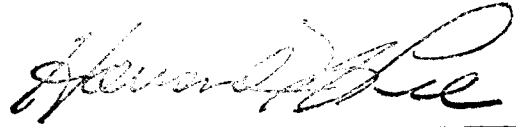


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population estimate.

Orange Association for
Retarded Children--
Communication

Mayor Lee presented a letter of appreciation from Orange Association for Retarded Children.

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



Mayor Howard N. Lee



Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING
OF THE MAYOR AND THE BOARD OF ALDERMEN
OF THE TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING,
MONDAY, JUNE 23, 1975 AT 7:30 P.M.

The Board of Aldermen met for a Public Hearing, followed by a regular meeting on June 23, 1975 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.

PUBLIC HEARING

Burris Place--Paving
Assessment

Mayor Lee said that the public hearing has been called to consider assessments for Burris Place;

Purefoy Road, Whitehead Circle, and the Chase Avenue area; and North Lake Shore Drive. He said that notices of the public hearing were mailed on June 12, 1975 to the property owners, and that notice of the hearing appeared in the June 12, 1975 edition of the Chapel Hill Newspaper. Mayor Lee explained the procedure to be followed at the hearing. Town Clerk Roberts said that the paving assessment notices for Burris Place were mailed to the property owners, based on a cost of \$6.00 per foot. He presented the paving assessment roster for Burris Place. Mayor Lee asked for comments or questions. Mr. C. A. Houck said that the residents of Burris Place petitioned the Board on February 3, 1975 about installing drainage pipes beside the paving; and that he hopes this can be done when possible. Alderman Smith asked if the paving has been done to Town standards. Mr. Joe Rose, Public Works Director, said yes. Town Attorney Denny said that the Board can either accept the assessment roll at this time, or together with the other assessments being considered at this public hearing. Mayor Lee recommended that the Board take action on this assessment together with the other assessments being considered.

Purefoy Road, Whitehead
Circle, Chase Avenue--
Sewer Assessment

Town Clerk Roberts said that the sewer assessment notices for this area were mailed to the property owners on June 12, 1975, with the

total assessment of \$145,330.55, based on 110 lots assessed, or \$1,321.19 per lot, plus \$125.00 per acre. He presented the sewer assessment roll. He said that since the assessments have been mailed,

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Mr. John Dalzell of Block C, Lot 20 has announced that he has subdivided his four-acre lot, increasing the total number of lots to 111, and the assessment per lot should be decreased accordingly.

Mayor Lee asked for comments or questions. Dr. Claiborne S. Jones, Vice Chancellor of Business and Finance for the University of North Carolina, read the following letter:

THE UNIVERSITY OF NORTH CAROLINA
AT
CHAPEL HILL
27514

Claiborne S. Jones
Vice Chancellor
Business and Finance

103 South Building
(919) 933-6961

June 23, 1975

The Honorable Howard Lee
Mayor of Chapel Hill
and
The Board of Aldermen
Town of Chapel Hill
Chapel Hill, North Carolina 27514

Ladies and Gentlemen:

Subject: Public Hearing on June 23, 1975 to consider the
Sewer Assessment for Purefoy Road, Whitehead
Circle and Chase Avenue

The University has been notified that two pieces of property identified as follows are to be considered for sewer assessment:

Tax Map 71, Block B, Lot 1	
Assessment for Collector Sewer System	\$1,321.19
Acreage Charge based on <u>1.0</u>	
Acres at \$125.00 per acre	<u>125.00</u>
Total Amount of Assessment	\$1,446.19
Tax Map 88, Block H, Lot 1	\$1,321.19
Assessment for Collector Sewer System	
Acreage Charge based on <u>0.0</u>	
Acres at \$125.00 per acre	<u>112.50</u>
Total Amount of Assessment	\$1,433.69

We wish to request your reconsideration and retraction of these assessments due to the following circumstances:

Historically the University has provided its own sewer mains on the campus. These above described properties are a part of the main campus of the University of North Carolina at Chapel Hill, and therefore should the University decide to build thereon, any sewer service for these properties would be provided by the University with its own sewer mains. Thus, the assessment proposed would be for service which the University would not utilize. Additionally, the University owns one-half interest in the Sewage Treatment Plant and originally provided the land on which the Sewage Treatment Plant was constructed. The University paid in full for its own mains and collector system on campus, including two mains leading from the campus proper to the Morgan Creek Plant. Furthermore, the University makes annual payments to the Town of Chapel Hill to cover, among other things, a significant part of the annual operating costs of the Sewage Treatment Plant.

As a legal matter, we invite your attention to North Carolina G.S. 160A-221, which states:

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When any city proposes to make local improvements that would benefit lands owned by the State of North Carolina or any board, agency, commission, or institution thereof, the council may request the Council of State to consent to special assessments against the property. The Council of State may authorize the Director of Administration to give consent for special assessments against State property, but the city may appeal to the Council of State if the Director refuses to give consent. When consent is given for special assessments against State lands, the Council of State may direct that the assessment be paid from the Contingency and Emergency Fund of the State of North Carolina or from any other available funds. If consent to the assessment is refused, the State-owned property shall be exempt from assessment.

The Charter of the Town of Chapel Hill empowers the Board of Aldermen "... to levy special assessments as is provided by general law." North Carolina G.S. Section 160A-221 is part of that general law and controls the validity of Section 23-74 of the Chapel Hill Code of Ordinances as it applies to land owned by the State of North Carolina or any of its agencies and institutions.

In view of the above circumstances in Chapel Hill whereby we provide our own sewer mains, we feel that the University would be obligated to recommend to the Secretary of the Department of Administration and the Council of State that consent for the proposed assessments not be given, on the ground that the local improvements involved would not benefit the State or the University at Chapel Hill. However, should the Secretary of the Department of Administration or the Council of State consent to the assessment charge, the University requests that the assessment against the above-mentioned properties be held in abeyance as allowed by the North Carolina G.S. Section 160A-223(5), until the owner actually connects to the Town of Chapel Hill sewer main.

Yours sincerely,

/S/

Claiborne S. Jones

CSJ/pm

CC: Mrs. Grace W. Wagoner
Mr. John Temple
Mr. Allen S. Waters

Town Attorney Denny said that the statutory references given by Dr. Jones are correct, that the Board has no authority to assess State property without the permission of the State; and that if the Board wishes to pursue the matter of assessment, it should request permission to assess from the Department of Administration.

Mr. Richard V. Wolfenden said that he lives on Idlewood Lane, and his house is lower than the sewer main. Mr. Joe Rose, Public Works Director, said that he knows there are some elevation problems in the area which need checking. He said that he will contact Mr. Wolfenden in the near future to work out a solution to his problem.

Mr. Dan Olsen said that he was speaking for his mother Sarah D. Olsen, who owns two lots on Chase Avenue. He said that one of the lots is very narrow, and the Town has indicated that it is unbuildable since there is no site on the lot permitting access to sewer line; that there also is a University power line on it, reducing the depth of the lot to 53 feet; and that he would like some reconsideration of her assessment.

Mr. Gary Giles said that the Community Church is being assessed for two lots under its ownership, one on which the manse is built and the other on which the church stands. He said that the church is normally not a taxable institution; and the question also arises of whether the land should be considered as one parcel for assessment purposes. In addition, he said the tract on which the manse is built is remote from the main line, causing excessive expense for the church to connect the manse to the sewer system. He suggested that a branch line be run to the tract with the manse. He asked if the assessment is

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payable before the property ties into the sewer system. Town Attorney Denny said that the assessment is payable, whether the owner ties in immediately or later. He said that the assessment is not a tax, but an assessment under statutes for public improvements for individual property benefit; that the assessment is only collectable in the same manner as a tax, and non-profit corporations are subject to it. Mr. Giles said that the church has no plans for a portion of its land adjacent to the Charles Jones Park, and asked if dedication of a portion of this land as open space would grant the church some relief from the assessment. Town Attorney Denny said that the acreage charge is computed on the actual acreage owned; however, the Board may establish a policy that dedicated open space, without a need for sewer, be excluded from the acreage charge. Alderman Welsh said that she would be willing to consider the dedication of open space in exchange for granting relief from the acreage assessment. Town Attorney Denny said that the two lots owned by the Community Church should be treated as two, since having two structures on one lot would be a violation of the Zoning Ordinance. He said that even though the lots were not within Town limits when the structures were built, they were within the Town's Planning District. Mr. Giles said that the truck line touches only the main property owned by the church, not the smaller lot. Town Attorney Denny said that the Town has the authority to extend the line, if the Board so desires; but the reason the line was not extended originally is that both of the lots are under single ownership, in which case it has been the Town's practice to run the sewer line to only one lot. Mr. Giles said that extending a line from the manse to the remote trunk line will be very expensive and will put a financial burden on the church. Mayor Lee said that the Board will need to consider this matter further.

Mr. Walter Spearman said that his house on Whitehead Circle is lower than the sewer line, and the question exists of whether or not he will be able to connect to it.

A resident asked if there is a time limit for tapping on to the sewer. Town Attorney Denny said that Town ordinances require that property owners tap on immediately when a sewer line is available within a certain distance, but in practice the Town has been permitting septic tanks to continue operating unless they are malfunctioning. The resident asked if Howell Street is included in the assessment. Town Clerk Roberts said that it is included.

Mr. Michael Fields said that he was representing Glynn and Jackie S. Fields, who own Lots 4, 5, and 6 in Block E. He said there is a house on Lot 5, but both Lots 4 and 6 are too small for building and he asked that these three lots be considered as one for assessment purposes. Town Attorney Denny said that in the past the Board has treated a series of lots, on which only a single structure has been built, as a single lot, if the owner would prepare a deed of dedication and record same in Hillsborough. Mr. Fields said that he feels the owners will be willing to prepare such a deed.

A resident asked if it is standard procedure to assess for sewer on a per-lot basis. Town Attorney Denny said that this is the procedure that has been followed by Chapel Hill in recent years. He said that the General Statutes provide for assessment on a per-foot basis, but that the Town obtained a special act in 1963 permitting assessments on either a per-foot or a per-lot basis. The resident asked if the Town Attorney knows of any precedents for a dwelling-unit procedure as opposed to a lot procedure in mixed residential areas. Town Attorney Denny said that he does not know of such precedents; however, the annual sewer rental is paid on a per-unit basis.

Mr. Tom Sauger said that he would speak for Mrs. J. L. Suger of Mason Farm Road. He said that there is a feeling among the residents that, even though the Town is growing and needs to provide sewer lines, these are benefitting people who are now building houses and apartments, not residents who have used septic tanks for up to thirty years. He asked when the assessment must be paid. Town Attorney

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Denny said that the assessment can be paid in annual installments not to exceed ten years, if the Board so permits. He said the assessment is a lien against the property. A resident asked if there is a tap-on fee in addition to the assessment. Town Clerk Roberts said that the fee is \$45.60, equivalent to sewer rental for a year, plus the fee for the plumbing permit.

Mr. E. G. Merritt said that he owns a service station on Purefoy Road; and when the sewer line was constructed, he did the preparatory work for tapping on to eliminate the necessity of a street cut in the future. He asked if there would be an additional charge for tapping on. Town Attorney Denny said that there would be a tap-on charge, but that there would not be a street cut assessment. Mr. Merritt said that the Town is using a sewer easement across his pasture land fronting Pittsboro highway, and he asked if he will be able to charge the Town a similar fee, and if he will be requested to pay a similar assessment for a sewer line along his property on the west side of Pittsboro highway. Town Attorney Denny said that the question of Mr. Merritt's pasture and the sewer line across it is still an open question and that the Board should give some consideration to resolving it. Mayor Lee asked the Town Attorney to prepare advice to the Board on how to proceed in the matter.

Mayor Lee asked how the Board should proceed in the matter of assessing UNC property on this assessment roll. Town Attorney Denny said that confirming the roll with respect to state-owned properties would not accomplish anything; that if the Board wishes to pursue the matter of assessment, it should contact the Department of Administration to get permission; and, if necessary, the Council of State. He said that he does not think that assessing the State for sewer installation has a precedent in the Town. Mayor Lee said that the Board, Town Administration and Town Attorney will consider this matter at a later date. Alderman Rancer asked if this will have any bearing on the Water and Sewer Authority. Town Attorney Denny said that the Council of State will need to approve that also. Dr. Jones said that the University will urge the Council of State to grant the approval. Alderman Rancer asked if the question can be held in abeyance until the Water and Sewer Authority is established. Town Attorney Denny said that he would prefer not to respond to the question. Mayor Lee recommended that the Board take this matter under advisement and try to resolve it in the near future. Alderman Cohen asked if there is a time limit after the date of original publication, within which the assessments must be confirmed. Town Attorney Denny said that, if major changes were made in the assessments, the Board may find it necessary to publish the new assessments and hold another public hearing. He said that any time limitation would then be effective from that public hearing.

Ms. Mary Snead Halperin of Powell Street asked if any consideration in the matter of assessment is being given to people who live on fixed incomes. Town Attorney Denny said that no such consideration can be given under the statutes. Ms. Helen Daniell expressed her concern that assessments will be increasing for some of the owners if others are allowed to combine their lots into one.

Town Attorney Denny said that he will have a recommendation ready for the Board's consideration at the same time the other problems are considered. Mayor Lee said that Mr. Wolfenden's problem will be reconsidered by the Public Works Department. He said the Public Works Department will also investigate the question of Ms. Olsen's lot. Town Attorney Denny said that properties which cannot be served by a sewer line are not assessed. Mayor Lee said that the Board will need to consider the matter of dedication of Community Church property for open space as a relief for assessment. Alderman Smith asked if the property can be so dedicated and relief granted after the publication of the property roll. Town Attorney Denny said that the Board has not yet confirmed the assessment roll and that all changes in assessing are still open, including the manner of assessment. Mayor Lee recommended that the matter be referred to the Chairman of Open Space Committee and the Town Attorney for their consideration.

and recommendation back to the Board. Mayor Lee said that Mr. Spearman's ability to utilize the sewer line will be considered by the Public Works Department. He said that the Town Attorney recommends that Fields' property be combined legally into one lot. He recommended that the question of use of Mr. Merritt's pasture as sewer easement be referred to the Town Attorney for consideration and recommendation back to the Board. Alderman Cohen asked if the costs of assessment of deleted lots will be reassessed against the remainder of the lots. Town Attorney Denny said that this should depend on which lots are deleted. He said that if several lots are combined, then the assessment would properly be allocated among the remaining lots; however, if the Board decides not to pursue the matter of assessing University property, then it would be unfair to assess the total cost to the rest of the properties, since the University property is capable of being served by the sewer line. Alderman Cohen asked if it would be possible not to assess the cost to the rest of the properties in any case. Town Attorney Denny said that would be a policy decision; that in the past the Board has assessed 100% of assessments, but it may wish to assess at a lower rate this time. Alderman Marshall asked if the assessment on University property would be a lien against the property if the University sold this property in the future to private owners. Town Attorney Denny said that the collector system cost could not be a lien if the matter of assessment were not pursued. Alderman Welsh asked that the time payment plan be explained. Town Attorney Denny said that the contract for the project was let on August 2, 1971 and the procedure followed in the matter is based on a law that has been changed since that time. He said that it has been the Board's custom to permit property owners either to elect payment of assessment in full within thirty days of publication of notice of confirmation, or to pay the assessment in equal annual installments over a ten-year period at 6% interest on the unpaid amount. He said that this has been the Board's custom, and can be changed, if so desired. Mayor Lee said that the Board will reconsider the assessment after the reports are made back to the Board on the questions raised at this hearing.

North Lake Shore Drive--
Sidewalk Assessment

Town Clerk Roberts said that the total cost of sidewalk installation on North Lake Shore Drive is \$22,371.75, and the assessment is set at \$2,8694 per front foot. Mayor Lee asked for objections or questions. A resident said that the cost of sidewalk construction was not known at the time the project was proposed, and that the cost of sidewalk assessment seems high compared to the street paving assessment of \$6.00 per foot; he said that he realizes that the Town is paying a share of the street paving. Town Attorney Denny said that the cost of installing the sidewalk was not known at the time the petition was presented, as the project was let out for bids after the project was approved. Mayor Lee said that when the sidewalk petition was presented, a rough cost estimate of \$4.00 per foot was made. Alderman Cohen said that the actual cost of street paving was about \$36.00 per foot with owners assessed \$6.00 per-foot per-side, and the Town paying the other two-thirds of the paving costs. Mr. Troy Sluder of Lake Shore Drive said that he feels the estimated cost of the sidewalk was surprisingly close to the actual figure and said that the sidewalk is much appreciated and of good quality.

North Lake Shore Drive--
Street Assessments

Town Clerk Roberts said that the street assessments on North Lake Shore Drive were made at \$6.00 per foot. Mayor Lee asked for comments or questions. There were none. Mayor Lee said that there have been no major concerns expressed about the assessment of Burris Place and North Lake Shore Drive, and asked if the Board could confirm this part of assessment roll now. Town Attorney Denny said that the confirmation does not need to be made at the public hearing, and that he needs to check on what action needs to be taken; that action can be taken by the Board later in the meeting. Mayor Lee said that no action will be taken on Purefoy Road, Whitehead Circle and Chase Avenue at this meeting.

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Taylor Oil Company,
1509 East Franklin Street--
Special Use Permit

Mayor Lee said that the public hearing was called to consider a request by Taylor Oil Company for an Automobile Service Station

Special Use Permit under Section 4-C-2 of the Chapel Hill Zoning Ordinance for their existing automobile service station located at 1509 East Franklin Street on property identified as part of Orange County Tax Map 38, Block B, Lot 13. He said that the applicant plans to add an additional pump island and two pump island canopies to the existing structure. He said that notices have been mailed to area residents notifying them of this request, and that copies of the Project Fact Sheet, Background Report, and Applicant's Statement of Justification have been distributed to the Board. Mayor Lee presented the procedure to be followed for the hearing. Mr. Mike Jennings, Planning Director, presented the project and showed it on the map. He said that the ETNA Automobile Service Station is located on property zoned partially Suburban Commercial and partially R-3. He said the Zoning Ordinance permits the district requirements for the least restricted portion of the lot to be extended 35 feet beyond the district line, and that this extension of the Suburban Commercial zoning into the R-3 portion of the lot permits all the proposed and existing structures to be within the Suburban Commercial zone. He said that the ETNA Station is currently on a 3.73-acre lot, and the applicant plans to subdivide out a 0.47-acre lot for the ETNA Station for which the special use permit is requested. He said the lot is surrounded by Suburban Commercial zoning to the west. Suburban Commercial and R-3 zoning to the north and south, and R-3 zoning to the east. Mr. Jennings said that the application meets all requirements of the Zoning Ordinance but does not meet the standard of 750 feet, minimum distance, between service stations that the closest station is 450 feet away. He said the applicant is requesting an exemption from this standard. Mr. Jennings said that to meet the screening provisions of the Zoning Ordinance, the applicant is proposing a six-foot continuous evergreen hedge along the eastern property line, to screen the use from the abutting residential district, and a three-foot solid evergreen hedge with a six-inch curb along the front property line on the area located between the driveways, as required by Section 4-C-2-e-1. He said that water, sewer and fire protection are available to the property, and that the property is not within the Chapel Hill Flood Plain. Mr. Jennings said that the ETNA Station fronts on Franklin Street which is a 5-lane major thoroughfare with a center turning lane. He said the 1973 N. C. Department of Transportation traffic count shows 19,000 vehicles per day at this location. He said there are two existing driveways serving the property, that there is sufficient area to accommodate the required four parking spaces. Mr. Jennings showed the location of the present and proposed pump islands on a site plan, and the location of the proposed canopies, with the pump island closest to the street not being covered by a canopy.

Mayor Lee asked that persons wishing to make statements at the hearing be sworn in. Mr. Jennings and Mr. Billy Morgan, applicant, were sworn in. Mr. Morgan said that Mr. Jennings' presentation of the project was fair and accurate. Alderman Smith asked about traffic circulation for the proposed new pump island. Mr. Jennings said that the traffic circulation plan is not shown on the proposal, but that two-way traffic is presently in effect at the two pump islands. Mr. Jennings said that the proposed canopy will maintain the profile of the roof both in front and on the side, with a 10' 6" clearance in front and a 10' 1" clearance at the lowest point. Mr. Morgan said that the traffic for the side pump will be one-way, which will be indicated by arrows on the pavement and by signs. He said that the proposed canopy is for customer convenience in case of rain, since the station is 95% self-service. In response to questions from Alderman Welsh, Mr. Morgan said that he understands the requirement for a six-foot continuous evergreen hedge on the east side and the requirement about the curb at the driveway entrance defining the driveway as protection for pedestrians and bike riders. He said that the company has extended the sidewalk west across adjoining commercial property to Brady's restaurant at the company's expense. Alderman Smith asked if a possibility exists that a vehicle over 10' 6" high

might try to get under the canopy. Mr. Morgan said that signs will be posted on the canopy about the clearance, and that vehicles that are too high will be able to use the outside pump island which does not have a canopy. Alderman Welsh moved, seconded by Alderman Smith, that the request for a Special Use Permit under Section 4-C-2 of the Chapel Hill Zoning Ordinance for an existing automobile service station to add an additional pump island and two pump island canopies to the existing structure be referred to the Planning Board for their study and recommendation back to the Board. Said motion was unanimously carried.

Chapel Hill-Carrboro
YMCA--Special Use Permit

Mayor Lee said that the public hearing was called to consider a request by the Chapel Hill-

Carrboro YMCA for a Special Use Permit under Section 4-C-4 of the Chapel Hill Zoning Ordinance for the proposed YMCA Recreation Complex. He said the proposed structure will be located on the east side of Airport Road approximately 310 feet south of the Estes Drive-Airport Road intersection, on property identified as Orange County Tax Map 29, Lot 11. He said that notices have been mailed to area residents notifying them of this request; and that copies of the Project Fact Sheet, Background Report, and Applicant's Statement of Justification have been distributed to Board members. Mayor Lee explained the procedure to be followed at the hearing, and asked that persons wishing to make statements be sworn in. Mr. Mike Jennings, Planning Director; Mr. John Currie, representing the YMCA Board of Directors, and Mr. John King, YMCA Executive Director, were sworn in. Mr. Jennings presented the project and showed it on the map. He said that the proposed YMCA Recreation Center, which is a nonprofit Quasi-Public Building, will be located on Airport Road on property zoned Agricultural, except for a 250 foot strip of R-20 along the right-of-way. He said the area of the property is approximately seven acres, and it is surrounded by University B zoning to the west, R-20 and Agricultural zoning to the north and south, and Agricultural zoning to the east. He said that a 20-foot wide Duke Power easement runs along the rear property line. Mr. Jennings said that the sewer line has been extended to within 600 feet of the property. He said the lot is outside the Chapel Hill Corporate Limits and has no fire protection, although the YMCA is interested in a contract with the Town for this service. He said that garbage and refuse removal will be privately contracted; and that water service is available from existing University Service Plants lines. He said the property is not within the Chapel Hill Flood Plain. Mr. Jennings said that the plans meet all the requirements of the Zoning Ordinance except that the parking area for 127 vehicles is located in the front of the principal structure, while the Zoning Ordinance requires that the off-street parking spaces be provided in the side or rear yard of the principal structure; and that the YMCA is requesting a variance from this requirement from the Board of Adjustment. Mr. Jennings presented the site plan and showed the location of the parking lot, with 127 spaces and pointed out that the Zoning Ordinance requires 120 spaces. He said that the plan does not indicate whether or not traffic routing will be one-way, but that this would be preferable to two-way traffic. Mr. Jennings showed the location of storage structure in the front side yard, which does not show a detail for garbage loading that if the Town annexed the property, there must be access for front-end loading. Mr. Jennings said that the building will consist of a double gym with a track over it, and a pool, which will need to be connected to the Town's sanitary sewer system. He pointed out that there are no fire hydrants shown on the plan, which must be provided. Mr. Jennings said that there is an existing lake on the property, which the YMCA intends to retain; and that the lake can be used for sedimentation and erosion control as well as for retaining excess runoff of storm water, as the site drains toward other undeveloped properties. He said that the applicant has indicated that the plans will be in phases; the first floor of gym constructed first and the second floor later. Mr. Jennings showed, on the site plan, the location of proposed softball, volleyball, basketball, and handball courts, and the jogging track.

Mr. John Currie said that the Town needs this facility, especially the indoor pool. He said the proposed site location will provide easy access to persons from all areas of the community. He said that the facility will be built in stages, as funds permit. He said the YMCA will apply for variance for the front parking lot. He said that the lake will be conserved; and that the ball fields will be placed behind the facility to remove them from the hazards of the parking area. Mr. Currie said that if all the permits and variances are granted, the YMCA will secure an architect, who will prepare preliminary drawings for the YMCA Board and a fund-raising expert, to prepare fund-raising programs, after which construction will begin. He said that, hopefully, the first phase of construction can be started within a year. He said that the first phase of construction will consist of a 25-meter indoor pool, health club and YMCA administration offices; the second phase will include construction of a gymnasium and enlarging the health club; and the third phase will include construction of meeting rooms and ball courts. He said the parking lot meets the requirements of the total construction plan. Alderman Welsh said that she would like some discussion on how this facility will tie in with the Town's proposed recreation facilities to be financed by the CIP bond referendum, since she feels that recreation facilities should complement each other and not provide competing programs. Mr. John King said that it is the policy of the YMCA that no person be denied membership because of inability to pay the membership fee; that United Fund contributions to the YMCA help to underwrite special programs that individual members might not be able to afford. He said that he feels there is a need for all types of recreational facilities in Town, and that cooperation should exist between various groups offering these. He said that he feels YMCA is pursuing an aggressive method in providing a wide range of membership in the YMCA; that presently the cost of membership is \$25 per family and \$10 per individual annually. In response to questions from Alderman Welsh, Mr. Currie said that the amount of funds to be raised by the building drive will depend on the architect's estimate and on the community's capability of raising the amount. He said that the YMCA has not discussed reciprocal use of facilities with the Town, but that the YMCA Board feels that all of the facilities should have 100% use. Mr. King said that informal inquiries have been made by the school system about the possible use of the indoor pool during morning hours. He said that, generally, the base membership fee gives YMCA members the day-to-day use of regular facilities. In response to questions from Alderman Smith, Mr. Currie said that the storage area is a 50' x 20' building to be used for storage of equipment and for Dempsey Dumpsters. He said that the building will be landscaped and will be virtually invisible; that the building could not be placed in the back yard because it would not be accessible for front-end loading refuse collection. He said that the lake will be improved scenically to provide a picnic area; but safety precautions will be used for the lake. Alderman Cohen asked if a porous aggregate could be used for paving the parking area to minimize the problem of water runoff. Mr. Joe Rose, Public Works Director, said that he is reluctant to recommend any particular type of aggregate at this time. He said that the lake may have to be used for the stipulated storm water management. Alderman Cohen asked about the location of a proposed bus shelter on the property. Mr. Currie showed the location on the site plan, and said it is away from the entrance drive. Alderman Cohen said that some arrangement might be made to put one of the Town bus shelters on the opposite side of Airport Road for persons travelling in the opposite direction. Alderman Smith asked if a sidewalk will be provided along the property frontage. Mr. Currie said yes. Alderman Welsh moved, seconded by Alderman Gardner, that the request by the Chapel Hill-Carrboro YMCA for a Special Use Permit Under Section 4-C-4 of the Chapel Hill Zoning Ordinance for the proposed YMCA Recreation Complex be referred to the Planning Board for consideration, review, and recommendation back to this Board. Said motion was unanimously carried. The public hearing adjourned at 9:15 p.m.

REGULAR MEETING

Alderman Smith moved, seconded by Alderman Welsh, that the minutes of the meeting of June 16, 1975 be approved as corrected. Said motion was unanimously carried.

Communications

dolence to Mrs. Beswick's family.

Mayor Lee presented an acknowledgement of the letter of con-

Transportation Advisory
Committee--Reinstatement
of Lou Warren

continue serving on the TAC until August 15, 1975, if the Board so desires. Alderman Cohen said that he feels Mr. Warren should be reappointed through August, 1975. Alderman Marshall agreed. Town Attorney Denny said that there would not be any legal problems about such reappointment. Alderman Cohen moved, seconded by Alderman Marshall, that Mr. Lou Warren be appointed to Transportation Advisory Committee until August 15, 1975 or so long as he wishes to serve. Said motion was unanimously carried.

Mayor Lee presented a June 17, 1975 letter from Mr. Lou Warren stating that he will remain in the area and is willing to con-

Senator Vickery--
Communication

Board for the letter and resolution regarding HB 963. He said the letter states that the House has passed this bill, after many amendments, and that Senator Vickery will keep the Board's views in mind when the bill comes up for vote in the Senate.

Mayor Lee presented a June 12, 1975 communication from Senator Charles Vickery thanking the

Voter Registration-
Schedule

tion schedule for fall. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the matter placed on agenda under 6b. Said motion was unanimously carried.

Alderman Cohen petitioned the Board to place on the agenda consideration of the voter registra-

Secondary Road in Annexed
Areas--Resolution

sent from the State Department of Transportation regarding state-maintained secondary roads in the newly annexed areas; and said the resolution needs to be acted on to permit the Town to qualify these roads for Powell Bill funds. Alderman Marshall moved, seconded by Alderman Smith, that the petition be received and the matter placed on agenda under 6a. Said motion was unanimously carried.

Town Manager Kendzior petitioned the Board to place on the agenda consideration of a resolution

Property Acquisition--
Resolution

garding property acquisition by the Town. Alderman Smith moved, seconded by Alderman Gardner, that the petition be received and the matter placed at the end of the agenda. Said motion was unanimously carried.

Town Attorney Denny petitioned the Board to place on the agenda consideration of a resolution re-

Board of Adjustment--
Appointment

the resignation of Mr. James Barnett and the subsequent expiration of his term. He said that the names of Mr. Peter G. Glenn and Ms. Wanda H. Lewis have been placed in nomination. Alderman Smith moved, seconded by Alderman Gardner that nominations be closed. Said motion was unanimously carried. By secret ballot, the Board appointed Ms. Wanda H. Lewis, by a vote of five to one, to the Board of Adjustment for a term expiring June 30, 1978.

Mayor Lee said that the Board needs to fill the vacancy on the Board of Adjustment created by

Parking Committee
Report--NCNB Parking
Deck

NCNB parking garage, and to permit these spaces to be used for monthly rentals. Mayor Lee read a letter from Mr. Sam M. Longiotti of Plaza Associates, stating that the parking was originally built with about one hundred spaces reserved for use by the general public; but that the arrangement has proven unsatisfactory after two years of operation, primarily because the public parking spaces are competing with Municipal Parking Lots, which have easier access. He said the developer is requesting that the provision for providing spaces for general parking be waived so that these spaces can

Alderman Welsh said that the Parking Committee has received a request from the developer to waive public parking in the

be converted to monthly rental spaces, primarily for the tenants of the NCNB Plaza building and then to the general public on a first-come-first-served basis, with some provision made to permit use of the parking garage to the public on evenings and holidays. Alderman Welsh said that in September, 1971, the developers asked the Board's permission to construct a pedestrian bridge across Rosemary Street as access to a parking deck on the north side of Rosemary Street. She read excerpts from the minutes of that meeting, which state that the proposal called for a total of 244 spaces, with 134 reserved for public use. She said the Board, at that time, discussed the public purpose of the garage, and the possibility of the revenue collected from the public parking spaces being turned over to the Town. Alderman Welsh said that she has talked to persons who were members of the Board at that time, to find out what their intent was regarding the relationship of the parking deck to the requirement of public parking; and that Mr. Wallace, Mr. Scroggs and Mr. Nassif indicated that the intent was that there should be public parking in the parking garage, with 134 spaces set aside for this use. She said the motion made at that meeting declared the Board's intent to approve a concrete pedestrian bridge over Rosemary Street, when it had the authority to do so, provided not less than 134 spaces were made available for public parking herein. She said that the Board knew at that meeting that it would have the authority to permit construction of the bridge, which was granted in January, 1972; that it did require at that time that 134 public parking spaces be provided. She said the Parking Advisory Committee discussed the matter on June 12, 1975, and feels that the requested change would not be in the best public interest, since the lease on parking lot #2 will be expiring in June, 1976. She said that the committee recommends that the Board declare its intent to keep the 134 public parking spaces in the NCNB parking garage, that the request to waive the requirement be denied, and that the request be reviewed after the expiration of the lease for parking lot #2. Mayor Lee said that another way to approach the matter would be to grant the request on a temporary basis, with the matter to be reviewed by the Board after a period of time. He said that the Town seems to be able to accommodate the public parking needs by the municipal parking lots, and that there is a need in the CBD for monthly parking. Alderman Welsh said that the committee considered this approach and decided that the Town should not release the public parking spaces in the parking garage, since it is not known when the need for additional public parking may arise. She said that the developer may be permitted to use these spaces for monthly rentals, with the Town reserving the right to serve a thirty-day notice to the developer to make the spaces public, if a need for the spaces becomes apparent. She said that there are various ways to handle the problem, but the intent of the Committee's recommendation is that the spaces should not be given up permanently. Alderman Marshall said that the need for public parking spaces is increasing, since the State regulates parking on Franklin Street and has decreased the number of on-street parking spaces. She said that a certain number of the public parking spaces in the garage should be reserved for use by the elderly and handicapped residents to shop at NCNB Plaza, regardless of what decision the Board makes on the request. Alderman Cohen said that basically he agrees with Alderman Welsh's proposal. He said that the original Board action in 1971 was a package deal, with the developer paying \$500 for use of air space over Rosemary Street. He said that the office use in NCNB Plaza is increasing, and that he understands that building permits have been requested for several theaters in the basement of the Plaza building, which would increase the need for public parking at night. He said that decreasing the cost of public parking in the garage would make the cost of providing an attendant prohibitive and that other ways of handling this matter need to be investigated. He said that, if Board decided to grant the request, it should be on a one-year trial basis. He said that the Zoning Ordinance requires a certain number of parking spaces per building in the downtown area, and he would not like to lose the use of these public parking spaces. Mayor Lee said that, as the building fills up, tenants should have a place to park without paying exorbitant parking fees, since using the public parking places cost much more than monthly rentals. He said that the Town can use the revenue that would be generated by eliminating these public parking spaces, since people would use the municipal parking lot more. He recommended that the Board consider a change for a time period. Alderman Welsh said

that while it is true that parking in municipal lots might be increased, this may be accomplished by changing the entrance of lot #2 to Rosemary Street; that the Town does not own parking lot #2. She said parking lot #1 is running at 70-80% of capacity and is completely filled between 11 a.m. and 2 p.m. She said that University employees have passes, yet they use the parking garage on a monthly basis, which is in conflict with the intent of the Board. She said that she feels the Board should not give up the public parking; that it is in the best public interest to keep these spaces. Alderman Cohen said that the Board needs to work with the developer on the matter, since there is one policy requiring the provision of a parking space for every employee, and another to promote the use of the bus system, with conflict between the two policies. Mayor Lee said that he does not think the availability of these extra monthly parking spaces would influence the persons who are using the buses. Alderman Marshall agreed that the Board needs to work with the developer on this, but she said that there are many retail stores in the complex, and parking should be provided for the customer. Alderman Gardner said that he feels the recommendation made by the Parking Committee is good, since it provided flexibility to reconsider the matter at a later date. Alderman Smith said that he is surprised that the developer has asked that all of the parking spaces be given up, although, if the building is filling up, maybe some should be given up. He said that the matter should be negotiated with the developer. He said that there was concern expressed by the Board, when the garage was built, that public spaces be available there. Mayor Lee said that he understands Alderman Marshall's position, but that he finds it difficult to see the logic for public parking spaces when the municipal parking lots are not full. He said that he would like to see these persons riding the buses, but that they cannot be forced to do so. He said that he feels the developer should be granted relief for a year, with a review of the situation at that time, reserving the right for the Town to request that the 134 spaces be made available to the public on a thirty-day notice. He said that he feels this conditional relief can be given. Alderman Marshall said that loading and unloading in the 100 block of Franklin Street is a problem, and that she feels it would be better to remove some of the parking from this block rather than giving up the public parking spaces in the garage. Alderman Welsh said that she is willing to compromise, but that she feels the basic question is what the intent of the Board was in 1971 and what it is now. She said that the compromise might be tried until parking lot #2 becomes full, with the developer, in the meantime, being permitted to provide monthly rental, with the 134 spaces being released for public parking on a thirty-day notice by the Town; and that the matter should be reviewed at end of June, 1975 to see what the Board's intent is regarding retention of public parking. She said that the committee did not discuss parking spaces for the elderly or handicapped, or the need for additional loading spaces. Town Attorney Denny said that he feels the Board has insufficient information on the matter. He said that the Board did not approve or disapprove the construction of the parking garage which was the developer's right to build, only the drive-in facility for a bank. He said that there is no requirement in the Zoning Ordinance, when off-street parking is required for new or added-to construction, that such spaces be available for use by the public in general; that they are merely to be provided, but there is no limitation on whether they are being leased or whether there is a charge for them. He said that the information given on the Board's action in September 1971 is correct, but that the motion at that time was incomplete, since any mention of money was absent from the motion which was for an "intent to approve." He said the reason for the motion was that the developer was not asking for a final commitment from the Board, and the Board was unable to give such a commitment legally at that time, but simply for an indication of whether he should proceed with his drawings. He said the matter did come up again before the Board for action with the only question before Board being the construction of the pedestrian bridge, and a motion was made to approve the construction of the pedestrian bridge, provided the developer paid a one-time \$500 fee. Alderman Welsh said that the Board's intent in September, 1971 was that the pedestrian bridge be approved contingent on the Town's authority to approve it, and that 134 parking spaces be a provision. She said that the reason the Board did not add the 134-space parking requirement in January, 1972 was because the intent had already been stated in September, 1971; that if the intent had to be restated in January, the Town Attorney should have so informed the Board. Mayor

Lee said that he disagrees with the recollections of the Board members, because the Town Attorney stated in September, 1971 that action taken by the Board in September was not official and legal and would have to be repeated in January, 1972, when the Board had the authority to do so. He said that he remembers that when Alderman Scroggs was ready to make a motion to disapprove the project after disagreeing with Mr. Longiotti, Alderman Wallace made a motion, with the statement that he was not going to let Mr. Longiotti and Mr. Scroggs get mad with each other and destroy the whole project. Mayor Lee said that if the matter inadvertently got by the Board in January, 1972, then he does not feel the blame should be put on any one person, since it was several months after the original action. Alderman Welsh said that she does not understand how these things happen; that the matter is similar to that brought up by the Planning Board several weeks ago, where the intent of the Planning Board and Board of Aldermen is one thing and the enforcement of the ordinance is something else, when the intent is not explicitly stated. She said that she does not see anything in the minutes of September, 1971 to the effect that the action taken by the Board will need to be repeated in January, 1972. Mayor Lee said that the minutes do not always reflect accurately what takes place. Alderman Marshall said that the minutes have not been good in the past and are still not good. Town Attorney Denny said that his reason for bringing the matter up is simply to present an accurate picture, since no matter what action the Board takes, it should be apprised of the complete situation. Mayor Lee said that he was trying to move the action in the direction of an agreement with the developer, once and for all. Alderman Welsh said that the matter was discussed in the Parking Committee, and Mr. Nassif feels that the intent of the Board in September, 1971 was that 134 parking spaces should be required, and that the Board was not aware of the need for restating the motion in January. Mayor Lee said that the developer is under the impression that he is legally bound to provide these parking spaces. He said that when the matter first came to his attention, he asked the developer to write the proposal in a letter, and he has discussed this letter with Alderman Welsh and the Town Attorney as to how the Board should proceed in the matter. He said the developer indicated that he would await the Board's reply in the matter. Mayor Lee said that in the meantime he learned that a loophole exists in the matter; he said that he hoped that the Parking Committee would come to the Board with a recommendation that the developer be granted relief for one year, that an agreement be signed and that the matter be reviewed at the end of the one year, with the Town receiving the spaces back if this appeared feasible, with the matter being locked in. He said that now the matter is still open. Alderman Welsh asked whether the motion can still be made. Mayor Lee said that after all this discussion the motion may not be worth anything. Alderman Marshall said that it is difficult to go back to inadequate minutes. She said the Board members remember the intent of what has been said, and of statements made by the developer, but there is something very wrong if the Board can get hung up on loopholes. Alderman Welsh said that she feels it illogical for the Board to intend one thing in September, 1971, and another in January, 1972. She said she thinks determining the fault in the matter is a separate issue. Alderman Welsh moved, seconded by Alderman Smith, that the Board grant the developer freedom to utilize the existing 134 spaces as monthly parking, that the Town have the right upon issuance of a thirty-day notice to request that all or part of the 134 spaces be made available to the Town for public use; that the developer sit with the appropriate Town officials, Board of Aldermen and/or Parking Committee, within one year, before the expiration of the lease for parking lot #2, to work out any further release or have the 134 parking spaces reverted back to public parking; that five spaces for the handicapped be required to be provided near the ramp, with the details of this use to be worked out. Alderman Cohen asked if the monthly parking will be regulated by a card. Alderman Welsh said yes. Alderman Cohen said that this system would make it difficult to provide the parking for handicapped. He suggested that an arrangement be worked out with the developer about keeping stickers for use by the handicapped either in the drive-in bank or at the Police Station. Said motion was unanimously carried.

Parking Lot #2--
Entrance Realignment

Mr. Joe Rose, Public Works Director, presented cost estimates for entrance and exit realignment of parking lot #2, from the present location to a location on Rosemary Street, roughly opposite the Orange Savings and Loan parking lot entrance. He showed the location of the proposed entrance and the change this would make in the internal traffic circulation of the lot on the site plan. He said that consideration was given in the recommendation to traffic flow, landscaping, and the number of parking spaces in the lot, which will be reduced from 113 to 109, and parking width decreased from nine feet to 8.5 feet. He said that the lease for this parking lot expires in June, 1976. He said the work on the lot can be done during a two-week period, during which time the lot will be out of service. He said that the plan has not been reviewed by the Appearance Commission or the Traffic Department. He said that it would be desirable to install three lanes on Rosemary Street, with a center lane for turning. He said that the estimated cost to make the necessary improvements with an outside contractor is \$7,150.00; but with Town personnel is \$2,625.00. He said that the parking booth to be installed at the new entrance is the same as the one in parking lot #1. Alderman Marshall asked about the statement that the present work load for Town Personnel would prevent any start of the construction until September, 1975, with completion estimated by December, 1975. Mr. Rose said that the construction crew, as proposed in the budget for the next fiscal year, would not be on hand until three months after July, 1975; that the staff would like to wait until that time to start the project. He said the actual completion time of the project is two weeks. Alderman Marshall said that the project cannot be delayed until September, since this is after the beginning of the school year and the most chaotic time for traffic. Mayor Lee said that the Board has not taken a position to delay the hiring of a construction crew for three months; that the only action that the Board has taken is to delay engineering for three months. Mr. Rose said that if the crew were approved before July, the project could be done earlier. Mayor Lee said that the project either has to be done before August, 1975, or not at all. Alderman Welsh said that the project should have been done several months ago, but that the cost estimates for the lot were not available; that realigning the entrance to Rosemary Street will help the traffic flow on Columbia Street. Mr. Rose said that an electrical pole in the lot is also creating a problem, since it is difficult to relocate the line which feeds the stores in the back of the parking lot. He said that there is an underground electrical duct in which the line can be relocated, but that University Service Plant authorities are not considering this solution at this time. He said that relocating the pole may take some time. Alderman Welsh asked what is the earliest date that the project could be done with in-house personnel. Mr. Rose said that the work crews are presently working on street repair, for which all available manpower is being used. Alderman Welsh said that Town is receiving about \$4,000 per month from the lot and losing about \$5,000 per month revenue; that if it were assumed that the lot is functioning at full capacity; revenue from lot #1 is about \$7,000 per month. Town Manager Kendzior said that the parking lot is presently operating at a loss. Alderman Smith asked if the relocation of the entrance has been discussed with the owner of the lot. Town Attorney Denny said that taking the lot out of circulation for two weeks will not cost the owner anything, since the Town will pay the owner during that time. Mayor Lee asked how soon a work crew can be hired, if the Board approved hiring it. Mr. Rose said that it would take a maximum of thirty days to get a crew assembled and ready for work. He said that if this were one of the high-priority items from the Board, there would not be a problem in getting the work done, since it could be put at the top of the projects list. He said the streets that work crews are now working on are bus routes in need of resurfacing; that after this work is completed, construction will begin on streets in need of reconstruction; that the Town has many streets at the present time that need to be worked on as soon as possible. He said that converting the entrance of the parking lot will put the lot out of operation for about two weeks, with work in progress for about three weeks, since some parts of the project can be done with

the lot in operation. Alderman Marshall said that the Board just gave up 134 public parking spaces, and it is absolutely essential that the lot be in operation when school opens around August 20, 1975. She said that priorities need to be re-set, if necessary. Mayor Lee asked if the project could be completed faster with an outside contractor. Mr. Rose said that the plans for the realignment would need to be developed more extensively for an outside contractor; that informal bids must be let for the project. He said the beginning of the project would be delayed until the new booth is delivered, but the outside contractor could also do the project in a space of two to three weeks. Mayor Lee said that the potential revenue for parking lot #2 is \$7-8,000 per month; that the present revenue is around \$4,000 and the owners are paid \$2,500 per month, so that using an outside contractor would take about two months' additional revenue. Mr. Rose said that there may be a problem in finding money in the present budget for the project. Alderman Cohen said that if the occupancy of the lot were predicted to increase by 25%, then the budget estimate for parking revenues would be increased by about \$10,000, and the project could be funded from this increase. Mr. Don McChesney said that the proposed entrance is almost opposite the Orange Savings lot and the parking garage entrances, and he asked what impact the realignment of the entrance will have on the left-turn lane on Rosemary Street. Mayor Lee said that there should not be any difficulty in making the turn into the parking lot traveling from west to east; that going from east to west, the center turn lane can be used for a left turn. Mr. Rose said that the matter of getting into the parking lot was considered, and adequate space is provided at the entrance booth for two cars, one behind the other. He said the distance from the entrance to the corner is about 80 feet, and that cars can be stacked there, if necessary. He said that only right turns will be permitted from the lot, that to make a left turn into the lot, having three lanes on Rosemary Street will allow cars to be stacked in the center lane. Alderman Welsh said that it is better logic to keep all the parking traffic on Rosemary Street, rather than having the cars circling the block to get to the entrance on Columbia Street; that the realignment of the entrance should improve traffic flow. Mr. Rose said that, with a new construction crew, every effort will be made to complete the project by August 20, 1975. Mayor Lee recommended that the Board consider the project being done with the in-house crew, with the Public Works Department developing plans and specifications, and with a deadline for the completion of the project. Alderman Marshall moved, seconded by Alderman Welsh, that changes in parking lot #2 be made as outlined by the Public Works Director, with the entrance being realigned to Rosemary Street; that in-house crews be used, with completion date not later than August 15, 1975; and that all traffic rules be enforced on Rosemary Street including the exit from and entrance into the parking lot. Alderman Cohen asked whether sufficient work would be available for the construction crew for the rest of the three-month time period. Mr. Rose said that Town needs a construction crew badly and that enough projects will be available to keep the crew occupied. He said that the project will be completed on or before August 15, 1975. Said motion was unanimously carried. Alderman Welsh said that she appreciated the showing of the project by a drawing, and the willingness for the staff to work on the project.

Service Truck and
Compact Car--Bids

Town Manager Kendzior said that funds for the purchase of a 711 GVW Service Truck and a four-door compact car are provided by an \$8,500 UMTA grant. He said that a notice to bidders for the car appeared in the May 8, 1975 edition of the Chapel Hill Newspaper, but that no valid bids were received. He said that a notice to the bidders for the car and truck appeared in the May 23, 1975 edition of the Chapel Hill Newspaper, and again no valid bids were received. He said that on June 11, 1975, notice to bidders for the car and truck appeared in the Chapel Hill Newspaper; that two bids were received for the truck and one bid for the car on June 18, 1975. He said that notices and specifications were sent to prospective bidders in Chapel Hill, Durham, Raleigh, Hills-

borough, Greensboro, Burlington and Apex on all three occasions. Town Manager Kendzior said that the Director of Transportation and the Purchasing Agent recommend accepting the bid for the car from Bill Gerringer Ford-Chevrolet Co. of Apex, and the low bid on the truck from Miller Truck Sales and Service of Durham. He said the low bids for the car and truck are within the \$8,500 allocated by the UMTA grant. Alderman Rancer said that, in view of the soft sales in the car industry, he is surprised that there are no local bids. He said that the possible breakdown in communications between the Town and local bidders should be considered; that if the Board does not find out what the problem is, there may be future servicing problems with cars purchased from out-of-town dealers. Town Manager Kendzior said that local bids were submitted the first two times, but that the dealers did not submit performance bonds, which is a legal requirement. Alderman Cohen moved, seconded by Alderman Smith, that the bid for one four-door compact car from Bill Gerringer Ford-Chevrolet Co. of Apex for \$3,588.02 and the bid for one 7100 GVW Service Truck from Miller Truck Sales & Service of Durham for \$4,656.35 be accepted. Said motion was unanimously carried. Mayor Lee requested that the Town Manager follow up on Alderman Rancer's suggestion, with a report back to the Board.

Secondary Roads in Annexed Areas--Resolution

Town Manager Kendzior said that this resolution is requested by Department of Transportation,

requesting that numerous streets, in the areas recently annexed by the Town and presently maintained by DOT be deleted from state maintenance. He said that if the resolution is forwarded to the DOT before July 1, 1975, the mileage from these streets can be used for the Town's Powell Bill fund allocation. He said the streets in this category include Branch Road, Honeysuckle Road, Sedgfield Drive and Rosewood Court. Alderman Cohen moved, seconded by Alderman Smith, that the following resolution be adopted:

RESOLUTION REQUESTING DELETION FROM STATE MAINTAINED SYSTEM OF CERTAIN ROADS AND STREETS LYING WITHIN THE AREA INCORPORATED AS THE TOWN OF CHAPEL HILL, NORTH CAROLINA, AND FORMERLY MAINTAINED BY THE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS.

WHEREAS, the Department of Transportation, Division of Highways, has maintained certain roads and streets lying within the area annexed by the Town of Chapel Hill; and

WHEREAS, the Town of Chapel Hill will now assume responsibility for the roads and streets lying within the newly incorporated area, with the exception of those roads and streets designated as System Roads or Streets; and

WHEREAS, the Town of Chapel Hill and the Department of Transportation, Division of Highways, have been over the matter and designated on a map the roads and streets to be deleted from the System, the total mileage being 0.98 mile Rural System as shown on attached tabulation and map, both being a part of this Resolution;

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

That said Town hereby agrees to provide all necessary maintenance on the 0.98 mile of roads in question, as set forth on map and attached tabulation;

And the Department of Transportation, Division of Highways, effective July 1, 1975, will discontinue all maintenance on said roads and streets as of this date.

I, David B. Roberts, Town Clerk, Town of Chapel Hill, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Town Aldermen of the Town of Chapel Hill on the 23rd day of June, 1975.

Said motion was unanimously carried.

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Voter Registration--
Schedule

Alderman Cohen said that he has been contacted by the Board of Elections about the fall voter registration schedule in Chapel Hill which is almost identical to that for 1973; at that time the Town paid half of the cost. He said the request is for an estimated cost to the Town of about \$300. Alderman Smith moved, seconded by Alderman Marshall, that the Board send a letter to the Board of Elections agreeing to the proposed schedule and the estimated share of the cost to the Town for voter registration in the fall of 1975. Alderman Marshall said that on the last day of registration in 1973 seven or eight registrars had to be pulled in, and asked that the letter request consideration of manning the last day of registration. Alderman Cohen said that the State requires that voter registration close at 5 p.m. on the 1st day of registration and, since many people delay registration until the last day, extra registrars are needed. He said that he presumes adequate staffing will be provided. Mayor Lee said that the Town administration should be on guard and offer assistance in registration if necessary. Said motion was unanimously carried.

Property Acquisition--
Resolution

Town Attorney Denny read the following resolution:

WHEREAS, it is necessary for the orderly growth and provision for services of the Town of Chapel Hill that suitable sites be acquired for the location of additional fire stations and public safety facilities, and

WHEREAS, because of the increasing growth of the Town to the north on Weaver Dairy Road and continuing in a westerly direction towards N.C. Highway 86 it is necessary that a site be located in said vicinity, and

WHEREAS, the Board of Aldermen has determined that a six-acre tract of land fronting on N.C. Highway 86 a distance of 315 feet and belonging to Jewell H. Altemueller is a suitable site for the expansion of said public safety facilities, and

WHEREAS, representatives of the Town have been negotiating for the acquisition of said property but said negotiations have not been concluded.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that in the event negotiations for the acquisition of said six-acre tract, which is sound and determined to be necessary for the provision of municipal services of the Town of Chapel Hill are not successful, then and in that event the Town Attorney is authorized and directed to institute condemnation proceedings against owner of said property for its acquisition.

Town Attorney Denny asked for the Board's consideration of this resolution in this fiscal year. Alderman Smith moved, seconded by Alderman Welsh, that the resolution be adopted as read. Said motion was unanimously carried.

Transportation Advisory
Committee--Resolution

Town Attorney Denny said that he made a draft revision of the resolution for TAC, but that after

discussions with TAC and other persons, he feels that the resolution needs more extensive reworking. He said the resolution will be presented to the Board as soon as possible.

Recreation Commission--
Vacancy

Mayor Lee announced that a vacancy exists on the Recreation Commission.

Burris Place and North
Lake Shore Drive
Assessments--Resolution

Town Attorney Denny said that the Board may act on the matter of street paving assessment for Burris Place and street paving

and sidewalk assessment for North Lake Shore Drive at this meeting. He read the following resolutions:

ASSESSMENT RESOLUTION
STREET IMPROVEMENTS - BURRIS PLACE

BE IT RESOLVED, that the Board of Aldermen of the Town of Chapel Hill hereby confirms the assessment roll for the street improvements on Burris Place assessing the cost of said improvements at \$6.00 per linear foot. The amount of said assessment may be paid in full without interest at any time before the expiration of thirty (30) days after the date that the notice of confirmation of said assessment has been published, or may be paid in ten (10) equal annual installments each bearing interest on the unpaid balance at the rate of six per cent (6%) per annum from the date of said confirmation.

ASSESSMENT RESOLUTION

STREET IMPROVEMENTS - NORTH LAKESHORE DRIVE

BE IT RESOLVED that the Board of Aldermen of the Town of Chapel Hill hereby confirms the assessment roll for the street improvements on North Lakeshore Drive assessing the cost of said improvements at \$6.00 per linear foot. The amount of said assessment may be paid in full without interest at any time before the expiration of thirty (30) days after the date that the notice of confirmation of said assessment has been published, or may be paid in ten (10) equal annual installments each bearing interest on the unpaid balance at the rate of six per cent (6%) per annum from the date of said confirmation.

TOWN OF CHAPEL HILL
 NORTH LAKESHORE DRIVE
 STREET IMPROVEMENTS
 Cost \$6.00 Per Foot

Tax Map 39B
Block D

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Ft.</u>	<u>Per Ft. Cost</u>	<u>Total</u>
D	1	Peter & Sheila Mawdsley	35.00	6.00	210.00

Tax Map 40
Block

A	2	Charles S. & Ellen Johnson	150.00	6.00	900.00
A	3	Linda B. & John Baker	120.00	6.00	720.00
A	4	Norman A. & Elizabeth Coulter	130.00	6.00	780.00
A	5	James Williams Hanson & Kathryn G.	155.87	6.00	935.22

Block
B
B

6	Joseph Sibley Dorton	123.90	6.00	743.40
7	John & Angela Chambers	120.19	6.00	721.14

Block
C

4	William Ernest & Virginia Bakewell Jr.	164.95	6.00	989.70
5	Dr. Alfredo & Eva Goldsmith	100.00	6.00	600.00
5A	William & Betty Wilkinson	100.00	6.00	600.00
6	Ernest W. & Elva Williamson	165.91	6.00	995.46
7	John Cassel	157.62	6.00	945.72

Block
D

1	Hans E. & Renee Krusa	180.00	6.00	1,080.00
2	William Glenn & Ann Davis, Jr.	100.00	6.00	600.00
3	John T. & Geraldine Gentry	100.00	6.00	600.00
4	Gordon S. Dugger	108.41	6.00	650.46
5	Edward W. & Julia Pohlman	153.98	6.00	923.88
6	Edward Glassman	134.96	6.00	809.76
7	Wm. G. & Francis Holliester	122.69	6.00	736.14
8	Morris A. & Barbara Lip-ton	119.28	6.00	715.68
9	Ann T. Glass	132.43	6.00	794.58

			<u>Ft.</u>	<u>Cost</u>	<u>Total</u>
D	10	Charles H. & Geraldine Hendricks	149.96	6.00	899.76
D	11	Martha Simons Wingfield	160.36	6.00	926.16
D	12	John & Alda Horner	265.00	6.00	1,590.00
D	13	M.E. Wall	130.00	6.00	780.00
D	14	Frederic Cleaveland	125.00	6.00	750.00
D	15	Cecil & Beryl A. Slome	155.00	6.00	930.00

Tax Map. 41
Block

B	7	James R. & Kathleen Leutze	150.00	6.00	900.00
B	8	James R. & Kathleen Leutze	130.00	6.00	780.00
B	9	Donald A. & Marilyn Boulton	135.00	6.00	810.00
B	10	James H. & Faye Fullton	162.45	6.00	974.70
B	11	Donald Charles & Miriam Jicha	159.75	6.00	958.50
B	12	J. Hunter & Katherin Ballew	164.74	6.00	988.44
B	13	Troy B. & Ruth Sluder Jr.	165.00	6.00	990.00
B	14	Arthur V. & Mina Dodd	70.00	6.00	420.00
B	15	Arthur V. & Nina Dodd	240.00	6.00	1,440.00

Block

C	1	Ronald McClamrock	425.50	6.00	2,553.00
C	2	Clayton E. & Brooks Wheeler	166.52	6.00	999.12
C	3	H. Copland & Alice Robinson Jr.	194.40	6.00	1,166.40
C	5	Robert J. Senior	211.41	6.00	1,268.46
C	6	Herbert Reichert	130.00	6.00	780.00

Tax Map 41A
Block

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Ft.</u>	<u>Per Ft. Cost</u>	<u>Total</u>
F	9	Wm E. & Ellyn Easterling	107.40	6.00	644.40
F	13	Luther M. & Annie Talbert	292.26	6.00	1,753.56
F	1	Richard G. Joan Hiskey	13.00	6.00	78.00
<u>G</u>	1	Richard I. & Charlotte Levin	193.67	6.00	1,162.02
G	2	Harry W. & Laurel Gooch Jr.	175.06	6.00	1,050.36
G	4	Frances Elizabeth Feild Anderson	66.00	6.00	396.00

Tax Map 28

2A	Lake Forrest Association	784.00	6.00	<u>4,704.00</u>
				46,744.02

SIDEWALK IMPROVEMENTS - NORTH LAKESHORE DRIVE

BE IT RESOLVED, that the Board of Aldermen of the Town of Chapel Hill hereby confirms the assessment roll for the sidewalk improvements on North Lakeshore Drive assessing the cost of said improvements at the full cost of said project to be assessed against the properties on each side of said street. The amount of said assessment may be paid in full without interest at any time before the expiration of thirty (30) days after the date that the notice of confirmation of said assessment has been published, or may be paid in ten (10) equal annual installments each bearing interest on the unpaid balance at the rate of six per cent (6%) per annum from the date of said confirmation.

Tax Map 39B
Block - D

<u>Block</u>	<u>Lot</u>	<u>Name</u>	<u>Ft.</u>	<u>Per Ft. Cost</u>	<u>Total</u>
D	1	Peter & Sheila Mawdsley	35.00	2.8694	100.43

Tax Map 40

Block

A	2	Charles S. & Ellen Johnson	150.00	2.8694	430.41
A	3	Linda B. & Kohn Baker	120.00	2.8694	344.33
A	4	N.A. & Elizabeth Coulter	130.00	2.8694	373.02
A	5	James Williams & Kathryn Hanson Gayle	155.87	2.8694	447.25

Block

B	6	Joseph Sibley Dorton	123.9	2.8694	355.52
B	7	Johna & Angela Chambers	120.19	2.8694	344.87

Block

C	4	William Ernest & Virginia Baker, Jr.	164.95	2.8694	473.31
C	5	Alfredd & Eva Goldsmith	100.00	2.8694	286.94
C	5A	William & Betty Wilkinson	100.00	2.8694	286.94
C	6	Ernest W. & Elva Williamson	165.91	2.8694	476.06
C	7	John Cassell	157.62	2.8694	452.27

Block

E	1	Hans E. & Renee Krusa	180.00	2.8694	516.49
D	2	William Glenn & Ann Davis	100.00	2.8694	286.94
D	3	John T. & Geraldine Gentry	100.00	2.8694	286.94

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Block	Lot	Name	Ft.	Cost	Total
D	4	Gordon S. Dugger	108.41	2.8694	311.07
D	5	Edward W. & Julia Pohlman	153.98	2.8694	441.83
D	6	Edward Glassman	134.96	2.8694	387.25
D	7	Wm. G. & Frances Hollister	122.69	2.8694	352.05
D	8	Morris A. & Barbara Lipton	119.28	2.8694	342.26
D	9	Ann T. Glassman	132.43	2.8694	379.99
D	10	Charles H. & Geraldine Hendricks	149.96	2.8694	430.30
D	11	Martha Simons Wingfield	160.36	2.8694	460.14
D	12	John & Alda Horner	265.00	2.8694	760.39
D	13	M. E. Wall	130.00	2.8694	373.02
D	14	Frederic Cleaveland	125.00	2.8694	358.68
D	15	Cecil & Beryl A. Slome	155.00	2.8694	444.76

Tax Map 41

Block B

B	7	James R. & Kathleen Leutze	150.00	2.8694	430.41
B	8	James R. & Kathleen Leutze	130.00	2.8694	373.02
B	9	Donald A. & Marilyn Boulton	135.00	2.8694	387.37
B	10	James M. & Faye Fullton	162.45	2.8694	466.13
B	11	Donald Charles & Miriam Jicha	159.75	2.8694	458.39
B	12	J. Hunter & Katherin Ballew	164.74	2.8694	472.70
B	13	Troy B. & Ruth Sluder Jr.	165.00	2.8694	473.45
B	14	Arthur V. & Nina Dodd	70.00	2.8694	200.86
B	15	Arthur V. & Nina Dodd	240.00	2.8694	688.66

Block C

C	1	Roland McClamrock	425.50	2.8694	1,220.93
C	2	Clayton E. & Brooks Wheeler	166.52	2.8694	477.81

Tax Map 40

Block C

Block	Lot	Name	Ft.	Per Ft. Cost	Total
C	3	H. Copland & Alice Robinson Jr.	194.40	2.8694	557.81
C	4	Robert J. Senior	211.41	2.8694	606.62
C	6	Herbert Reichert	130.00	2.8694	373.02

Tax Map 41A

Block

F	9	Wm. E. & Ellyn Easterling	107.40	2.8694	308.17
F	13	Luther M. & Annie Talbert	292.26	2.8694	838.61
F	1	Richard G. & Joan Hiskey	13.00	2.8694	37.30

Block

G	1	Richard I. & Charlotte Levin	193.67	2.8694	555.72
G	2	Harry W. & Laurel Gooch Jr.	175.06	2.8694	502.32
G	4	Frances Elizabeth Feild Anderson	66.00	2.8694	189.38

Tax Map 28

2A		Lake Forrest Association	784.00	2.8694	2,249.61
					<u>22,371.75</u>

Sidewalk Cost \$2.8694 Per Ft.

Curb & Gutter & Paving \$6.00 Per Ft.

7,796.67 ÷ 22,371.74 = 2.8694

Alderman Smith moved, seconded by Alderman Welsh, that the resolutions be adopted as read for North Lake Shore Drive street improvements and sidewalk improvements, and Burris Place street improvements. Alderman Cohen asked if the Town is bound by the 6% interest. Town Attorney Denny said that the policy in 1971 was to charge 6% interest, but the Board is not bound by it, although this is the rate it has charged recently. He said that the preliminary assessment resolution states the interest rate as 6%. He said that if the assessments are increased, the Board may wish to consider a new Public Hearing, but this is not required. Said motion was unanimously carried at 10:45 p.m. Town Attorney Denny said that the resolution for the Purefoy Road area will be presented at next regular Board meeting.

Chase Avenue Agreements

Alderman Gardner asked the reason for including the Chase Avenue agreements in the packets distributed to the Aldermen. Town Attorney Denny said that these agreements are work agreements made in connection with the Purefoy area project in which the Town administration made some setoffs; he said that he does not know the status of all these agreements, but will discuss them at the next regular Board meeting. He said that Mr. Harold Harris, who made the agreements, was authorized to do so by someone else in the administration.


Board of Aldermen--
Next Scheduled Meeting

Mayor Lee announced that the next regularly scheduled meeting is on July 7, 1975. He said that a special meeting may need to be called to adopt the budget for fiscal year 1975-76.

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



Mayor, Howard N. Lee



Town Clerk, David B. Roberts