

MINUTES OF A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN
OF THE TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING, MONDAY,
MARCH 3, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on March 3, 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
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 Welsh moved, seconded by Alderman Marshall, that minutes of the meeting of February 24, 1975 be approved as circulated. Said motion was unanimously carried.

Transportation Department Town Manager Kendzior petitioned the Board to include on the agenda under 6g(1) consideration of a personnel ordinance increasing the number of bus drivers from 40 to 48, and to include on the agenda consideration of deferring the implementation of changes in bus routes until March 22, 1975. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the matters placed on the agenda. Said motion was unanimously carried.

Work Session -
March 18, 1975

Mayor Lee requested that the budget work session scheduled for 7:30 p.m., March 18, 1975 begin at 8:00 p.m.

Douglas A. Johnston--
Communication

Mayor Lee said that the letter from Mr. Johnston, which was received by the Board at the February 17, 1975

meeting, needs no Board action, since Mr. Johnston has discussed the matter of bus route changes on North Street with Mr. Marvin Silver, Chairman of Transportation Advisory Council, and has expressed his satisfaction with how the matter is being handled.

Orange County Council on
Aging - Support of Bus
Purchase

Mr. Charles Martin, Director of Orange County Council on Aging requested that Board indicate its approval of having the Council on

Aging apply for capital assistance from federal government to purchase a minibus to provide transportation to people over 60 years of age for nutrition program at Multipurpose Center and for visits to doctors, stores and other uses. Since Town operates a bus system, the Council on Aging needs a letter from Town stating that the minibus will not be in competition. Alderman Smith moved, seconded by Alderman Welsh, that Board write a letter indicating that the minibus operated by the Orange County Council on Aging will not be in competition with the public transportation system. Said motion was unanimously carried.

Pickard Lane--Closing

Mr. Robert H. Hood, Jr. requested that the Board grant permission to close Pickard Lane on Tuesday, March 4, 1975 between 1:00 p.m. and 6:00 p.m. to conduct a special fund raising event for the benefit of the Heart Foundation. He also requested that Board consider amending the ordinance prohibiting the consumption of beer on Town streets for Pickard Lane during this time. The other residents on Pickard Lane,

consisting of three fraternities and the Lutheran Church, do not object to the closing of the street or to serving of beer. Alderman Gardner asked whether the beer could not be served from a private property. Mr. Hood said that it would be difficult to keep persons from stepping into the street, since there are fraternities on both sides of the street, and it is hoped that students from other areas will also participate. Mayor Lee said that he can support closing of the street but would have difficulty in supporting a temporary repeal of the ordinance. Police Chief Williams Blake said that he is opposed to making exceptions to the ordinance, since it makes the enforcement more difficult at other times. Also, the sale of beer as a money making project may be illegal without a license. In addition, it could cause the potential problem of minors obtaining beer. He said that the Police Department is willing to help with raising money for the Heart Fund, but he is opposed to the sale of beer for this cause. Mr. Hood said that State Alcoholic Control Board is not sure about the legality of selling beer in this way, but the only possible penalty may be having the responsible persons appear before the court, with very little possibility of prosecution. Town Attorney Denny said that it is not against the law to display or to possess beer on Town streets, but it is against the law to drink it there. He said that a limited modification to a Town-wide ordinance is a bad precedent, however worthy the cause. This request is asking the Board to authorize an act on the theory that the courts will not prosecute, even though the act is prosecutable. Alderman Cohen said that special licenses may be obtained for selling beer at such events. Mr. Hood said that there is not sufficient time to obtain such a license. Town Manager Kendzior said that there will be no problem with the street closing, but he is opposed to amending the ordinance on beer consumption. Alderman Welsh asked whether traffic on the street will be affected. Mr. Hood said that the traffic is mostly local. Alderman Welsh expressed her concern that the street be cleaned up after the event. Alderman Cohen moved, seconded by Alderman Gardner, that Pickard Lane be closed on Tuesday, March 4, 1975 between 1:30 p.m. and 6:00 p.m. Said motion was unanimously carried. Alderman Smith moved, seconded by Alderman Gardner, that the request to amend beer consumption ordinance be denied. Said motion was unanimously carried.

Library Board -
Fund Request

Town Manager Kendzior requested that consideration of the matter be delayed, since the State De-

partment of Personnel has now completed Town's salary structure review; the matter can be considered after Board members have studied the entire report.

Proctor Land--
Rezoning Request

Mr. Mike Jennings, Planning Director, presented the project, as given at the Public Hearing on

January 27, 1975, and showed it on the map. The Planning Director and Planning Board recommend denial of the request based on three findings.

The Chapel Hill Zoning Ordinance has provisions in Section 4-c-21 (Unified Business Developments) under which the property in question may be used for commercial purposes while insuring sufficient control over the development to safeguard the public health, safety, and general welfare. Control over the development of this property is necessary for the following reasons:

1. Access to the property is by U.S. 15-501 (Pittsboro Road). The traffic condition in this area requires caution due to the conflict between the high speed traffic on Pittsboro Road and the vehicles entering and leaving the Watts Commercial area. Control is needed to insure that the development will not contribute to increased traffic problems and endanger the public safety.
2. Residential uses and zoning about the property on two sides. Control is needed to insure that the development will not

injure the value of adjoining residential properties, and will be in harmony with the area in which it is to be located.

3. It is a purpose of the Zoning Ordinance to promote the orderly growth, expansion, and development of this area. Additional control of the development of this property is needed to insure the use will be in harmony with the area and in general conformity with the plan and policies for development of Chapel Hill and its environs.

Alderman Cohen said that the rezoning is now pending with Orange County, since the County Commissioners referred the matter to their Planning Board at their public hearing, which was held on February 24, 1975. He asked that no action be taken until Town and Orange County can meet to discuss the matter to see what other governmental units are considering for long range plans for the area in question and to consider mutual problems together. He said that he thinks the Planning Department's recommendation is fine, but that the matter does need joint consideration. Alderman Welsh said that she agrees solutions for the area should be sought jointly, but asked that the matter be acted on now, with discussions with Orange County held afterward. Alderman Smith said that the Board should act on the matter now; Town can confer with Orange County if another request for rezoning is made. Mr. Jennings said that the portion of land under Orange County jurisdiction has no access to the highway and Town's action on the matter will influence Orange County's decision. Mayor Lee said that he supports Alderman Cohen's view; he feels this is a good opportunity to consider the matter from a regional point of view. Alderman Marshall said that she agrees with Alderman Cohen about consulting with Orange County on the matter. Alderman Welsh said that she agrees Town should consult with Orange County, but that this should be done after Board has refused the present rezoning request. Alderman Welsh moved, seconded by Alderman Smith, that the request to rezone from R-20 to Regional Commercial a tract of land, owned by T. G. Proctor, Jr., identified as part of Lot 2, Block B, Orange County Tax Map 127 be denied for reasons outlined by Planning Director. Alderman Cohen made a substitute motion, seconded by Alderman Marshall, that action on the rezoning request be delayed and that a letter be written to Orange County Commissioners requesting joint meeting to handle this matter. Alderman Cohen said that he feels this is a good chance for Town to show its commitment to regionalism and can serve as an example on how regional cooperation can occur. He would not wish to have Town turn down a chance to cooperate in the matter. Said substitute motion passed by a vote of four to three, with Aldermen Gardner, Smith and Welsh opposing.

Open Space Deeding to
Town--Resolution

Alderman Welsh said that Town has been receiving offers of unbuildable open space land which

Town has been turning down, leaving the question of maintenance and payment of taxes on these areas undecided. In general, Town should be receptive toward accepting open space land. She presented general guidelines, drawn up by Alderman Welsh and Town Manager Kendzior, for Town to follow in accepting land. Alderman Cohen asked whether it would be possible to deed the open space to neighborhood associations which would be responsible for the maintenance. Town Attorney Denny said that this would be possible, but the question is whether it would be desirable in all instances. In some proposed developments owners hold part of the deed of a common area, which encourages maintenance. Alderman Marshall said that she thinks the proposed policy is good; it does not exclude the possibility of maintenance by neighborhood associations. Town Attorney Denny expressed his concern about Town forgiving back taxes on land given to it, since Town can foreclose on land with back taxes owed and sell the property, retaining title if there are no buyers. Town can pay the owner the value of taxes owned for land as a bookkeeping matter, but Town has no authority to forgive County Taxes. He suggested that the last paragraph be changed to eliminate the reference to forgiving taxes. Alderman Marshall moved, seconded by Alderman Smith, that the following resolution, establishing policy covering subdivision deeding of open space to the Town, be adopted:

R E S O L U T I O N

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

Because drainage, erosion, sedimentation, sewer, water pollution, litter and trash, high weeds and other such problems on developed and undeveloped parcels of land offered in fee simple to the Town can be costly to correct, operate and/or maintain, the Board of Aldermen should accept fee title to any parcel of land offered to the Town by the owner (whether a single individual, neighborhood association, homeowners associations, or other legal entity) on an individual basis and only after review of the cost-benefits to the Town has been carried out by the Town Manager, and by the Planning Board, Recreation and Appearance Commissions, and a report of their recommendations has been received by the Board of Aldermen.

Before the Board of Aldermen accepts fee title to a parcel of land the Town Manager after review by the Planning Board, Recreation and Appearance Commissions, should provide in his report ways of minimizing maintenance costs for undeveloped and developed parcels of land.

The Board of Aldermen should consider, on an individual basis, requests that the Town maintain active recreation areas which, although not deeded to the Town are open to all members of the public.

The acceptance of fee title to any parcel of land by the Board of Aldermen, contour of the land and subject to back taxes and expresses a measure of appreciation to the owner by the Town.

This the third day of March, 1975.

Said motion was unanimously carried.

Public Properties'
Naming - Resolution

Town Manager Kendzior said that the special committee set up to consider proposing a policy on the

naming of public properties met on January 20, 1975. Several communities have been contacted regarding their policies; most do not have formal or existing policies but several said they name their public properties after citizens of stature in the community. Town Manager Kendzior presented the proposed policy on naming of public properties. Alderman Welsh moved, seconded by Alderman Smith, that the following resolution, establishing policy in naming of streets, parks, scenic landmarks, recreational facilities and governmental buildings, be adopted:

R E S O L U T I O N

BE IT RESOLVED BY THE BOARD OF ALDERMEN, TOWN OF CHAPEL HILL that the policy of the Town for the naming of all public facilities be as follows:

The special committee considered the following proposed policy:
(1) Creating a special, but small, committee that would receive names and suggestions from various boards, commissions, individuals, and public groups. However, the special committee would not have to be limited in considering names submitted by these groups only. (2) Request would be in writing and confidential. Requests would incorporate special resume's for the committee to review. (3) Time factor would include, that once a facility is available to be named, there must be a 1-year time lag, or 1-year must elapse before any public facility is named. (4) Donors would be exempt from their 1-year requirements. (5) The special committee would accept names for consideration, only after 1 year has elapsed, when a facility became available. (6) Existing public facilities would not be required to be named after 1 year has elapsed. (7)

The special committee would offer their services to the developer to name public streets. And, (8) following all due consideration the special committee would then submit their recommendations to the Town Board.

This the third day of March, 1975.

Said motion was unanimously carried.

Releases and Refunds Alderman Smith moved, seconded by Alderman Gardner, that the following resolution, granting application of tax overpayment to 1975 taxes, be adopted:

RESOLUTION - TAX REFUNDS

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

<u>NAME</u>	<u>REC #</u>	<u>AMOUNT</u>	<u>REASON</u>
Douglas and Diane McArthur	7286	\$50.32	Incorrect Value on house. Durham Co. reduced from 33,970 to 28,530.

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. Alderman Smith moved, seconded by Alderman Cohen, that the following resolution granting a release 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>
Barry and Ann Kahan	3283	\$209.33	Listed incorrect. We made an addition to Arthur M. Jordan, Jr.

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.

Said motion was unanimously carried.

Backhoe--Bids Town Manager Kendzior said that the 1974-75 Budget allocates \$19,000 for a Crawler Backhoe for the collector system of Public Works. Notice to Bidders appeared in the January 31, 1975 edition of the Chapel Hill Newspaper and notices and specifications were sent to five prospective bidders in Raleigh and Greensboro. On

February 7, 1975, four bids were received. The Director of Public Works and the Purchasing Agent recommend accepting the low bid with trade from the R. W. Moore Equipment Co., Inc. The existing equipment is 16 years old and would require extensive repair to get it in working condition; Public Works Department feels that the cost of the repair would not be feasible. Alderman Marshall asked whether Board can accept the bid without trade. Town Manager Kendzior said yes; the low bid is by the same company. Alderman Smith asked whether records are kept as to how extensively the backhoe is used. Town Manager Kendzior said that Town is now in process of setting up a better record-keeping system. He said that the Board needs to accept the bid now, since the deadline expires on March 7, 1975. Alderman Rancer said that he has been out of town and has not had a chance to consider the matter carefully. Alderman Marshall moved, seconded by Alderman Smith, that Board hold a special meeting Tuesday, March 4, 1975 at 4:00 p.m. prior to the scheduled budget work session to consider the matter of backhoe bids. Said motion was unanimously carried.

Urban Mass Transit Amend-
ments of 1975--Resolution

Alderman Welsh moved, seconded by Alderman Marshall, that the following resolution supporting the

passage of U. S. Congress Bill S662 be adopted:

R E S O L U T I O N

WHEREAS S662 would provide operating assistance to mass transit to communities under 50,000 and

WHEREAS this bill would require no additional appropriations, and

WHEREAS Chapel Hill, a Town of 25,000 by 1970 census data has an existing, locally supported, publicly owned, transportation system;

NOW, THEREFORE, BE IT RESOLVED that the Chapel Hill Board of Aldermen endorses S662 and urges adoption of that bill.

BE IT FURTHER RESOLVED that copies be sent to Senators Robert Morgan and Jesse Helms, Representative L. H. Fountain, and to the Chairmen of the Senate Banking Committee and the House Public Works Committee.

This the third day of March, 1975.

Said motion was unanimously carried.

Municipal Absentee
Voting--Resolution

Alderman Cohen said that the bill has been given tentative approval on the floor, but has been sent

back to the committee to include municipalities of less than 25,000 in the bill. Alderman Marshall moved, seconded by Alderman Cohen, that the following resolution supporting municipal absentee voting be adopted:

RESOLUTION SUPPORTING MUNICIPAL ABSENTEE VOTING

WHEREAS municipal government is that closest to the citizenry; and

WHEREAS voters must often be absent from their localities on the day of municipal elections, just as elections of other sorts; and

WHEREAS SB18 and HB184 would expand the use of absentee balloting to municipal elections in cities over 25,000 in population, thus broadening the possibilities of citizen involvement in local elections;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen, Town of Chapel Hill, that the Board of Aldermen, Town of Chapel Hill, urges the passage of SB18 and HB184.

BE IT FUTHER RESOLVED that copies of this resolution be sent to Senator Charles Vickery, Senator Russell Walker, Representative Trish Hunt, and Representative Ed Holmes.

This the third day of March, 1975.

Said motion was unanimously carried.

Campaign Reporting Act--
Resolution

Alderman Marshall moved, seconded by Alderman Gardner, that the following resolution supporting

campaign resolution act be adopted:

CAMPAIGN REPORTING ACT

WHEREAS knowledge of campaign contributions to, and expenditures by, all candidates for public office are matters of proper investigation by the public; and

WHEREAS public confidence in its representatives, and thus the effectiveness of those representatives would be increased by opening records of campaign contributions and expenditures; and

WHEREAS SB138 proposes to expand the present campaign reporting act to cover most municipal and county offices;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen, Town of Chapel Hill, that the Town of Chapel Hill supports SB138 as a change desirable both to general citizens of North Carolina and to their public officials.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Senator Charles Vickery, Senator Russell Walker, Representative Trish Hunt, and Representative Ed Holmes.

This the third day of March, 1975.

Said motion was unanimously carried.

City Auto License Fees

Alderman Cohen presented a resolution supporting city auto license fee increase to \$3.00. He said that there is also an attempt in general assembly to pass a bill adding 1% excise tax of the cost of automobile to the license plate cost; cities would get a rebate from state on this. Alderman Welsh moved, seconded by Alderman Cohen, that the resolution supporting city auto license fee increase be adopted. Alderman Gardner said that at the present time there are many vehicles in Town without Town license tags, and he would not like to penalize the persons who have been paying Town license fee. Alderman Cohen said that currently the lack of Town tags are not enforced for out of state cars; if the system of excise tax were adopted, a reciprocal arrangement might be made between states in collecting the tax. Alderman Smith said that he is opposed to the increase in Town license tag cost since Town changed to a sticker this year to reduce the cost to Town for providing license plates. He said that he feels the proposal would affect the persons most who are the least able to pay. Alderman Cohen said that the proposed bill authorizes increase in tax, but this increase is not mandatory. Said motion was defeated by a vote of three to four, with Alderman Cohen, Marshall and Welsh supporting. Alderman Cohen said that the proposed excise tax on cars is a more progressive tax and Board may wish to consider supporting it at a future time.

Transportation Department--
Temporary Garage

Town Manager Kendzior presented two alternative plans for a temporary bus garage facility and showed the locations on the Plant Road Site Plan. The cost of either plan is estimated at around \$65,000. Plan #1 proposes the construction of the garage adjacent to the existing Public Works

building; plan #2 proposes the construction of the garage on the opposite side of the site from the Public Works building. The facility will be 85 feet by 50 feet, with the maintenance facility on the ground floor with three bays, two with pits; the communications area, meeting room and rest rooms will be located on a second floor addition. The plans will be ready for bids in thirty days. Town Manager Kendzior said that he recommends that Plan #1 be approved. Alderman Rancer said that he feels \$3,000 for engineering costs for this type of building is excessive; he knows of several companies that would be willing to construct this type of building with the engineering cost being included in the total charge. Town Manager Kendzior said that the engineering charge has to be included to get the plans ready in time for putting the building out for bids. Town Attorney Denny said that the design of the structure will have to be such that a variety of buildings would fit; there is a prohibition against letting other in-house architects and engineers design buildings, since the tendency is to make the building fit their particular company's product. Town Manager Kendzior said that architectural drawings are necessary for the construction on the second floor. Alderman Rancer said that he approves of Plan #1, but feels that there should be a physical connection between the garage and Public Works building so that equipment can be readily shared. Mr. Marvin Silver, Chairman of Transportation Advisory Council, said that he agrees that having a physical connection between the two buildings is a good idea. He also pointed out the advantage of Plan #2, with better flow of buses in and out of the building, although the physical location of the building would be more inconvenient. Alderman Smith said that additional sewer line would be needed to serve Plan #2. Alderman Rancer said that he also objects to Plan #2, since, once the Transportation Department and Public Works Department move from the site, it would be more advantageous to have existing buildings close together. Alderman Gardner asked whether in-house construction will be used. Town Manager Kendzior said that at the time of construction there will be other demands on the staff, and construction will also run into vacation time. Some in-house work is being done in grading the site. Alderman Welsh moved, seconded by Alderman Marshall, that the Town Manager be authorized to proceed with soliciting bids for Plan #1 and the following Budget Ordinance be amended to implement Plan #1.

ORDINANCE

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

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

SECTION I

That the Budget Ordinance of the Town of Chapel Hill entitled "An Ordinance to Appropriate Funds and to Raise Revenues 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</u>	<u>Increase/(Decrease)</u>	<u>Revised Total</u>
10-590-73 (Capital Imp.)	(\$ 4,000)	\$ 20,391
10-660-93 (Contr. Waste Water Fund)	(21,562)	167,438
10-669-00 (Contingency)	(14,000)	27,941
 <u>Waste Water Fund</u>		
32-660-99 (Contingency)	(21,562)	-0-
 <u>Revenue Sharing Fund</u>		
50-810-73 (Capital Imp.)	(25,000)	383,544
 <u>Waste Water Fund</u>		
32-397-10	(21,562)	167,438

General Fund

10-590-73

\$64,562

\$ 84,953

SECTION II

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

This the third day of March, 1975

Alderman Gardner asked whether staff will contact construction companies to get their ideas before the final bid specifications are drawn. Town Manager Kendzior said that some companies have been visiting the site while staff has been preparing the estimates for the construction. Town Attorney Denny said that Town has to be very careful not to get only suggestions that might benefit a particular bidder, although it is a common practice to talk to people in trade to determine the needs in a project. Alderman Rancer said that he knows several people who would be willing to come and talk to the Town about the project. Said motion was unanimously carried. Mayor Lee requested that Aldermen Gardner and Rancer work with Town Manager and Transportation Advisory Council in preparing the project for bids.

Personnel Ordinance--
Transportation Department

Town Manager Kendzior said that the personnel ordinance needs to be change to reflect the needed

increase in the number of bus drivers for the route changes and the new B-route. Alderman Welsh moved, seconded by Alderman Gardner, that the following ordinance amending personnel ordinance for period July 1, 1974 to June 30, 1975 be adopted:

ORDINANCE

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

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

SECTION I

That the ordinance be amended as follows:

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Range</u>	<u>Salary Range</u>
Bus Driver	48	40	16	\$3.46 - \$4.62 per hour

SECTION II

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

This the third day of March, 1975.

Said motion was unanimously carried.

Equal Rights Amendment

Alderman Marshall moved, seconded by Alderman Welsh, that a resolution be prepared supporting the Equal Rights Amendment. Said motion was unanimously carried. Mayor Lee announced that the following public hearings will be held in Raleigh: on March 4, 1975 at 3:00 p.m. for proponents fo ERA and on March 11, 1975 at 9:00 a.m. for opponents.

Charter Revisions--Approval

Town Attorney Denny presented the revised charter, and explained some minor corrections needed in the copies distributed to the Board members. He said that the charter revisions are making many significant changes in the Town government, eliminating existing provisions and enlarging Town's powers. Mayor Lee said that he has talked to a member of the Charter Commission who has expressed concern about inclusion of Department of Human Services in the charter. Mayor Lee said that he feels that the Department of Human Services should be included in some document and Mr. Joe Nassif, Chairman of the Charter Commission has offered no objections to this inclusion. Mr. Bill Thorpe, a member of the Charter Commission, said that he is not concerned about the inclusion of the Department of Human Services in the Charter, but is concerned about Mayor not being given the right to vote on all issues. Mayor Lee said that he is satisfied to have the present situation continue in regard to Mayor's vote. Mr. Thorpe said that the majority of Charter Commission members feel that the Mayor should have the right to vote. Mayor Lee said that citizens will not support a Mayor who does not take positions on issues. Alderman Smith said that he is concerned about not giving the Mayor the right to vote, since a time may come when the Mayor may have difficulty in getting his programs in operation and may need his own vote to help with this; he also feels that Town will eventually need a full time Mayor. Alderman Smith said that he is not opposed to day care support, but feels that getting the authority to support day care should be done through a local bill, putting this in the charter seems a bit premature and presumptuous. Mayor Lee said that he feels that a Mayor with vote will be less influential and less objective and will not have a greater influence in implementing his programs. He said that he feels in the future Mayor will be less involved in the process of legislative development, and more in the other aspects of Town work. He said that he feels it is appropriate for Town to request that Department of Human Services be part of charter and that support of day care be also included. A separate local bill on day care would pass General Assembly with more difficulty. Alderman Welsh said that she has talked with several Charter Commission members about the inclusion of absentee voting, Department of Human Services and day care support in the charter. These are matters that would be properly handled through local bills. It is possible that General Assembly will approve the charter, but it does not seem to be the most open, forthright way to acquire local bills. She said that she is not opposing these matters, but is opposing the procedure of presenting them to the General Assembly. Alderman Cohen said that the inclusion of these matters in the charter is not trickery but an attempt to have the charter as concise and clear as possible; it would defeat the purpose of charter revision if local bills were immediately introduced and tacked on to the charter. He said that he agrees there is less emphasis in the charter on the Department of Human Services and day care than would be in a local bill, but he feels that most local legislation is granted automatic approval by General Assembly. Alderman Welsh said that local bills are now scrutinized more carefully than before. She suggested that the added matters be either extracted from the charter and submitted as local bills or that Town Attorney write a cover letter to the legislators pointing out the salient charter changes. Mayor Lee said that the charter should be presented as a comprehensive document to the General Assembly; the General Assembly will still have the right to investigate whichever parts of the charter it wishes. He said that he feels a cover letter would be inappropriate and insulting, since the legislators have been aware of the proposed charter changes from newspaper articles. Alderman Gardner said that he does not think that the support of day care should be in charter; the matter was brought up for first time during last year's budget deliberations, and a local bill was introduced in November, 1974. Alderman Smith said that he does not understand the opposition to the inclusion of Department of Human Services in the charter, since Board has voted for the Department of Human Services and has agreed that this is the direction in which Town should go; Town already has the authority to set up the department and inclusion of the Department of Human Services and support day care emphasizes Town's concern that it is not getting its fair share in these services. Mayor Lee read a letter

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that Town Attorney Denny proposes to send to Representative Trish Hunt with the revised charter, pointing out the general areas where changes have been made. Alderman Smith said that he thinks it is a good letter. Mayor Lee said that the charter will be scrutinized by General Assembly and possibly Attorney General's opinion will be requested, whether or not the matters of Department of Human Services, day care and absentee voting are included. Alderman Welsh said that these matters have not been discussed by the Charter Commission and are not recommended by it. Charter Commission members have expressed their concerns that these matters are specific, and feel that the charter should be general in nature. Mayor Lee said that he feels people are expressing their concerns about adding new matters to the charter. Alderman Welsh asked when the day care local bill will be introduced. Mayor Lee said that Representative Hunt wishes to introduce the total package; if the charter included day care support, then the local bill will not be included. Alderman Gardner said that the local bill on day care was passed hurriedly in November, and expressed his surprise that it still has not been introduced. Alderman Cohen said that the day care bill was erroneously not communicated to Representative Hunt until January, 1975; she will not introduce the matter as a local bill if it is included in the charter. Alderman Welsh said that she feels a cover letter should go to the legislators showing the changes in charter; this is a more forthright manner. Alderman Smith said that he feels the proposed letter from Town Attorney is sufficient; the representatives will have to be able to answer questions on the charter, and will contact Town Attorney if they so desire. Alderman Marshall moved, seconded by Alderman Smith, that the revised charter be sent to General Assembly as presented at this meeting. Alderman Cohen asked whether Section 2.3b should retain the language of the present charter, permitting Aldermen to be appointed to the position of Mayor as the only paid position. Town Attorney Denny said that the section as written would not prohibit appointing an Alderman to the position of the Mayor, since this would automatically vacate the Alderman's position. He said that he feels the Charter Commission would not object to retaining the present wording for sake of clarity. Alderman Welsh said that she wishes that a more specific cover letter be written than that proposed by Town Attorney to Representative Hunt. Town Attorney Denny said that he felt that Board's direction is needed to point out the more significant changes in the charter, since it should be up to the Board to interpret which changes are significant. Alderman Marshall said that the letter, as read, is good. Alderman Welsh offered a substitute motion, seconded by Alderman Gardner, to approve the charter as presented at this meeting, with Town Attorney directed to write a cover letter to members of our General Assembly delegation pointing out salient changes in the charter in order to make sure that our delegation understands these changes, and urging them to make explicit these changes to the legislators; that these major changes include enlargement of the Board of Aldermen, extension of Mayor's term, absentee voting, filling of vacancies, Department of Human Services, and support of nonprofit day care programs. Mayor Lee said that he is disturbed about the fact that Board has in the past supported resolutions for absentee voting and day care and has operated Department of Human Services for several years, has now embodied in the charter what Town has done in the past and supported verbally, has been working together to get the charter revised, and now is being split down the middle on the matter of handling the charter submission. He said that Representative Hunt is aware of the changes in the Charter as are Representative Vickery and Senator Walker. General Assembly legislators are aware that Chapel Hill is planning to submit a charter. He said that he feels sending such a cover letter with the charter would be causing problems. Alderman Welsh said that she is concerned about the procedure of getting local legislation. Alderman Smith said that he is disturbed that the Board might consider sending the delegates a letter pointing out changes, and in effect treating them as children who need things pointed out. Representative Hunt is aware of the changes in the charter and has kept up with local matters. He sees no reason to cover the charter changes item by item. The substitute motion failed by a vote of two to four, with Aldermen Gardner and Welsh supporting. Alderman

Gardner said that he knows that Representative Hunt will review the charter carefully, but pressures are exercised on the representatives and she will have to consider these also. Alderman Cohen said that while he is opposed to some of the sections included in the charter, he approves of the document as a whole. Said original motion passed by a vote of four to two, with Alderman Gardner and Welsh opposing.

Water and Sewer Authority--
Attorney's Fees

Mayor Lee said that Town Attorney Denny has spent a lot of time on the Water and Sewer Authority; the

situation is similar to the time needed for a court litigation. Orange County and Carrboro are paying their attorneys for extra time. He asked that Board consider paying Town Attorney for this extra work; the money can be paid the next fiscal year. Town Attorney Denny said that all work is done essentially by the three attorneys and involves a lot of documentation and conferences. Alderman Rancer agreed that Town Attorney has been spending a lot of time on the matter, and deserves to be paid for this work. Alderman Smith said that this is not the first time that Town Attorney has been asked to give time above and beyond regular duties; he feels Town Attorney should be reimbursed. Alderman Smith moved, seconded by Alderman Welsh, that Town Attorney be paid for the time he spends working in Town's behalf in the formation of the Water and Sewer Authority. Said motion was unanimously carried.

Water Quality Management
Plan--Endorsement

Town Manager Kendzior presented a statement on the Water Quality Management Plan for the Cape Fear

River Basin and its effects on Morgan and New Hope Creeks as written by James C. Brown and Daniel A. Okun. Town has not yet taken a position in the matter; any proposals or statements have to be submitted by March 5, 1975. Town Manager Kendzior recommended that Board endorse the statement. Alderman Smith moved, seconded by Alderman Gardner, that the Board endorse the statement on the water quality management plan for the Cape Fear River basin and its effects on Morgan and New Hope Creeks as written by James C. Brown and Daniel A. Okun, dated February 18, 1975. Said motion was unanimously carried. Mayor Lee asked Board to consider that either one or both of these men be asked to represent Town at these various hearings, and to bring the information back to the Board. It is also time for Town to review 201-208 plans. Mayor Lee asked that Board consider setting up a special meeting the week of March 24, 1975 to consider the matter with Dr. Okun, Dr. Brown and the Planning Board, after which a regional review with Durham City, Orange County, Carrboro, Chapel Hill, UNC-CH and Triangle J COG and their appropriate Planning Boards could be scheduled to hear the presentation by Dr. Okun and Dr. Brown. Mayor Lee said that he will work with Town Manager in setting the first meeting on March 24, 1975 Board meeting agenda.

Transportation Department--
Route Change Implementation

Town Manager Kendzior requested that Board consider postponing the implementation of bus route

changes and addition of B-route until March 22, 1975 to permit the first week after spring vacation to be used for extensive publicity. Alderman Smith moved, seconded by Alderman Marshall, that the bus route changes be implemented by March 22, 1975. Alderman Cohen said that he supports the change. Said motion was unanimously carried.

Utilities Hearing

Mayor Lee announced that the public hearing on the sale of utilities

will be held in the Institute of Government, Wednesday, March 6, 1975 at 8:00 p.m.

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Open Space Committee

Alderman Welsh, Chairman of Open Space Committee, requested that Mayor Lee appoint a member to the committee. Alderman Marshall agreed to serve on this committee.

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

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING CONFERENCE ROOM, TUESDAY, MARCH 4, 1975 AT 4:00 P.M.

The Board of Aldermen met for a Special Meeting on March 4, 1975 at 4:00 P.M. in the Conference Room. The roll was reported as follows:

Present: R. D. Smith Mayor Pro Tem
Gerlad 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 Manager Kendzior, Town Clerk D. Roberts and Town Attorney E. Denny.

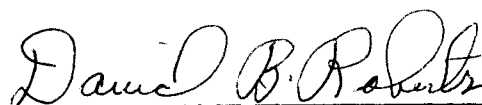
Bids on Back Hoe Town Manager Kendzior reported that from information received from Alderman Rancer that General Machine Company of Raleigh could repair this Back Hoe for \$3,500.00 based on repair required. The Town Manager then recommended that the Board of Aldermen reject all bids, and that repairs be made to the Back Hoe front-end loader to extend life of service. Alderman Smith said his concerns was if the machine could be fixed would it be adequate for back up? Alderman Rancer stated the cost should not run over the quoted \$3,500,00. Alderman Welsh asked if the machine was repaired what kind of life it would have. Town Manager Kendzior reported that based on anticipated use, from six to ten years. Alderman Welsh moved, seconded by Alderman Marshall, that all bids be rejected and the Back Hoe be repaired. Said motion was unanimously carried.

Alderman Gardner stated in the future he would like to see Public Works come in with repair bills on equipment.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 4:17 P.M.



Mayor



Town Clerk, D. Roberts