

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, APRIL 7, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on April 7, 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 Smith, that the minutes of the meeting of March 24, 1975 be approved as corrected. Said motion was unanimously carried.

Executive Session--Land Acquisition

Mayor Lee announced that an executive session is needed to discuss land acquisition. Alderman Welsh

moved, seconded by Alderman Marshall, that an executive session to discuss land acquisition be held at the end of this meeting. Said motion was unanimously carried.

Privilege Licenses--Palmistry

Mr. Kelly petitioned the Board to place on the agenda consideration of issuance of privilege

licenses to practice palmistry. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received and the matter placed on agenda under 4c. Said motion was unanimously carried.

Railroad Crossing on Estes Drive

Alderman Cohen petitioned the Board to place on the agenda consideration of lack of signals at

the railroad crossing on Estes Drive. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received and the matter placed on agenda under 6e. Said motion was unanimously carried.

Eubanks Road Improvements--Escrow Agreements

Town Manager Kendzior petitioned the Board to place on the agenda consideration of authorizing Mayor

to sign escrow agreements and issue checks for land condemnation to be able to proceed with the improvements. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received and the matter placed on agenda under 6f. Said motion was unanimously carried.

Annexation Plan Report

Town Attorney Denny said that the annexation report has to be acted

on before the next regularly scheduled Board meeting. The Public Hearing is scheduled for 7:30 p.m., April 28, 1975, and acting on the report after 7:30 p.m. on April 14, 1975 would not leave a full two week period between the action and public hearing, as required by law. Approval of the report does not bind the Board to any specific action; deletions and minor modifications can be done after the Public Hearing. Alderman Welsh moved, seconded by Alderman Gardner, that consideration of the annexation report be placed on the agenda under 4d. Said motion was unanimously carried.

Recycling--Roadside Pickup

Ms. Jane Sharp read a petition signed by about twenty residents, requesting that Board consider roadside pickup for newspapers, glass and aluminum. She also asked when the Recycling Implementation Committee will be implemented. Mayor Lee said that this will be implemented as soon as its members are selected. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received and the matter of roadside pickup of newspapers, glass and aluminum be referred to Town Manager and Mayor for their review and report back to the Board. Said motion was unanimously carried.

Dick Broom--Resolution

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

R E S O L U T I O N

WHEREAS, Mr. Dick Broom has for more than five years covered all Board of Aldermen's meetings as well as special meetings; and

WHEREAS, Mr. Dick Broom's coverage of said meetings has always kept the community well informed with very adequate and accurate information on town matters; and

WHEREAS, Mr. Dick Broom's association with WCHL has ended; no longer requiring him to be subjected to the long and, sometimes, boring meetings of the Board of Aldermen; NOW

THEREFORE BE IT RESOLVED, that the Mayor and Board of Aldermen of the Town of Chapel Hill express their sincere appreciations and gratitude for the excellent coverage given to the town by Dick Broom;

BE IT FURTHER RESOLVED that this resolution be signed and sealed by the Mayor and each member of the Board of Aldermen and a copy filed with the permanent records of the Town of Chapel Hill.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon its adoption and presented to Dick Broom.

This the seventh day of April, 1975.

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

Susan Cobb-Communication

Town Manager Kendzior presented a letter from Ms. Susan Cobb requesting that action be taken to rebuild steps on her property that were destroyed when Church Street was repaved. He said that the contractor has been unable to do any finishing work since January, due to the weather. He has been scheduled to return to the job this week, and has been given a list of 19 items that are to be completed before the final payment will be made.

League of Municipalities--
District Briefing Session

Mayor Lee announced that League of Municipalities will hold a district briefing session on local and state legislations on Thursday, April 17, 1975, 1:30-4:30 p.m. at Ramada Inn in Durham.

Appearance Commission--
Resignation

Mayor Lee announced that Mr. Gordon Pearlman has resigned from Appearance Commission, effective May 15, 1975, because of moving from Chapel Hill.

State Highway Plan--
Public Hearing

Mayor Lee announced that State Department of Transportation is holding a public hearing on Monday, April 21, 1975, 2:00 p.m. at Highway Building in Raleigh to consider future plans for State highway program.

Aging Programs--Public Meeting

aging programs for 1975-76 on Wednesday, April 29, 1975, 10:00 a.m. at public meeting room of Northwestern Bank in Chapel Hill.

Mayor Lee announced that Triangle J Council of Governments is scheduling a public meeting to consider

Day Care Task Force--Report

Mayor's Task Force on Day Care. He summarized the report, showing the areas of need considered; the findings on existing day care services, on existing needs, and on existing and potential resources for filling these needs; and Task Force recommendations on budget, and system for coordination and planning of child care services in Chapel Hill. He said that the administering of the funds could be done through County Department of Social Services, if Board so wished. Appendix to the report lists the research done by the Task Force in preparing the report. Alderman Cohen said that there was very good community participation in the Task Force work. Alderman Gardner asked whether there is a difference between Chapel Hill Day Care Coalition and Orange County Day Care Coalition, and requested that Board be given information on the makeup and membership of the group. Alderman Cohen said that this is the same organization; its name was changed to permit inclusion of all Orange County day care centers. Alderman Cohen requested that consideration of the report be placed on the agenda for April 21, 1975 Board meeting. Alderman Gardner suggested that a work session be scheduled before action is taken on the report. Mayor Lee agreed, and said that final action on the report may need to be taken as late as May, 1975, so Community Development program and budget consideration can be taken into account. He suggested that scheduling of work session be done at the next regular meeting. Alderman Marshall said that Senate Bill 506 will allow municipalities to support day care, and requested that a resolution be drafted for Board's consideration. Alderman Marshall moved, seconded by Alderman Cohen, that a resolution be drafted supporting passage of Senate Bill 506. Said motion passed by a vote of five to one, with Alderman Welsh opposing.

Alderman Cohen presented the report and recommendations prepared by

Greenway Development

signs, benches, and trash containers for the Greenway Pedestrian Path from Battle Park to Estes Drive is estimated at \$4,300; this does not include developing the actual path itself. Alderman Welsh said that the report does not provide the information that was requested by Open Space Committee; the Committee requested that an estimate be made on cost for setting in concrete signs that are already available. She said that the paths are already existing in this part of Greenway System; they only need to be cleaned up, and Girl Scouts have volunteered to help with this. Mayor Lee asked that Town Manager clarify what information is needed and report back to the Board. Alderman Smith said that requests made of administration need to be very specific, so staff will know exactly what information is needed.

Town Manager Kendzior reported that the estimated cost for providing

Privilege Licenses--Palmistry

understands operation of palmistry is in violation of Orange County Law and requested that, if this be correct, the license be withdrawn. Town Attorney Denny said that there are two separate General Laws that apply to Town; one authorizes Towns to issue privilege licenses, including for fortune telling, and the other one, which applies to about half of the State counties, states that fortune telling is not legal. Town may issue a privilege license to tell fortunes, but such a license confers only a limited right on the holder to practice only in portions of Town outside Orange County. Whether this law, making fortune telling illegal, is constitutional has not been determined by courts. Mayor Lee said that, while Board felt that they should caution holders of these licenses about Orange County law, they felt that people should have the right to make their own decisions in the

Mr. Kelly said that he is representing NAACP and Black Ministerial Alliance. He said that he

matter, and for this reason requested that County Commissioners consider repealing this law, which they have voted to do by a 3-2 vote. The Board took the position that while a resident can hold a license to tell fortunes, this does not protect him from Orange County law. Mr. Kelly said that issuing a license would imply that this protection is given. Mayor Lee said that the license in question was issued inadvertently without realizing that Orange County bans fortune telling. Mr. Kelly asked whether Town is enforcing this law. Mayor Lee said no; however, any citizen can take out a warrent against the person telling fortunes and ask that the law be enforced.

Annexation Plan Report--
Approval

Mr. Mike Jennings, Planning Director, presented the revised Annexation Plan Report. Alderman Welsh

asked whether portions of the plan can be annexed. Mr. Jennings said that this would depend on the area; if portions were excluded from area 1, the rest of the area would not meet all necessary requirements; each area, however, stands alone and can be deleted. Alderman Welsh asked whether addition of only one area would require additional policemen and patrol cars. Mr. Jennings said that addition of any of the areas 1, 2, 3 or 4, or all of the areas, would require an additional patrol car and additional patrolmen. Alderman Gardner asked whether staff has any recommendations on these areas. Mr. Jennings said that staff will make its recommendations on individual areas after the public hearing. He said that, in answer to a question raised at the last meeting about telephone service in the areas, Durham exchange cuts across parts of Booker Creek/Eastown area; the rest of the areas are on Chapal Hill exchange. Alderman Smith said that he is concerned that immediate fire, police, and garbage service could not be provided for parts of Northside area, because of lack of good access roads. Mr. Jennings said that entrance to this area can be provided from Umstead Drive once the road for Village West project is completed; construction on this has been delayed because of the weather. Alderman Marshall moved, seconded by Alderman Welsh, that the annexation plan report be approved, that it be ordered filed and made available for public distribution. Said motion was unanimously carried.

Appearance Commission--
Appointment

Alderman Smith moved, seconded by Alderman Welsh, that nominations be closed, and Mr. Thomas J. Land

appointed by acclamation to fill the vacancy created by the resignation of Mr. Jonathan Edwards, whose term will expire December 31, 1975. Said motion was unanimously carried.

Community Development Block
Grant

Mr. Kurt Jenne, Assistant Town Manager for Community Development and Services, said that he recom-

mends that the Board approve Community Development Block Grant application for 1975-76 and authorize Mayor to file it no later than April 15, 1975. He gave a summary of the proposed program, as presented at the Public Hearing of March 17, 1975. He said that the plan needs to be submitted to HUD by April 15, 1975, with a notice of intent to receive funds. The proposal will be given environmental review but none of the proposed activities require an environmental impact statement. Mayor Lee said that Housing Authority Commission has not yet approved the proposed administration of the Community Development program. A meeting was held last week with members of Housing Authority, and various alternatives on administration were considered. The Housing Authority Commission is meeting on April 8, 1975 at 7:30 to discuss the proposed plan of administration. Mayor Lee said that action on the grant can be delayed until next regular meeting and the grant hand-carried to Greensboro to meet the deadline. Alderman Smith said that he favors postponing action on the matter, since he cannot approve the program without seeing a justification for the funds spent for administration. Alderman Gardner agreed. Town Attorney Denny said that the report on administration has been prepared, but it needs to be approved by the Housing Authority Commission before being submitted to the Board. Alderman Welsh moved, seconded by

Alderman Marshall, that action on authorizing Mayor to file application for Community Development Block Grant be delayed to the next regularly scheduled Board meeting. Town Attorney Denny asked whether the Board wish to consider calling a special meeting to provide more time for discussion. Alderman Welsh said that the Board members concerned with the matter can attend the Housing Authority meeting. Mayor Lee said that, in addition, a joint work session can be scheduled for Thursday, April 10, 1975 at 7:30, to work out possible adjustments in the proposed administration plan. Alderman Marshall said that since Board is responsible for administration of the program, under law, she would not wish just to rubber stamp the proposal. Alderman Smith asked whether all of the funds budgeted for administration need be spent, if they were not needed. Mayor Lee said that Board can make adjustments in the proposed program up to 10% of the total grant. Mr. Jenne said that adjustments in excess of 10% will need a grant amendment. Alderman Marshall asked whether Housing Authority has additional funds at their disposal for their programs. Town Attorney Denny said that these are the only funds for administering Housing Assistance program; the Housing Authority has about \$90,000 additional in their general budget. Alderman Smith requested that a written report of justification for required funds be distributed to Board members on Wednesday. Said motion was unanimously carried.

Comprehensive Planning Assistance Grant-- Application

Mr. Mike Jennings, Planning Director, said that the grant is funded by State Department of Natural and Economic Resources. The applica-

tion will request \$8,000, matched locally by \$4,000 of in-kind services. These funds will go to offset staff cost of Planning Department in data gathering for Capital Improvement Program, Community Development Program and long range development plan. He recommended that Town Manager be authorized to submit the grant proposal. Alderman Welsh asked whether this long range development plan is being coordinated with the long range planning proposed by the League of Women Voters. Mr. Jennings said that the League of Women Voters will conduct a forum for Orange County in September, and the Planning Department hopes to do most of its data gathering before then. The output from the forum will be a statement of goals for growth of Orange County, and Town is closely coordinating with this. The implementation team for Town planning should start work early in 1976. Alderman Marshall requested that all this collected information be made available to new Board members after the next election. Alderman Smith moved, seconded by Alderman Welsh, that Town Manager be authorized to submit the application for Comprehensive Planning Assistance Grant to the appropriate agency. Said motion was unanimously carried.

Capital Improvement Program--Public Hearing

Mayor Lee requested that the public hearing for CIP be rescheduled from May 5, 1975 to April 21, 1975. Mr.

Mike Jennings, Planning Director, said that no legal advertising is needed for this public hearing, but display ads will be carried in the next two Sunday issues of Chapel Hill Newspaper. Copies of the CIP plans will be accessible to the public. Alderman Smith moved, seconded by Alderman Marshall, that the Public Hearing for Capital Improvement Program be rescheduled to April 21, 1975 at 7:30 p.m. in old Town Hall. Said motion was unanimously carried.

Charter Revisions--Amendment

Mayor Lee said that Orange County of Social Services had expressed

objections to the charter sections dealing with Human Services and support of day care. A meeting was held with representatives of DSS to determine the particular concerns with these sections, and amendment of these sections clarifying the intent of the charter was proposed. At the public hearing in Raleigh called by Representative Hunt to consider the charter, no opposition was expressed by county officials to the charter as proposed to be amended, and Local Bill Committee members indicated that if the amended language of the charter receives official approval by both Town and County legislative bodies, then the charter can be acted on. Mayor Lee read the proposed amendment to charter:

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SECTION 6.6, DEPARTMENT OF HUMAN SERVICES.

In addition to the other powers conferred upon it by law and this Charter, the Board of Aldermen is authorized and empowered to establish and maintain a Department of Human Services, and may undertake, sponsor, or organize, engage in and support social service programs intended to further the health, welfare, comfort, and convenience of its citizens not in excess of those specifically authorized for counties in G. S. §153A-255, and not otherwise prohibited by law.

The powers expressed herein are not intended and shall not be construed to authorize the Town to compete with, for funding or otherwise, duplicate or supercede the responsibilities of Orange County in any health, social service or welfare program being administered by said County.

Alderman Welsh said that she would like more discussion on absentee voting, Department of Human Services and Day Care support inclusion in the charter. Alderman Welsh moved, seconded by Alderman Gardner, that Board rescind previous action of approving charter and take new action on it. Alderman Cohen said that he feels this motion should be defeated. He said that General Assembly is considering a general law permitting absentee voting in municipal elections; inclusion of this section in the charter would just emphasize the matter. He said that he feels amendment to the charter as read is sufficient to cover the other two matters. Mayor Lee said that the matter of absentee voting is not controversial and before day care support by Town is started, a public hearing will be called to consider the matter further. He said that Department of Human Services is the first department of its kind in the state, but other towns are now also considering setting up their own departments. He said he was impressed with the lack of local representation, either for or against the charter, at the public hearing in Raleigh. Alderman Gardner said that the section on day care raises a constitutional question that is not answered by the proposed amendment. He said that the charter was sent to the General Assembly as a package and he feels that it should be rediscussed as a package. Alderman Marshall said that she does not see any conflict in the matter, since Town is not trying to move in on county's responsibility, but trying to respond to existing federal requirements. Federal Government has been indicating in its Community Development Funding and Federal Revenue Sharing that municipalities should support human services activities. She said that she feels the charter as a whole should not be rediscussed. Alderman Cohen said that Durham has submitted a lengthy charter which includes a section on Human Services; this is not causing a controversy in Durham. He said that any specific programs that may be implemented will need Board approval; even existing programs in Town or County have constitutional limitations, so that this should not be of concern. If the section as amended is unconstitutional in itself, then so is the section in County Charter, since identical language is used in both. Alderman Smith said that Town has always had problems in scheduling elections around University schedule, and feels that absentee voting will relieve some of this problem. He said that he feels that charter has been discussed enough. Attorney General will check the legality of all sections of the charter and this should not be of local concern. He said that, if additional changes are made in the charter after the public hearing in Raleigh, a further public hearing might be needed to consider these additional changes. Alderman Gardner read the portion of minutes of March 3, 1975 meeting dealing with discussion on day care support. Alderman Smith said that he would have preferred that day care support be submitted as a local bill, but, since Board voted to include it in the charter, he feels that General Assembly should now consider the matter. He said that additional discussion on the matter can be held by Board when funding for day care is requested. Alderman Gardner said that Department of Human Services will continue even if it is not included in the charter, but funding for some of their programs may be available from other sources. Alderman Smith said that Board need not provide additional funds for the department if these other funds are available,

but Board will need the authority to fund these services if the other funds were not available in the future. Mayor Lee agreed that this section should be included in the charter in case of future need. He said that last year at the budget session day care coalition was told that Town cannot fund day care legally, but that Board would explore possible avenues for use of federal funds. Board needs to anticipate that additional federal funds may become available in the future and should be prepared to use these funds. He urged Board to get the necessary authority to fund needed programs. He said that Town's Department of Human Services has been the first to provide a police social worker, Commission for Handicapped, RSVP and other programs; now other towns in State are attempting to set up similar programs. Alderman Welsh said that she approves these programs, but she is concerned about the principle of how the section was included in the charter, since this was not considered by Charter Commission. She has concerns about including day care support in the charter, since General Assembly rationale is that this type of service should be provided by counties, which has a broader basis of representation. She agreed that the Department of Human Services is working well, but questions whether it is necessary to include the section in charter, since the revised charter presents conflict with County authority. Alderman Smith called for point of order on speaker, saying that the discussion is not on the motion on the floor. Town Attorney Denny said that, since the motion is to rescind the charter, and the discussion gives reasons why the motion should be passed, then the remarks are proper. Alderman Welsh said that Town is a lower governmental unit than County, and State is very specific in what duties counties should perform. She said that even though the charter was submitted as a local bill, it should be properly considered a state bill since it extends local power. She said that Town would be justified in asking County to provide services necessary in Town. Alderman Welsh said that she feels inclusion of absentee voting is unnecessary because this bill is also being considered by legislature, inclusion of Department of Human Services is unnecessary since the department has been operating and will continue to operate, and inclusion of day care support is unnecessary since County could provide these services. She said that while the principles expressed in these sections are good, they should be considered in terms of logic. Mayor Lee asked about several sections included in charter that were questioned by Local Bill Committee. Town Attorney Denny said that establishment of public transportation system was ratified as charter amendment in 1967, Transportation Authority was ratified as special act in 1971, extraterritorial jurisdiction was ratified as charter amendment in 1961; and assessing property owners on both sides of street for sidewalks on one side only was ratified as special act in 1969. Mayor Lee asked whether it is Alderman Welsh's concern that it is not proper for Town to provide the services under discussion. Alderman Welsh said yes; the problem that causes the need for these services crosses community lines and assistance should be provided on a broader basis than Town. Alderman Smith moved, seconded by Alderman Marshall, to call for the question. Said motion passed by a vote of four to three, with Aldermen Cohen, Gardner and Welsh opposing. Said original motion was defeated by a vote of four to three with Aldermen Gardner, Rancer and Welsh supporting. Alderman Cohen moved, seconded by Alderman Smith, that a letter be written to Representative Hunt requesting modification of Section 6.6 of Town Charter as presented by the Mayor. Alderman Gardner said that Charter Commission spent a long time reviewing the charter, presented its recommendations, and the items under discussion were added to the charter after these recommendations were made. He said that he feels the Board included these items in the charter because of their possible easier passage in a package deal rather than as local bills. He said that the discussion should not be limited to just Section 6.6, but to the question of authority specifically granted to counties and not to municipalities. Mayor Lee said that he also appreciates the work done by Charter Commission, but Board cannot abdicate its responsibility on the final decision. The Charter Commission recommendations that were controversial were considered separately, and Alderman Gardner argued against several of them. The Board voted on the charter, and it was submitted for approval by General Assembly; the only matter up for discussion now is language clarification of Section 6.6. If the Board wishes to

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recall the charter, then this will need to pass by a majority vote; if Board wishes to reject the amendment as proposed, then it is up to them to do so. Alderman Gardner said that the difference is that the items discussed separately before charter was approved were considered by Charter Commission, and these were not. Mayor Lee said that these three sections were added to the charter, but the question is whether these items are important enough to Town's future to recall the charter and continue with the old charter, or whether the other items contained in the revised charter are of more importance. These three items under discussion at this meeting will not be implemented until the Board wishes to do so. He suggested that it be left up to General Assembly whether these three sections can remain in the charter. Alderman Marshall agreed. She said that she is upset that people might feel that the Board is attempting to sneak something past General Assembly; General Assembly has been continuously giving municipalities more authority. League of Municipalities, also, has been supporting legislations that fit in with federal programs and give municipalities more authority in certain areas. Mayor Lee said that Board needs to accept the fact that there are people with special needs in the community that need special programs which can be provided by Department of Human Services. He said that democracy starts with the foundation of the government, which is at the local level. Alderman Smith moved, seconded by Alderman Marshall, to call for the question. Said motion passed by a vote of four to three, with Aldermen Cohen, Gardner and Welsh opposing. Said original motion passed by a vote of four to three, with Aldermen Gardner, Rancer, and Welsh opposing. Alderman Cohen said that he voted against the call for question in both cases, since he does not feel that discussion should be cut off.

Railroad Crossing on
Estes Drive

Alderman Cohen said that Carrboro has requested Department of Transportation to install signals at the crossing, but they are reluctant to do so because of the small number of trains using the track. Alderman Cohen suggested that Town Manager be requested to explore with Carrboro the possibility of requesting General Assembly action to have the two Towns annex the areas adjacent to this crossing, to enable the Towns to require the railroad to put up signs, with joint funding by both Towns and the railroad. Alderman Smith said that he is also concerned about the railroad crossing on Homestead Road, since this road is travelled daily by high school students. He suggested that Town join with County in discussing railroad signalization at all highway crossings. Alderman Smith moved, seconded by Alderman Marshall, that representatives of Town, Carrboro, Orange County, School Board, railroad, and DOT discuss how this signalization can be accomplished. Alderman Cohen amended the motion to instruct Town Manager to discuss with Carrboro officials the possibility to legislative action to solve the signalization at Estes Drive crossing. Said amended motion was unanimously carried.

Eubanks Road Improvements--
Escrow Agreements

Town Manager Kendzior said that Department of Transportation condemned the necessary right-of-ways for the local governments, but Town is responsible for escrow agreements and payments to land owners before the improvements on the road can be done. Alderman Smith moved, seconded by Alderman Marshall, that Mayor be authorized to sign escrow agreements and issue checks for land condemned for Eubanks Road improvements. Said motion was unanimously carried.

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

Howard N. Lee
Mayor

David B. Roberts
David B. Roberts, Town Clerk

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, APRIL 14, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on April 14, 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 Smith moved, seconded by Alderman Marshall, that the minutes of the meeting of April 7, 1975 be approved as corrected. Said motion was unanimously carried.

Executive Session--
Land Acquisition and
Litigation

Mayor Lee said that an executive session is needed to discuss land acquisition and litigation. Alderman Welsh moved, seconded by Alderman

Gardner, that an executive session to discuss these matters be held at the end of this meeting. Said motion was unanimously carried.

House Bill 277--Petition

Ms. Ann o'Tuama, Board member of North Carolina Society for Autistic

Children and Board member of Parents and Professionals for Handicapped Children (PPHC), and Ms. Stephanie Cashwell, President of Orange County Association for Retarded Children, presented a petition with 190 signatures that asks Board to reconsider its action of March 24, 1975 in regard to HB277 and to pass a resolution in favor of it. Since the collection of these signatures, action in the legislature indicates that passage of this bill is unlikely, and the request is changed to filing the petition with the Town Clerk for Board's future reference. Mayor Lee said that the action of the Board was not in opposition to group homes in residential areas, but in opposition to the way that State is handling the matter; the Board opposed the concept that Town would have no say about the location or necessary requirements for group homes. Ms. O'Tuama requested that the Board consider passing a resolution stating that it supports the concept of location of group homes in residential areas. Alderman Marshall said that she feels such an action would be appropriate, since she has received many phone calls on the matter. Ms. O'Tuama said that there are difficulties present in establishing group homes in residential areas in Town, and requested that PPHC be allowed to provide input in the future Zoning Ordinance revision concerning this. Mayor Lee said that such input would be appropriate. Alderman Cohen said that he favors locating group homes in residential areas and would favor a State bill requiring certain municipal actions on this, but that he cannot support the language of HB 277 which would prevent any restriction over group homes, even such as Town exercises over residential