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MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR  
AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE  
MUNICIPAL BUILDING, MONDAY, JANUARY 20, 1975 AT 7:30 P.M.

The Board of Aldermen met for a public hearing, followed by a regular meeting, on January 20, 1975 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.

PUBLIC HEARING

Charter Commission Recommendations

Mayor Lee said that the public hearing has been called to consider the proposed changes to the

Charter of the Town of Chapel Hill under authority of Part 4, Article 5, of Chapter 160A of the North Carolina General Statutes. The Charter Commission is reserving the right to reconsider the recommendations after the public hearing. Mayor Lee explained the procedure to be followed at the public hearing. Mr. Joe Nassif, chairman of the Charter Commission, introduced the members of the Charter Commission present: Ms. Barnes, Ms. Cleaveland, Mr. Corum, Ms. Hayman, Mr. Holton, Mr. Howes, Mr. Morris, Mr. Scroggs, Mr. Thorpe and Mr. Wettach. The Charter Commission was assisted in its deliberations by Town Attorney Denny and by Mr. Jake Wicker of the Institute of Government. Mayor Lee presented the following proposed changes and recommendations for consideration at the public hearing:

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
2. 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; or
3. An ordinance amending the Charter of the Town of Chapel Hill to provide for a Board of Aldermen consisting of eight members who shall serve two-year terms or
4. An ordinance amending the Charter of the Town of Chapel Hill to provide for a Board of Aldermen consisting of six members who shall serve two-year terms.

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

Mayor Lee said that the first alternative has been recommended by the Charter Commission and the other alternatives have been inserted at the request of members of the Board, so all possible makeups of the Board of Aldermen could be considered at the public hearing. Mayor Lee asked for comments supporting or objecting to these recommendations. There were none. Alderman Cohen said that he supports the

first two alternatives. He approves increasing the size of the Board to eight members and in principle favors two-year terms, since he feels that four years is too long a commitment; Board members who do their job effectively would be re-elected by voters, thus creating continuity on the Board. Alderman Cohen said that he proposed the second alternative, with the persons running for two-year terms being elected separately, to give those persons a chance to serve on the Board of Aldermen who do not wish to commit themselves for four years. If the second alternative is defeated, he will support the first. Alderman Marshall said that she is appalled about the lack of public support at the public hearing and expressed her appreciation to Charter Commission members for their work. Alderman Rancer said that he agrees with Alderman Marshall, and suggested postponing the public hearing to another date, so that it could be publicized more widely to receive better citizen input. Alderman Smith asked whether there will be another public hearing after the final Charter Commission recommendations are received. Town Attorney Denny said that the public hearing was called to receive public input before the Charter Commission made its final recommendations and to comply with the legal requirement of holding a public hearing before certain types of ordinances are adopted. Alderman Smith said that he agrees with Alderman Rancer about holding another public hearing, since public input is not being received. Mr. Nassif said that all of the Charter Commission meetings have been public, with the last meeting being held on Tuesday, January 21, 1975; there has not been a great deal of citizen attendance. Mayor Lee said that Charter Commission has deliberated for a long period of time, and the date for the hearing was set at a time that would be convenient for all segments of the community; he does not think that there will be more input at a later hearing. Dr. Gertrude Willis said that she would like to support the first alternative, but she is concerned about the possible difficulty of getting eight persons to fill Board positions, for four-year terms, since there were not very many candidates at the last Board election. Mayor Lee said that local government is becoming very time-demanding, and that the deciding factor for persons running for the office may be the intensity of the job and not the length of term. Alderman Gardner said that setting the Town budget is the most important matter that the Board has to decide, and it is necessary to consider whether two-year terms would give persons enough experience in this regard. Mr. Holton said that the Charter Commission members who are also past Board of Aldermen members felt that it is necessary to build up an understanding of budget and several other matters and that, also, with two-year terms there would be the constant pressure of running for office, for which the costs are going up. A four-year term would provide a two-year learning period, with two-year active involvement in the Board activities, and also create a good turnover of Board members. Alderman Cohen said that he agrees about the campaign costs, but this could be reduced if Board members were elected from districts. He agrees with Alderman Gardner about needing two years to become familiar with setting the Town budget, but he also feels that if a Board member has done a good job, then he will be reelected and job continuity would be provided. Dr. H. Willis said that he feels that persons serving on the Charter Commission have had experience with governmental affairs, and that the silence from public is an indication of confidence in its recommendations, and not an indication of indifference.

Mayor Lee presented the following proposed changes and recommendations for consideration at the public hearing:

1. 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.

- 2. 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.

Mayor Lee asked for comments supporting or objecting to these recommendations. Mr. Thorpe said that he is opposed to a four-year term for the Mayor; he feels that Chapel Hill is a transient community and the Mayor should be a two-year term. He said that he has sent out about 200 letters requesting comments from citizens, and the comments received indicate confidence in the Charter Commission recommendations. Mr. Don McChesney asked for a summary and for the reasons of the proposed Charter Commission recommendations. Mr. Nassif said that the Charter Commission was divided into two subcommittees, one considering the Board of Aldermen and Mayor, and the other considering the planning process. The chairmen of these two subcommittees can give a summary of their recommendations and discussions. Alderman Cohen said that the Charter Commission meetings have been publicized, and minutes from these are available to the public; the Charter Commission recommendations have been distributed to members of the press. Regarding the Board of Aldermen, the first alternative was recommended by the Charter Commission and the other alternatives were added by members of the Board of Aldermen so all possible alternatives could be considered at the public hearing. Mayor Lee said that the Charter Commission has considered the Town Charter in its entirety and is recommending a number of minor changes and rewording; the items considered at the public hearing are the most important changes. The Charter Commission talked to members of the Town government, staff, members of other legislative bodies, and Institute of Government experts, and decided that the Town has grown enough to support the expansion of the Board of Aldermen to decrease the individual work load, with four-years terms being the best to allow Board members sufficient time to learn their jobs. The other proposals were added for the public hearing so all the possibilities could be considered by the public. Charter Commission also compared the demands on the Mayor in the past, present, and in the future; both he and former Mayor Sandy McClamroch have indicated that the Mayor never has time to settle down to establishing himself as a true head of community, since he is continuously running for office. Mayor Lee said that he personally prefers the four-year term, and feels that most Mayors will run for a second term. Mr. Paul Morris, chairman of the subcommittee considering the Board of Aldermen, said that he agrees with Mayor Lee's explanation of the recommendations. The committee felt that the Mayor's job is becoming very demanding and complicated, with responsibility for contact with federal, state and other local governing bodies, which demands experience. The position of the Mayor is significant, and an individual should be able to practice his knowledge for more than two years, although he can appreciate the point of view for a two-year term. Mr. Harvey Bennett said that he is opposed to any two-year terms on the Board of Aldermen, and feels that six members are enough, since increasing the number of members would also increase the length of meetings. Dr. Gertrude Willis said that she supports four-year term for Mayor, since she realizes how necessary it is to have continuity and knowledge; she also supports granting Mayor the right to vote on all issues. Alderman Cohen said that Mayor has been elected to a two-year term for the past seventy-five years; he feels increasing the term to four years is a mistake since two thirds of the Town's registered voters have been registered for less than four years. The advantages of a two-year term outweigh the disadvantages. He said that he also does not agree that the Mayor should be limited to two terms, since this decision should be left up to the office holder and the voters. Alderman Smith said that he has served on the Board of Aldermen longer than any other member, and in this time the Mayor has gone from a ceremonial position to a very active position. There is a need for

continuity in dealing with federal and state governments. Mr. Nassif said that the Charter Commission considered several proposals and recognized that the availability of time is a very large factor in running for the Board of Aldermen or Mayor; it wished to continue part time positions, and for this reason recommended that the number of members of Board of Aldermen be expanded. This recommendation is not unanimous, but is supported by the majority of the Charter Commission members. The Charter Commission decided that it did not wish to have fully employed, fully paid elected officials. Mr. Merrit, a native of Chapel Hill, said that he supports a four-year term for the Mayor, since this will give him an opportunity to get more involved with programs and not have to justify them to a transient electorate. He said that he feels a two year term for Mayor is disruptive. Mayor Lee asked Charter Commission's rationale on how it arrived at recommending the vote for the Mayor. Mr. Morris said that the committee felt that a responsible position such as the Mayor carried with it the requirement that citizens know where the Mayor stands on issues; giving the vote to the Mayor would strengthen his responsiveness to citizens. Mr. George Spransy said that he feels it is not necessary for Town residents to know where the presiding officer of the Board of Aldermen stands on every issue. Mayor Lee said that at the present time the Mayor may vote only to break a 3-3 tie vote or to appoint persons to boards and commissions in case of a tie vote. This practice causes residents to turn against the Mayor if they disagree with the vote; if the Mayor were voting on every issue, there would be no tie, and the appointment to boards and commissions would be done by a secret vote by everybody. Alderman Marshall said that she supports the idea of responsibility of the Mayor, but asked what would happen in case of a tie vote with the Mayor voting. Mr. Nassif said that in that case the Board would take no action and the matter could be revoted at a later meeting; the Charter Commission is recommending that five votes are needed to take action. Alderman Cohen said that in Raleigh the Mayor votes on all issues with a seven member Board of Aldermen, and there are few cases where the vote is tied.

Mr. Nassif said that the Charter Commission is also making the following recommendations:

#### IV. Recommendations Not Requiring Charter Changes

##### A. Board of Aldermen

1. Clear definitions should be developed to distinguish between legislative and administrative functions, with objective of helping the Board to concentrate on legislative matters.
2. Guidelines should be developed as an assist to the Board in budgeting its meeting time and in attaining greater efficiency in conduct of legislative matters.
3. The Board of Aldermen should review all of their committees in terms of their value to the Board as on-going committees; that if the Board of Aldermen determine that a committee's value is not sufficient to retain it as an on-going committee, it should be eliminated; and that the Board of Aldermen appoint task forces, or specific committees to perform specific tasks and to forward their recommendations to the Board of Aldermen.
4. Consideration should be given to making the Community Appearance Committee a sub-committee of the Planning Board with all its duties and responsibilities.

5. The Recreation Commission, appointed by the Board of Aldermen, should be advisory to the Director of Recreation, that the Recreation Director and the Recreation Department be directly responsible to the Town Manager, that the advisory board be appointed by the Board of Aldermen, and that the responsibilities of the advisory board be determined by the Board of Aldermen.

Mr. Nassif said that the planning process was considered by a subcommittee chaired by Ms. Hayman. Mayor Lee asked for comments from opponents or supporters of the recommendations. Ms. Anne Barnes said that she opposes the recommendation that Recreation Commission be advisory to the Recreation Director, since, if citizens' input is to be made effective, it has to be in policy making. Ms. Hayman said that the following recommendations on planning process are based on the adoption of a long-range development plan by the Board of Aldermen:

- II. That the following planning matters be determined by the Board of Aldermen after Public Hearings and recommendation by the Planning Board:
  - A. Adoption of the Long-Range Development Plan:
  - B. Additions or alterations to the Long-Range Development Plan; with full review every three years;
  - C. Rezoning requests;
  - D. Approval of initial application for Special Use Permits, dealing with land use and general concept of plans for development;
  - E. Major modification of Special Use Permits -- that is, modifications affecting land use or general concept of development.
  - F. That the Planning Board will be required to make a written impact statement analyzing the effects of the said proposal upon achieving the official Long-Range Plan.
- III. A. That the following planning matters be decided by the Technical Review Committee:
  1. Subdivision approval;
  2. Minor modification of special use.
- B. That the following planning matters be decided by the Planning Board after receiving recommendations from the Technical Review Board.
  1. Certification of final and detailed plans for Special Use, in accordance with stipulations and requirements of approval.
- IV. That the following structural changes be made in the planning agencies:
  - A. A Technical Review Committee be formed, chaired by the Director of Urban Development and including also the Chief Planner, Chief of Inspections, and Director of Public Works and Engineering.
  - B. The planning duties of the Appearance Commission be incorporated in the functions of the Planning Board.
- V. That the Board of Aldermen move to have the standing Zoning Ordinances rewritten.

Mayor Lee asked for comments from opponents or supporters of the recommendations. The following letter was entered into the record:

Saturday, January 18, 1975

Board of Aldermen  
Town of Chapel Hill  
Chapel Hill, N.C.

Ladies and Gentlemen:

Since my occupation takes me to an out-of-state meeting at the time of the public hearing on proposed charter commission changes, I ask that you consider my concerns on these issues as stated in this letter.

We need to preserve as effectively as possible the Town Manager form of government that has worked so successfully in Chapel Hill for many years. The changes in the length of terms and number of members of the Board of Aldermen would not vitally affect this. While I would prefer to leave the Board membership and terms as they are at present, I am not greatly concerned over these proposed changes. Similarly, I would prefer to have the term of the Mayor remain on a two-year basis, since this appears to make the holder of this office more responsive to his electorate.

But the truly significant proposed change is No. Three, which would "provide that the Mayor has the right to vote on all matters before the Board." I interpret this to mean that the Mayor would be required to vote on all matters, just as an alderman is, except in an instance of conflict of interest. This proposal would basically change the nature of the Town Manager form of government we have in Chapel Hill and is one that I most sincerely hope will not be adopted.

Most important, it basically would tend to make of the Mayor another alderman, and remove him from the position of spokesman for the Town. In addition, it would make the presiding officer a direct action party on all issues, eliminating him as an impartial presiding chairman.

There is a careful three-way balance in the Town Manager form of government--Board, Mayor, and Manager. For the protection of the Manager as a non-political professional, insulated from political pressure, it is important to keep this balance. To require the Mayor to vote would eliminate one part of this balance, while also giving him unnecessary additional authority.

It is my understanding that a number of members of the Charter Commission also feel that Proposal No. Three should not be adopted. Because the commissioners have studied this matter so long and thoroughly, I wish you would ask their individual opinions at the public hearing on this particular and controversial issue. Their written transmittal to you last fall did not detail their sentiments.

It is argued that to give the Mayor the vote would simply put him on record on the issues. In response to this, I suggest that the Mayor can be put on record by his own initiative any time he chooses, or he may be put on record any time before, during, or after Board discussions by any aldermen, citizen, or member of the press simply asking his opinion. The position of the Mayor as a distinct and separate party presiding over the Board is one of powerful influence and prestige by design of this plan of government. The Mayor has all the authority he needs within the deliberate design of the excellent Town Manager form of government now provided by our charter.

I am hopeful that you members of the Board of Aldermen will not diminish your authority by the subterfuge of an un-necessary and truly detrimental change.

Respectfully and appreciatively yours,

Roland Giduz

325 Tenny Circle  
Chapel Hill, N.C.

325 Tenny Circle  
Chapel Hill, N. C.  
Saturday, January 25, 1975

Board of Aldermen  
Town of Chapel Hill  
Chapel Hill, North Carolina

Ladies and Gentlemen:

Enclosed is a copy of a letter which I mailed to you last Saturday, January 18, to be presented at the public hearing held last Monday, January 20.

It was necessary to present this statement by mail because my job required that I be out of the state on that date. On my return I talked with Aldermen Alice Welsh and Sid Rancer and learned that the letter had not been presented at the hearing and that they had not seen it. I asked Town Manager Kendzior about the matter and he told me that the letter was received on Monday, January 20, by him, and was duplicated and given to the Aldermen with other materials presented to them before the public hearing that evening. Since it is apparent that the Board members failed to receive this statement for the hearing, I respectfully ask that it be received as a written petition at your meeting of January 27 and that you give it consideration in your future deliberations on the very important issue of changes in the Charter of the Town of Chapel Hill.

Yours truly,

Roland Giduz

Mayor Lee said that the Charter Commission will meet to consider all matters heard at the public hearing, and certain matters will be referred to the Planning Board later. He thanked Mr. Nassif and members of the Charter Commission for their work. Mayor Lee recommended that when Board receives the final report from the Charter Commission, an implementation team be appointed to include the chairman of the Planning Board, Chairman of Charter Commission, Mayor, two or three members of the Board of Aldermen, and Town Manager to put the recommendations into effect. Alderman Smith asked whether official action is needed at this time. Mayor Lee said that the Charter Commission has reserved the right of review and will present the final report at a later date. The public hearing was adjourned at 8:45 p.m.

REGULAR MEETING

Minutes of January 6 and 13, 1975

Alderman Gardner said that the minutes of January 6 and 13, 1975 incorrectly indicate that Mr. Richard

Helwig resigned from Recreation Commission; his term expired on December 31, 1974. Alderman Welsh moved, seconded by Alderman Gardner, that minutes of the meeting of January 13, 1975 be approved as corrected. Said motion was unanimously carried.

Agenda Additions

Mayor Lee petitioned the Board to place on agenda consideration of a

resolution establishing the Bicentennial Commission and appointing members to it. Alderman Gardner petitioned the Board to place on the agenda consideration of a resolution regarding Recreation Department's budgetary requests. Alderman Welsh moved, seconded by Alderman Smith, that the petitions be received and the items placed on

agenda under item 7. Said motion was unanimously carried. Town Manager Kendzior petitioned the Board to place on the agenda consideration of acceptance of grant offer from EPA. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and placed on agenda under 7d. Said motion was unanimously carried.

Restaurant and Bar Exits--Report

and rectify potential dangerous situations in restaurant type business establishments Fire Chief E. Lloyd said that Mr. Friedman's report mentions five establishments by name as not being safe because of only one exit or the exits opening inward. On investigation it is shown that the Bacchae has two exits, although there is a fire door between the two that will close off; this matter will be corrected. Clarences meets State Building Code standards for establishments that are limited to less than 50 people, which do not require that doors open outward; a problem of too many people on premises has been observed and the manager has agreed to trying to limit the number. Fire Chief Lloyd said that he feels that doors should swing outward in all public places. Town Attorney Denny said that it is the bar owner's responsibility to keep the number of persons on premises down to legal requirements; if the owner wishes to expand, then the premises must be modified. Alderman Smith asked whether the information has been sent to the bar owner in writing. Fire Chief Lloyd said yes. He said that The Rat has three exits, but it has been recommended that another exit sign be put up. The Tavern has a second exit in back. The fire inspector has surveyed every restaurant and bar in town, a total of 75 places, and ten violations to the building code were found; all of these are promised to be corrected within ten days. Fire Chief Lloyd said that he is concerned that all places serving alcoholic beverages have more than one exit, and all public buildings should have doors swinging outward; he said that he feels the Board should act on this. Mayor Lee suggested that Fire Chief catalogue his recommendations and discuss them with Town Manager, with Town Manager bringing them to Board for review. Fire Chief Lloyd commended Mr. Friedman for his interest.

Mayor Lee said that the Board has received a request from Mr. Robert Friedman that the Board investigate

Mayor's Task Force on Day Care

ble three-month extension. He requested that the Board grant an extension to March 15, 1975. Alderman Smith moved, seconded by Alderman Welsh, that the Mayor's Task Force on Day Care be extended from January 23 to March 15, 1975. Said motion was unanimously carried. Alderman Cohen said that the Task Force has discovered the possibility of a 100% federal grant under Title IV of Social Security Act for Child Welfare Specialist, and requested that Town Manager be instructed to investigate this grant possibility. The applicant has to be a public agency. He said that the position would be included in the Department of Human Services. Alderman Marshall moved, seconded by Alderman Gardner, that Town Manager be instructed to investigate this grant possibility, with a report back to the Board. Said motion was unanimously carried.

Alderman Cohen said that Mayor's Task Force on Day Care was created to January 23, 1975, with a possi-

Chapel Hill Transit Operations and Maintenance Facilities--Report

1974, the Board raised the following questions about the use of the Plant Road site for the maintenance and operations facility: 1) the high cost of site preparation, 2) the possible adverse affect of increased storm runoff into Bolin Creek; 3) an apparent inconsistency with the Town's policy of discouraging building in floodplains, and 4) the questionable suitability of the proposed use of the site.

Mr. Mike Jennings, Director of Planning presented a study of alternate sites and showed them on a map. He said that on December 9,



On December 16, 1974 the Board approved UMTA grant amendment with stipulations. On December 20, 1974 the staff met with UMTA representatives, and the following were brought out: 1) approximately one year would be required to affect a change in site under the grant if the Town wished to do so; 2) regardless of the site to be used, the Town should request full 80% federal funding on all site improvements clearly associated with the transit facility; and 3) under no circumstances would UMTA amend the grant to absorb increased building costs caused by delay and inflation. The staff investigated the desirability of staying with the Plant Road site and considered a number of other possible alternate sites. An initial selection of 18 alternative sites was accomplished using five criteria, and the initial selection was narrowed to seven by eliminating those which have general topography of over 10% slope and which are more than one half mile from available sanitary sewer connections. The seven study sites are located on Culbreth Road, Airport Road, Plant Road, Conner Drive, Ephesus Church Road, Legion Road West and Legion Road East. Concerning land use, the seven sites were analyzed according to eleven criteria, and it was concluded that four of the alternative sites are better suited for the transit operations than the Plant Road site. Three additional concerns related to the plant Road site have been raised: 1) the effects of additional runoff into Bolin Creek caused by proposed pavement on the site, but it has been calculated that if all circulation and parking areas proposed on the site were paved, the increased runoff would amount to 1-0.2% of current runoff into Bolin Creek if nothing were paved; 2) the extent to which the floodplain is affected by the proposed construction, but this is considered to be minimal, since it is required only to bring the operations and maintenance facility itself above the flood protection level on the very edge of the floodplain; and 3) possible non-conformity with the Town's Floodway Ordinance, but the only structure proposed which is not specifically allowed under Section 5-52, Permitted Uses is the proposed bridge across Bolin Creek which is permitted under Section 5-53-C, Artificial Obstructions. Concerning financial aspects, capital costs to Town on the seven sites range from a credit of \$9,200 for Plant Road site to additional requirement of \$48,960 for Conner Drive site. The Plant Road site, since it is already owned by Town, will allow Town to claim \$75,000 land credit. The non-productive operating costs range from an estimated \$37,960 per year for the Plant Road site to \$73,280 per year for the Culbreth Road site. The following intangible costs are associated with an alternative site: 1) an estimated delay of at least one year to amend the UMTA grant to reflect a change in site and the construction costs escalations associated with that delay; 2) excessive maintenance costs while the transit system must contract out major work and/or provide a less than acceptable level of preventive and corrective maintenance to insure maximum longevity of equipment; 3) uncertainty as to the availability or land cost of the alternate sites; 4) the cost associated with the prolongation of substandard employee working conditions at the Plant Road site; and 5) uncertainty that UMTA will definitely fund 80% of all development costs. The following intangible costs are associated with the Plant Road site: 1) uncertainty as to availability or cost of obtaining short easement from abutting property owner in order to construct bridge and access to Estes Drive; 2) difficulties associated with constructing new facilities at the same time that both DPW and transit operation continue operations on the site; 3) uncertainty of results of test borings for subsoil conditions; and 4) uncertainty that UMTA will definitely fund 80% of all development costs. The planning staff draws the following conclusions and makes the following recommendations:

1. With respect to the eleven criteria applied by the planning staff to the seven sites, four of the six alternatives are indicated to be better choices than Plant Road. One in particular appears to have marked advantages over Plant Road and few disadvantages.
2. With respect to finances, the Plant Road site, although requiring a comparatively high outlay in site development costs, in fact results in a lower capital cost to the Town because of the land credit. This cost advantage in and of itself is not terribly great - a difference of about \$40,000 relative to what currently appears to be the best alternative site. However, the uncertainty of availability and actual costs of the alternative sites and the very real though unquantified costs of delay are believed to weigh very heavily in the balance.
3. With respect to the more immediate land use concern expressed about the Plant Road site, the intrusion into the floodplain is very minor, the increased runoff into Bolin creek is calculated to be minimal, and the Town would be in full compliance with the 1971 Floodway Ordinance provisions were it to proceed with the development of the site as proposed.
4. Although there are several elements of uncertainty which cannot at this time be resolved for either the Plant Road site or any of the alternative sites it is believed that all available information considered, the Town should proceed with development of the Plant Road site and the staff so recommends.

Mr. Jennings said that the Planning Board felt that the financial and operational considerations were more appropriately a matter of the Transportation Advisory Committee and did not base its recommendation on this part of the analysis. It questioned the use of the Plant Road site, as a whole, as appropriate for industrial use because of its location partially in the Bolin Creek floodplain, traffic problems and conflict with abutting land uses. The Planning Board recommends by a vote of six to two that, based on the site analysis of alternative sites for the transit maintenance and operations facilities, the Airport Road site be selected. Mr. Jennings said that the Transportation Advisory Committee voted unanimously at their January 9, 1975 meeting to convey to the Board the following statement:

"The Transportation Advisory Committee understands and is sympathetic to the reasons for seeking a site other than Plant Road, and respects the concerns and findings reflected by the action of the Planning Board.

However, after weighing the advantages and disadvantages of the alternate sites, and recognizing that the selection of one of the alternates to the Plant Road site will delay the construction of our adequate maintenance facility for a period estimated at, at least, one additional year, and recognizing that the current primitive maintenance facility contributes to:

- excessive maintenance cost
- deterioration of equipment
- substandard employee working conditions
- recognizing that the alternate sites all result in both higher immediate capital outlay and increase annual operating cost

The Transportation Advisory Committee urges the Board of Aldermen to proceed with the submission of the capital grant application incorporating the Plant Road site as soon as possible."

Alderman Cohen said that in regard to the financial aspects, it appears that additional local share will be needed if the Airport Road site is chosen, with operational costs also being increased. The Board needs to consider that 1975 costs are used for the Grant amendment, and UMTA will not provide additional funds to offset inflation. He said that he likes the way that the land use rating was prepared, but said that the rating can be made to appear more favorable for Plant Road site by assigning different values to the various criteria. He said that he feels the Airport Road site is slightly better, but that Town cannot afford the delay. He concurs with the TAC recommendation. In response to questions from Alderman Gardner, Mr. Jennings said that the study considered only the aspect of the Transportation Department, and the Plant Road site allows for the expansion to 60-65 buses. Mr. Joseph Rose, Public Works Director, said that the Department of Public Works will need additional material storage space in 10-15 years, at which time substations may be set up; this estimate is based on the projected growth of Town as estimated by the Planning Department. In response to questions from Alderman Gardner, Mr. Jennings said that staff considered a proposed use of the Plant Road site for recreation, but did not consider Sternloff report as such. The staff felt that the relocation cost of DPW would be prohibitive. He said that in determining the estimated cost for other alternative sites, local realtors gave estimated market values for five acres at the various locations. In response to questions from Alderman Gardner, Mr. Rose said that the Plant Road site has several sewer lines through the south end that would be adequate for the proposed facility. Alderman Welsh asked whether the facility might be served adequately by septic tanks. Mr. Rose said that large amounts of water are used for washing the buses and a recycling system might be set up with a sewer line that would recycle some of the detergent; also additional discharge is received from DPW. EPA has a requirement that contaminated water, such as from car washes, not be put into streams; this requirement is not retroactive for existing facilities. Mr. Jennings said that the staff started considering the alternative sites immediately after the December 16, 1974 Board meeting; the proposed structures are the same for all sites. Mr. Werner Hausler, architect for the project, said that the construction material for the structure has not yet been determined, but that the building is intended to be very functional. Alderman Welsh said that she approves of the report, but feels that the Board needs to consider the possible use of the site for recreational purposes. The Floodplain Ordinance of 1973 which indicates the Board's intent of protecting the floodplain, created RFP district, which requires six acres of land per single family dwelling, since each element built into the floodplain compounds the problem of flooding. The Planning Board minutes reflect that the members did not feel that industrial use of the site is best, and recommended the Airport Road site as the best choice. Regarding the site comparison of land use criteria, Alderman Welsh said that she feels any site located in floodplain should cause its rejection. It is difficult to compare the costs of capital improvements and of proposed operational costs, but Table 1 of the report indicates that the site preparation of Plant Road site is \$90,200 more costly than the next highest figure; the other cost differences are not large, and overall operational cost differences are not large. Considering the cost of replacing the DPW, it can even be shown that it would be to Town's advantage to relocate, since tradeoffs also need to be considered. The conclusions presented in the report can be interpreted to show that the Plant Road site is the least desirable, since the financial costs are not so different. Alderman Welsh said that she considers the intrusion into the floodplain very serious, since it would not be in agreement with Board's intent. She said that she sympathizes with TAC report of the increased costs of maintenance and difficult working conditions, but the working conditions are not ideal in some of the other Town departments either. Town can acquire another site, retaining the existing buildings on the Plant Road site for other uses. If a sufficiently large site is located, it could be put to a number of other uses besides housing Transportation Department and DPW. She said that the Board must consider

this an extremely major decision and needs to consider all aspects of the matter. Alderman Smith asked whether the Board has authority to condemn land for the bus facility. Town Attorney Denny said yes. The Town can use the quick-take procedure in which Town gets title to the land after appraisals, negotiations, petition of declaration of intent, and depositing of money; this procedure has been questioned in courts in other communities. Traditionally, Town files a petition with 30-day response time, commissioners are appointed who make an award, and deposit is made in court, after which Town has the legal right to proceed with construction, although the legal possibility still exists that Town's right to condemn will be questioned. Alderman Smith said that he feels considering an alternate site will prolong the situation of the unfavorable working conditions of the bus employees. The Board needs to consider that the bus system employees may walk off the jobs, because of the undesirable working situation. He said that the Airport Road site has been considered in the past for landfill use, and he feels that the owner would go to court if the land were condemned. He said that he supports the recommendations of staff and TAC. Alderman Marshall said that she feels the Transportation Department and DPW need to be considered together. She feels that the amounts of money required in delaying the construction, for additional maintenance costs and deterioration of new buses are very important. Town is not in compliance with personnel standards for bus employees. She said that she does not wish to go against land use, but Town needs to make a quick decision. At the TAC meeting the possibility of building a temporary facility for bus system employees, if a new site were chosen, was brought up. Alderman Marshall said that she feels the concern with the existing working conditions outweighs land use. Alderman Smith asked whether the staff is considering the Plant Road site for recreational purposes in its long range plans. Town Manager Kendzior said no; the site is considered as joint facility for DPW and Transportation Department in the long range capital improvement program plan that is now being prepared. Dr. Marvin Silver, Chairman of Transportation Advisory Committee, said that Town cannot have a stable bus system without a maintenance facility. He said that he agrees land use is important, but the existing working conditions are very difficult and probably illegal. The Board needs to make a decision on the matter as soon as possible. If the construction is delayed, a temporary facility will be needed. Mr. Jonathan Howes, chairman of Planning Board, said that the Planning Board advises that an alternative site be considered, since the Plant Road site's industrial zoning is inappropriate. Mayor Lee said that the question is good land use management and policies as opposed to meeting strong human needs, and he feels human needs need to take priority. He said that he recognizes the difficulties with the Plant Road site and is not entirely sure that the Board should make a decision now. He proposed that the Board indicate its intent to provide a facility for bus system employees; establish a search and refinement task force, charged with reporting back to the Board by February 3 or 10, 1975, consisting of Dr. Marvin Silver, Mr. Jonathan Howes, geologist David Dunn, Town Manager or his designate, Town Attorney, Alderman Welsh, an environmentalist, and chaired by the Mayor; that the task force would look at alternate sites included in the site study and others, and if it reports that an alternate site is suited and available for building, Board commit itself to building a temporary facility for use by bus system employees until the grant amendment can be completed; that Town Manager be charged with the responsibility of determining what difficulties may be experienced with UMTA as a result of these various alternatives, with this information made available to Planning Board, TAC, and being a part of the task force report back to the Board of Aldermen; and that on February 10, 1975, Board commit itself to some form of action and a plan that can be implemented and a time table set. Alderman Welsh said that she agrees with this proposal, since it deals with the immediate solution to the existing problems at the Plant Road

site and also considers long range problems. She asked whether Board action is needed now to disapprove the Plant Road site to permit executive sessions for considering alternate sites. Town Attorney Denny said that the Board needs to determine whether it is trying to acquire property or is still considering land use, which is not proper subject for executive sessions. Mayor Lee said that he feels Board should decide this after the task force reports back; he feels that the consideration of the matter should involve a joint facility for the DPW and Transportation Department. Alderman Cohen said that he cannot support the proposal since he does not think that the task force will reach a different conclusion in the matter than has been presented at this meeting. A delay in construction will mean additional costs to Town because of inflation; a choice of another site will mean extra operational costs. Alderman Marshall said that she agrees with Alderman Cohen's conclusions, but thinks it is right to consider all possibilities in the matter. She said that it is important for TAC to define at its next meeting what type of temporary facility is needed to satisfy Town's personnel standards and to allay the maintenance costs of the existing buses. Mayor Lee said that he agrees with Alderman Cohen about the use of Plant Road site for the facility, but it is necessary to investigate all possible alternatives to see if another possibility exists. If Board voted on the matter tonight and a tie vote occurred, he would vote for the Plant Road site, although he does not think the site is a good choice in the long run because of the floodplain problems. Alderman Welsh said that she agrees with building a temporary facility. Dr. Silver said that he personally feels that a few weeks delay is acceptable. He has mixed feelings about building a temporary facility, since these have a tendency to continue indefinitely. Alderman Gardner said that he feels building a temporary facility is worthwhile. He is concerned with the working conditions of the employees, but feels site selection is a major decision to make; he feels the proposed investigation is a good idea. Alderman Welsh moved, seconded by Alderman Gardner, that the task force be created as presented by the Mayor, to search and look for a site for the Transit Facility and Public Works Department and to report back to the Board on February 3 or 10, 1975. Alderman Cohen offered a substitute motion that UMTA be informed that Town will proceed with construction on the Plant Road site. The substitute motion died for lack of a second. Said motion passed by a vote of five to one, with Alderman Cohen opposing. Mayor Lee said that the first Task Force meeting will take place on Wednesday, January 22, 1975.

#### Police Surveillance--Report

Mr. Blake, Assistant Town Manager for Public Safety, said that several weeks ago University officials requested that Town police photograph a group meeting on campus, to discourage marijuana smoking and sale. The meeting was photographed from a distance, and it seems to have solved the problem. Mayor Lee asked why the Town police were asked to assist. Mr. Blake said that the campus police is not equipped or trained for this kind of work. The cameras were set at great distance at several places where the group had met before. The group in question has decided to continue meeting without the further use of drugs. Alderman Cohen said that he feels such surveillance is improper. He has attended one of the meetings of this group, and only about 10% of persons present were smoking. He agreed that law violation should be punished, but said that University does not enforce law violations uniformly, allowing the presence of alcoholic beverages at games. Mr. Blake said that the matter could have been handled differently, but the results would have been the same. The photographs were taken from a distance to avoid confrontation. Alderman Gardner said that the photographs were taken after unanimous consent by all persons attending the meeting at which the decision was made. Alderman Marshall said that she feels a clearer definition of the relationship between the campus and Town police is necessary, and asked that this be done. Mayor Lee said that there are areas where the relationship is unclear; at the present time Town police go on campus during emergencies or when requested by the University officials. Alderman Smith said that the police are now paid time and a half for overtime, and suggested that anyone using Town police should be sent a written

notice of what they should pay. Mayor Lee asked Mr. Blake to discuss the relationships between the two police departments with the Town Manager, after which University will be approached on the matter. He said that the concern exists with photographic surveillance that people's rights may be violated, and suggested that Town police keep a very tight control on this type of situation.

Durham-Orange Manpower Consortium

Town Manager Kendzior reported that of the original proposed 15 positions for Town, four have been approved: construction foreman for Housing Authority, Public Works foreman, animal control officer, and police social worker. These positions are funded for one year and are not required to be absorbed by Town at the end of this period. Town has requested Manpower Consortium that applicants be sent down for interviews. Mayor Lee said that positions will have to be filled by the end of this week, and suggested that staff consider existing applications on file with the Town. Town Manager Kendzior said that the Housing Authority foreman will assist in the upgrading of private residences and the Public Works foreman will provide building maintenance where needed.

Solicitor's Intern--Report

The Board members were distributed a written report from Mr. Andy Little, solicitor's intern, on his activities for November and December, 1974.

Excise Tax Rebate--Resolution

Alderman Cohen said that the proposed new excise tax for crude oil will increase the cost of the bus transportation fuel. The resolution is an attempt to prevent this cost increase. Alderman Welsh moved, seconded by Alderman Gardner, that the following resolution be adopted:

R E S O L U T I O N

WHEREAS, President Ford has proposed a tariff on imported oil and a tax on the production of domestic oil to reduce consumption; and

WHEREAS, this Board concurs with action to reduce oil consumption; but

WHEREAS, this cost will be passed on to the operating costs of the Town, including the bus system, increasing our budget and reducing service at the same time demand increases; and

WHEREAS, Congress has already exempted local governments from gasoline taxes, NOW, THEREFORE

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

Section I

Congress is encouraged to grant a direct rebate to local governments of all tariffs and excises on oil, so as not to cripple mass transit,

Section II

A copy of this resolution be sent to Congressmen L. H. Fountain and Ike Andrews, Senators Robert Morgan and Jesse Helms, and President Ford.

This the twentieth day of January, 1975.

Said motion was unanimously carried.

Bicentennial Commission--  
Resolution and Appointments

Mayor Lee said that Ms. Ida Friday, chairman of the Bicentennial Commission, met with him, the chairman of UNC bicentennial commission, chairman of School Board, the superintendent of schools and Alderman Welsh to facilitate the schools' response to the various bicentennial activities and to promote learning activities. The commission attempted to include a broad cross-section of the community, and the following persons are recommended for serving on the commission:

Ms. Ida Friday - Chairman, Dr. Don Higginbotham, Dr. Charles Rivers, Ms. Zora Rashkis, Ms. Lillian Lee, Dr. George Bair, Dr. H. G. Jones, Ms. Edith Elliott, Dr. Arthur Housman, Mr. William Thorpe, Ms. Pecolia Hogan, Ms. Velma Perry, Mr. Tom Kenan, Mr. A. C. Robbins, Mr. Joe Augustine, Mr. Jack Casey (to be confirmed), Rev. Charles Jones, Ms. Julia Tenney, Ms. R. L. Hardison, Ms. Nancy Pagano, Ms. Georgia Kyser, Dr. Joe Carter, Ms. McLeod (to be confirmed), Dr. Joel Fleishman, Mr. David Jordan, Ms. Mary Younts, (to be confirmed), Mr. William Heriford, Mr. Henry Brandis, Mr. Wil Blythe, Mr. Bobby Spratt, Mr. Carol Campbell, Mr. Roland McClamroch, Mr. Charles Shaffer, Ms. Pat Faherty, Mr. Len Stanley, Mr. John Lenke. Ex-Officio: Ms. Mary Jane Gardner, Carrboro Representative.

There are openings for three more persons on the commission. The resolution recommends the appointment of not more than three ex-officio members, and it is recommended that Mary Jane Garner, president of the State Bicentennial Commission, and the president of the Carrboro Bicentennial Commission be appointed to two of these positions. Alderman Cohen moved, seconded by Alderman Smith, that the persons be appointed to the Bicentennial Commission as presented, and that the following resolution be adopted:

RESOLUTION TO ESTABLISH THE CHAPEL HILL AMERICAN REVOLUTION  
BICENTENNIAL COMMISSION

BE IT RESOLVED by the Board of Aldermen, Town of Chapel Hill that there is hereby established a special commission to be known and designated as Chapel Hill American Revolution Bicentennial Commission, with the purpose, powers, and membership as hereinafter set forth:

- A. Purposes of Commission. The Bicentennial Commission is established for the purpose of directing the participation of the Town of Chapel Hill and its citizens in the American Revolution Bicentennial celebration of the United States of America, and pursuant to this purpose, shall have the authority to determine the nature and extent of said activities, make appropriate applications for all available public assistance in carrying out such activities, designate the time and place of local activities in connection with said Bicentennial period, and to encourage through all appropriate means public participation therein.
- B. Powers of Commission. The Commission shall have the power to adopt bylaws, establish subcommittees, including an executive committee to assist the chairman, to adopt and present to the Board of Aldermen a budget request in behalf of the Commission to provide assistance in performing the duties of the Commission;
- C. Membership. The Commission shall consist of a chairman and thirty-six (36) members appointed by the Board of Aldermen. Vacancies occurring in said membership shall be filled in like manner after recommendation from the Commission;

- D. Ex-Officio Members. Not more than three ex-officio members may be appointed to said Commission from organizations of similar interest;
- E. The Chairman. The Chairman shall be the official head of the Commission and in addition to the powers which may be conferred upon the Chairman by the Commission shall have the following powers:
1. To call all meetings of the Commission;
  2. Preside at all meetings of the Commission;
  3. Appoint all subcommittees of the Commission;
  4. Act liaison between the Mayor, the Board of Aldermen and the Commission;
  5. Act in the name of the Commission with respect to any application, designation, or event;
  6. To issue public proclamations in the name of the Commission.
- F. Duration of the Commission. The Bicentennial Commission shall exist and continue from and after the date of this resolution through and including the 31st day of December, 1976.

This the 20th day of January, 1975.

Alderman Cohen said that he would like to see the inclusion of the words "American Revolution" in the resolution, since this is what the bicentennial is celebrating. Alderman Cohen also suggested adding Pat Flaherty, Lynn Stanley and John Lemke to the Bicentennial Commission. Alderman Welsh said that the commission meetings will be open to the public and ideas from public will be welcomed. Alderman Gardner amended the motion to include the three additional names. Said amended motion was unanimously carried.

Recreation Department  
Budget--Resolution

Alderman Gardner read the following resolution:

RESOLUTION TO DECLARE THE POLICY  
OF THE BOARD OF ALDERMEN WITH  
RESPECT TO BUDGETARY REQUESTS CON-  
CERNING THE RECREATION DEPARTMENT

WHEREAS, some confusion has arisen with respect to the manner in which budgetary requests concerning the recreation program of the Town of Chapel Hill should be handled, and

WHEREAS, the language of the Ordinance concerning budgetary recommendations and approval and the general law with respect to department requests has added to this confusion, and

WHEREAS, the Board of Aldermen desires that a consistent policy be followed in all such requests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN that all budgetary requests or modifications or amendments thereto concerning the recreation department for the Town of Chapel Hill shall be presented to the Board of Aldermen only after such requests have been considered by the Recreation Commission.

This the 20th day of January, 1975.

Alderman Gardner moved, seconded by Alderman Welsh, that the resolution be adopted as read. Town Manager Kendzior asked whether Recreation Commission will need to act on the budget requests before they are presented to the Board of Aldermen. Town Attorney Denny said no, the intent of the resolution is to clarify the procedure to be followed for changes in the Recreation Department budget, since at the present time some budget changes are made without Recreation Commission being aware of the matter. Said motion was unanimously carried.



Grant Offer from EPA

Town Manager Kendzior said that in October 1973 he reported that an amendment in Public Law 92-500 might make the Town eligible for at least a 50% reimbursement of construction and expansion costs for the sewer plant in 1966-67. The staff made the grant application, which required extensive staff time. Town needs to accept the grant offer to receive its share of \$159,200 at the present time, with the balance of \$159,200 paid sometime in 1975 after all eligible municipalities have received dispersements. Alderman Smith moved, seconded by Alderman Cohen, that the grant offer be accepted. Said motion was unanimously carried.

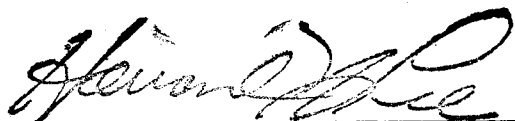
Committee on Aging--  
Vacancies

Mayor Lee said that the Board has been notified that the Committee on Aging recommends that Arlena Riggsbee, Gatha Lassiter, and William Hawkinson be re-appointed to two-year terms expiring December 31, 1976. The Committee does not have at this time a recommendation for the replacement of Mr. Graham Cook, whose term expired on December 31, 1974. Nominations will be open until the next Board meeting.

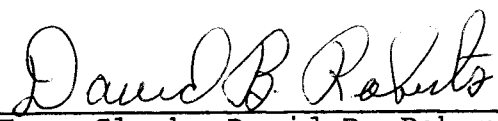
Recreation Commission--  
Vacancy

Mayor Lee said that the Recreation Commission recommends that Mr. Lee W. Hauser be appointed to the Commission for a three-year term ending December 31, 1977. Nominations will be open until the next Board meeting.

There being no further business to come before the Board of Aldermen, the meeting adjourned at 11:30 p.m.



Mayor



Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE  
MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL  
HELD IN THE MUNICIPAL BUILDING, MONDAY, JANUARY 27, 1975 AT 7:30 P.M.

The Board of Aldermen met for a joint public hearing with the Planning Board, followed by a regular meeting, on January 27, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present:

- R. D. Smith, Mayor pro tem
- Gerald A. Cohen
- Thomas B. Gardner
- Shirley E. Marshall
- Sid S. Rancer
- Alice M. Welsh

Absent:

Howard N. Lee, Mayor

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