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Lee said that he agrees. He suggested that Town Manager invite Chamber of Commerce representatives to meet with him and to go over the available information.

George Wheless--  
Communication

Mayor Lee said that the letter from Mr. Wheless requests that the unpaved portion of Coker Drive be

either eliminated from the bus route, that the street be paved at cost to Town, or that residents be recompensed for damages caused by buses. Alderman Smith moved, seconded by Alderman Welsh that Coker Drive be considered when street paving priorities are discussed. Said motion was unanimously carried.

County Commissioners--  
Joint Meeting

Mayor Lee said that County Commissioners are requesting a joint meeting with Board to discuss

Proctor rezoning and landfill. The joint meeting was set for Thursday, May 8, 1975, at 7:30 p.m., with the place to be decided later.

Police Chief--  
Sidney Hilliard

Mayor Lee introduced the new Police Chief, Sidney Hilliard.

Human Services  
Director--Resignation

Town Manager Kendzior announced that Director of Human Services, Charles Haywood, has resigned

because of personal reasons effective May 23, 1975.

There being no further business to come before the Board, said meeting adjourned at 11:35 p.m.

  
\_\_\_\_\_  
Mayor

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

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 MAY 5, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on May 5, 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  
Sid. S. Rancer  
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 Welsh, that minutes of the meeting of April 28, 1975 be approved as corrected. Said motion was unanimously carried.

Willow Drive--Parking Ban

Mr. Walter Trott of 62 Willow Terrace Apartments presented a petition signed by all but four tenants of the apartment complex, requesting that Board reconsider its action of April 21, 1975, banning parking on Willow Drive from Estes Drive to 15-501 By-Pass, and to permit parking on north side of Willow Drive from Conner Drive to 15-501 By-Pass.

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The ban is a hardship to the residents of the apartments, since each apartment is assigned a numbered parking space that may not be used by other persons. Although there are some extra spaces available, there are not enough to provide parking for two cars for all residents of the apartments and in addition for visitors to the apartments. Mayor Lee said that he has received a letter from Mr. Leon W. Wynne, Jr. of Willow Terrace Apartments on the same matter. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received and the matter placed on the agenda under 3a. Said motion was unanimously carried.

Raleigh Road Closing--  
Sunday, May 11, 1975

Mr. William Blake, Assistant Town Manager for Public Safety, said that Town has received a request from

University to block Raleigh Road in front of Carmichael Auditorium on Sunday, May 11, 1975 during University Commencement exercises. University will provide the necessary equipment and manpower. He recommended that this request be granted. Town Manager Kendzior said that he agrees with the recommendation. Alderman Welsh moved, seconded by Alderman Marshall, that Board approve the request from University to close Raleigh Road in front of Carmichael Auditorium during University commencement exercises on Sunday, May 11, 1975. Said motion was unanimously carried.

Barclay Road Surfacing

Alderman Gardner petitioned the Board to place on the agenda con-

sideration of the resurfacing of Barclay Road that was done last year. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the matter placed on the agenda under 3g. Said motion was unanimously carried.

Coker Drive--Bus Rerouting

Mr. George Wheless of Coker Drive petitioned the Board that buses be

rerouted from Coker Drive until the unpaved portion can be paved. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received and the matter of rerouting buses from the unpaved portion of Coker Drive referred to Transportation Advisory Committee for consideration of bus rerouting, and to Town Manager for consideration of paving this portion. Said motion was unanimously carried.

Chapel Hill Art Guild--  
Parking Lot Use in May

Town Manager Kendzior said that the Chapel Hill Art Guild is requesting the use of municipal parking lots

on every Sunday in May, 1975. There have been not other requests for their use. Town Manager Kendzior recommended approval of this request. Alderman Welsh moved, seconded by Alderman Marshall, that the request from Chapel Hill Art Guild to use municipal parking lots on every Sunday in May, 1975 be granted. Said motion was unanimously carried.

I-40--Revised Environmental  
Impact Statement

Mayor Lee said that he has received a letter from State of North Carolina, stating that the Planning and

Research Branch is preparing a revised Environmental Impact Statement on the proposed I-40 west of Durham to Research Triangle Park and requesting Board comments on this regarding its impact on Chapel Hill. Alderman Welsh said that Board gave its committment to ECOS and its Environmental Impact Statement, and suggested that Town Manager contact this group to see what action it is planning. Alderman Marshall said that, in addition, Board needs to consider whether any of the new proposed alternates may mean that highway 86 will not need to be rebuilt. Alderman Welsh moved, seconded by Alderman Smith, that Town Manager look at the proposed alternatives and the environmental impact that could be created on Town, particularly Alternate 1, and that he contact ECOS to see if this group is considering this matter. Said motion was unanimously carried.

Elliott Road--Bus Service

Mayor Lee said that he has received a petition from the merchants on

Elliott Road between Franklin Street and 15-501 By-Pass requesting that bus service be extended to this area. Alderman Marshall said that Transportation Advisory Committee has already recommended that bus service be extended to these businesses. Alderman Welsh moved,

seconded by Aldermen Gardner, that the petition be received and any information regarding the study of this matter relayed by Town Manager to the person sending the petition. Said motion was unanimously carried.

Annexation--Petition Mayor Lee said that he has received a petition regarding annexation, requested that action on this be delayed until Board discusses annexation and said that he will send a letter indicating that the matter will be considered at the appropriate time.

Water Resources Conference Mayor Lee announced that Water Resources Conference is scheduled for May 9, 1975 at 12 noon at Sir Walter Hotel in Raleigh.

Transportation Advisory Committee--Resignation Mayor Lee announced that Mr. Lew Warren and Mr. Bill Herald, both students, have resigned from Transportation Advisory Committee.

Board of Adjustment--Resignation Mayor Lee announced that Mr. James S. Barnett has resigned from the Board of Adjustment.

Willow Drive--Parking Ban Alderman Welsh asked whether the additional parking in street is necessary only during night or also during daytime. A resident of Willow Terrace Apartments said that the street was constructed six feet wider, to 36 feet, specifically to permit parking on it. The greatest need for the additional parking is on weekends and evenings when residents have parties. There is not much hazard or congestion in the area now. He suggested that parking be banned at entrances to the University Mall, but permitted elsewhere. Mayor Lee said that potential danger exists in the area because of increased traffic, and that the matter has been considered carefully by Streets Committee and Police Department. Alderman Smith said that the street was not built to 36 feet to allow on-street parking, although such parking has been allowed. There is a need for a left turn lane on Willow Drive, since many persons make left hand turns into University Mall. He said that, since the ordinance does not become effective until May 15, 1975, Streets Committee can look at the situation again. Alderman Marshall said that, the last time the matter of parking in the area was considered, Town Manager suggested that the owner of the apartments cut into the curb to provide additional parking, but that this suggestion was not accepted by the owner. Alderman Welsh said that she feels residents are being penalized for the additional traffic on street caused by the expansion of businesses in the area. She said that residential use in the area should be encouraged, and that the matter should be reconsidered. Mayor Lee said that he feels a compromise in the matter is possible, but that the street is busy during the day and has the potential of being a very dangerous area. Another resident of Willow Terrace Apartments asked whether there have been any traffic accidents in the area. She said that she has lived there for two years and has not noticed danger or congestion. Mayor Lee said that the Board is attempting to prevent accidents, since many left hand turns are made there, and the potential for accidents is present. The resident said that if street cuts for additional parking were made, residents would be penalized financially. Mr. Walter Trott said that street parking is necessary during the day, since visitors should not use the parking spaces that are assigned to the residents of another apartment. He suggested that parking be permitted on the north side of Willow Drive from Conner Drive to 15-501 By-Pass, since the main entrance to University Drive is at Conner Drive and there should be sufficient parking spaces available for residents to park. Mayor Lee requested that Streets Committee contact the residents of Willow Terrace Apartments before the matter is considered, so that they may participate in the study. Alderman Welsh moved, seconded by Alderman Gardner, that the matter of parking ban on Willow Drive be referred to Streets Committee for their consideration and that Streets Committee contact residents on the matter. Said motion was unanimously carried.

Energy Recovery Plan--  
Triangle J Region

Mr. Burnham, representing Triangle J COG, said that Triangle J COG and the Technical Advisory Committee

on Solid Wastes has been working for the past two years on a survey of solid waste. Less than two weeks ago it was learned that Environmental Protection Agency has about \$400,000 available nationally, to be divided in four or six ways for energy recovery implementation on a regional basis. The deadline for submitting the request for funds is May 9, 1975. Mr. Burnham presented a report entitled "An Energy Recovery Implementation Plan for the Research Triangle Area of North Carolina", dated April 22, 1975. The request is for \$5,000 from Wake, Durham, and Orange Counties for in-kind contributions, with the money recommended to be divided equally between the county and the municipality in the county. The total commitment of \$15,000 will enable the region to receive \$75,000 for a one year study. The prime sponsor of the project is the Triangle J COG. The report lists the members of the Technical Advisory Committee on Solid Wastes; the objectives of the energy recovery implementation project; the tasks and methods of the project, the work plan to be shared by interns and by the local in-kind contribution of sampling loads arriving at the landfills, by consultants to determine the feasibility of such a project, and by Triangle J COG in research and attempt to involve government and businesses; financial sheet for first year; description of why the project is appropriate; map of the area; and supplemental information. He asked that Board take action on the matter at this meeting so that the deadline can be met. He said that both Durham and Orange County have indicated favorable responses. Alderman Gardner said that the landfill used by Town is operated jointly by three governmental units. Mr. Burnham said that he is aware of this, but that he has not had the opportunity to contact Carrboro as yet. Alderman Gardner asked what is covered by indirect expenses, as shown on the financial sheet. Mr. Burnham said that this item covers a part of the salary for the Executive Director, rent, utilities, and telephone. Alderman Gardner said that Chapel Hill and Orange County are the smallest units in the three county area, and suggested that the recommended shares should reflect population. He asked whether municipalities that already have solid waste converters in operation will be contacted to learn from their experiences. Mr. Burnham said that operating a solid waste converter in an area with scattered population is different from operating in an area with high population density. Some travel funds are allocated in the proposal, and these existing solid waste converters would be visited to obtain information. Alderman Marshall said that the use of waste for energy has been discussed extensively in energy meetings, and that no studies have been made in partially rural areas to see how this use could be implemented. She explained that COG is planning to include indirect expenses category in all future project budgets, to reflect its fair share of rent, utilities, etc. Alderman Smith asked how much time would be involved for Town's in-kind contribution and whether this could be done with existing personnel. Mr. Burnham said that he is not yet sure how much time would be involved, but that it would be a fairly intense effort over a two month period. Town Manager Kendzior said that Town's employees are now engaged in inventory-type work at the landfill. Alderman Rancer said that Mayor's Task Force on Recycling has just been appointed and suggested that action on the matter be postponed until the committee can begin working, since the last paragraph on page 6 of the report indicates that recycling of materials will also be an effort in the project. Mayor Lee said that he feels both of the projects can proceed simultaneously. Alderman Marshall said that there is an overlapping of people who have been working on the Technical Advisory Committee for Solid Waste and on the Recycling Implementation Committee. Alderman Welsh asked whether the Technical Advisory Committee is submitting this report. Mr. Burnham said that the committee has discussed the report and has shown that it is in favor of it, but that it has not voted on it. Aldermen Welsh asked whether all members of this committee will support the recovery of recycled materials. Mr. Burnham said that he feels they will. Alderman Welsh said that some people have indicated that there is no market for recycled materials. Mr. Burnham said that towns that have gone very heavily into recycling are now warehousing some of their materials,

but this proposal is placing the emphasis on energy recovery, with recycling and other aspects secondary. Alderman Welsh asked where the necessary information for the report was obtained. Mr. Burnham said that this information is in the committee, which has been studying solid wastes for two years; their report is not yet complete, but the request for funds needs to be submitted now. The Committee felt that this fund request should be made. Alderman Welsh asked what Town's commitment in the project will be. Mr. Burnham said that Town will be committing itself for a one year study to see whether such a project is feasible. Alderman Rancer said that the Committee does not reflect the input of any recyclers and that it is not adequate. Mr. Burnham said that additional committee members can be appointed to represent all phases of energy recovery and recycling. Alderman Smith moved, seconded by Alderman Marshall, that the energy recovery implementation plan for Research Triangle Area be endorsed, with Town providing up to \$2,500 in in-kind contributions, and that Town not commit itself to further study. Town Attorney Denny said that it will be difficult to provide in-kind services from a three-way landfill operation. Mayor Lee said that Town Manager has indicated that the matter can be worked out. He suggested that Carrboro be contacted to see if they would be willing to participate. Alderman Welsh amended the motion, and this was accepted by Alderman Smith, that the motion be approved with the provision that Carrboro should also be informed of this opportunity. Said amended motion passed by a vote of five to one, with Alderman Rancer opposing.

Zoning Ordinance--Drive-In  
Businesses--Proposed  
Amendments

Alderman Welsh presented ordinance amendments for Special Use Permits, Section 4-C-7, Drive-In Businesses, as proposed by the Hidden Hills

Neighborhood Park Association. The proposed amendments cover Sub-Section f. Other Requirements, Point (9); Sub-Section g. Plans, Point (1); Sub-Section g. Plans, Point (7); and Sub-Section g. Plans, Point (9)(d)3. These amendments cover non-point sources of pollution of streams, and are specifically considering car wash places. Alderman Welsh said that these amendments should be considered by Planning Board before any further action is taken by the Board. Alderman Smith said that 208 study is also considering non-point sources of pollution and asked how the ordinance will tie in with these suggestions. Alderman Welsh said that the ordinance asks for requirements that are not too expensive to install and will cover only new businesses. Alderman Welsh moved, seconded by Alderman Cohen, that the proposed amendments to Special Use Permits, Section 4-C-7, Drive-In Businesses, be referred to the Planning Board for their consideration and recommendation back to the Board. Alderman Smith offered an amendment, seconded by Alderman Gardner, that Planning Board consult 208 study on non-point sources of pollution to see if the amendments will be in conflict. Said amendment was unanimously carried. Said motion as amended was unanimously carried.

Recreation Department--  
Alcoholic Beverages at  
Games

Mr. Louis Rubin, member of Recreation Commission said that the Recreation Commission at its meeting of April 16, 1975, made the follow-

ing motion to be presented to Board of Alderman for discussion and approval: Public display or consumption of alcoholic beverages by spectators or players at any Recreation Department sponsored athletic event is prohibited. He said that the initial request was made by the Director of Recreation because the consumption of alcoholic beverages during athletic contests lends itself to disorderly conduct, emotional outbursts, and general disruption of the purposes of the athletic event; alcoholic consumption interferes with the enjoyment of spectators and players during the event; a constant maintenance problem is created by the cans and bottles not placed in the waste receptacles in the area; and consumption of alcoholic beverages in the presence of the surrounding community creates a permissive atmosphere. Alderman Smith asked whether the existing ordinance covers prohibition of consumption of alcoholic beverages in Town parks. Town Attorney Denny said no; there may be some question of constitutionality about banning the public display of alcoholic beverages. Mayor Lee asked how such an ordinance could be enforced. Police Chief Hilliard said that the

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only way it could be enforced would be to have policemen present at each such function. Mayor Lee asked whether the erection of signs stating that alcoholic beverages are prohibited would be helpful. Alderman Smith said that it is doubtful that such a sign would be helpful without police present to enforce it, and asked who would enforce the ban if police were not present. Mr. Rubin said that all such events are supervised by Recreation Department. If a sign were erected, the field supervisor could point it out to any persons consuming alcoholic beverages and, in case of trouble, could send for police help. He said that the sign would be sufficient in most cases to enforce the ban. Alderman Welsh asked whether a policy adopted by Board to this effect could be an alternative to an ordinance. Town Attorney Denny said that police could not enforce a Board policy. Mayor Lee said that he does not feel a wholesale ban of alcoholic beverages in Town parks should be made. He said that Town now prohibits persons under 18 from frequenting certain types of establishments, and an ordinance might be considered prohibiting consumption of alcoholic beverages at events where children were present. He said that he sees no problem with the consumption of alcoholic beverages at such events, but, if citizens are concerned, Board should consider the matter. Town Attorney Denny said that some of the athletic events sponsored by Recreation Department are not held inside Town limits. Alderman Welsh moved, seconded by Alderman Gardner, that Town Attorney draft an ordinance prohibiting the consumption of alcoholic beverages by spectators or players at any Recreation Department sponsored athletic event. Alderman Smith said that he is concerned that such an ordinance will ask the person in charge of the activity to be on lookout for consumption of alcoholic beverages. He said that such a person will need to be present at such events with authority to arrest a suspect and not to have Town employees do this. He said that if the situation is in need of correction, police officers should be present at each event until the situation improves. Mr. Rubin said that one of the responsibilities of the field supervisor of any Recreation Department event is to keep order, and an ordinance will give him the ability to do so by simply bringing a sign to a person's attention. Problems caused by consumption of alcoholic beverages do not happen all the time, but enough to recommend such an ordinance. Alderman Cohen said that he would oppose such an ordinance, unless police could be present to enforce it. Alderman Marshall said that she opposes the proliferation of this type of ordinance. Said motion passed by a vote of four to three, with Alderman Cohen, Marshall, and Smith opposing.

Building Permit Fee  
Collection

Town Manager Kendzior said that he recommends that Board approve collection of fees for all permits

issued by the Inspections Department on a cash basis prior to the issuance of any such permit. He said that currently the applicant may pay the fee in cash or may be billed for the amount of the permit, receive the permit and be invoiced for payment. A number of persons billed do not remit their payments promptly on the first or on subsequent monthly invoices. After a time, progress inspections are withheld for those permit holders who are in arrears until payment is made. This causes problems, since the amount of time in arrears before action is requested varies; Town has to show a balance of uncollectables on its books at the end of the fiscal year; the practice bypasses Town's best collection control measure for the fees; and the practice puts the Inspection Department in the position of acting as a collection agency. If the Board concurs with the recommendation, contractors will be notified that as of July 1, 1975 all permit fees will be paid on a cash basis prior to the issuance of any permit to start work. Alderman Smith asked about the amount of such fees. Town Clerk Roberts said that the fees range from \$5.00 for single family residences to around \$1,000 for apartments. Alderman Cohen said that he agrees with the recommendation. He asked whether Town Manager is considering raising the fees for inspections, since Orange County charges twice the amount that Town does. Town Manager Kendzior said that such a raise is being considered, but it needs to be considered whether such inspections are a source of revenue

for Town or whether they are a service that Town provides. Entire cost of inspections cannot be recovered in most cases, since more than one inspection of premises may be needed. Alderman Smith moved, seconded by Alderman Gardner, that Board approve the recommendation that fees for all permits issued by the Inspection Department be collected on a cash basis prior to the issuance of any such permit, beginning July 1, 1975. Said motion was unanimously carried.

Street Construction  
Assessment--Proposed  
Amendment Ordinance

Town Manager Kendzior said that present Town policy is to assess adjoining residents for street construction with curb and gutter

only, at \$6 per linear foot; the assessment is unclear when curb and gutter is not provided. The proposed ordinance includes assessment on any kind of street construction when petitioned by residents, with property owners assessed 50% of the total cost of such construction. Alderman Cohen said that he agrees that Town needs to assess property owners more for such improvements, but questioned whether the ordinance would be sufficiently informative for residents. He suggested that Board set assessment on a per foot basis, to be revised every six months, if necessary. Town Manager said that the residents would have an idea what their share of construction would be after public hearings are held and cost estimates presented. Alderman Cohen asked whether residents can withdraw their signatures from paving petitions. Town Attorney Denny said that Board policy has been that signatures can be withdrawn if the persons so desire; this policy will continue unless the Board indicates otherwise. Mayor Lee said that he thinks such a policy is reasonable. Town Attorney Denny said that such an ordinance would give Town a method to recover a larger proportion of cost for street construction and will also give more flexibility on the type of paving that can be assessed. The ordinance is also acceptable from the point of view of residents not knowing the cost of assessment when petitioning for paving. Alderman Marshall said that she agrees with Alderman Cohen's concern. Town needs to function for what is best for its citizens, and it is easier for residents to plan if they know what their cost will be. The proposed ordinance makes it difficult for the citizens to react. Town Manager Kendzior said that the same is also true for Town, since it knows what costs may be recovered from paving, but the total cost is uncertain until after the paving is completed. With the present economic situation, bids on paving are increasing very rapidly. It is impossible for Town to say that residents need to pay a certain cost of a project and that Town will absorb the rest. Alderman Welsh moved, seconded by Alderman Gardner, that action on the presented ordinance be delayed until the Board meeting of May 12, 1975. Town Attorney Denny said that when Town installs sewers, it operates by open ended cost to residents. Said motion was unanimously carried.

Barclay Road Surfacing

Alderman Gardner said that Barclay Road was resurfaced a year ago,

and the surfacing was not done to the edge of the existing paving but anywhere from three to eight inches narrower. Gravel has been spread along the sides of road on top of the previous paving and recently fill dirt has been placed on top of the gravel. This creates a very muddy situation. The garden club in the area did extensive improvements of the median strip of Barclay Road, and Town made a commitment that this strip would be maintained. Town has mowed grass only a few times, with residents doing most of the mowing themselves. The area residents are requesting that Town surface Barclay Road to its original width. Town Manager Kendzior said that Barclay Road is a two-lane road, and it was resurfaced to a width of ten feet. The existing paving varied from ten feet three inches to ten feet six inches, and the edges of the road were uneven. Alderman Smith asked whether asphalt can be placed on edges instead of gravel. Town Manager Kendzior said that Town is attempting to keep the road to an even width of ten feet. Alderman Cohen asked whether the old paving can be removed and replaced by a shoulder. Town Manager Kendzior said that the Street Department is trying to do this with gravel. Alderman Gardner moved, seconded by Alderman Welsh, that Barclay Road be resurfaced to its original width. Alderman Gardner said that only the strips missed

in repaving would need paving, and that Town crews should be able to do this. Mayor Lee suggested that Town Manager provide information on the various choices for correcting the problem. Alderman Gardner amended his motion that Town Manager provide information on the cost factors for correcting the paving to its original width. Said amended motion was unanimously carried.

Water and Sewer Authority Town Attorney Denny said that three persons need to be appointed by Town to Water and Sewer Authority.

Releases and Refunds Alderman Marshall moved, seconded by Alderman Gardner, that the following resolution, granting releases and refunds, be adopted:

RESOLUTION - TAX RELEASES

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

<u>Name</u>	<u>Rec. #</u>	<u>Amount</u>	<u>Reason</u>
John F. Moore	8322	15.86	Personal property located in county.
Elsa C. Yarborough	6645	188.05	Was listed to wrong person. Now listed to Fred and Anne Hengeveld.
W. B. Upchurch	6070	52.44	Not connected to sewer. Lot.
Southland Association	7480 (73) 7084 (74)	180.38 16,380.83	The 1973 taxes was appealed and reduced from 334,700 to 315,200. The 1974 tax valuation was a computer error. It was listed as 2,086,100. It should have been 334,700. The State Board of Assessment reduced both years to 315,200.
E. N. Richards	5070	3,520.55	Mr. Richards appealed his valuation to the State Board. It was changed from 6,135,800 to 5,755,200.

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 of 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.

This the fifth day of May, 1975.

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>
Southerland Association	1973 1974	180.38 50.21	

1973 taxes were - 3,059.60 - 12-27-73 paid 3,239.98 Overpaid \$180.38  
1974 taxes were - 3,281.57 - 12-31-73 paid 3,331.78 Overpaid 50.21



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 tax payer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such refund.

This the fifth day of May, 1975.

Said motion was unanimously carried.

Triangle J COG Charter--  
Resolution

Alderman Smith said that the main purpose of the proposed charter change is to allow Towns to have a main delegate and an alternate, in case the main delegate is unable to attend a meeting. Alderman Welsh said that Board has approved this concept in past. Alderman Smith moved, seconded by Alderman Welsh, that the following resolution, approving proposed Triangle J COG Charter changes, be adopted:

R E S O L U T I O N

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Charter Resolution of the Triangle J Council of Governments is hereby amended as follows:

1. Article VI Representation is rewritten as follows:
  1. Each member governmental unit shall be entitled to delegation of two persons, one primary delegate and one alternate delegate. Each delegate shall be an elected member of the governing body of the member governmental unit he represents. Each delegate, both primary and alternate, shall be selected by name by the governing body of the member unit in any manner consistent with law and the regulations concerning the governing body, and his name shall be certified to the Council by the governing body.
  2. Each primary delegate shall have primary responsibility for representing his member governmental unit at all Council meetings and actions. In the event of the inability of the primary delegate to attend or otherwise participate in a Council meeting or action, the alternate delegate shall exercise his responsibility of representing his member governmental unit at the appropriate meeting or action. Only one delegate may represent a member governmental unit at any meeting; provided, however, that both primary and alternate delegates may attend any regular or called meeting and may participate in any discussion or debate.
  3. The term of office of each primary delegate and each alternate shall commence upon the date of his appointment to the Council by the governing body of the member governmental unit he represents; and the term shall continue at the pleasure of the governing board, unless the delegate shall sooner resign or cease to be an elected member of said governing board, in which case his term shall expire on the effective date of such event.
  4. Each member shall certify to the Council the names of its delegate and alternate prior to the first Council meeting after June 30 of each year. Only an individual who has been duly appointed and certified to the Council as a delegate or as an alternate delegate may be permitted to vote on any matter. The member local governments shall also appoint and certify a successor to fill any vacancy created by the death, removal, resignation, or ineligibility of a delegate.

- 5. It is the intent of this charter that all delegates to the Council shall have demonstrated an interest in the sound development of Region J.
- 2. Article VIII. Quorum and Voting Requirements is rewritten to establish a majority of the delegates as a quorum for normal business of the Council by substituting the word majority for the word "one quarter (1/4)" in the first line of Section 1.
- 3. Article VIII is also written to confirm the intent of the Charter that two-thirds of the member local governments shall participate in any weighted voting proceedings by striking the words "members present and voting" at the end of the third sentence of Section 2 and substituting therefor the words "member local governments".
- 4. The last sentence of Section 2, Article VIII, is deleted as being unnecessary.
- 5. These charter amendments shall take effect when they shall have been adopted by at least two thirds of the member governments in the Triangle J Council of Governments or on July 1, 1975, whichever date is later.

This the fifth day of May, 1975.

Said motion was unanimously carried.

Tow Zone--Ordinances Alderman Cohen moved, seconded by Alderman Smith, that the following ordinance to amend Section 21-21, Code of Ordinances, Town of Chapel Hill, be adopted:

AN ORDINANCE TO AMEND SECTION 21-21,  
CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Section 21-21, Code of Ordinances, Town of Chapel Hill is hereby amended and rewritten to read as follows:

Impounding Parked Vehicles. The Police Department of the Town is hereby authorized to remove, tow in, and impound automobiles and vehicles of any kind which are parked or allowed to be parked on the public streets, sidewalks or alleys of the Town in violation of any Ordinance relating to parking or non parking hazard or are parked in front of fire hydrants, marked or unmarked crosswalks, improperly parked in parking spaces marked for the use of the handicapped, improper use of loading zones, bus loading and unloading zones, or blocking alleys, streets and driveways, or parked on a sidewalk, or blocking the free flow of traffic on streets of the Town.

SECTION II

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

This the 5th day of May, 1975.

Said motion was unanimously carried. Town Attorney Denny said that the following proposed ordinance defines sidewalks. Alderman Gardner asked how a sidewalk is defined. Town Attorney Denny said that a sidewalk is any area in the public right-of-way of a public street which delineated from that used by vehicles by a curb and gutter; the sidewalk surface can be grass, gravel, brick, etc. Sidewalks do not include private areas where the private property line goes up to the curb, such as in areas on West Rosemary Street. Alderman Welsh said that it will be necessary for the Police Department to familiarize itself about the location of public rights-of-way. Town Attorney Denny agreed. Alderman Smith moved, seconded by Alderman Welsh, that the following ordinance to amend Chapter 21, Code of Ordinances, Town of Chapel Hill, be adopted:

AN ORDINANCE TO AMEND CHAPTER 21,  
CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

SECTION I

That Chapter 21, Code of Ordinances, Town of Chapel Hill is hereby amended to add a new section to be designated Section 21-20.1, Parking on Sidewalk, to read as follows:

It shall be unlawful for anyone to park a motor vehicle or allow one to stand on any public sidewalk within the Town of Chapel Hill. For the purposes of this Section, a public sidewalk is defined as any area within the right-of-way of a street which has curb and gutter, and which said area is separated from that designed and normally used for the operation of a motor vehicle by said curb, and shall not be construed to include the shoulder or any unpaved portion of a right-of-way of a paved road on which curb and gutter does not separate the travelled portion from that portion of the right-of-way used for other purposes.

SECTION II

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

This the 5th day of May, 1975.

Said motion was unanimously carried.

Street Resurfacing and Paving--Priorities

Town Manager Kendzior said that the list of priorities for street resurfacing and for paving of dirt

streets was submitted to the Board at its April 14, 1975 meeting. The priority list for paving of dirt streets was made in response to Board's request last year that paving of dirt streets be included in this year's work, and because some of the streets are on bus routes. Town Attorney has pointed out that the proposed paving will not be on an assessed basis, since the streets would not be improved; the paving was recommended to cut down on the maintenance of dirt streets. He said that there is a danger that such substandard paving may prolong the existence of substandard streets in Town. Town Manager Kendzior recommended that the streets on the repaving list be done in the order of priority, but that the dirt streets not be paved. Alderman Marshall said that Town should take this responsibility and pave the streets, since sometimes it is necessary to do certain work without recovering costs. Coker Drive is needed for the bus system, since the use of the 15-501 By-Pass is dangerous. The 78 Town buses on Coker Drive create a very dusty environment. Mayor Lee said that substandard paving of dirt streets by Town may set a precedent that could cause problems in future, since this would leave Town open to requests by residents and developers for paving to less than Town standards. He said that the paving should be done to Town standards, with work done on the worst areas first. Town Attorney Denny said that once Town paves a street, it assumes an obligation to maintain it. If the street is substandard, continued repairs will be needed to maintain it at substandard levels. If Town begins to pave dirt streets without curb and gutter, it will not receive any future petitions from residents for paving. Alderman Welsh said that she feels this is correct, especially on streets with heavy traffic. However, on streets with light traffic, such as Fern Lane, and where Town is already maintaining the dirt streets, she feels that it is unnecessary to insist on paving to Town standards and that a thin paving would be sufficient. She said that Durham is doing such paving, mainly to recover the cost of maintenance of dirt streets. Town Attorney Denny said that if such paving were done, residents of other

areas could request similar paving, which could cause problems if traffic there were heavier. Alderman Cohen said that there is some justification to pave dirt streets on bus route below Town standards to cut down on the cost for maintenance. Town Attorney Denny said that if substandard paving were done, Town could not tell developers that substandard paving cannot be used in their developments in cul-de-sacs. Alderman Cohen said that Town should pave to good standards, if it is possible. Mayor Lee said that he feels the same paving standards should be imposed on everyone, and that Town should pave to standard and accept some of the cost. He said that the bus system on dirt streets may have intensified the concern about paving, but that this concern was there in past also. Residents of areas may have been willing to submit petitions on paving in the past, but Town has been unable to pave because of costs involved. He said that he does not feel that the use of dirt streets by bus system should be enough reason to pave these streets without cost to residents. Alderman Smith said that he feels Coker Drive should be paved to Town standards, and that the street should be treated with oil until Town is able to pave. He said that the streets that need resurfacing should be done now, and that the streets on paving list should be considered for next year's budget. Mayor Lee said that paving of streets should not be necessarily to 36 feet width, since some areas can be served adequately by narrower streets. Alderman Welsh said that Board needs a budget estimate on the paving of each individual street. Town Manager Kendzior said that the budget for this fiscal year provides a total of \$57,000 for resurfacing and \$20,000 for paving of dirt streets. Alderman Cohen said that the resurfacing priorities should be done as far as the funds permit, and that individual estimates are needed for the paving of dirt streets to Town standards. Alderman Smith said that the paving of Coker Drive has been discussed by Board previously, and that it felt that the steep section should be paved with a curb and gutter, and without it in other sections; he requested that Town Manager consider this in the estimated cost of paving. Town Attorney Denny said that current Town policy calls for a curb and gutter if the grade of the street is more than 4%. Alderman Marshall said that she is concerned that citizens may be confused about the change in Town policy on paving, since two years ago Town approved a policy of paving dirt streets and residents are beginning to feel that the streets will not be paved. Although there may be good reason to change this policy, the residents should be told what the reason is so that Town will not lack credibility. Mayor Lee said that he feels that the paving and resurfacing proposals were made too enthusiastically, and that Town is not able to move as fast on the matter as residents would like. Alderman Welsh moved, seconded by Alderman Cohen, that Board approve the resurfacing of Whitehead Circle, Morgan Creek Road, Mitchell Lane, Ferrell Road, Cherokee Circle, Hillview Road, Thornwood Road, and Laurel Hill Road, and that Mallette Street and Carr Street not be repaved at this time. Alderman Cohen said that this repaving should be subject to the \$57,000 maximum cost. Alderman Smith said that Town is affected as much by inflation as residents are, and that funds do not go as far as originally anticipated. Said motion was unanimously carried. Alderman Welsh moved, seconded by Alderman Smith, that Kingsmill Road, Laurel Hill Road, Cleland Road, Ward Street, Old Pittsboro Road, Howell Street, Fern Lane, and Coker Drive be considered for surfacing, and Mallette Street and Carr Street be considered for resurfacing in next years fiscal budget. Alderman Smith said that any dirt street on bus route should be seriously considered for paving, since this situation causes not only increased maintenance of the dirt streets, but also increased maintenance of buses. Mayor Lee said that the \$20,000 budgeted for street paving for this fiscal year can be carried over for next year, with Coker Drive given a high priority for paving. Alderman Cohen said that he feels the estimates should be obtained now and paving done as soon as possible. Town Manager agreed that these estimates are needed before budget for paving can be discussed. Town Attorney Denny said that the motion does not preclude action on paving of streets before next fiscal year. Alderman Welsh amended her motion that immediate estimates be obtained for paving Coker Drive to Town standards. Alderman Gardner asked whether the paving of Coker Drive is intended with or without assessment. Mayor Lee said that this would be determined when Board acts on Town Manager's report on paving costs. Said amended motion passed by a vote of five to one, with Alderman Gardner opposing. Alderman Marshall suggested that money placed in budget for paving be spent as soon as possible, because of the state of economy.

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Crawler-Backhoe Tractor  
Repair

Town Manager Kendzior said that Board instructed Town Manager at its March 4, 1975 meeting to repair

the crawler backhoe at an estimated cost of \$3,500. Since that time, General Machinery Company of Raleigh has dismantled this equipment and inspected it for necessary repairs, and the estimate has been revised to about \$6,000. This estimate does not include the cost for nuts, bolts and gaskets, the tax on parts, or the freight costs. The total cost of repairs, including these costs, is estimated at about \$7,000. The service manager of General Machinery Company recommends, in a letter dated April 10, 1975, that the crawler backhoe not be rebuilt because it is a discontinued model sixteen years old, the future service of it cannot be guaranteed, parts are not stocked and would need to be ordered, resulting in costly down-time. The Town Manager recommends that this equipment not be repaired because the Board approved repairs not to exceed \$3,500; the life expectancy of the repaired equipment would be about 6 years; a new backhoe purchased after six years would be anticipated to be much more expensive because of continuing increase in costs of capital outlay equipment; repairing of the machinery is not recommended by the General Machinery Company; the repair cost of \$7,000 is an estimate and could be higher; the reliability of the equipment is important to perform emergency storm or sewer service repair work; the equipment is proposed to be used to dig cemetery graves, the model is discontinued and parts are not readily available; and additional costs may be incurred for parts in the future, for the equipment to last six years. Alderman Rancer asked what equipment has been used in place of the crawler-backhoe during the past two months. Town Manager Kendzior said that Town has been renting equipment, but he does not know the cost of this. Alderman Rancer said that there is no guarantee that new equipment would not need repairs and said that the equipment should be restored. Town Manager Kendzior said that he agrees new equipment may break down, but the existing crawler-backhoe is sixteen years old, and the equipment has a life expectancy of fifteen years. The continued operation of the equipment is uncertain, and Town may have to spend extra money in future anyway to purchase the new equipment. Alderman Smith said that he is concerned that the model is discontinued because of the availability of parts; if these are unavailable, Town may need to purchase new machinery anyway. Alderman Rancer said that he feels it is cheaper to repair old equipment than to purchase new. Alderman Cohen said that he feels the equipment should be rebuilt. Alderman Gardner said that he is disturbed that the previous estimate is half of the present one. Mayor Lee said that the previous estimate was given from an outside inspection of the machinery. Town Manager Kendzior said that the list of parts needed includes mostly internal parts; the estimated cost of parts is about \$2,800. Alderman Gardner asked when the rented equipment has been used. Town Manager Kendzior said that this has been rented as needed, but has not been on standby basis. Alderman Welsh asked whether a firm estimate on repairs can be obtained. Town Manager Kendzior said that the present estimate is in writing, but that the actual cost for obtaining parts not in stock is not known. Alderman Welsh said that the crawler-backhoe should be repaired, if possible. Alderman Marshall agreed. Alderman Rancer volunteered to contact General Machinery Company to discuss the repairs. Alderman Smith moved, seconded by Alderman Welsh, that Alderman Rancer be asked to assist Town Manager in negotiations with General Machinery Company, and to report back to the Board. Said motion was unanimously carried.

Day Care Task Force--  
Work Sessions

Alderman Cohen said that Board has a work session scheduled for Friday, May 9, 1975 at 2:00 p.m. and asked

whether the consideration of the report can be included in the work session. Alderman Smith said that discussion of the matter may be academic, if the section in charter were not approved by General Assembly. Alderman Cohen said that he is willing to postpone discussion of the matter until budget work session, with discussion scheduled for the same session as Human Services Department.

Work Sessions

Mayor Lee said that work sessions need to be scheduled for annexation, Water and Sewer Authority, Capital Improvement Program, and budget. Town Manager Kendzior said that his recommendation on annexation will be distributed to Board members this week, for consideration at May 12, 1975 meeting. Mayor Lee suggested that annexation be considered on the meeting of May 12, 1975, and, if additional time is needed for discussion, a meeting be set for Tuesday, May 12, 1975, to make final decisions on annexation before other work sessions.

Mayor's News Conference

Mayor Lee announced that he is calling a news conference for Monday, May 12, 1975 at 10:00 a.m. to make public his decision on whether he will seek reelection as Mayor of Chapel Hill..

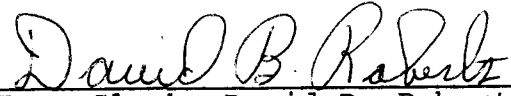
Sally Smith--Moving

Mayor Lee announced that Ms. Sally Smith, reporter for Chapel Hill Newspaper, is moving from Chapel Hill, and is attending her last Board meeting.

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



Mayor Howard N. Lee



Town Clerk, David B. Roberts

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, MAY 12, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on May 12, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present: Howard N. Lee, Mayor  
Gerald A. Cohen  
Thomas B. Gardner  
Shirley E. Marshall  
Sid S. Rancer  
R. D. Smith  
Alice M. Welsh

Absent: None

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

Alderman Welsh moved, seconded by Alderman Smith, that minutes of the meeting of May 5, 1975 be approved as corrected. Said motion was unanimously carried.

Claudia Cannady--Resolution

Mayor Lee asked Ms. Claudia Cannady to step forward, and read the following resolution:

R E S O L U T I O N

WHEREAS, Claudia Cannady has given to the Town of Chapel Hill many long hours of dedication and determination in the planning, growth and development of the Recreation Program; and

WHEREAS, Claudia Cannady has served the entire community as well as making a special effort to help provide meaningful and fulfilling programs for young people; and