


Alderman Smith asked how the ordinance will be handled if Streets Committee recommends that parking be banned on Willow Drive during certain hours. Town Attorney Denny said that then Board could repeal this ordinance and amend the ordinance prohibiting parking at certain times of day. Alderman Welsh moved, seconded by Alderman Smith, that the ordinance be adopted as read. Said motion was unanimously carried.

General Assembly Bills

Mayor Lee announced that League of Municipalities is urging local government officials to contact their representatives in General Assembly urging support of SB506, authorizing municipalities to undertake Community Development activities, and of HB 315, 330, 331, dealing with franchise tax on fuel.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:25 p.m.

  
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 Mayor, Howard N. Lee

  
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 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 19, 1975 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on May 19, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

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

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

Alderman Gardner moved, seconded by Alderman Marshall, that minutes of the meeting of May 12, 1975, be approved as corrected. Said motion was unanimously carried.

Hillview Road--Parking Ban

Mr. Jerry Kilpatrick of Hillview Road petitioned the Board to reconsider the ordinance banning parking on Hillview Road since his residence does not have a driveway, with the closest place to park being 425 feet distant. Although a curb cut is available, the driveway would be located at the worst possible place as far as visibility is concerned. The realtor, from whom the house is rented, has indicated that it would be impossible to construct this driveway by the end of this week. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received and the matter placed on the agenda under 6b. Said motion was unanimously carried.

Old Pittsboro Road and  
Smith Avenue--Paving and  
Parking

Mr. W. F. Pendergraft of Old Pittsboro Road petitioned the Board to consider paving the portion of Old Pittsboro Road at entrance to Pittsboro Street, and to move the no-parking signs further away from the edge of the street on Smith Avenue. Alderman

Welsh moved, seconded by Alderman Gardner, that the matter of location of no-parking signs be referred to Streets Committee for its consideration and report back to the Board, and that the matter of paving be referred to Town Manager for consideration and report back to the Board. Alderman Smith asked whether a valid paving petition has been submitted. Mr. Pendergraft said no, but that it will be submitted later this evening. Another resident of the area petitioned the Board to consider banning parking on only one side of Smith Avenue, since one family on the street has no place to park, and the ban also prevents parking for visitors. Said motion was unanimously carried.

Westwood Drive--Parking Alderman Cohen presented a letter from Mr. Herbert McKay of Westwood Drive, requesting that parking on his part of street, which is now permitted, be banned from 8:00 a.m. to 5:00 p.m.; and a letter from Ms. Rebecca Clark of Crest Drive, requesting that parking, which is now banned, be banned only from 8:00 a.m. to 5:00 p.m. Alderman Welsh moved, seconded by Alderman Gardner, that the petitions be received, and both matters referred to Streets Committee. Said motion was unanimously carried.

Annual Report to Town Citizens Alderman Welsh requested that the petition from Ms. Adelaide Walters, suggesting that an annual report be sent to all Town citizens, be placed on the agenda. Alderman Cohen moved, seconded by Alderman Gardner, that the petition be received and the matter placed on the agenda under 6c. Said motion was unanimously carried.

Pending Legislation of Interest to Town Alderman Cohen petitioned the Board to place on the agenda consideration of a report of the status of pending legislation in General Assembly which would affect Town. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received, and the matter placed on the agenda under 8c. Said motion was unanimously carried.

SB 726 and HB 911 Alderman Cohen petitioned the Board to place on the agenda consideration of SB 726 and HB 911, and that Board consider taking a position on this bill. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received, and consideration of the matter placed on the agenda under 8c. Said motion was unanimously carried.

Coker Drive Paving--Petition Town Manager Kendzior petitioned the Board to place on the agenda consideration of a petition to pave Coker Drive without curb and gutter. Alderman Welsh moved, seconded by Alderman Gardner, that the petition be received and the matter placed on the agenda under 5b. Mr. Dannie Moffie of Coker Drive said that this petition is in lieu of the one presented at the last Board meeting, since it was discovered that one more signature was needed to make the petition valid, and, as a compromise, the petition was changed to paving without curb and gutter. Said motion was unanimously carried.

Willow Drive Parking Ban--Ordinance Town Manager Kendzior petitioned the Board to place on the agenda consideration of ordinance banning parking on Willow Drive, as prepared by the Streets Committee. Alderman Cohen moved, seconded by Alderman Gardner, that the petition be received, and the matter placed on the agenda under 6d. Said motion was unanimously carried.

Gimghoul Road Parking Ban--Ordinance Town Manager Kendzior petitioned the Board to place on the agenda consideration of ordinance banning parking on Gimghoul Road. Alderman Cohen moved, seconded by Alderman Gardner, that the petition be received, and the matter placed on the agenda under 6e. Said motion was unanimously carried.

Fountain Ridge Road  
Repaving

Mayor pro tem Smith presented a letter from a resident of Fountain Ridge Road, requesting that Board take action to finish paving the street, which has been in an unfinished situation for six weeks, and that Board consider adopting a policy deferring maintenance work until the equipment and materials are available to complete the task. Alderman Marshall moved, seconded by Alderman Gardner, that the matter of repaving Fountain Ridge Road be referred to Town Manager to rearrange the priorities of the Public Works Department. Town Manager Kendzior said that Fountain Ridge Road, Churchill Drive and LeClair Street still need to have their repatching finished; several other streets in the area have been completed. The work was needed because the pavement was breaking up due to an unsound base; the base has been removed and replaced with a better one, but the repaving has been hindered because of the unsettled weather, since the black top needs to be ordered in advance and a week of dry weather is needed before the paving can be done. The repaving can be done after one week of dry weather and when the asphalt can be scheduled for delivery. Alderman Welsh amended the motion to have Town Manager reply to the petitioner's letter, and to schedule the repaving in the Public Works work schedule. Alderman Marshall asked why the petitioner did not receive the information now presented by Town Manager. Mayor pro tem Smith said that the petitioner contacted the Public Works work crew and not Town Manager for information. Alderman Welsh asked whether there is any danger in the area, caused by possible fast driving of cars. Town Manager Kendzior said no. Said motion as amended was unanimously carried.

Energy Conservation Task  
Force

Town Manager Kendzior said that Mr. Straley has requested that consideration of this matter be postponed to the Board meeting of May 26, 1975.

Planning Board--Possible  
Litigation

Mr. Jonathan Howes, Planning Board Chairman, said that the possible litigation concerns the Coenen case, which deals with the issue of operation of a commercial parking lot in a residential zone. He said that the Planning Board felt that the action taken in the case by the Building Inspector was inadequate, and decided to appeal the Building Inspector's ruling to the Board of Adjustment, which agreed with the Planning Board's view that a violation exists by a vote of seven to two; but, because of its ordinance which requires a vote of four-fifths of the members present to overturn the Building Inspector's ruling, the ruling was upheld. Planning Board is now involved in a political matter, since it has to be decided whether it is appropriate for one Town Board to sue another. The basic question at issue is the extent to which Town is going to see to the enforcement of the ordinances on books, which enforcement has been delegated to Town employees. He said that the Planning Board is requesting a joint discussion with the Board of Aldermen as to how far Town will go to enforce the Zoning Ordinance. The particular matter was not done on a whim of the Planning Board, but under the urging of some of the neighbors and some of the Board of Aldermen members. He said that action in this particular matter needs to be taken within thirty days of the adoption of the Board of Adjustment minutes of the proceedings, which has already been done. He said that the case was developed by a subcommittee of the Planning Board, consisting of Mr. Cohn, Mr. Hemmens, and Ms. Slifkin. He said that the previous request for a joint meeting was for an executive session, because Planning Board thought that this was a litigation matter and a personnel matter, and could be considered in an executive session. Town Attorney Denny said that he cannot construe the matter as pending litigation warranting an executive session, nor consideration of administrative personnel duties warranting an executive session. He said that the matter raised by the Planning Board is similar to what he raises in his memo to the Board, dated April 18, 1975, and suggested that it might be appropriate to discuss some aspect of this matter at the same

time that the memo is discussed. Alderman Welsh said that she feels there are certain difficulties with the ordinance since the Building Inspector is asked to make a judgement which is difficult to make without extensive investigation. She said that this general problem has been a concern to the Board for a long time, and that she feels a joint meeting with Planning Board is appropriate. Alderman Marshall agreed. Mayor pro tem Smith suggested that scheduling of this meeting be postponed until Town Attorney's memo has been discussed. Mr. Hemmens said that the Planning Board has four options: it can go to court and get a writ of certiorari, with financing either from Board or from a public defense fund; it can go to court and get an injunction, with similar methods of financing; it can file a complaint with the District Solicitor, and he can take the case to court; or it cannot go to court, but consider directive administrative action, with a review of Town Boards and their action with regard to pursuing public interest. Alderman Marshall said that she feels the last alternative is the best, since she feels problems of this sort should be worked out locally. Mayor pro tem Smith said that he is disturbed that Planning Board looked for outside legal advice, since Town has two Town Attorneys to provide advice.

Bicentennial--Bike Path to Hillsborough

Alderman Welsh read a memo that she is planning to send to the Orange County Board of Commis-

sioners, concerning a proposal to connect Historic Chapel Hill with Historic Hillsborough by means of a bike path along Old 86 Highway with points of historic interest permanently indicated along the route to mark the occasion of the 200th anniversary of the American revolution. She said that the proposal has been endorsed by Mayor Cates of Hillsborough, Mr. Yates of DOT, and that copies of the proposal have been sent to Mayor Wells of Carrboro. Alderman Cohen said that this is a good proposal, since traffic is low on the road. He asked whether the Federal Bicentennial Commission has money available to projects of this sort. Alderman Welsh said that money for projects is available at both federal and state levels. Alderman Marshall said that she supports the proposal, but asked who will be in charge of it. Alderman Cohen suggested that the local Bicentennial Commission be responsible for coordinating it. Alderman Welsh said that at the present time only endorsement from various groups is needed. Alderman Gardner moved, seconded by Alderman Cohen, that Board endorse the spirit of the proposal and that the proposal be sent to Chapel Hill Bicentennial Commission and to Energy Conservation Task Force for their endorsement. Said motion was unanimously carried.

Council on Aging--Vacancy

Mayor pro tem Smith reported that Mr. Charles K. Martin, Jr.,

Director of the Orange County Council on Aging, has notified Board that Ms. Gatha Lassiter's term of office expires June 30, 1975, and that she is eligible for reappointment as a consumer representative. The appointment to fill this vacancy will be for a three-year term expiring June 30, 1978. Mayor pro tem Smith said that nominations for the vacancy will be received at the next regular Board meeting.

University of North Carolina--Public Utility Station Special Use Permit

Mr. Mike Jennings, Planning Director said that the request by the University of North Carolina at Chapel Hill for a Public Utility

Station (Telephone Exchange) Special Use Permit under Section 4-C-17 of the Chapel Hill Zoning Ordinance for the existing Telephone Exchange located at 207 East Rosemary Street, and identified as Orange County Tax Map 80, Block B, Lot 46, was considered in a Public Hearing on April 28, 1975. Staff recommends that Board make the required four findings and approve the request with stipulations deleting number 4, concerning paving, since this was indicated on the revised plans of May 8, 1975. Planning Board recommends that the Board make the required four findings and approve the request subject to stipulations 4, 5 and 6 and an additional stipulation. Appearance Commission recommends that the request be granted, subject to stipulation 4 & 5. Mr. Jennings said that Planning Board recommends deletion of stipulation 7, requiring that a ten-foot public right-of-way be dedicated along

the front property line for the expansion of Rosemary Street as a thoroughfare, but that staff felt that the Thoroughfare Plan is still official until the Board takes action to repeal it, and that the stipulation is in accordance with Town plans. Alderman Welsh moved, seconded by Alderman Gardner, that the request by University of North Carolina at Chapel Hill for a Public Utility Station (Telephone Exchange) Special Use Permit under Section 4-C-17 of the Chapel Hill Zoning Ordinance for the existing Telephone Exchange located at 207 East Rosemary Street, and identified as Orange County Tax Map 80, Block B, Lot 46 be granted; that Board find that the use will not materially endanger the public health and safety if located where proposed and developed according to the plan as submitted; that the use meets all required conditions and specifications; that the use will not substantially injure the value of adjoining property and that the continued use of the telephone exchange is a public necessity: that the location and character of the use if developed according to the plan and submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its environs; that the construction is to begin within one year and be completed within three years; and that the permit be subject to the following stipulations:

1. That the applicant reserve a fifteen (15) foot strip along the eastern property line to the point where Spring Lane leaves the Telephone Exchange property. This strip is to be kept open for use by emergency and public service vehicles.
2. That the manhole on the property be adjusted in accordance with Town standards to grade level as approved by the Town Manager.
3. That a drainage plan showing the storm drainage design be submitted to and approved by the Town Manager prior to construction.
4. That a detailed landscape plan showing all proposed screening and planting be submitted to and approved by the Appearance Commission prior to issuance of the Special Use Permit. Such landscape plans shall include screening of the parking area from the view of abutting properties on the north, east, and west sides of the lot by solid continuous walls or fences or by solid appearing evergreen hedges; such screen walls or fences shall be constructed not less than six (6) feet high, and hedges shall be six (6) feet high within two years after planting. Any and all planting which dies during the life of the Special Use Permit shall be replaced with planting of the same species and approximately the same height during the next planting season.
5. Prior to issuance of the Special Use Permit the applicant shall submit to the Zoning Administrator a recordable plat showing all dedicated easements and rights-of-way.

Alderman Marshall said that she feels stipulation seven should not be deleted, since State has indicated that the Thoroughfare Plan, with Rosemary Street included, is still being considered. Alderman Welsh said that she feels the maintenance of the historic district is important. Town Attorney Denny said that it is questionable whether Town can attach a stipulation to a Special Use Permit that has no bearing on it. He said that the Thoroughfare Plan would prevent the granting of a Building Permit for this 10 foot strip, if the right-of-way was to be acquired within a reasonable time but that this is not true for this Special Use Permit. Since no use is proposed for this strip. Ms. Carolista Baum said that she is a resident of Rosemary Street and had not been notified of the request for Special Use

Permit. Mayor pro tem Smith said that all residents within 500 foot radius were notified of the public hearing. Alderman Marshall said that legal notices are published in the paper before the public hearings are held, but that she does not feel these advertisement adequately inform the citizens. Said motion was unanimously carried. Alderman Cohen said that Board should consider notifying people, in some special cases, outside the 500 foot radius.

Alcoholic Beverages at Games--Report from Police Chief

Town Manager Kendzior presented a report from Police Chief Hilliard, suggesting that existing State laws covering resulting

problems of consumption of beer and wine, public drunkenness and disorderly conduct; disturbing picnics, entertainments and other meetings; and trespass on and after being forbidden, be used to deal with the problem of consumption of alcoholic beverages at Recreation Department sponsored events. The report also suggests that the Recreation Department adopt their own regulations regarding the consumption of alcoholic beverages at their own events and give notice to the public of such regulations. If a person in violation of these regulations is asked to quit or to leave by the person who has "constructive possession" of the facility during the recreation activity, and refuses to do so, then the violator is subjecting himself to prosecution on a trespass charge. The report states that the Police Department does not have the manpower to station an officer at each recreation event, but can add each such event to police patrol coverage. Alderman Welsh asked Police Chief Hilliard whether he feels the proposal is a workable solution. Police Chief Hilliard said that he feels it is; signs may be posted at such events to provide notice that alcoholic beverage consumption is prohibited, but the persons in violation would have to be requested to stop the violation by the person in charge of the event. Town Attorney Denny said that trespass is an offense against a possession and not against ownership of property; police may be called in in the rare cases when a problem occurs in connection with such violation. Alderman Gardner said that he feels the Police Chief's recommendation is a good one. Alderman Gardner moved, seconded by Alderman Marshall, that Board accept the recommendation of Police Chief on alcoholic consumption at Recreation Department sponsored events, and that Recreation Department and Recreation Commission be advised of this recommendation. Alderman Marshall said that she likes using State laws where possible, and not writing Town ordinances to redefine them. Said motion was unanimously carried.

Coker Drive Paving--Petition

Town Manager Kendzior presented the unengineered cost estimates for paving to a 33 foot width with

curb and gutter, of Coker Drive between Manning Drive and Kings Mill Road, as \$92,540 or \$50.02 per linear foot; and for Woodbine Drive between Coker Drive and Manning Drive as \$40,160 or \$44.62 per linear foot. He said that a petition for paving without curb and gutter was presented this evening, and that cost estimates for this have not been made. Mr. Dannie Moffie said that the petition presented last week had signatures of only 50% of residents, and an additional signature was needed to meet Town requirements for paving petitions; as a result, the residents needed to compromise on the paving, and are requesting paving without curb and gutter. He asked that Board consider this petition in lieu of the petition presented last week. A valid petition for paving of Woodbine Drive is not available. Alderman Smith read the petition, which is signed by eight of fourteen residents, and which states that residents shall pay for the entire cost of paving except intersections, that Town pay for the paving of intersections, that residents have ten years to repay the paving charge, and that residents be assessed at \$6.00 per linear foot. Alderman Cohen said that an ordinance was passed at last Board meeting setting assessment at 50% per side of the actual paving cost. Mr. Moffie said that the residents misunderstood the requirements for a valid petition, which are that property owners of both more than 50% of the footage and of the number of property owners sign the petition; residents thought that only one of these requirements had to be met and did not learn otherwise until Town Attorney's office checked the validity of the petition. He asked that Board consider

this petition in lieu of the one presented last week, and said that the present petition will mean an actual savings to Town, since paving without curb and gutter is less expensive. Town Attorney Denny said that Board has not adopted a policy with respect to pending petitions, as to whether the determination date is the filing date, acceptance date, or the date when the improvement is ordered to be done. He said that it is his opinion that any petition submitted since the adoption of the ordinance setting the new assessment policy has to come under the new ordinance, since he does not feel that a petition can be amended and made retroactive. However, the information he has, indicates that the area residents were given erroneous information by Town administration about the legal requirements for a paving petition, since they were told that either more than 50% of area residents or residents with more than 50% of the footage had to sign the petition, but not both. Under the last petition, Board has no authority to charge the full cost of paving to residents. Mr. Moffie agreed that the residents did not have the correct information, and said that for this reason the new petition should be considered in lieu of the old one. He said that if residents are charged more than \$6.00 per foot, it may not be possible to pave the street. Alderman Gardner asked what was the understanding of the residents when they signed the original petition. Mr. Moffie said they understood the assessment to be \$6.00 per running foot, with curb and gutter. Alderman Cohen said that Board needs to make a policy decision; if Town assesses \$6.00 per running foot, Town will be paying about two thirds of the paving cost, which was the case for the paving of North Lake Shore Drive. Alderman Welsh asked about the cost of paving without curb and gutter. Mr. Joseph Rose, Public Works Director, said that the estimated cost would be a little over \$30 per foot. Alderman Welsh said that she feels the area residents acted in good faith, and that, if they were given incorrect information, the present petition should be considered a part of the original petition. Alderman Welsh moved, seconded by Alderman Gardner, that the petition to pave Coker Drive between Manning Drive and Kings Mill Road be accepted as a part of the original paving petition, with an assessment of \$6.00 per running foot, and that the matter be referred to Town Manager for budget consideration. Alderman Cohen said that he agrees with the motion that the petition should be accepted at \$6.00 assessment, but said that the paving priority has to be considered in the budget, since a 100% paving petition was not received. Said motion was unanimously carried. Mayor pro tem Smith asked about the accuracy of the unengineered estimates. Mr. Rose said that the estimates of the cost of storm water drainage work and excavation are the least reliable, but that the overall estimate should be within 10-15% of the actual cost. Mr. Moffie said that the residents could not get the necessary additional signatures for paving of Woodbine Drive.

Hillview Road--  
Parking Ban

Mr. Jerry Kilpatrick said that he is requesting Board help for providing a solution to his parking problem. He said that the road in front of his house is steep, with a dropoff on the property, and that space can be made available for parking only one car, with no space for visitor parking. He said that his family has been parking on the street in front of the property as far away from the curve as possible, and that if the car were moved into the front yard, entrance into street would be at the most dangerous place. He said that the realtor has told him that any improvement on the property will be reflected in the rent, and that the realtor cannot make the necessary improvement this week. He requested that Board consider allowing him to park on the street until the improvements can be made, and that Board should consider whether the action it took should cost residents money. Alderman Welsh said that the Zoning Ordinance now requires that a driveway be provided for each house with parking space for one car and that the problem is caused by the fact that the house was constructed prior to the Zoning Ordinance. She said that it is questionable whether all Town residents have the right to park in the street, since this would create traffic congestion, and that she feels all houses should have parking provided either on the side of the house or in the front yard. Alderman Marshall said that the recent traffic problems in Town

have been caused by the doubling of the size of University, and that Town has to deal with the situation, which is causing an increase in the number of accidents in Town. She said that Board is attempting to change the parking patterns in Town. She said that curb cuts on Hillview Road are available, but that it has been ignored by the owner in this case. The buses have accentuated the problem caused by parking in certain areas of Town, but the action banning parking would have to be taken eventually anyway. Alderman Cohen said that higher population density exists in many older subdivisions, because parking did not have to be provided and houses were built closer together. The cost of parking is reflected in the cost of land in the new subdivisions, and is absorbed from the start, but in this case, where a parking cost has never been imposed on the property, the cost seems high. He said that he does not feel that providing the parking space for the house should cause the rent to increase by more than a few dollars a month, and that if Mr. Kilpatrick felt that the increase were too high, he should complain of the realtor's action publicly. Mayor pro tem Smith suggested that Streets Committee ask Police Department to consider the possibility of making the street one way, with parking on one side. Alderman Cohen said that Board should consider delaying the effective date of the ordinance banning parking on Hillview Road for one week. Mr. Kilpatrick said that he feels a week's extension is reasonable, since this should give the realtor enough time to prepare the area on lot for parking. Town Attorney Denny said that the ordinance is already in force, and that Police Department is giving courtesy tickets this week, with towing slated to begin next week. He said that Town Administration can deal with the matter informally, continuing another week without towing; or Board can amend the ordinance. Alderman Marshall asked whether there is any problem with informal action in the matter. Police Chief Hilliard said that towing can be postponed for a week on Hillview Road. Alderman Marshall said that the matter should be dealt with informally. Alderman Welsh agreed. Town Manager Kendzior said that he feels that if any towing exception were made then enforcing of towing should be delayed on all streets. Alderman Marshall said that she prefers that the enforcement date not be extended, since the signs are already up. Town Attorney Denny said that a motion in the matter is not needed, since this is an administrative action.

Old Pittsboro Road Paving

Mr. W. F. Pendergraft of Old Pittsboro Road presented a

petition from area residents on the dangerous situation existing on Smith Avenue and Old Pittsboro Road. Mayor pro tem Smith read the petition, requesting paving of Old Pittsboro Road, which has been signed by eight property owners, and said that Town Attorney will need to verify the petition. Mr. Pendergraft said that the road was upgraded with a base two years ago, but that paving has been delayed, and residents are requesting that the 400 feet of the road be paved. The residents do not wish this to be treated as a paving petition, but will pay for paving, if necessary. University owns the left side of the road. Alderman Cohen said that paving of Old Pittsboro Road was on the original paving list for this year. Alderman Welsh asked whether this road can be paved without an assessment. Town Attorney Denny said that it is Board policy that streets not be paved without a petition, but that Board has the authority to pave streets without a petition and, if desired, assess the property owners, if paving were needed for public safety. Alderman Welsh requested that a cost estimate for paving Old Pittsboro Road be provided. Alderman Gardner moved, seconded by Alderman Marshall, that the petition for paving Old Pittsboro Road be received, and that the matter be referred to Town Manager for consideration and recommendation back to the Board. Said motion was unanimously carried.

Smith Avenue--Parking Ban

Residents of Smith Avenue petitioned the Board to permit parking

on one side of Smith Avenue, since traffic is light and not many cars park there. Alderman Marshall said that parking was removed from many streets in an attempt to discourage students from using



residential areas for parking during the day and for storage parking, which can create hazardous situations. She said that once the regular school year is begun this fall and new parking patterns are established, Board may review the new parking ordinance and modify it to make the requirements less strict. A resident of the area asked Board to consider banning parking on the street for a part of the day only, since this will prevent student parking, and said that parking patterns will be established better if residents are aware of what the final parking regulation is to be, without changes made at a later time. Alderman Cohen said that he feels banning parking during the day would eliminate storage parking, since students would not be moving their cars daily. Alderman Welsh said that she feels parking ban on both sides of the street is a hardship, and suggested that parking be banned on one side during the day only, with continuous parking ban on the other side. Alderman Marshall said that she feels Police Department should investigate the matter and report back to the Board. A resident of the area said that one house does not have a driveway, and the closest permitted parking place is several blocks away. Alderman Welsh moved, seconded by Alderman Cohen, that the situation of parking on Smith Avenue be reviewed in the light of the request from area residents that parking be banned from 8:00 a.m. to 3:00 p.m. on one side of the street, and that Town Manager or Streets Committee report back on the matter at next Board meeting. Alderman Cohen asked whether a driveway can be constructed for the house without one. The resident of the house said that such a construction is feasible, and that cars can either pull off the pavement, or on front lawn. Town Attorney Denny said that if parking is banned on a street without curb and gutter, cars cannot park on the public right-of-way. Alderman Gardner said that he hopes the matter can be handled administratively until it is referred back to the Board at the next meeting. Said motion was unanimously carried. Alderman Marshall said that Streets Committee needs a reappraisal from the Police Department on parking on Smith Avenue before the next Committee meeting.

Zoning Ordinance--Problems  
of Enforcement

Town Attorney Denny said that his memo of April 18, 1975 addresses itself to several areas of concern in the existing Zoning Ordinance. One is the area of home occupations, with the ordinance prescribing certain rules as criteria to be followed, but which are not physically observable, such as whether all workers reside on the premises, or whether workshops are conducted for no profit, since both of these criteria need more than visual determination. Zoning Ordinance states that advertising signs may advertise only the principal use of a premises, and does not state what criteria are to be used to determine the principal use. Zoning Ordinance prohibits commercial greenhouses in residential area, but does not state what criteria are to be used to determine whether the greenhouse is used for commercial purposes or as a hobby. Zoning Ordinance permits commercial parking lots in certain residential zones under a Special Use Permit, but does not define the nature of a commercial parking lot. The Zoning Ordinance does state that off-street parking is permitted in a residential zone, and requires that such parking be provided for boarding houses and rooming houses. No prohibition can be found in the Zoning Ordinance against the use of a residential property for parking purposes, against owner permitting parking for tenants on an adjoining lot, nor against owner charging the tenants for the privilege of parking on such a lot, unless the ordinance is interpreted that any parking charge makes the use of such a lot commercial, in which case much of the existing dormitory, fraternity, and sorority parking is illegal; or against land owner providing a parking place for tenants away from the residence. The number of cars on a residential lot is not in itself a violation, and the Building Inspector is put in the position of needing to investigate all the contractual arrangements between the landlord and the owners of the cars. The ordinance does not provide for a method to make such an investigation, nor how to determine what the contractual arrangements are between the landlord and the owners of the cars who are not tenants. If the Building Inspector determines that a number of the spaces are rented, the question exists whether the entire parking lot is illegal. If

no contractual arrangements exist between landlord and nontenants, but the cars are trespassing, the ordinance does not state whether the Building Inspector is supposed to take action and remove these cars from premises. The Zoning Ordinance puts the Building Inspector in the position where he is charged with enforcing the Zoning Ordinance, but where he cannot make a physical determination whether a person is in compliance with it. The aim of the Zoning Ordinance dealing with off-street parking in residential areas needs to be considered, whether it be to outlaw the parking of a large number of cars on a lot or whether such parking should be permitted where multicontractual relationships exist between the land owner and the persons parking on the lot; it is questionable whether courts would uphold the distinction of a multicontractual relationship versus a single contract for the determination of non-commercial parking. Town Attorney Denny said that he was asked for an opinion in the matter by the Building Inspector last November, and felt at that time that the Zoning Ordinance should be clarified to state the number of cars permitted on a lot in residential zone. He said that he does not disagree with the legal alternatives presented in this current case by the Planning Board, but that he has strong reservations whether a satisfactory way exists to enforce the current Zoning Ordinance without a clearer directive from the Board about the responsibilities of the Building Inspector. Town Attorney Denny said that his firm has represented Ms. Coenen for many years, but has not done so in this matter, and that Assistant Town Attorney Drake represented Town at the Board of Adjustment hearing. He said that he feels if Town provided financial assistance in the matter, it would find itself in the position of financing all aspects of the litigation, which would be a conflict of interest. He said that in this current matter, the Town officer charged with the responsibility of enforcing the ordinance made a determination, which was appealed to the Board of Adjustment and, both by reasons of statutory requirements and ordinances pursuant to General Enabling Legislation, Board of Adjustment failed to reverse the decision. He said that if the matter were taken to the Superior Court, the case would deal exclusively whether a proper determination was made by the Building Inspector on a certain date, and would not concern itself with the present situation or with what may occur in the future. He said that he would like to hear what the Planning Board is hoping to accomplish in the matter. He also said that these areas of concern in the Zoning Ordinance, as stated in the memo, need to be reconsidered now without waiting for a general revision to occur.

Mr. Jonathan Howes, Planning Board Chairman, said that Planning Board is concerned with the enforcing of the Zoning Ordinance; that it is concerned with the possible difficulties of taking the case to court; that the extent to which Building Inspector can go to make a determination in a matter needs clarification; and that persons in public trust should carry this matter to some kind of conclusion.

Mr. Hemmens said that the Planning Board is disturbed that the process in this case has been so lengthy, since it did not meet the expectations of how a Town government should function. He said that he has been on the Planning Board for five years, and has worked with many ordinances, but that every time a problem occurs with the administration of an ordinance, the advice from staff has been to improve the wording of the ordinance. He said that experts at the Institute of Government state that the wording of the ordinance is clear, since the term "commercial" is a standard usage. He agreed that ambiguity may exist, but said that the main problem is the administration of the ordinances. He said that many of the things the Planning Board is attempting to do cannot be accomplished by changing the language of an ordinance, but by providing a clear example of enforcement. He said that the Planning Board is attempting a fair and equitable enforcement of the ordinance, and a clarification of staff responsibilities.

Mr. Howes said that Planning Board has not requested funds from Board, but that this is one of the options to be considered. Alderman Cohen agreed that the ordinance needs to be enforced, but questioned whether taking the case to court and receiving a ruling on whether

Building Inspector's determination on a certain date was correct or not would be of much use. He suggested that such matters be taken directly to courts for enforcement in the future, so time span between an alleged violation and ruling would be short.

Mr. Hemmens said that he agrees taking the cases to court would be one way of dealing with the matter. He said that when a situation exists where the defendant's representative agrees that a violation exists, but members of a public Board appointed by the Board of Aldermen say that for reasons of their own they do not wish to vote in accord with this statement, then responsive administration should be considered, to deal with cases where persons appointed to a public Board fail to represent the public interest but are clearly representing some private interest. He said that the representative of the defendant said there was a violation, but they voted to uphold Building Inspectors determination and said that they did not hear the statement. He said that he does not ask that the case be taken to court but that these persons be removed from the public Board.

Alderman Welsh said that she knows the feeling of frustration in trying to have enforcement of ordinances where the intent is clear, since a Zoning Ordinance was drawn a few years ago that prohibited speculative clearing of land without issuance of a Building Permit; the Building Inspector has stated that the wording of the ordinance is vague and difficult to enforce and so the practice of clearing land without building permits is continuing. She said that she has suggested to Building Inspector that he come before the Board to request an amendment to the ordinance to clarify the matter. She said that she feels part of the problem is that goals and philosophies are adopted by the various Boards, but that these are not being carried out. Mayor pro tem Smith said that they are carried out as interpreted by individual staff members. Alderman Welsh said that the Board of Aldermen and Planning Board were explicit of the intent of the ordinance to prevent speculative clearing of land, but that the ordinance is still not effective. Mayor pro tem Smith said that the ordinance is carried out, but that, as written, it does not fit every situation.

Alderman Marshall said that Town has had problems in enforcing ordinances that improve the quality of life. For some reason, this type of ordinance has no visible ways of enforcement. She suggested that a real effort be made to find out how other communities handle the matter of making their ordinances more effective.

Ms. Carolista Baum said that she is a resident of the neighborhood where the parking lot in question is located. She said that she would like to know where the residents parked before the lot was established, and said that permitting parking lots close to the downtown community discourages the use of the bus system. She said that the parking is either commercial or not, and that Town needs to take a stand on the matter.

Mr. Cohn said that the intent of the ordinance was to reduce congestion in residential areas and to keep non-residents from parking there. He said that the problem is not in the ordinance. The law states that it is the responsibility of the Building Inspector to interpret Zoning Ordinances, and the intent of the Planning Board and Board of Aldermen in this ordinance is not to permit parking from other areas of community. As far as determination of violation is concerned, Town Attorney has suggested that the enforcement is difficult because of a lack of physical evidence that is easily visible, and that Building Inspector should not enter premises to discover other evidence. He said that Planning Board has consulted the Institute of Government to get another opinion, which is entirely proper, and that the authorities there say that it is the Building Inspector's responsibility to investigate, and Town administration's responsibility to tell him to do so. He said that the good that can come out of court decision that the Building Inspector's determination of a certain date was in error, is that this would put the case on record, and would put the owner in jeopardy if future violations occur. He said that Town ordinances should be enforced even at cost to Town.

Town Attorney Denny said that his memo lists some of the clear responsibilities of the Building Inspector, but raises the question to what degree and extent original investigation should be made, and verification by cross-check done. He said that if the intent of Board is not to permit parking of cars on lots in residential zones, then the ordinance amendment can be accomplished very simply. He said that concerning the proceedings of the Board of Adjustment, a substantial portion of evidence was hearsay. The ordinance requires a vote of four fifths of members present at the hearing to overturn the Building Inspector's ruling. One Board of Adjustment member wished to abstain from voting because of a particular prejudice, being a resident of the area in question, and others may have had a conflict of interest. These members could choose not to attend the meeting, but if they attended the meeting and abstained from voting then their vote would have been counted as negative. Another possibility would be for all members to state exactly how they feel about the matter, when the vote is taken. A similar kind of situation can also exist for Board of Aldermen during Special Use Permit applications, where certain procedures may not be appropriate, but where no law exists requiring disqualification, but extraordinary majority is not normally required except in cases of a protest petition in case of rezoning or where a split vote exists on an ordinance on the night it is introduced. Board of Aldermen procedure is not hampered by any legal requirements of voting, but the voting procedure of the Board of Adjustment is beyond the power of this Board to change.

Mr. Hemmens agreed with Town Attorney about the law requirements for voting by Board of Aldermen, but said that the Board members are accountable to the electorate. The lay Boards are not accountable to the electorate, and the Board of Aldermen needs to police their actions to see that public interest is taken into account. He said that it is also a question of whether Town has kept proper records of the proceedings, indicating what evidence is hearsay. He said that no such record exists, and that it is a completely inadequate procedure. He said that if the intent of the ordinance is clear by those who adopt it, then it should be clear to the staff how to interpret it.

Alderman Marshall agreed that the intent of the law is important and that records of all Board actions should be kept. She said that the Board has tried to uphold the highest standards as concerns the Police Department investigations, and said that the same high standards should apply to Building Inspector's investigations. She said that, in response to Ms. Baum's questions, she feels that the cars are parked in the area because of the change in the University's parking policy.

Mayor pro tem Smith said that the Board should consider whether it wishes to have any kind of parking lots in residential areas.

Alderman Welsh said that there has been much improvement in the Building Inspection program in the past few years. She said that she feels the Building Inspector is trying to do an outstanding job, but that in some cases he may be working with weak tools, and would welcome any strengthening of ordinances that would help to clarify what the intent of the ordinance is. She suggested that the Town Attorney might make a recommendation to the Board of Adjustment in their process to follow procedures more in line with court recommendations. She said that there is a need to clarify the home occupations ordinance. Alderman Welsh moved, seconded by Alderman Marshall, that the sections of Zoning Ordinance presenting enforcement problems as outlined by Town Attorney be referred to Planning Board for study and recommendation back to the Board. Alderman Rancer asked what Planning Board feelings are about this motion. Mr. Howes said that he would prefer that Planning Board consider actual drafts or ordinances. Town Attorney Denny said that the motion to refer to Planning Board is proper, and that they can request staff to draft the ordinances. Said motion was unanimously carried. Mayor pro tem Smith asked whether Planning Board wishes to hold an additional meeting with the Board. Mr. Howes said that he feels this meeting was conductive, and that if Planning Board were to feel additional need for meetings, these would be requested at a later time.

Annual Report to Town  
Citizens

Alderman Welsh said that Ms. Adelaide Walters is petitioning the Board to provide every citizen of the Town of Chapel Hill with an Annual Report. She showed a sample report that was distributed by Durham in 1973-74. Alderman Marshall said that this is an excellent idea, and that she understands one of the duties of Town Manager to be a preparation of an annual report. Alderman Cohen agreed that the idea is good, and suggested that it might be published in the newspaper. Town Attorney said that the concept of the report involves an indication of where current taxes are going and a report on programs during the past year; these may be prepared at different times of the year. Alderman Marshall said that the two concepts could be covered in an annual specific statement. Alderman Welsh said that she has requested Board in past to circulate an annual report with tax bills, and asked that Board consider this matter at budget time, for possible appropriation of money.

Willow Drive Parking Ban--  
Ordinance

Town Manager Kendzior said that the proposed ordinance permits parking on part of Willow Drive. Mayor pro tem Smith said that the ordinance was prepared after meeting with the residents of the area, and that they recommend it. Alderman Cohen moved, seconded by Alderman Gardner, that the following ordinance amending Section 21-27 of the Code of Ordinances of the Town of Chapel Hill be adopted:

NO PARKING, WILLOW DRIVE

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that §21-27, "No parking as to particular streets", of the Code of Ordinances, Town of Chapel Hill, be amended to add the following lines:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Willow Drive	North	Estes Drive	A point 420 feet east of Conner Drive
Willow Drive	Southeast	U.S. 15-501 Bypass	Estes Drive
Willow Drive	North	U.S. 15-501 Bypass	A point 136 feet west of U.S. 15-501 Bypass ROW

And delete the line:

Willow Drive	Either	Estes Drive	15-501 Bypass
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II

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

This the Nineteenth day of May, 1975.

Said motion was unanimously carried.

Gimghoul Road Parking  
Ban--Ordinance

Alderman Cohen said that the proposed ordinance intends to correct some errors that occurred when the previous ordinance was rewritten. Alderman Welsh moved, seconded by Alderman Marshall, that the following ordinance amending Section 21-27 and Section 21-27.1 of the Code of Ordinances of the Town of Chapel Hill be adopted:

NO PARKING, GIMGHOUL ROAD

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that §21-27, "No parking as to particular streets", be amended to add the following lines:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Gimghoul Road	Both	Country Club Road	Glandon Drive
Gimghoul Road	South	Glandon Drive	Gimghoul Castle
Gimghoul Road	South	Centerline of Country Club Road	A point 90 feet 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.		

II

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

b) 8:00 a.m. - 12:00 p.m.

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Gimghoul Road	Either	Full length	

And by adding the following:

b) 8:00 a.m. - 12:00 noon, Monday - Friday

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Gimghoul Road	North	Glandon Drive, West Intersection	Gimghoul Castle

III

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

This the Nineteenth day of May, 1975.

Said motion was unanimously carried.

Water-Sewer Authority--  
Public Hearing--Resolution

Town Attorney Denny read the following resolution:

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

A regular meeting of the Board of Aldermen of the Town of Chapel Hill, North Carolina, was held at the Municipal Building, Chapel Hill, North Carolina at 7:30 p.m. on May 19, 1975.

Present: Mayor pro tem R. D. Smith, Presiding, and Aldermen Gerald A. Cohen, Thomas B. Gardner, Shirley E. Marshall, Sid S. Rancer, and Alice M. Welsh.

Absent: Mayor Howard N. Lee.

\* \* \* \* \*

Alderman Welsh introduced the following Resolution which was read:

RESOLUTION AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING ON THE PROPOSED ORGANIZATION OF THE ORANGE WATER AND SEWER AUTHORITY.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that:

Section 1. The Board of Aldermen hereby finds, determines, and declares that it is in the best interests of the Town of Chapel Hill to join with the Town of Carrboro, North Carolina, and Orange County, North Carolina, in organizing an Authority pursuant to Section 162A-3.1 of the North Carolina Water and Sewer Authorities Act (Article 1 of Chapter 162A of the General Statutes of North Carolina, as amended), such Authority to be named the "Orange Water and Sewer Authority" and to have nine members, three appointed by the Board of Aldermen of the Town of Carrboro, three appointed by the Board of Aldermen of the Town of Chapel Hill, and three appointed by the Board of Commissioners for Orange County.

Section 2. A public hearing will be held at 7:30 p.m. on June 2, 1975 at the Municipal Building, Chapel Hill, North Carolina, the regular place of meeting of the Board of Aldermen of the Town of Chapel Hill, North Carolina, on a Resolution proposed to be adopted by the Board of Aldermen signifying its determination to organize the Orange Water and Sewer Authority.

Section 3. The Clerk of the Town of Chapel Hill is hereby authorized and directed to cause a notice of the public hearing to be given by publication at least once, not less than 10 days prior to June 2, 1975, the date fixed for such hearing, in a newspaper having general circulation in the Town of Chapel Hill. Such notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING  
ON THE PROPOSED ORGANIZATION OF THE  
ORANGE WATER AND SEWER AUTHORITY

Notice is hereby given that, pursuant to the North Carolina Water and Sewer Authorities Act (Article 1 of Chapter 162A of the General Statutes of North Carolina, as amended), a public hearing will be held at 7:30 p.m. on June 2, 1975, at the Municipal Building, Chapel Hill, North Carolina, the regular place of meeting of the Board of Aldermen of the Town of Chapel Hill, North Carolina, on a Resolution proposed to be adopted by said Board of Aldermen signifying its determination to organize the Orange Water and Sewer Authority under Section 162A-3.1 of said Act, which Resolution will authorize the execution of the Articles of Incorporation of the Orange Water and Sewer Authority substantially in the form set forth below and will appoint three of the nine member of said Authority.

The proposed Articles of Incorporation of the Orange Water and Sewer Authority are as follows:

ARTICLES OF INCORPORATION  
OF THE  
ORANGE WATER AND SEWER AUTHORITY

In compliance with the North Carolina Water and Sewer Authorities Act, being Article 1 of Chapter 162A of the General Statutes of North Carolina, as amended, the Board of Aldermen of the Town of Carrboro, North Carolina, the Board of Aldermen of the Town of Chapel Hill, North Carolina and the Board of Commissioners for Orange County, North Carolina, each pursuant to a Resolution signifying its determination to organize an Authority under Section 162A-3.1 of said Act, which Authority shall be a public body and a body politic and corporate of the State of North Carolina, hereby certify that:

(a) This Authority is organized under Section 162A-3.1 of the North Carolina Water and Sewer Authorities Act, its name shall be the "ORANGE WATER AND SEWER AUTHORITY" and the address of its principal office shall be Jones Ferry Road, Carrboro, North Carolina.

(b) The names of the organizing political subdivisions are the TOWN OF CARRBORO, NORTH CAROLINA, the TOWN OF CHAPEL HILL, NORTH CAROLINA, and ORANGE COUNTY, NORTH CAROLINA.

(c) The Orange Water and Sewer Authority shall have nine members, three appointed by each of said organizing political subdivisions. The names and addresses of the first members of said Authority appointed by the Board of Aldermen of the Town of Carrboro are:

<u>Name</u>	<u>Address</u>
Perry F. Walser	101 Lilac Drive, Carrboro, North Carolina
Donald M. Peninger	723 West Main Street, Carrboro, North Carolina
Fred C. Chamblee	94 Gary Road, Carrboro, North Carolina

and the names and addresses of the first members of said Authority appointed by the Board of Aldermen of the Town of Chapel Hill are:

Sid S. Rancer	15 Bradley Road, Chapel Hill, North Carolina
James Lamb, III	612 Greenwood Road, Chapel Hill, North Carolina
John L. McKee	E-11 Kenmore Road, Chapel Hill, North Carolina

and the names and addresses of the first members of said Authority appointed by the Board of Commissioners for Orange County are:

Flora R. Garrett	Route 4, Box 430, Hillsborough, North Carolina
Jan Martin Pinney	Route 8, Chapel Hill, North Carolina
Paul Morris	335 Burlage Circle, Chapel Hill, North Carolina

(d) The members of said Authority will be limited to such members as may be appointed from time to time by the organizing political subdivision.

IN WITNESS WHEREOF, the Town of Carrboro, North Carolina, has caused these Articles of Incorporation to be executed by its Mayor and its corporate seal to be affixed hereto and attested by its Clerk, the Town of Chapel Hill, North Carolina, has caused these Articles of Incorporation to be executed by its Mayor and its corporate seal to be affixed hereto and attested by its Clerk, and Orange County, North Carolina, has caused these Articles of Incorporation to be executed by the Chairman of its Board of Commissioners, and the official seal of said Board to be affixed hereto and attested by the Clerk of said Board, all as of this 2nd day of June, 1975.

\_\_\_\_\_  
Robert J. Wells, Mayor of the  
Town of Carrboro, North Carolina

ATTEST:

\_\_\_\_\_  
Sarah Ann Crabtree, Clerk of the  
Town of Carrboro, North Carolina

\_\_\_\_\_  
Howard N. Lee, Mayor of the Town  
of Chapel Hill, North Carolina



ATTEST:

David B. Roberts, Clerk of the  
Town of Chapel Hill, North  
Carolina

Flora R. Garrett, Chairman of the  
Board of Commissioners for Orange  
County, North Carolina

ATTEST:

Betty June Hayes, Clerk of the  
Board of Commissioners for Orange  
County, North Carolina

At the time and place above stated any resident of the Town of Chapel Hill or any other interested person may appear to be heard.

Dated this 19th day of May, 1975.

David B. Roberts, Clerk of the  
Town of Chapel Hill, North  
Carolina

Section 4. This Resolution shall take effect upon its passage.

Thereupon Alderman Gardner moved the passage of the foregoing Resolution entitled: "RESOLUTION AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING ON THE PROPOSED ORGANIZATION OF THE ORANGE WATER AND SEWER AUTHORITY", and Alderman Marshall seconded the Motion, and the Resolution was passed by the following vote:

AYES: Aldermen Cohen, Gardner, Marshall, Rancer, Smith and Welsh.

NOES: None

\* \* \* \* \*

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

Budget for 1975-76--  
Public Hearing

Town Attorney Denny said that the Public Hearing for budget for 1975-76 must be held prior to adoption of

the budget ordinance, with a notice of ten days given. He said that a small legal notice is sufficient, but that Board will probably wish to consider a display ad in the newspaper. He said that this process should occur prior to making any final determination, if public input is really desired, and that it should be advisable to schedule the public hearing in the middle of budget discussions. Alderman Marshall said that she feels people should be able to attend all the work sessions before they are asked to provide input in the budget deliberations. Alderman Smith said that the last budget work session is scheduled for June 7, 1975. Town Attorney Denny said that the information available for public even after the work sessions are concluded will be the same as now available. Mayor pro tem Smith said that he agrees that there will be no way to present the discussions held on the budget to public, and said that he feels the public hearing can be scheduled for June 9, 1975. Alderman Welsh moved, seconded by Alderman Gardner, that the Public Hearing to consider 1975-76 budget be scheduled for Monday, June 9, 1975 at 7:30 p.m. Said motion was unanimously carried.

Public Works Week

Mayor pro tem Smith announced that May 18-24, 1975 is Public Works Week, and that an exhibit is scheduled for Saturday, May 24, 1975 from 9:00 a.m. to 6:30 p.m. at the University Mall parking lot fronting Estes Drive. He said that a bus tour for members of the Board, Recreation Board, Planning Board, Appearance Commission, press and interested department heads is scheduled to visit project sites completed by the Department of Public Works this past year.

Budget Work Sessions--  
Schedule

Mayor pro tem Smith announced the scheduling of the following budget work sessions:

<u>Date</u>	<u>Time</u>	<u>Department</u>
May 21	7:00 p.m.	General View of Program Budget & General Government
May 27	7:00 p.m.	Human Services & Library
May 28	7:00 p.m.	Police and Fire
May 30	4:00 p.m.	Recreation, Planning & Inspection
June 3	7:00 p.m.	Public Works
June 4	4:00 p.m.	Mass Transit
June 7	9:00 a.m. - 12:00 Noon	Wages & Benefits and Revenues

Pending Legislation of  
Interest to Town

Alderman Cohen said that the Charter revision has been passed by House as amended and is now

in the Senate committee; bill to permit palm reading in Orange County has been passed by both the House and the Senate; bill to ban fortune telling throughout North Carolina is reported out of Senate Committee; bill to allow local funds to be used for Community Development passed Senate and is before House on May 21, 1975; bill requesting campaign financing report by candidates passed Senate and is in House committee; bill to allow absentee voting in municipal elections passed Senate and is heard by House on May 19, 1975; bill allowing Water Authority has been passed by both the House and the Senate; bill setting up Local Mass Transit Study Commission is in the Appropriations Committee; bill requiring that municipalities appraise property before purchasing or leasing passed Senate and is in House committee; bill considering residential group homes has been amended in committee, putting some responsibility in the matter back on municipalities, has passed House and is now in Senate committee.

SB 726 and HB 911--  
Electric System Bill

Alderman Cohen said that these two bills, concerning operation of Electric System in Chapel Hill,

are now in committees. He said that the Senate Bill proposes setting up a nine member Board of Directors, with one representative being appointed from Chapel Hill, Carrboro and Orange County each, and six members being appointed by University Board of Governors. This Board of Directors would operate not only the off-campus electric system but also the on-campus one and the University heating system. He requested that Board discuss the bill to see how it would affect the public interest of the community. Dr. Claiborne Jones, Vice Chancellor for Business and Finance of the University, said that the bill includes the operation of on-campus electrical utility and of University heating plant under the Board of Directors; this has not been considered in any previous study. The bill also includes a provision prohibiting municipalities from levying taxes against University prior to 1974, and preventing any late listing penalty. Alderman Cohen said that there is a need for clarification regarding the taxing of the University by municipalities. He said that any taxes from the University will be a windfall to the municipalities, since municipalities did not expect any taxes at all. He said that payment of any back taxes from the utilities would have to come from the people who use the system and it would not be to the

best interest of the community to triple the electrical rates to pay the back taxes. Town Attorney Denny asked whether Alderman Cohen is expressing a political opinion. Alderman Cohen said that there are many different aspects to the bill that need careful consideration. Town Attorney Denny said that the County officials were upset when they learned of the bill being introduced by local delegation, especially after stating that they would not do so, since the bill in one paragraph wipes out any potential claim of Chapel Hill, Carrboro, Orange County and Chatham County to any ad valorem taxes for years preceding 1974. He recommended that Board consult with other governmental authorities involved in this question. Alderman Cohen said that he has discussed the matter with chairman of County Commissioners and that she has said that they have indicated a desire to endorse this bill.

Dr. Jones said that the bill, as proposed, is in conflict with the existing statutes under which local electric utility rate is subject to State Utilities Commission, since the proposed bill gives the rate making power to the Board of Directors, with the only requirement being that a Public Hearing be held before rates are changed. He said that the bill is in conflict with Chapter 116 of the General Statutes, under which the University utilities are the sole responsibility of the Chancellor, subject to the Board of Trustees, subject to the president, subject to the Board of Governors. The bill would also retain the electric utility employees as State employees which would deprive them from an expected salary increase after sale to a private utility. If the effect of the bill is to maintain the tax exempt status of these properties, it would deprive State, Orange County, Carrboro, and Chapel Hill from taxes. He said that he does not think that the bill can accomplish its stated purpose of maintaining low electrical rates.

Alderman Cohen said that it is not intended that electrical rates be kept artificially low or that utility employees forgo pay increase to keep the rates low. He said that there is considerable feeling in community that residents should not have to pay twice for the use of electricity if the utility were sold to a private company, to retire the indebtedness. Governing bodies should make the best efforts possible to ensure low electric rates. Mayor pro tem Smith suggested that Board members study the bill, and discuss it with Orange County and Carrboro governing bodies; he asked that Town Manager consider setting up a joint meeting for this purpose. Alderman Marshall requested that Dr. Jones prepare a statement indicating the anticipated difficulties seen with the bill. Dr. Jones said that some of the difficulties are due to the campus underground cable network, which is University property, and that it would take an estimated three years for the legal staff to identify the easements, and to separate the electrical and telephone cables or to write a mutual use agreement. The physical separation of on-campus systems is a matter of switching lines at the the substation and would take an estimated two to four weeks. He said that the situation would be very confusing if a non-university Board of Directors operated the University heating plant. All of these are possible consequences of passage of the bill as proposed.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 11:45 p.m.



Mayor, Howard N. Lee



Town Clerk, David B. Roberts

SUMMARY OF ACTIVITIES AND  
FUNDING SOURCES  
1975-76 COMMUNITY DEVELOPMENT PROGRAM

<u>Activity</u>	<u>Respon- sibility*</u>	<u>Total Cost</u>	<u>CD</u>	<u>Sec. 8</u>	<u>HLTF**</u>	<u>G.F.</u>	<u>Debt</u>
<u>1. Housing As-</u>							
<u>sistance for</u>							
<u>152 Families</u>							
<u>50 Units Rehab.</u>	<u>H.A.</u>	<u>175,000</u>	<u>45,000</u>		<u>130,000</u>		
10 Grants @ \$4500		45,000	45,000				
40 Loan Int. Subs. @ \$7500		130,000			130,000		
<u>36 New Units</u>	<u>P.S., H.A.</u>	<u>408,960</u>	<u>224,460</u>	<u>34,500</u>	<u>150,000</u>		
13 Relocation @ \$24,000 plus tem- porary re- location payments as needed		362,960	212,960		150,000		
23 New Homes Subs.		46,000	11,500	34,500			
<u>66 Existing Units</u>	<u>P.S., H.A.</u>	<u>79,200</u>		<u>79,200</u>			
66 Rent Asst.. @ \$1200		79,200		79,200			
<u>Systematic In- spection</u>	<u>Town</u>	<u>30,000</u>				<u>30,000</u>	
<u>Administra- tion</u>	<u>H.A., Town</u>	<u>107,040</u>	<u>107,040</u>				
<u>2. Neighborhood Imp.</u>							
<u>2650' Sewer</u>	<u>Town</u>	<u>67,000</u>	<u>67,000</u>				
<u>4000' Stm. Dng.</u>	<u>Town</u>	<u>306,000</u>					<u>306,000</u>
<u>3. Services</u>	<u>Town</u>	<u>21,500</u>	<u>21,500</u>				
<u>Total Program</u>		<u>1,194,700</u>	<u>465,000</u>	<u>113,700</u>	<u>280,000</u>	<u>30,000</u>	<u>306,000</u>

\*H.A. - Housing Authority  
P.S. - Private Sponsors

\*\*Housing Loan Trust Fund. This fund provides loan interest subsidy and loan guaranty on conventional mortgages and improvement loans.

Delta Upsilon--Special Use  
Modification--Public Hearing

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

ning Board is requesting that the Board of Aldermen call a Public Hearing for the Special Use Modification for Delta Upsilon Fraternity, and that it be held as soon as possible, since occupancy for the building is scheduled for September. Mr. Jenne said that the original Special Use Permit request from Delta Upsilon had two Public Hearings, since the design was changed drastically during the deliberations. The current Special Use Permit allows the demolition of all four existing houses on the property; the modification proposes the removal of two small existing houses located behind the main house and construction of a two-story addition at the rear of the main house. He said that Planning Board felt that, even though the modification will have a lesser impact on the area, there is sufficient interest in the neighborhood to recommend that a Public Hearing be held; a delay to the regular public hearing date of fourth Monday would be too lengthy, and it is recommended that Board find that an emergency exists and a Special Public Hearing be held. He said that he concurs with the Planning Director that the impact of the modification is less than that of the Special Use Permit, and from the administrative standpoint a Public Hearing is not necessary; however, the Board may wish to consider the matter from the standpoint of public relations. Alderman Welsh said that she feels a Public Hearing should be called to permit area residents to see the changes in plans, since concerns were expressed previously not only about the visual characteristics of the building but also about its use. Alderman Gardner said that he shares Alderman Welsh's concern about allowing area residents to see proposed changes in plans, but he feels that Planning Director's recommendation would permit this to be done. Alderman Gardner moved, seconded by Alderman Marshall, that the Board direct the staff to process the application as submitted, and that the cooperation of the news media be sought to encourage public participation at reviews of this project by the Planning Board, Community Appearance Commission and Board of Aldermen. Alderman Marshall said that she agrees with the concerns expressed by Alderman Welsh, but that there is also the question of whether requesting a Public Hearing when it is not legally required would not be an imposition on Delta Upsilon. Town Attorney Denny said that in the Special Use Permit Ordinance no definition exists of what constitutes a modification. In the past, Board has required Public Hearings for modifications determined to be major in nature or for modifications of significant interest. There is nothing in the ordinance prohibiting the calling of a Public Hearing. He agreed that it is an imposition on Delta Upsilon, but is not a wrongful imposition from the legal standpoint. Alderman Smith said that he feels a Public Hearing is necessary to find out why the changes in the proposal are made. Mr. Jenne said that June 16, 1975 is the earliest date that a Public Hearing can be called. Mr. Jonathan Howes, Planning Board chairman, said that the plans as now presented were not available at the last Public Hearing, and for this reason, and because of the great sensitivity of the issue at the original Public Hearings, Planning Board is recommending that a Public Hearing be held. Alderman Cohen offered a substitute motion, seconded by Alderman Welsh, that Board find that an emergency exists, waive the restriction of holding a Special Use Public Hearing on fourth Monday of the month, and schedule the Public Hearing to consider Delta Upsilon Special Use Modification for Monday, June 16, 1975. Alderman Welsh said that she feels the Public Hearing is necessary. Alderman Cohen agreed, and said that this would allow people to be involved in neighborhood planning. Alderman Gardner said that he feels the original motion would have provided resident input in the planning, and that he does not see a need for a Public Hearing. Mayor Lee said that holding the Public Hearing is good community public relations. Said substitute motion passed by a vote of four to two, with Aldermen Gardner and Marshall opposing.

North Street--Bus Route

Mayor Lee petitioned the Board to place on the agenda considera-

tion of bus route on North Street. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received, and matter placed on the agenda under 5c. Said motion was unanimously carried.