



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 OLD TOWN HALL, MONDAY, APRIL 21, 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 April 21, 1975 at 7:30 p.m. in the Old Town Hall. 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: Sid S. Rancer

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. Planning Board members present were S. Cohn, L. Conley, G. Hemmens, J. Howes, B. Liner, A. Slifkin and C. Weiss.

PUBLIC HEARING

Capital Improvement Program Mayor Lee said that the public hearing is called to consider a proposed five-year capital improvement program for the Town of Chapel Hill for the period 1975-80. This program seeks to address community needs, to set priorities, and to provide a balanced long-range schedule of capital expenditures to meet community objectives. The proposal has received preliminary review by the Planning Board, and notice of this hearing has been advertised in the newspapers. Copies of the proposed program have been made available and advertised for public inspection at the Town Clerk's office and the Chapel Hill Public Library. Mayor Lee explained the procedure to be followed at this hearing. Mayor Lee said that Alderman Rancer is absent from the hearing because of family responsibilities.

Mr. Kurt Jenne, Assistant Town Manager for Community Development and Services, made the presentation as follows:

On March 17, 1975 the Board of Aldermen received from Town Manager a recommended five-year capital improvement program for the Town of Chapel Hill. This program outlined one course of action the Town might take over the next five years to provide many of the public facilities improvements which have been individually discussed or recommended by citizens, town boards and commissions, and town staff, but which have proven to be difficult to implement. Laying out many of these projects in a comprehensive and concrete document is the first step in moving from a multitude of ideas and suggestions to the orderly, coordinated, and fiscally sound implementation of projects to meet the Town's needs and priorities. Regardless of the substance or magnitude of the program which the Board ultimately adopts, it is important that all capital improvement recommendations be examined in this manner each year and that this examination become a regular part of the Town's annual budgetary process. In this way Town can examine its broad range of capital needs, set priorities, and establish a balanced program of projects. It is by using the CIP that projects can be coordinated with regard to location, timing and financing, and that Town can have a clear picture at all times of exactly what it expects to be accomplished during the budget year and what it anticipates to be accomplished in the years to follow. It has been recommended that the Board consider establishing the five year program by determining what projects should be scheduled for the next five

years and in what order, determining how the program should be financed and to what extent bond financing should be used, and deciding which projects should be funded and started during the next fiscal year. It should be noted that by annually reviewing CIP, Town has the opportunity to adjust the last four years of its adopted program to respond to changes in need, priorities, and circumstances. Thus, the last four years of CIP are a plan or a guide, and not an irrevocable commitment.

Mr. Jenne said that one of the needs that has been expressed include improving the appearance of central business district, yet public parking lots do very little to contribute to a pleasing downtown landscape. While Town is apparently desiring to promote pedestrian activity, in many places Town lacks the functional walking surfaces and the simple amenities which make walking attractive to people. There has been a great deal of sentiment expressed toward retaining the Franklin Street Post Office, both a landmark and an amenity in downtown Chapel Hill. Many citizens are concerned about the condition of the unpaved streets they use regularly, especially during seasons of heavy rain. These unstable and easily eroded street surfaces are time consuming and costly for the Town to maintain. The community has developed a transit system which serves in the average month a number of citizens normal to cities three or more times the size of Chapel Hill, yet these buses must be routed over some of the same unpaved streets with substandard surfaces even for normal traffic. One of the major benefits of the transit system is the number of cars it can divert from CBD. The auto intercept strategy has been widely accepted in discussion of both the CBD and the Town's thoroughfare system. The Town is currently implementing this park-and-ride strategy with the generous cooperation of private property owners, but the very high degree of response to this strategy and the knowledge that the temporary agreements cannot last forever indicates that Town should look toward the development of such peripheral parking facilities in the very near future. One of the most attractive features of Chapel Hill is its very rolling, often steep topography, but this attribute is accompanied by problems in controlling fast storm water runoff in steep areas and in properly draining off low-lying areas. Inadequate storm drainage in many areas of Town is causing hazards to personal health and safety, and damage to property. Town has long shown an interest in meeting the recreational needs of the citizens and has developed an excellent recreation program, but these programs are inadequately supported by necessary physical facilities. Town has one recreation center at this time. It is old, in need of repairs, and is inadequate to serve the demand for recreational services that has grown during the 30 years since its construction. The community has acquired a great deal of badly needed recreation land in the past few years, but thus far has been able to do comparatively little toward developing that land into usable areas for athletics and recreational activities. A very high degree of enthusiasm has existed for Town's basketball program, yet it has been only with a great deal of cooperative effort and annual expense on the part of the School Board and the Town that there has been any gym facility made fully available for this program. Unfortunately, because of a lack of facilities and funding, the School Board has had to put the one available facility to other uses outside of the basketball season. The Town's need for police and court services has climbed steeply in past years and the present facilities have become crowded and inadequate. Town has been fortunate to have a highly competent fire protection force and it is critical that its continued proficiency be assured by replacing the necessary training facilities which recently have to be dismantled and removed from the Plant Road site. The growth of Chapel Hill's population by over 100% in the last decade has made it necessary to expand the capacity of both waste water treatment facilities and the major lines carrying wastewater to a treatment site. The community should also look forward, as its residential density grows, to providing sewer service to the many houses not now served, some of them as close as 400 yards to the very center of Town.

Mr. Jenne said that CIP as presented to the Board would work toward the end of meeting these apparent needs. Projects in the categories of land acquisition, transportation, recreation, public safety, and general government would total about \$9.7 million for the five year period. Sewer utility projects would total about \$1.7 million, most of which would comprise the Town's 12.5% share for improvements funded by the Environmental Protection Agency and the State. Annual appropriation levels would vary between \$1.7 million and \$2.4 million for non-sewer projects and between \$200,000 and \$500,000 for sewer projects. Land acquisition includes the replacement of the Plant Road site at a cost of \$250,000 with a multipurpose site to accommodate Public Works, Transit, and Public Safety facilities. Transportation projects, totaling \$4.2 million, include a combination of improvements to facilitate movement by auto, transit, bicycle and foot. The projects recommended to be started in 1975-76 include improvements to the municipal parking lots on Rosemary Street; street reconstruction to bring up to standard all streets on bus routes; the initiation of a continuing program of annual sidewalk improvements; and the provision of storm drainage facilities in the Northside area both in conjunction with Community Development efforts and as the first step in a continuing program of storm drainage improvements throughout Town. The projects recommended for 1976-80 include the initiation of a continuing program to pave each year a portion of the 8-9 miles of dirt streets in Town; development of two park/ride lots, one on east end of Town and one on south; a systematic program of bus stop improvements including shelters or benches where appropriate; improvements to walkways and landscaping in the CBD; and the beginning of bicycle path construction on major routes. Recreation projects, totalling \$2.2 million, include a series of improvements to begin implementation of the 1974 recreation facilities plan, an outgrowth of the 1970 Sternloff study, and to support current recreation program activities. The projects recommended to start in 1975-76 include acquisition of the Lincoln gym for full-time recreation use if a mutually agreeable arrangement were reached by the Town and the School Board; development of tennis facilities at the recently acquired and centrally located Jones Park; and development of needed athletic fields at Cedar Falls Park. The projects recommended to start in 1976-80 include development of recreation center facilities at the Ephesus Road site; rehabilitation and improvement of recreation center facilities at Hargraves site; improvements to facilities at Oakwood Park and at Umstead Park; consideration of further joint use agreements between School Board and Town at Frank Porter Graham and Phillips schools; physical improvements to the currently developing greenways system; and possible development of a portion of the Northside School site for recreation. Public safety projects, totalling \$2.2 million, include critically needed expansion of police and court facilities and the replacement of fire training facilities; these are recommended to start in 1975-76. In 1978-79, it is recommended that the animal shelter now located at Plant Road be replaced. General government projects, totalling \$800,000, include acquisition of Franklin Street Post Office in 1975-76, and, beginning in 1978-79, the provision in stages of functional public meeting facilities and additional municipal office space to meet long term needs. Sewer utility projects, totalling \$1.7 million, include, beginning 1975-76, improvements to wastewater treatment facilities and a series of major line improvements starting with the Rogerson Drive/Glen Lennox line. Starting in 1976-77, a continuing annual program to install sewer collectors to serve homes in Town currently without sewer service is scheduled. Town has requested the approval to do this kind of work in the Northside/Knolls area with Community Development funds during 1975-76.

Mr. Jenne said that the Manager has recommended that the Board take full advantage of the resources available to fund the program by using bond monies for most of these projects. Debt financing offers Town the financial leverage it needs to meet a broad range of equally important needs. It also provides equity in the financing of long-term improvements by spreading the burden of facilities costs among

succeeding users in a mobile community. The fact that Town is currently using only 7-15% of the bonding capacity available under state law, the fact that Town would be using a maximum of 37-50% of capacity under the proposed program, and the fact that Town's credit rating and interest rates received on recent issues have been outstanding, all indicate the Town's ability to assume additional bonded indebtedness. The use of bonds is not a panacea. The Town must make annual debt service payments out of its operating budget on any bonds that it has outstanding. Town's current annual debt service requirements will reach a peak of about \$350,000 in 1975-76 and then will begin to decline each year. With the proposed program, the 1975-76 debt service requirement would be about \$400,000, would increase by up to \$200,000 per year until it reached a peak of \$1-1.4 million in 1980-81 and then would begin to decline again.

In summary, the program that has been proposed attempts to put into focus many of the needs and objectives that have been expressed in the community and the cost of their accomplishment. The recommended program can reasonably be undertaken in whole or in part. As a whole it also represents a significantly increased annual commitment by the Town to meet capital improvement needs.

Mayor Lee called for comments by persons in opposition to the proposal.

Mr. Dan Koenigshofer said that he is not opposing the proposal totally, but would like to see the development of more efficient and safer bikeways placed at a higher priority. Town has over 3,000 bicycles registered, but planning and construction of bikeways is not scheduled until after 1980. Both the federal and state governments have pending bills permitting development of bikeways on 80-20 fund sharing basis, if plans for these bikeways are developed. He said that he has met with various environmental groups on the matter and has presented a letter to the members of the Board listing the needed facilities for bicycles in the community. He asked that the Board reevaluate the role of bicycles in the community, and start on plans for bikeways as soon as possible.

Mr. Ernest Small said that construction equipment has been parked on the street near his house for over a week; this equipment is for sewer installation, but he did not hear any mention of funds being appropriated for this project in the CIP. Town Manager Kendzior said that the equipment is there for the installation of the sewer lift station; the construction has been delayed because of unavailability of some necessary equipment. The funds for this are available from the Town budget for this year and the project will be completed as soon as possible.

Mr. Donald Thomas said that he is not opposing the CIP, but asks that priorities be examined. He represents the Chapel Hill Swin Club, which has both boy and girl members. There is a need in Town for year round swimming facilities, since the only existing facilities of this kind are at the University, and only children whose families are connected with the University can use these. The only reference in CIP to swimming facilities is in the 1978 plan, providing an open pool at Ephesus Recreation Center. He asked that a closed pool be considered a higher priority, perhaps at the Cedar Falls Park, to replace the open pool at Ephesus Recreation Center, so that all Town children can have use of swimming facilities throughout the year.

Mr. George Wheless said that he is concerned that the paving of the dirt portion of Coker Drive is not listed until after 1980. This street is used by both Town and school buses, and this creates a very dusty condition both outside and inside the house. He asked that this portion of Coker Drive be given a high priority in paving. He said that he will send letters to all Board members to this effect within the week. Alderman Cohen said that Kings Mill Road is scheduled to be paved this year, but that there are not enough funds available this year to include the paving of Coker Drive.

Ms. Mary Stuart Reeve read a letter from her husband, Roscoe Reeve, registering support for the expansion and development of a year round swimming program.

Mr. David Gibbs asked why no funds are earmarked for recycling. Mayor Lee said that the Mayor's Recycling Implementation Committee is being activated and will be working on providing more efficient recycling in the community. Ms. Jane Sharp said that she will be working with this committee, and asked whether it is possible to provide storage bins for recycling at the Plant Road site.

Mr. Erwin Danziger said that he feels CIP as proposed would create an increase in taxes, and that the Board's philosophy seems to be to increase expenditures with little concern for the amount of taxes that residents pay. He said that he feels the consequences of such continued action should be considered. He said that he endorses some of the sections of CIP, but feels that the entire plan needs to be considered very carefully by the Board.

Mayor Lee said that, since there seem to be no clear statements against CIP, then any comments by residents will be considered.

Ms. Gertrude Willis urged Board to consider the installation of bike-ways for the safety of both the bicycle riders and the motorists. She said there is a need for a larger recreation program for girls, especially in Lincoln area; a need for sidewalks enabling elderly residents to get to shopping areas; a need for a center for the elderly in the downtown area, where they can rest between shopping; a need for public toilets; a need for a multipurpose center housing not only Town facilities, but also branches of County offices; and a need for small parks in various areas of Town.

Mr. Bill Thorpe asked why CIP is set for five years. Mr. Jenne said that this is an arbitrary length of time, but is commonly used for programming CIP, since it is generally felt that accurate and adequate plans are difficult to make beyond five years. Mayor Lee said that he feels five years is an adequate time to complete a plan; during this time the leadership in Town will change and the priorities will also change.

Mr. Joe Straley said that County Commissioners are setting up a task force for CIP and he would not like to see Town earmark all funds for projects before this is done. He said that bikeways in Town need improvement, and that some of the State-owned streets should be repaired to make them safer for riding of bicycles; if necessary, this should be done with Town funds. Mayor Lee asked that Mr. Straley provide information on the County Task Force to this Board, once they are established.

Mr. Harper said that there is a need for park-ride lots to encourage carpools for commuters from Town to Research Triangle or to Raleigh; he sees no mention of this in CIP. Mr. Jenne said that the two proposed park-ride lots will be set up to encourage use of Town transit system; the need for these is east and south of Town. Mayor Lee said that a long range plan is being considered by COG to provide park-ride lots with mass transit to Research Triangle. Preliminary discussions have been held with representatives of Durham and Raleigh on this.

Mr. Don McChesney said that he agrees with Mr. Danziger's comments. He asked how much of the CIP consists of existing plans and whether this is a reordering of these plans. Mayor Lee said that Town has held many studies in the past but has had no real comprehensive plan. CIP is a compilation of all the needs expressed in the various studies and by the various Boards in the past. The purposes of CIP is to avoid piecemeal planning, and to give a comprehensive view of needed

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Town programs. In the past Town has relied heavily on tax funds to fund projects; issuing bonds is an attempt to find a more equitable means of funding Town projects. Mr. McChesney commended the Board for keeping Town tax rate down over the past year. He asked how many of the CIP plans are justified, such as acquisition of a multipurpose site, post office building and Lincoln gym. Alderman Smith said that these recommendations for CIP have been taken from a number of studies, including Sternoff recreation study; police department study; 201 study for sewer needs; and CBD study which recommends acquisition of post office, to be used as a public gathering space. Mr. McChesney asked why a further expansion of the Municipal Building is needed in addition to this. Alderman Smith said that the Municipal Building was not completed as recommended originally; CIP calls for completion of this in stages. The Multipurpose site will house Public Works Department, Transportation Department, and other Town functions, as needed. Mr. McChesney asked why the park-ride lots are not set as a high priority to be completed in the first two years, since this would push the utilization of the bus system. Mr. Jenne said that Town staff felt it more important to get the bus system started and to construct the maintenance facility, before the park-ride lots are developed. There has been an unexpected demand for this type of facility on the east side of Town; the Airport Lot also is heavily used, and there is some demand for park-ride lots south of Town. The Board may wish to reassign the priority on this. Mr. McChesney asked whether the animal shelter is still operating at the Plant Road site. Mr. Jenne said that it is still operating; the animal shelter proposed in the CIP would be moved to the multipurpose site. This is going to be a joint effort with Animal Protection Society and, if possible, with County and Carrboro. Mr. McChesney asked whether there will be a bond referendum held on CIP. Mayor Lee said that if money is needed to finance the bond, then a referendum will be probably held.

Ms. Susan Cohen asked Board to consider developing bikeways, since this would help with viewing the beauty of the Town.

Mr. Wes Egan said that he is concerned that the total CIP for the next five years totals \$11.4 million; if debt service of 5% is assumed, this means that \$2.8 million will have to be paid in the next five years. He asked that Board take a close look at CIP to see that all of these improvements are justified. He said that even though the tax rate was not increased the past year, property revaluation made taxes higher. Mayor Lee said that there will be a need to increase taxes for the coming year. There are other fiscal resources available to Town besides taxes. Mr. Egan read a letter from Chamber of Commerce stating that the Chamber of Commerce has approved a motion that requests the Board of Aldermen to order and make public a certified cost analysis of the cost of the bus system and its operation to date, and that this analysis be made and provided to the public prior to any further request or allocation of funds from the government of the Town, of any governmental agency, or the taxpayers of the Town of Chapel Hill.

Mr. Marvin Silver said that Transportation Advisory Committee endorses the park-ride lots and the street paving. He said that he feels the timing for these is reasonable, since these also can qualify for federal or state funds on a 70-30 basis and a definite plan is needed before Town can apply for these funds. He requested that these two projects be left at the set priority or moved up, if possible.

Mr. Joe Nassif said that he is concerned about the priorities for the recreation programs. The Ephesus Recreation Center is not scheduled for planning until 1976-77, which means that construction will not be completed until 1977-78. In regard to the Lincoln Gym, this may not be available if the school board chooses not to sell. He said that he feels the Cedar Falls Park is a good site to develop but should be least in priority since it is less accessible than Ephesus Recreation Center. He requested that the planning and construction for Ephesus Recreation Center be given a higher priority, since this would provide Town with its own gym.

Ms. Edna Sanders said that the Morgan Creek Neighborhood Association is interested in seeing what will be done with the streets and sewer in the area.

Ms. Dorothy DeLand said that the Forest Hills area has a desperate sewer situation and is in need of a sewer line. She said that she understands there is a federal law that might help Town with this. Mr. Jenne said that this is Public Law 71, under which Town and Durham is conducting a wastewater treatment study. This study is nearing completion and the sewers will be constructed on a matching fund basis, with federal share 70% and state and local share a 12.5% each. Mr. Small said that some of the homeowners in the area are willing to be assessed for sewer installation, since the situation is very desperate.

Mr. Richard Helwig said that he approves the recreation proposals, and feels that the program is well coordinated. He urged that, if additional funds were available, these be used to speed up the recreational facilities, since these are desperately needed. He said that he hopes Town will be able to manage this program in such a way that it will start, progress and end on schedule. He commended the Board on CIP, which is a much needed development plan for Town.

Ms. Mary Howes said that she speaks for the Recreation Commission and is concerned that the CIP priorities do not reflect the Recreation Commission priority list, which in order of priority is Lincoln Gym; renovation and upgrading of Hargraves center, and development of Ephesus Road site; Cedar Falls Park; and Charles M. Jones Park. Mr. Rubin asked why this order of priorities has been changed. Mr. Jenne said that the CIP priorities were taken from staff meeting with the Recreation Commission last fall, at which time the support of recreational athletic programs, and development of Cedar Falls and Jones Park were mentioned as high priority items. Since then, Recreation Commission has indicated the priorities as outlined by Ms. Howes. Ms. Pat Epps asked whether these priorities will be reordered. Mayor Lee said that the Board will review these priorities and may reorder them.

Mayor Lee said that the Board will review the items of concern expressed by the citizens when determining priorities. He said that the residents need to realize that all the projects are needed, but that some may not be able to be done in five years and some, such as purchase of Lincoln Gym and Post Office Building, may be deleted if these are not available for sale. The Board will review the proposal, determine priorities, determine funding factors and seek out other funding possibilities.

Alderman Marshall thanked all citizens for participating in the hearing, and the press for the excellent publicity.

Alderman Gardner said that he agrees with the concept of financing long range major needs by bonds, since this is the method that is the fairest to the citizens. He said that the Board will consider the matters raised at this hearing.

Alderman Welsh said that the CIP is a project of tremendous magnitude and will need much thought and public referral before action is taken. She said that the priorities, as set, can change and that a great deal of flexibility is needed in a CIP. She said that she feels citizens need to have a say in how their tax money is used, and hopes that there will be future opportunities for the public to learn more about CIP before the bond referendum. She said that projects in recreation, wastewater and sewer are greatly needed and those in fire and police are an absolute necessity. She said that she is delighted with the public support of bikeways.

Alderman Cohen said that he hopes public understands that the Board is able to change the plan as presented, and that the voters will be able to support or reject the plan by their vote on referendum. He said that he feels bikeways and park-ride lots should be high priority items. He said that he feels a comprehensive plan allows citizens to meet their needs more effectively; he hopes that the public will continue to participate in the development of CIP.

Alderman Smith said that in the past he has disagreed with Town funding money for studies, since these were never developed further; CIP incorporates many of these studies. He asked that those residents who support development of bikeways write to state representatives asking that funds cut from State budget for bikeways be restored to it. He said that Animal Protection Society and Town have been studying animal control shelter, that this will be moved to multipurpose site, and an attempt will be made to involve other municipalities in the project also. He said that all of the Town needs will not come from the bond issue, since some of the needs are being taken care of by the yearly budget Capital Expenses. He thanked all the citizens for their suggestions. He said that COG is working on a regional study on park-ride lots to Research Triangle.

Mayor Lee said that the CIP is a compilation of the needs in Town. Town has experienced tremendous growth within the past ten years, and the greatest priority is to realize that this growth has occurred, with further priorities being to seek ways to slow this growth and to meet the needs. CIP is a method to keep up with the existing needs. Alternate sources of funds will be sought to relieve the taxes of residents and intergovernmental relations will be furthered to plan joint projects with other communities. He said that the Board will make every effort to consider all the remarks and questions raised at this hearing. He invited interested citizens to attend any of the work sessions or public meetings on CIP. The public hearing adjourned at 9:10 p.m.

REGULAR MEETING

Alderman Smith moved, seconded by Alderman Welsh, that the minutes of the meeting of April 14, 1975 be approved as circulated. Said motion was unanimously carried.

Proctor Rezoning

Mayor Lee said that the Orange County staff will recommend that

the Board of County Commissioners delay action on the county portion of the property in question, pending action by the Town. Town staff recommends denial of the request and recommends that the Board of Aldermen advise the applicant that any future request should come under Special Use provisions, including the entire tract of land, county portion as well. Mr. Mike Jennings, Town Planner, said that this matter was considered at a public hearing on January 27, 1975, and on March 3, 1975 action was postponed and the matter was referred to staff for coordination with Orange County. Town Planning Board has recommended denial of the request and County Planning Board has recommended approval. On April 15, 1975, Planning Department met with Orange County staff to discuss this matter. Town and County staff decided at this meeting to recommend that Town deny the request with the stipulation as stated by Mayor Lee. This stipulation is within Town's legal bounds. Alderman Welsh asked which Special Use Permit would be required for development of this land. Mr. Jennings said that Unified Business Special Use would be needed. Alderman Cohen said that, the last time Board considered the matter, it was requested that the possibility of a joint meeting with County Commissioners on the matter be investigated. Mr. Jennings said that the County Commissioners would prefer that they delay action on the matter until they hire a planner, and that they ask that Town act on the matter now. Alderman Marshall said that this matter needs clarification, since the Chairman of County Commissioners has indicated within the past week that they are awaiting word from Town as to when the joint meeting would be set. Mr. Jennings said that he has talked informally to Ms. Garrett on the matter, with results as he has indicated. Alderman Gardner moved, seconded by Alderman Welsh, that the

request from T. G. Proctor, Jr., to rezone from R-20 to Regional Commercial a tract of land of 1.4 acres more or less, identified as part of Lot 2, Block B, Orange County Tax Map 127 be denied and that any future request for this property should come under Special Use Provisions, including the entire tract of land, county portion as well; and that an official communication on the matter be forwarded to the County Commissioners. Alderman Cohen said that he cannot support the motion, since he requested a joint meeting with County Commissioners and no action has been taken on his request. Said motion passed by a vote of three to two, with Alderman Cohen and Marshall opposing. Alderman Welsh said that she feels the intent of Alderman Cohen's motion on March 3, 1975 was to deny the request, but that this should be done by a process of cooperation with County. She expressed her concern that Board not take action on matters on hearsay, without official communications from other governing bodies. Alderman Cohen said that he agrees the Proctor plan, as presented, was totally inadequate and that he felt that rezoning should have been turned down, but that he also feels the action taken by the Board at this time is based on hearsay.

Recycling Implementation Committee

Mayor Lee petitioned the Board to place on the agenda consideration of re-establishing a Recycling Implementation Committee.

Alderman Marshall moved, seconded by Alderman Smith, that the petition be accepted, and the matter placed on the agenda under 5e. Said motion was unanimously carried.

Group Homes--Resolution

Alderman Smith moved, seconded by Alderman Welsh, that the following resolution be adopted:

RESOLUTION ON GROUP HOMES

WHEREAS Group Homes can provide an alternative to institutionalization by which both the participants and society as a whole gain; and

WHEREAS it is important to the success of such homes that the participants be made to feel they are part of a normal community, dwelling in residential areas; and

WHEREAS it has always been the position of the Town of Chapel Hill to allow Group Homes in residential areas, under such regulation as may be necessary to ensure the safety of those dwelling in such homes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen, Town of Chapel Hill, that the Town of Chapel Hill supports the general concept of Group Homes in residential areas.

This the 21st day of April, 1975.

Said motion was unanimously carried.

No Parking Zones--Ordinance

Alderman Smith said that the Streets Committee has received a number of requests regarding

parking in residential areas; the ordinance intends to resolve all these requests. Alderman Marshall said that Town has had a parking problem in certain areas for a long time; Police Department feels that these recommendations will solve some of this problem. Alderman Smith said that the Streets Committee recommends that this ordinance becomes effective May 15, 1975, since this is after the end of University's school year and will also give the Public Works Department sufficient time to put up the necessary signs. Alderman Cohen expressed his concern that previous ordinances and recommendations from Parking Committee do not seem to be reflected in this ordinance. Town Attorney Denny said that some of the streets in previous recommendations are already included in the present no parking zone ordinance but were never implemented. Alderman Welsh said that she feels parking should not be banned for the whole 24 hours in some of these

areas; this should depend on whether the street is used for storage of cars or whether it is narrow. She said that residents should not be deprived of the use of their streets unless it is absolutely necessary. She requested that action be delayed in the matter of Cameron Avenue and Roberson Street intersection until a provision of bikeways in the area can be considered. Alderman Smith said that this intersection is included because it is a blind one; on the other streets the reason for inclusion is not only to prevent buses to pass, or because of car storage, but because of a need for a safer traffic circulation. Alderman Marshall said that the ordinance would be as strict as possible for the first year so the patterns of the use will change after that time the ordinances can be relaxed to permit parking on the streets at certain times. There has been a problem with cars moving from areas where parking is prohibited into areas where it is extremely dangerous to park. The ordinance attempts to create a buffer zone, making distances too great for students to park reasonably. Alderman Cohen said that he has talked to residents of various areas, and they question the need of banning parking on both sides. Alderman Gardner requested that consideration of this matter be delayed until the Streets Committee can resolve some of these problems. Alderman Marshall said that she would prefer that the ordinance be acted on at this meeting, so that the no parking zones can be announced before students leave for the summer, and so that they can make plans about purchasing bus passes. Parking on Tenney Circle is hazardous, and, with parking being removed up to Tenney Circle, more cars would be parked there creating a very dangerous situation. Alderman Cohen suggested that Tenney Circle be removed from this list before action is taken, and that it be referred back to Streets Committee for further study. Alderman Smith suggested that Tenny Circle be left in the list. Alderman Welsh moved, seconded by Alderman Cohen, that the following ordinances, as amended, be approved, with enforcement beginning on May 15, 1975:

O R D I N A N C E

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that §21-27 of the Code of Ordinances, Town of Chapel Hill, be amended to delete the following lines:

STREET	SIDE	FROM	TO
Ransom St.	Either	Cameron Ave.	McCauley St.
Ransom St.	East	McCauley St.	South end
Ransom St.	West	80 ft. N. of W. University Dr.	100 ft. S. of W. University Dr.
Ransom St.	West	Vance St. Ext.	A point of 140 ft. N.
Kenan St.	East	Franklin St.	Cameron Ave.
North St.	North	Hillsborough St.	Glenburnie St.
North St.	South	Hillsborough St.	A point 100 ft. E.
Church St.	Either	Rosemary St.	McMasters St.
Roosevelt Dr.	Both	Hillview Rd.	Plant Dr.
Roosevelt Dr.	Either	Hillcrest Rd.	Hillview Rd.
Roosevelt Dr.	East	Franklin St.	Howell St.
Willow Dr.	S. east	U.S. 15-501 Bypass	Estes Dr.
Willow Dr.	North	U. S. 15-501 Bypass	A point 136 ft W.

Hillview Rd.	West	Roosevelt Dr.	Plant Rd.
Hillview Rd.	East	100 ft. S. of Valley Pk. Dr.	100 ft. N. of Valley Pk. Dr.
Westwood Dr.	North	S. Columbia St.	50 ft. from S. Colum- bia
Gimghoul Road	Both	Country Club Rd.	Glandon Dr.
Gimghoul Road	South	Glandon Dr.	Gimghoul Castle
Gimghoul Road	South	Centerline of Country Club Rd.	A point 90 ft. east of said centerline
Gimghoul Road	North side and east side of	Country Club Road	from a point on the north curb of Gimghoul Road located 90 feet from the centerline of Country Club Road to a point on the east curb of Country Club Road located 120 feet from the point described above measured along the curb line.

and the addition of the following lines in alphabetical order in that section:

STREET	SIDE	FROM	TO
Ransom St.	Either		Full length
Dawes St.	Either		Full length
Smith Ave.	Either		Full length
Old Pittsboro Rd.	Either		Full length
Kenan St.	Either		Full Length
Cameron Ct.	West		Full length
North St.	Either	Hillsborough St.	Glenburnie St.
Tenney Circle	Either		Full Length
Purefoy Rd. (Pavement)	Either		Full Length
Church St.	Either		Full Length
Ledge Lane	West		Full Length
Roosevelt Dr.	Either		Full Length
Willow Dr.	Either	Estes Dr.	U. S. 15-501 Bypass
Hillview Rd.	Either		Full Length
Evergreen St.	Either		Full Length
Cotton St.	Either		Full Length
Brooks St.	Either		Full Length
Mitchell Lane	Either		Full Length
Chapel St.	Either		Full Length
Sykes St.	Either		Full Length
Whitaker St.	Either		Full Length
Dogwood Dr.	North		Full Length
Woodland Ave.	East		Full Length
Gomains Ave.	North		Full Length
Bynum St.	West		Full Length
Cole St.	West		Full Length
Crest St.	North		Full Length
Johnson St.	North		Full Length
Knolls St.	North		Full Length
Hooper Lane	South		Full Length
Grant St.	West		Full Length
Creel St.	South		Full Length
Craig St.	South		Full Length
McMasters St.	South		Full Length
E. & W. Longview St.	North		Full Length
W. Cameron Ave.	North	Roberson St.	A point 100 ft. East of Roberson St.
W. Cameron Ave.	South	Roberson St.	A point 50 ft. West of Roberson St.
Westwood Dr. south entrance	North	Columbia St.	W. University Dr.

II

This ordinance shall become effective May 15, 1975.

III

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

This the 21st. day of April, 1975.

O R D I N A N C E

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that §21-27.1, "No Parking during certain hours", be amended to add the following:

b)			
STREET	SIDE	FROM	TO
Gimghoul Road	Either		Full length

II

This ordinance shall be effective from and after May 15, 1975.

III

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

This the 21st day of April, 1975.

Town Attorney Denny said that setting a certain date for enforcement of the ordinance can be a problem, since the signs will need to be put up in advance. Mayor Lee said that these areas will not be ticketed or towed until May 15, 1975. Said motion was unanimously carried.

Parking near Driveways--
Ordinance

Alderman Cohen moved, seconded by Alderman Marshall, that the ordinance to amend Chapter 21, Traffic

Code, of the Code of Ordinances, Town of Chapel Hill, be amended by the addition of a new Section 21-26.1. Town Attorney Denny said that the intent of the ordinance is to ban parking within ten feet of the intersection of the driveway with the street. Alderman Cohen suggested that, if Board passes this ordinance, it be publicized so residents will realize that this ordinance exists. Mayor Lee suggested that these intersections be marked by a yellow curb line or by signs where no curbs exist. Alderman Marshall said that this ordinance is intended to make people aware about the need for improving sight distances at these intersections. Mayor Lee asked how courts would consider the ordinance, if there were not indication that the car is too close to the driveway. Town Attorney Denny said that State law prohibits blocking of driveways, and allows local laws to increase the distance at which parking is permitted. He said that the courts will probably consider that there is a lack of notice of the existing ordinance, if there were no markings. Alderman Smith said that he feels the cost of placing no parking signs to this effect in areas where such parking would be dangerous would be worthwhile to prevent a death because of inadequate sight distance. He suggested that the curbs be painted and signs installed in areas with a large amount of traffic. Alderman Cohen said that if every driveway in town would need to be marked he would oppose the ordinance. He said that many ordinances, such as consumption of beer on the sidewalks, have no notices. Mayor Lee said that, because of the large turnover of Town residents, people need to be made aware by visual means that the parking ordinance exists. Alderman Gardner agreed that a visual notice is needed; the type of ordinance mentioned by Alderman Cohen

is of different kind and should not be confused with parking ordinances. He asked what effect this ordinance would have on existing bus stops. Town Attorney Denny said that the buses could still pull up and pick or discharge passengers even if the stop is closer to a driveway than ten feet. Alderman Gardner said that he is concerned with bus stops where the drivers take ten minute rest stops. He said that he feels this ordinance would cause problems in this regard. Alderman Marshall said that this ordinance, combined with the No Parking Zones Ordinance, would remove cars from most of the problem areas. Alderman Marshall offered a substitute motion, seconded by Alderman Welsh, that action on the ordinance be delayed, and that it be considered at a later time, if necessary. Said substitute motion passed by a vote of four to one, with Alderman Smith opposing.

Tow Zones--Ordinance

Alderman Smith said that the Streets Committee is requesting that all the streets mentioned in the No Parking Zones Ordinance be also designated as tow zones, to eliminate the problem of enforcement of no parking. Town Attorney Denny said that the ordinance, as presented, concerns three main problem streets, but that the Streets Committee considers towing a need in other areas also. Town may now tow cars when they are parked in front of fire hydrants, driveways, sidewalks, handicapped parking places, bus zones, or if they block the free flow of traffic or create a traffic hazard. He asked that the Board make a policy decision whether vehicles should be towed from all no parking areas in Town. Mayor Lee asked where the towed cars are taken. Town Attorney Denny said that they are taken to various locations, depending on who is doing the towing. Mayor Lee said that if towing is increased, Town needs a storage area, with Town keeping control over the cars once they are towed. Alderman Marshall said that the Streets Committee understands the problems involved, but feels that there is a need for giving police the power to tow improperly parked cars when residents complain about them. Alderman Smith said that ticketing of cars that are creating hazardous situations does not remove the hazard. He said that tow zones are necessary in some areas of Town. Town Manager Kendzior said that an example of the effectiveness of towing can be seen in University Drive. Ticketing the cars parked improperly did nothing to solve the problem, since the tickets were ignored; once the cars were towed, the problem has lessened. Mayor Lee asked whether parking ticket fees can be set as high as \$15-20. Town Attorney Denny said yes, but the question then is raised about who is responsible for the penalty, if the driver is not the car owner. Mayor Lee suggested that the cost for each succeeding ticket be increased, and that warrants be issued for those persons refusing to pay. Town Attorney Denny said that this is one way to approach the problem, the other is to increase the list of danger streets in Town to which towing could apply. Alderman Gardner said that Town has no place to store parked vehicles and that at times it may be difficult for the owner to reclaim his vehicle because the person towing the car does not wish to come back to his business at night to permit the vehicle to be reclaimed. Alderman Cohen said that Raleigh is now using a computer to locate parking violators all over the state, and that warrants are issued for nonpayers. Alderman Smith said that the Streets Department recommends that the streets listed in the no parking ordinance be tow zones. Alderman Marshall said that Police Department needs a tool for enforcing parking ordinances. Mayor Lee asked why towing is needed on some of the streets listed in no parking ordinance. Alderman Smith said that many of the streets are narrow, and parking on both sides create situations where fire trucks would be unable to get through. Alderman Gardner asked whether Town has contractual relationships with the persons who now do the towing. Town Manager Kendzior said no; that persons who operate tow trucks are called on a rotating basis. This creates problems with different fee schedules

for different towers and for different times of day. It would be possible to arrange towing on a contract bid basis or to divide Town up in various zones, with different operators towing from each of these zones. Alderman Gardner said that there have been problems about releasing cars late at night. Town Manager Kendzior said that this has occurred several times, but that he does not know how often. Alderman Cohen said that the University has contracts with several towers, with a set towing fee schedule. He recommended that Town do the same, if Board chooses to set up extensive tow zones. Alderman Smith recommended that tow zones be in effect only for a set length of time during the day, since the Police Department needs some way of enforcing the parking ordinances. Alderman Cohen moved, seconded by Alderman Marshall, that the following ordinance be adopted:

TOW ZONES

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill that §21-21.1, "Tow Zones", of the Code of Ordinances, Town of Chapel Hill, be amended by the addition of the following lines in proper order:

STREET	SIDE	FROM	TO
Gimghoul Road (During hours of no parking)	Both		Full length
Glandon Drive (During hours of no parking)	Both		Full length
Pharmacy Lane	Both		Full length
Cameron Ct.	west		Full length

II

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

This the 21st. day of April, 1975.

Said motion carried by a vote of three to two, with Alderman Gardner and Welsh opposing. Town Attorney Denny said that this ordinance will need to be revoted at the next meeting, since it did not pass by a two thirds majority. Alderman Smith moved that the streets named in the No Parkin Zones Ordinance be created tow zones between 8:00 a.m. and 5:00 p.m. The motion died for a lack of a second.

Recycling Implementation Committee--Resolution and Appointments

Mayor Lee presented the resolution re-establishing a Recycling Implementation Committee. Alderman

Welsh asked whether the main purpose of the committee is to establish curbside pickup of household refuse. Mayor Lee said that one of the purposes is to establish curbside pickup of certain recyclable materials. The timing of this is unsure and Board will be able to act on the matter before implementation. Ms. Jane Sharp said that professional advisers will meet with the committee as needed. Alderman Welsh said that she would find it worthwhile to have a professional review of the committee reports before they are presented to the Board. Alderman Smith moved, seconded by Alderman Cohen, that the following resolution reestablishing a Recycling Implementation Committee be adopted:

R E S O L U T I O N

A RESOLUTION RE-ESTABLISHING A RECYCLING IMPLEMENTATION COMMITTEE

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

34

SECTION I

1. Creation. There is hereby established effective this date a Recycling Implementation Committee for the Town of Chapel Hill.
2. Membership. Membership of said Committee shall consist of eleven (11) persons including two members of the Board of Aldermen to be designated by the Mayor and the Town Manager or his designee as ex-officio members.
3. Duration. The Committee shall be in existence from the date of this Resolution, and for a period of one (1) year thereafter, however, upon request of the Committee its duration may be extended a maximum of one (1) additional year in six month increments.
4. Purposes. It shall be the purpose of the Committee to advise the Mayor and the Board of Aldermen concerning all projects involving the recycling of materials of all kinds; to work with community groups and individuals to encourage recycling; to cause publicity to be promulgated, advertising the efforts of the committee or programs; to investigate the feasibility of all recycling possibilities for the conservation of natural resources and the protection of the environment; and to recommend or implement all measures necessary to carry out an effective recycling program in the Town.
5. Organization. The Mayor shall designate one of the members permanent chairman, and the Committee may adopt such procedural by-laws and other organizational matters as it may deem necessary or expedient in carrying out its work.
6. Reports. The Committee shall make such reports to the Board of Aldermen as it deems appropriate for information or action, provided however, that the Committee shall make a progress or final report to the Mayor and Board of Aldermen within the time limits above set forth. All such reports shall be reviewed by recognized experts in the field.

SECTION II

This Resolution shall be effective from and after the date of its adoption.

This the 21st day of April, 1975.

Said motion was unanimously carried.

Mayor Lee presented the list of names of persons to serve on this committee: Ms. Jane Sharp, chairman; Ms. Mary Jane Boren, Ms. Susan Clinton, Alderman Gerry Cohen, Mr. William J. Couch, Mr. Harold Harris, Ms. Jean Holcomb, Mr. Robert P. Humphreys, Ms. Beverly Kawalec, Mr. Paul Obrist, and Alderman Sid Rancer. Alderman Welsh requested that a person be appointed to the committee to represent the retired citizens; also, she feels that the committee members should be residents of Town. Alderman Gardner suggested that the committee members be appointed at a later date. Mayor Lee said that most of the nominees have been contacted and have agreed to serve; Ms. Sharp would also like to begin functioning with her committee as soon as possible. Ms. Sharp said that she is willing to have other names added to the committee at a later time; also, some of the ones now nominated may drop out at some future time. Alderman Smith suggested that membership in this committee be solicited from Carrboro and Orange County to enable a larger amount of materials to be recycled. Alderman Smith moved, seconded by Alderman Marshall, that the list of committee members be approved as submitted by the Mayor, with the option left open to add other names at a later date. Said motion was unanimously carried.

Street Paving

28, 1975.

Consideration of this matter was postponed to the meeting of April

Day Care Task Force
Report--Work Session

The work session was scheduled for one evening during the week of May 11, 1975.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:50 p.m.



 Mayor



 Town Clerk, David B. Roberts

MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE OLD TOWN HALL, MONDAY, APRIL 28, 1975 AT 7:30 P.M.

The Board of Aldermen met for a Public Hearing, followed by a regular meeting, on April 28, 1975 at 7:30 p.m. in the Old Town Hall. 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. Planning Board members present were Ms. Conley, Mr. Howes, and Mr. Liner.

PUBLIC HEARING

Annexation

Mayor Lee said that the Public Hearing is a joint hearing with the Planning Board to consider a proposal for annexation of certain unincorporated areas into the Town of Chapel Hill. The proposal has been recommended for approval by the Planning Board. Notice of public hearing, Planning Board transmittal and Annexation Plan Report have been distributed to the Board of Aldermen and have been available for public inspection. Mayor Lee explained the procedure to be followed at this hearing.

Mr. Mike Jennings, Planning Director, said that on January 6, 1975, Board of Aldermen directed the Town Manager to study areas eligible for annexation; on February 18, 1975, the first progress report was submitted, and on March 4, 1975, the second progress report was submitted in a work session, in which several areas were deleted from the original proposal. On March 18, 1975, the Planning Board reviewed the report and recommended its approval. On March 24, 1975, Board of Aldermen reviewed the report and passed a resolution of intent to annex. The Annexation Plan Report, dated April 7, 1975, has been on file since April 14, 1975, and available for public inspection. The Annexation Report is a legal document consisting of the written report and of four maps, showing the existing and proposed Town limits, land use in Town, existing and needed sewer