<br>Electric Motors   | 2                           | \$300.00 each           |
| 32-810                | Hydromatic 4" Sewer Pumps<br>Model # 40 M.P.D.  | 2                           | \$1000.00 each          |
| 32-810                | Waste Treatment Sludge Bed<br>accessories: karts,<br>tracks, turntables                       | 1 set                       | \$300.00                |



|        |  |   |          |
|--------|--|---|----------|
| 32-810 | 1958 Ford f800 Truck, 5-<br>speed, with fifth<br>wheel | 1 | \$700.00 |
|--------|--|---|----------|

|        |                                  |   |          |
|--------|----------------------------------|---|----------|
| 10-610 | 1967 Volkswagon Station<br>Wagon | 1 | \$ 50.00 |
|--------|----------------------------------|---|----------|

SECTION 2

That the Town Manager be, and he is hereby authorized to dispose of any and all of said articles according to the applicable procedures by soliciting sealed bids thereon with no bid bond being required.

This the 16th day of December, 1974.

Alderman Smith moved, seconded by Alderman Gardner, that the resolution be adopted as read. Said motion was unanimously carried.

Human Services Department  
--\$200 Discretionary Fund

Alderman Rancer said that he request that the Board contribute \$200 so all elderly persons can participate

in outings sponsored by the Council on Aging. He feels that the Town should make the money available, to be dispensed through the Council on Aging, Department of Human Services, or the Department of Social Service. Alderman Welsh said that she has talked with Ms. Bernice Hopkins, and has been told that the Council on Aging has a minibus, in which participants can take occasional trips. The Recreation Department rents large buses for its trips. She said that she would like to recommend that the discretionary fund be used for either the Orange County Council on Aging participants or Recreation Department Participants, with funds to be handled by Town Manager. Town Attorney Denny said that the ordinance can appropriate funds to an agency, with Town indicating informally how the funds are to be spent. Alderman Welsh moved, seconded by Alderman Rancer, that the following ordinance, appropriating \$200 to the Department of Human Services to be used specifically for elderly citizens, 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)    | \$32,586        | (\$200)                  | \$32,386     |
| 10-610-04 (Human Services) | \$13,100        | \$200                    | \$13,300     |

SECTION II

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

This the 16th day of December, 1974.

Said motion was unanimously carried.

Right Hand Turns on Red--  
Ordinance

Alderman Cohen said that the Town has had a previous ordinance allowing right turn on red signals at several intersections. This ordinance will permit right hand turns on red after the state ordinance expires. The Police Chief sees no problem with continuing the right hand turns. Town Attorney Denny said that it is not necessary to state a time limitation in the ordinance, since state law will automatically prevail. There are technical problems with the ordinance covering state roads, but the matter does not need to be considered now. Alderman Gardner asked whether there would be a problem if an accident occurred on a state controlled road while making a right hand turn on red. Town Attorney Denny said that it would be no more a problem than now exists with the state ordinance. Alderman Cohen moved, seconded by Alderman Marshall, that the following ordinance be adopted:

O R D I N A N C E

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that the first paragraph of Section 21.8 (D) of the Code of Ordinances, Town of Chapel Hill, be amended to read as follows:

- (D) Except at designated no turn intersections, any vehicle, after coming to a complete stop for a red light facing the vehicle, may make a right turn after yielding to pedestrians and other vehicles. At the following intersections, designated as no-turn intersections, where a sign reading "No Right Turn on Red After Stop" is properly erected, vehicles may not make a right turn against the red light.

SECTION II

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

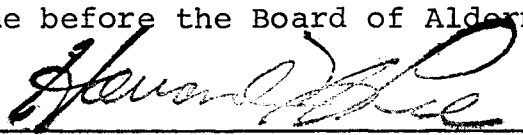
This the 16th day of December, 1974.


Said motion was unanimously carried.

Water and Sewer Authority

Mayor Lee announced that County Commissioners Garrett and Pinney have been appointed from County Commissioners to consider the matter. He proposed that Aldermen Cohen, Rancer, and Smith serve with the Mayor, and Town Manager to meet with the County representatives and to report back to the Board on January 6, 1975; other Board members may attend meetings. Alderman Welsh moved, seconded by Alderman Gardner, that the appointments to Water and Sewer Authority deliberation committee be approved as presented. Said motion was unanimously carried.

There being no further business to come before the Board of Aldermen, the meeting adjourned at 11:15 p.m.

  
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Mayor

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