

CCB099

line for the married student housing and is not being assessed. The other lot owned by the University is adjacent to the main property owned by the University and is not being assessed. Town Attorney Denny said that he recommends that the two lots owned by the University not be assessed but that they be counted as lots for assessment purposes; the Town property of Jones Park should likewise be counted as a lot but not be assessed; in effect, Town would be absorbing the assessment on these three lots. He said that the Board has also been given copies of contracts and agreements that have been made with owners in the area in connection with the construction of the sewer line; these may effect certain acreage charges but will not effect the assessment of these properties. Alderman Marshall asked whether these adjustments have solved Mr. Merritt's problem. Town Attorney Denny said that his problem of the small unbuildable lot has been solved, but that the question of easements has been deliberately left open and will need to be resolved at a later time. Mayor pro tem Smith said that Board will take action on these sewer assessments at the next regular Board meeting, and that people that have requested investigation of their assessments should be notified of that fact. Alderman Cohen said that residents of the area might complain if the matter is finally resolved without futher general notification being sent to the property owners. Alderman Welsh suggested that a standard form be sent to all persons on the assessment roll stating that the matter will be considered at the next Board meeting. Town Attorney Denny said that it would be adequate to notify specifically the persons who expressed great concern at the public hearing and depend on general publicity for notification of the other owners.

RSVP--Grant Approval

Chapel Hill--Orange County Retired Senior Volunteer Program for 1975-76 has been approved by the ACTION Atlanta regional office, but that the final figures for the grant have not yet been received.

Mayor pro tem Smith announced that the application to continue the

Noise Problems--Motor Vehicles and Barking Dogs

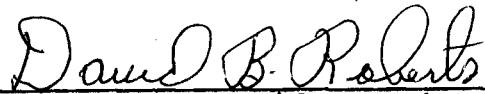
on cars and motorcycles and asked whether there is an ordinance prohibiting these. Town Attorney Denny said that the noise ordinance would cover these. Mayor pro tem Smith asked for a report to the Board at its next regular meeting on loud noises in the community from cars, motorcycles, barking dogs, etc. Alderman Marshall said that she feels some of the lack of enforcement in this matter may be due to the fact that many police officers ride with the car windows closed and airconditioners on, preventing them from hearing noises. Alderman Gardner asked about the enforcement on barking and roaming dogs. Town Manager Kendzior said that Town has two dog wardens and that stray dogs are picked up. Mayor pro tem Smith said that residents are reluctant to report their neighbors' barking dogs, and that police officers will need to enforce the leash law and noise ordinance to solve the problem.

Mayor pro tem Smith said that he has received a large number of complaints about loud mufflers

There being no further business to come before the Board of Aldermen, the meeting adjourned at 11:30 p.m.



Mayor, Howard N. Lee



Town Clerk, David B. Roberts

MINUTES OF A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING, JULY 14, 1975, AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on Monday, July 14, 1975, at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

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

Absent: None

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

Alderman Welsh moved, seconded by Alderman Smith, that action on minutes of July 7, 1975 be delayed until July 21, 1975, since the minutes could not be completed because of technical difficulties. Said motion was unanimously carried. Alderman Welsh moved, seconded by Alderman Marshall, that agenda items under 6 be moved to precede items under 4, because of the number of persons in attendance interested in these. Said motion was unanimously carried.

Agenda Addenda Mayor Lee petitioned the Board to place on the agenda consideration of his report on the Conference of Mayors he attended a week ago, and a discussion concerning the establishment of a review and interview committee to handle the applications being received for the positions of Town Manager. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received, and the matters placed at the end of the agenda. Said motion was unanimously carried.

Colony Woods--Open Space Drainage Problems Alderman Welsh moved, seconded by Alderman Smith that a discussion of the drainage problems in Colony Woods open space area be placed on agenda before Mayor's report. Said motion was unanimously carried.

Blocking Off Streets at Forest Theater Town Manager Kendzior presented a request from Major E. B. Riggsbee of University Department of Security Services to permit blocking off Boundary, Country Club and Senlac Streets on July 18, 19, and 20, 1975 from 8:00 p.m. until 10:30 p.m., with UNC Police Officers manning the barricades. Town Manager recommends that the request be granted. Alderman Welsh moved, seconded by Alderman Gardner, that the request to block off Boundary, Country Club and Senlac Streets on July 18, 19, and 20, 1975 from 8:00 p.m. until 10:30 p.m. be granted. Said motion was unanimously carried.

Planning Department Meeting Town Manager Kendzior said that he will make an announcement regarding a meeting scheduled for Thursday, July 17, 1975 at the end of the agenda.

Grant Under 701 Mayor Lee announced that Town has received a \$7,200 grant under the 701 fund from North Carolina Department of Natural and Economic Resources to improve Town's planning and management capabilities.

Orange County Council on Aging--Resignation Mayor Lee announced that he has received a letter of resignation from Alderman Rancer from Orange County Council on Aging, effective July 24, 1975, because of his responsibilities on the Water and Sewer Authority. Alderman Welsh moved, seconded by Alderman Gardner, that the Board accept Alderman Rancer's resignation reluctantly and regretfully. Said motion was unanimously carried. Mayor Lee requested that Board start considering filling the vacancy on the Orange County Council on Aging.

Switchboard Funding--Letter of Support Mayor Lee said that he has received a letter from Dr. Crist asking the Town's support in funding Switchboard; this letter is available for Board's inspection.

Sewer Assessments--Purefoy
Road, Whitehead Circle and
Chase Avenue

Town Manager Kendzior said that this is a reconsideration of the matter as presented to the Board at its July 7, 1975 meeting. Town

Attorney Denny said that several interested residents are present at this hearing, since the thirteen property owners who appeared at the public hearing have been notified that the matter will be considered at this time. He said that some of the owners do not like the staff recommendations made at the last Board meeting, since these call for an increase in the assessments of most property owners, and that a number of calls may be expected if the assessment is approved without further general notification. He said that the Board may affirm the assessments as originally presented, with deletions and adjustments made as necessary; affirm the assessment as presented at the Board meeting of July 7, 1975; or taking no action. Mayor Lee said that, with Board's concurrence, citizens should be permitted to express their concerns at this time. Alderman Marshall asked that last week's explanation of the sewer assessments, as presented by the staff, be repeated for citizens' benefit. Town Attorney showed the lots in question on a site map. He said that a proposal was made at the Public Hearing that about 110 lots in different ownership be assessed; at that time it was brought out that one of the lots has been subdivided into a new lot. Three problem areas were raised at the Public Hearing; lots that cannot be served by the sewer; lots that are in reality not separate lots, or that are unusable because of their size; and lots under government ownership. He said that staff has investigated the following properties with these results: Mr. Wolfenden's property can be served by the sewer and should be assessed; Mr. Mann's property can be served by sewer above basement level and should be assessed; Mr. Spearman's property cannot be served by sewer on Whitehead Circle, but can be served by sewer in rear of property going through adjacent property and should be assessed; Fields' small lot has been combined and should be assessed as one lot; Mr Merritt's property is too small under Zoning Ordinance for building and should not be assessed; another Fields' property was determined to be too small under Zoning Ordinance for building and should not be assessed; Ms. Olsen's property can be built upon within the Zoning Ordinance restrictions if the lot is considered to be facing Pittsboro Road and should be assessed; Town property is counted as a lot but is not assessed; UNC property on Mason Farm Road is recommended to be not assessed, since it is adjacent to the main UNC property; UNC property adjacent to the married student housing can be served more easily from those sewer lines, and should be counted as a lot but not assessed.

Mr. Walter Spearman said that he has been told that his lot cannot be served from Whitehead Circle, and the cost of hooking on from the rear of the property appears prohibitive. He said that his sewer system is operating satisfactorily, and he does not wish to connect. He said that his neighbor across the street, Ms. Robert Watson also cannot connect to the sewer on Whitehead Circle because of a similar situation. He said that they both wish to protest the assessment.

Mr. Dan Olsen said that his mother owns a lot on Chase Avenue which is forty feet wide at the Pittsboro Road and thirty feet wide at point furthest from Pittsboro Road, with over 300 feet on Chase Avenue and at back property line. There are two streams on the property, and the area on which a house could be built that would be high enough to permit it to be served by the sewer, even having front yard facing Pittsboro Road, is very small and would require a variance, since the side yard requirements could not be met. He said that the previous Town administration had said that the lot is unbuildable, but that the paving assessment for the lot would have to be paid. At that time Ms. Olsen considered donating the property to Town or to the University, but was told by the Town Manager that the lot would not have a high assessment, since it is unbuildable. He said that the owner will accept Town's decision on assessment. Mayor Lee asked whether the Planning Department would have difficulty in accepting the lot for building. Mr. Mike Jennings, Planning Director, said that, going by the information presented, it would be difficult. Town Attorney Denny said that the property is a lot of record, with a possibility of getting a variance to build. He said that his information is that a house twenty-four feet wide could be built on the lot without a variance. Mr. Olsen said that the two streams on the property cause the

lot to be unbuildable. Alderman Marshall asked whether the lot can be combined with the adjoining property. Mr. Olsen said that the adjoining property is owned by University. Town Attorney Denny said that, if the property owner wished, she could execute a covenant with Town not to build on the lot. Ms. Olsen said that such a covenant is agreeable to her. Alderman Smith asked whether such a covenant would cause increase in assessment for the other property owners. Town Attorney Denny said that in the assessment roll presented at the last meeting, in the case of Field and Merritt properties which were deleted from the roll, the assessment was added to the other lots; in the case of Town and University property, the lots were counted but the assessment was not added to the other lots; the Board can change this method of distributing assessments, if it so desires.

Mr. Richard V. Wolfenden said that Mr. Joe Rose, Public Works Director, has said that his property is sufficiently high to be served by the sewer, but that the builder has told him that it cannot be served. He said that the adjacent house to the west is three feet higher and is served by the sewer line at a lower point, and could just barely be served. He said that he is concerned that there might be an error in the altitude reading, and said that he is willing to pay the assessment if a recompense can be made if the elevation in the sewer proves to be too high. Mr. Rose said that the difference in elevation between the sewer line and the house is shown by the surveyor to be 3.38 feet, which gives a minimum slope to permit the house to be served by the sewer line. He said that the basement of the house cannot be served, but that this is also true for many other parts of Town; the basement rest room can be used if a pump is installed. Town Attorney Denny said that the purpose of the assessment roll is to allocate the cost among the properties that can be served; once the assessment roll is confirmed, the roll cannot be modified. However, if it is determined subsequently that a property was assessed erroneously, then Town can refund the assessment paid and release the rest of the assessment. This portion of cost could not be allocated among the other properties and the Town would have to bear it.

Mr. W. R. Mann said that the plan shows that the sewer line should be eleven feet deep, but it was installed at nine feet; the plumber says that this difference makes it impossible to connect his house to the sewer line, not even the top two floors. He said that Town officials have told him that the top two floors could be connected. He asked that, if he is unable to find a plumber willing to make the connection, he be allowed to continue on the septic tank and be excused from the assessment. Mr. Rose said that the sewer line is 8.40 feet below the level of the first floor of the house, allowing the two top floors to be served by the sewer. He said that the sewer line had to be raised two feet because of excessive rock formation, which would have caused excessive cost in laying the sewer at the eleven foot depth. He said that he understands part of the problem at the house is caused by the fact that the present plumbing exits at the rear, which has a lower elevation than the front of the house; it may be necessary to change the plumbing inside the house to permit it to connect at front or side of the house; this is a costly undertaking, but not impossible. Town Attorney Denny said that Mr. Harold Harris made the inspection of the house and gave a similar report; the basement can be served by a pump. Mr. Mann said that the plumber does not wish to install a pump, since these often do not work well. Mr. Rose said that the pump would be needed only for the basement, since the two top floors can be served by the sewer.

Ms. Daniell said that she is speaking for her mother, who is concerned that combining and eliminating lots will increase her assessment. Ms. Daniell's sister asked that Board consider assessing on a front foot age basis. Town Attorney Denny said that Town has several options regarding sewer assessment, but since 1962 has assessed on the basis of the number of lots to be served, since the Board felt at that time that sewer service does not bear a relation to lot frontage, as does street or sidewalk construction. Ms. Daniell said that her mother has a septic tank, since she was told by Town a few years ago that a sewer would not be available for the area for a long time. Mayor Lee said that the project was started in 1969, so it has been a long time before the sewer has become available. Ms. Daniell said that she feels it

more reasonable to charge on a footage basis, since it costs more to lay the pipe for a large lot than for a small one. Mayor Lee said that the assessment is based on the assumption that the size of the lot is immaterial regarding the amount of sewage that can be generated. Town Attorney Denny said that there is an annual charge to property owners based on the amount of sewage. Alderman Cohen said that many cities assess for sewer lines on a footage basis; he feels that footage has a bearing on the value of the property and that there is some merit to charging a lower assessment for a small lot than a nearby large lot that may be worth several times more. Mr. Rose said that some of the properties are served from the rear of the property and it would be difficult to assess on a front footage basis.

Mr. Dan Olsen asked about future paving assessment for his mother's property, in view of the agreement not to build on the lot. Town Attorney Denny said that this question is not before the Board at this time, but that generally all properties fronting the street are assessed for paving, even those that are unbuildable. He said that in some cases properties have been deeded to towns in exchange for reasons from the assessment, which can be more than the value of an unbuildable property. Mayor Lee said that it is Board's policy not to make decisions for future Boards, and it cannot make any commitment to Mr. Olsen about a possible paving assessment. Mr. Olsen said that his mother bought the property 35 years ago and has paid taxes on it all this time and now it appears that the lot may be taken away in the future anyway. Mayor Lee said that the owner indicated that the lot is not buildable and wished to know if some way could be found to avoid paying the sewer assessment; Town Attorney suggested executing a covenant not to build, but the decision to do so is entirely up to the owner. The Board does not wish to take away the owner's right to build on the lot, and would encourage her to do so, but in doing so the owner then has to assume the financial obligation assessed against the lot to improve its value. Mr. Olsen said that, if a paving assessment were made against the lot in the future, the lot may have to be given away to avoid the assessment and further taxes. Mayor Lee said that it is another alternative open to the owner. He said that he would like the owner to be comfortable with whatever decision she makes. Alderman Smith suggested that the owner investigate obtaining a variance so that the lot can be built on. Mr. Olsen said that the owner is not planning to build on the lot. Alderman Cohen asked how the sewer process in the area began. Town Attorney Denny said that the sewer system predates Town's annexation of the area, since at one time a private sewer system was investigated, which proved impractical. When the 1969 bond issue was passed, sewerage of the area became feasible; between 1969 and 1971 a number of partial formal petitions urging sewer installation were received by Town, because of septic tank difficulties in the area. In 1970-71 engineering studies were made, and the contract for sewer installation was signed in August, 1971. The project has been under construction since then, and a number of the houses have already hooked on.

Mr. Wolfenden said that he has made some calculations, and feels that servicing his house may be a close thing. He requested that the assessment be postponed until the availability of the sewer can be double checked. Mayor Lee said that the Board needs to decide how to assess the assessable lots. He said that he feels it appropriate for Board to consider looking at all the parcels considered originally and declaring some of them nonassessable, rather than spreading the cost to the other property owners, with Town absorbing the extra cost. Alderman Marshall said that the Board also needs to consider whether it be reasonable for Mr. Spearman to pay assessment if he needs to go a long distance over two adjacent properties to hook on to the sewer line. Mayor Lee said that he feels the concern is legitimate, but that the distance to the available sewer line is different for each individual owner, and he feels Board's consideration of the matter may cause the Board to be asked to consider many other questions regarding distances from available sewer lines. Alderman Welsh said that it is quite usual for a sewer line to go through other lots to hook on. Mayor Lee asked whether Mr. Mann is requesting a delay in sewer assessment. Mr. Mann said yes, until he can find a plumber willing to connect his house to the sewer line. Mayor Lee said that the owner can petition Town for a refund at a later date. Alderman Marshall said that she feels that the process for approving the assessment

rolls can be started if Board decides that assessments from deleted properties should not be distributed among remaining properties. Mayor Lee suggested that Board approve his suggestion of basing the assessment on all parcels before the Board, with lots being deleted without additional cost to other property owners, and that the Tax Collector be requested to present the amended roll to the Board at its next regular meeting. Town Attorney Denny said that it is a more orderly procedure for the Board to determine first whether or not it wishes to spread the cost to all property owners, and then considering the amended assessment roll. Alderman Smith moved, seconded by Alderman Marshall, that Board consider all parcels for the determination of the assessment roll, and that Town absorb the costs of those parcels that are not assessed. Said motion was unanimously carried. Mayor Lee said that the roll will be considered by the Board at the next regular meeting, and asked that Mr. Wolfenden and Mr. Mann investigate their problems by that time. Town Attorney Denny said that part of Mr. Wolfenden's problem is that the sewer line will need to be above ground at some points. Mr. Wolfenden agreed. Mr. Rose said that sewer line is above ground in several locations in Town. He said that staff does not advocate this, and would like to see the sewer line buried thirty inches, but that in some places it is the only way to serve the property, since placing the Town sewer line deeper would cause an excessive cost that would have to be distributed among other area residents. He said that sometimes the problem of above-ground sewer lines can be solved by fill. He requested that Board delay action on the matter to July 28, 1975, so that staff can investigate the matter more thoroughly and resolve the problems presented at this meeting. Alderman Welsh moved, seconded by Alderman Smith, that an updated assessment list be returned for Board's consideration and action on July 28, 1975, reflecting Board's feelings on lots that may be unservicable. Said motion was unanimously carried. Alderman Welsh asked whether Board has dealt with all the questions of government ownership. Town Attorney Denny said that the Board has not formally decided not to pursue the University's ownership of two properties, and has, in effect, dealt with the matter by nonaction, with the University property not to be assessed. Alderman Gardner asked whether the ability for Mr. Spearman to use the sewer line would be determined by his ability to obtain an easement across the adjacent properties. Town Attorney Denny said that it is the normal procedure for adjoining property owners to grant easement, since the lines are located on unbuildable areas of the property and are doing no damage. If the owner could not acquire this easement, then Town can obtain a right-of-way to permit the sewer construction.

Switchboard--Budgetary
Request

Mayor Lee said that the Board must consider the approval of \$15,000 to Switchboard for financial support

for their current budget of operating service. Alderman Welsh asked whether it would be proper for the Board to designate how this money would be spent. Town Attorney Denny said that he has discussed the budget request with the Finance Director. He feels it is appropriate for Town to enter into a contract with the Drug Action Committee on behalf of Switchboard for provision of certain services. The payments to Switchboard would be made in advance at certain intervals, probably on a quarterly basis, with Switchboard presenting vouchers through the Department of Human Services to show what expenditures have been made. He said that he sees no problem if the voucher system is used. Town Attorney Denny read the proposed contract to be entered into with the Drug Action Committee. He said that the contract is a proposal and has not yet been discussed with Switchboard representatives. The chairman of Drug Action Committee said that he feels the proposal would be acceptable to Switchboard. He said that, as explained at last week's Board meeting, services may not be able to be continued on a 24-hour basis, but that the service would be maintained at the highest basis possible. Town Attorney Denny said that Board should approve the contract in principle first, and then adopt the budget amendment. Alderman Cohen moved, seconded by Alderman Gardner, that the agreement with Drug Action Committee and Town be authorized as read. Said motion was unanimously carried. Mayor Lee read the following budget ordinance amendment:

WHEREAS, the Board of Aldermen of the Town of Chapel Hill has reviewed the Drug Action Committee (Switchboard) Program request at its meeting of July 7, 1975 with representatives of Switchboard, and

WHEREAS, the Board of Aldermen has evaluated the Switchboard program and desires to continue Town support of the Switchboard program activities

THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill: That the Budget Ordinance of the Town of Chapel Hill entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the fiscal year beginning July 1, 1975 as duly adopted on June 27, 1975 be and is hereby amended as follows:

<u>Function</u>	<u>Department</u>	<u>Divisional Objective</u>	<u>Appropriation</u>	<u>Increase Decrease</u>	<u>Total</u>
Sundry	Sundry	Contingency	82 950	- 15 000	67 950
Social and Physical Development	Human Services	Program Coordination	75 910	+ 15 000	90 910

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

This is the 14th day of July, 1975 and this is the first budget ordinance revision for the fiscal year 1975-1976.

Adopted by the Board of Aldermen at a regular meeting held July 14, 1975 by a roll call vote.

Attested:

Mayor

Clerk

Alderman Welsh moved, seconded by Alderman Smith, that the ordinance to amend the budget ordinance for the fiscal year beginning July 1, 1975 be adopted as read. Said motion was unanimously carried.

Bikelanes--Proposal

Mr. Glenn S. Orlin said that he is making the proposal as a private citizen. The proposal is for Town to dedicate a four-foot-wide bike-lane on each side of the roadway on streets that carry sizable amounts of through traffic, but which are not classified as major radial thoroughfares, especially when the space becomes available as a result of eliminating on-street parking, as is the case on several of the streets to the north and west of the UNC campus. He said that the reasons supporting his proposal are that parents could permit their children to ride on the marked strips; student drivers would be less apt to park in a bikelane than in a no-parking lane; and this would permit acquisition of a network of bikeways, if the Board decided in the future to build separate bikeways. He said that he understands an intern with Town is now preparing a comprehensive bikeway plan for Board's future consideration, but said that the present proposal can be implemented now on streets near the campus where parking has been removed. Alderman Smith said that he is concerned about providing four-foot wide bikeways without regulations enforcing cars to stay out of them and bicycles to stay in them. He said that Town needs a thorough education program concerning bicyclist rights to promote safety, and that this is the major concern with bikeways on any street. Alderman Welsh said that the question is the legality of exclusive rights of bicycles on unprotected bikelanes. Town Attorney

Denny said that Town has considered the matter in the past and has even submitted a special act to legislature about bikeways, but that the State Department of Transportation is opposed to having physically unseparated bikeways on state streets; their position is that cars could not be kept validly out of the bikeways if these were a part of the street, nor could bicycles be kept within the bikeways, since under state law both vehicles have equal rights on state roads. Alderman Welsh said that the proposal calls for bikeways on Town streets which generally have low traffic. She said that the general criteria for safety calls for traffic of less than 1000 vehicles per lane per day, with speeds not exceeding 30 mph. This criteria can be met easily on the side streets near the University campus. She said that the question is whether legislation can be written to keep bicycles exclusively within a painted lane. Town Attorney Denny said that it would be difficult to enforce such an ordinance. Mayor Lee said that the reason for bikeways is to increase the margin of safety, and that it would be difficult to provide bikelanes on narrow town streets and not be able to do so on wide state thoroughfares, which have much heavier traffic. He said that he does not feel that much would be accomplished by providing marked bikeways on streets, without legislation to ensure that the bicyclists are being given the same respect on streets as cars. Alderman Marshall said that she feels it may be worthwhile to experiment with the proposal on Cameron Avenue, since it does not have many crossroads. She said that she does not like the idea of keeping bicycles within the bikeways when automobiles cross the lane to make turns and bicycles must get out of the lane to turn. Mayor Lee said that the matter of bikeways is being considered by the Planning Department, and suggested that the proposal be referred to Planning Director. Alderman Welsh moved, seconded by Alderman Smith, that Mr. Orlin's proposal on bikeways be referred to the Planning Director to be fed into the comprehensive report being prepared for consideration by Board concerning bicycle patterns, lanes, and other data concerning bicycling in Town. Said motion was unanimously carried.

Colony Woods--Open Space
Drainage Problems

Mayor Lee requested that the consideration of Colony Woods open space drainage problems be placed

next on the agenda. Alderman Welsh moved, seconded by Alderman Cohen, that the matter be placed next on the agenda. Said motion was unanimously carried. Mayor Lee said that he and Alderman Welsh met with area residents within the last week to discuss the problem of maintenance of property owned by Mr. Lester, the developer of the area. He said that he requested Town administration and Town Attorney to consider the matter. Alderman Welsh said that maps have been distributed to Board members showing the area in question, which lies in a narrow strip behind houses between Tryon Court and Ephesus Church Road. The area has been dedicated as open space, and consists mainly of a drainage ditch. One area of the ditch has been paved to make it safer for the many small children in the area. She said that Board needs to consider whether the drainage ditch can be altered to make it safer and more attractive. She said that she feels area residents would be satisfied if public safety could be established. Mayor Lee said that he is impressed that area residents have attempted to keep the area clean. He said that he feels the area is extremely dangerous, and is causing considerable concern to area residents. He said that they have indicated that they will maintain the area, once the situation is brought under control, with Town providing some heavy maintenance several times a year. Town Attorney Denny said that this matter of open spaces has not been resolved. The final subdivision plat of the area requires that the area in question be set aside as open space; it was so set aside and indicated on subdivision map as "open space". The legend on the final subdivision plat carries the statement by the developer that all these areas set aside as open space are dedicated for public use. He said that the area took some time to develop and taxes on the lot accrued both to the County and Town. In November, 1974 the owner executed and recorded a deed of the lot to Town and mailed it to Town Clerk, at which time the matter was brought before the Board for consideration. He said that the Town has never agreed to accept the deed because of the taxes owed. The record of title appears to Town, but the deed was not delivered to Town until after it was recorded, and Board has never accepted the delivery, according to the latest minutes. Alderman Welsh asked who is responsible for maintaining the property and correcting the drainage problems.

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Town Attorney Denny said that the owner of the property takes the position that he is no longer the owner, since he has recorded the deed and mailed it to Town, but the Board has never acted on accepting the deed. The Board can record the deed back to the owner, but then the problem still remains of who maintains the open space in subdivisions. Alderman Welsh said that the drainage problems have existed in the area over the past several years. Town Attorney Denny said that Town takes over the maintenance of drainage areas. He said that the final plat should not have been approved until the drainage problem of the area was solved. Alderman Gardner asked whether the problem of the back taxes has been solved. Town Attorney Denny said that it has not been solved. Mr. Joe Rose, Public Works Director, said that staff has considered the drainage and maintenance problems in the area several times in the past, but the area has not been looked at since the recent heavy rains. He said that he feels the area is adequate for drainage. Town staff becomes involved in drainage problems only if there is a blockage of water. Regarding the mosquito problem, Town has no present policy of spraying, but it has the necessary equipment to do so. Regarding snakes in the area, many other areas in town have the same problem. He said that the developer graded and seeded the area in question and that some of the present problem was caused by this, since most such areas are permitted to remain in a wild state. He said that if Town takes over the maintenance of the area, it will require additional staff time and expense, the extent of which cannot be determined until Board decides how extensively the area should be maintained. Alderman Welsh said that an attempt was made to grade some of the ditch area, making it more shallow, and cementing it. She said that this seems to be a good solution to the problem, since it does away with areas of deep standing water. Mr. Rose said that this is a possible solution to making the area safer; however, such projects should be designed to handle a heavy rainfall occurring perhaps every ten years. Alderman Welsh asked whether part of the problem may be caused by the fact that the culvert under the road is only twenty-four inches. Mr. Rose said that federal regulations are now requiring that culverts be designed to delay the water from getting downstream, to prevent downstream flooding. Alderman Welsh suggested that a ponding could be built near the road, with the ditch made more shallow. Mr. Rose said that concrete accelerates water drainage, and that the culvert would be inadequate if the ditch were made all concrete. He said that the matter needs to be considered more thoroughly. He said that staff can do so, if Board decided that it wished to accept the deed to the area. Alderman Marshall said that Board needs to consider the matter strictly on the acceptance of deeded property and not on possibility of snakes being harbored in the area, since there are many areas in Town that have snakes. Mayor Lee agreed. He said that the question be considered from the point of view that the area is adjacent to residents with small children and without usable open space; that the greater potential danger is standing water in the ditch; and that this may be an opportunity for Town to capitalize on this open space that might ultimately provide a good park. He said that Town does not gain anything by delaying the acceptance of responsibility for maintenance of the open properties that have been deeded to Town, since these just become more unsightly and are not being put to good use. He suggested that Board execute the necessary documents to assume control over the land, and that Town Manager be asked to report back to the Board as soon as possible with a plan to improve the area. Alderman Welsh asked whether Town will pay the back taxes owed. Town Attorney Denny said that if the Board decides to accept the deed, it will have to pay the taxes owed to Durham County. Alderman Marshall asked whether there is any way for Town to make it understood that it will not accept the deeds unless the county taxes are paid up. Town Attorney Denny said that at the November 1974 meeting it was suggested that the subdivision ordinance on open space be revised, requiring that the developer pay taxes on the land, unless it be deeded to Town; if the property is conveyed to Town, then it would be required to be conveyed in a current state of taxes. He said that Board has never acted on the suggestion. Mayor Lee read the resolution passed by Board on March 3, 1975, regarding the acceptance of deeds to open space. Alderman Welsh said that some of the problem with the lot in question is caused by the fact that it

never was acceptable as open space, but that the only lots that the developer suggested as open space were undevelopable lots. She said that she feels residents would be willing to take over the necessary maintenance to use the lot as open space, if the lot could be brought up to some standard. A resident of the area said that there is a drainage problem in the ditch, since the level of the ditch is variable, with standing water in deep areas; her three year old child has fallen in the ditch. She said that if the lot is brought up to a condition where the residents can get to it to mow it, then the residents will keep the area maintained. Another area resident said that there is also an erosion problem, with the banks becoming steeper and more difficult to mow. Alderman Gardner said that he is concerned about the back taxes owed. He suggested that the area residents contact Durham County to forgive the back taxes. Town Attorney Denny said that Durham County cannot do so, since the lot was in private ownership when the taxes accrued. He said that if Durham County does not institute foreclosure on the property within ten years, then the taxes are forgiven. Mayor Lee suggested that Durham County officials be contacted regarding the matter. He asked how much is owed in taxes. Town Clerk Roberts said that three years back taxes are owed at around \$30-40 per year. Alderman Cohen suggested that Board accept the deed and pay the back taxes to Durham, since the amount is a small one. Alderman Welsh suggested that Mr. Lester be contacted regarding the matter. Town Attorney Denny said that this problem is not an isolated one, since other property owners are trying to deed property that is subject to back taxes to Town. Alderman Welsh said that she feels Board should accept the deed and that the area should be considered a low maintenance, passive recreation linear park, since the area has a high population density and no parks. Alderman Welsh moved, seconded by Alderman Marshall, that Board accept the deed to the property in question, and that Town Manager make a report back to the Board on a solution to the drainage problems in the area, regarding safety. Alderman Cohen said that he will support the motion, but that a problem will still exist where the land dedicated for open space is still held by the original developer. He said that Town can either take over the maintenance of these lots from the very beginning, or Board can consider amending the subdivision ordinance with the alternative given to the developer of setting up a neighborhood association with corporate ownership to maintain the property or deeding the property to Town. Alderman Welsh asked whether the Board needs to accept the deed to the property before it can do work on it. Town Attorney Denny said that this is a drainage easement and Town can work on it without accepting the property. He suggested that the Board consider accepting the deed since the issue will not become clearer with time. Mayor Lee asked that the Board consider adopting a policy along the lines that Town not accept any more dedicated land; that either the developer maintain it or that it be deeded to a neighborhood association. Alderman Marshall said that she will vote for the motion with the understanding that staff will review the matter as it deals with other lots that are in the same situation, and make a recommendation on how similar problems can be avoided in the future. Mayor Lee asked that Town Manager report back on the matter by July 28, 1975 meeting. Said motion was unanimously carried. Alderman Cohen said that he would like to have Board request that subdivision ordinance be amended requiring that in all future subdivisions the open space be either deeded to Town, or that the developer be required to set up a homeowners association to maintain the property. Town Attorney Denny said that Town cannot require that the property be deeded to Town; that if the developer is given a choice with a burden imposed on one of the choices, the easier choice will be made; and that Board needs to decide whether it will accept the deeds to several open space problem areas that are still pending. Mayor Lee suggested that the proposed subdivision ordinance amendment be reviewed by staff. Alderman Cohen said that more subdivision plats are now being submitted, and that a review of the entire subdivision ordinance takes too much time. Mayor Lee said that the matter could be placed on the agenda for the first Board meeting in September, with further consideration at the first public hearing in September. Alderman Marshall said that Town government should not try to avoid problem areas, but should take strong leadership and deal with them. Mr. Mike Jennings, Planning Director, said that the Planning Board has a meeting scheduled in August, and that the matter could be considered at that time. Alderman Cohen moved, seconded by Alderman Gardner, that Planning Board and Planning Department be asked to draft a subdivision ordinance proposal discussing the alternatives of requiring that (1) the developer set up a

homeowners association, for (2) of either setting up such an association or deeding the property to Town; that a report be made back to the Board at the first regular September, 1975 meeting. Said motion was unanimously carried. Mayor Lee said that the problem with the open space that is being considered by Board at this time will be brought back to Board at the July 28, 1975 meeting.

Board of Adjustment--
Nomination

Mayor Lee announced that Board of Adjustment has submitted the name of Ms. Katherine Klingberg for reappointment to the vacancy created by the June 30, 1975 expiration of her term. Alderman Welsh nominated Ms. Katherine Klingberg to fill the vacancy. Mayor Lee said that nominations will be open until July 21, 1975 meeting, at which time appointment will be made.

Planning Board--Vacancy

Mayor Lee said that there are no recommendations from Planning Board at this time to fill the vacancy created by the June 30, 1975 expiration of Mr. George C. Hemmens' five year term. Mr. Mike Jennings, Planning Director, said that it has been difficult to get a quorum of the Planning Board to consider recommendations for the vacancy, but that a recommendation should be ready by July 21, 1975 Board meeting. Mayor Lee said that nominations will remain open until July 21, 1975 Board meeting.

Plumbing Board of
Examiners--Vacancy

Mayor Lee said that Board must consider nominations to fill the vacancies of all three members, whose terms expired June 30, 1975. Town Manager Kendzior said that he recommends that Town abolish its Board of Plumbing Examiners, since, in the opinion of the Director of Inspections, it is neither necessary nor practical for a town the size of Chapel Hill to give plumbing examinations on a regular basis; records show that only one test has been given in Chapel Hill since 1949 when the Plumbing Board of Examiners was established. Testing facilities are available in both Durham and Raleigh. Mayor Lee said that he would hesitate to abolish the Plumbing Board of Examiners because of the rapid growth of the area. Mr. Kurt Jenne, Assistant Town Manager for Community Development and Services, said that the present members of the Plumbing Board of Examiners have been contacted, and that one member has indicated that he would not wish to continue serving, if this Board were continued. Mayor Lee suggested that the vacancies not be filled and the Plumbing Board of Examiners be deactivated until such time as it might be needed. He asked whether Raleigh and Durham are reluctant to give the tests to persons from other communities. Town Manager Kendzior said that he does not think so. Alderman Welsh said that she agrees with Mayor Lee and would be inclined to keep the Plumbing Board of Examiners on books. Alderman Cohen asked whether the present members of the Board will continue if Board takes no action. Town Attorney Denny said that these members will continue to serve, unless they resign. Mayor Lee said that the Board will take no action in the matter.

Recreation Commission--
Nominations

Mayor Lee said that Recreation Commission has submitted the name of Ms. Susan Lieberman of 1504 Lamont Circle to fill the vacancy created by the resignation of Ms. Claudia Cannady whose term expires December 31, 1975. Alderman Welsh nominated Ms. Susan Lieberman for the vacancy. Mayor Lee said that nominations will remain open until July 21, 1975 meeting, at which time appointment will be made.

University Mall--Special
Use Modification

Mr. Mike Jennings, Planning Director, said that on July 8, 1974, the Town granted to North Hills, Inc. a modification of Special Use Permit for University Mall, including ten modifications and two stipulations. The Appearance Commission was given review responsibility for modifications number 8, 9, and 10 and stipulations 1 and 2. Appearance Commission recommends unanimously that the proposed plans as amended below be accepted as fulfilling the terms of the three modifications and two stipulations:

1. Recommends approval of the plans submitted by the applicant for screening roof equipment as required under modification #8.

2. Approves the plan for screening to the south and southwest of the Binkley Church property as required under modification #9, with the amendment that Burford Hollies, five-foot centers, be substituted for planting designated on the submitted plan.
3. Recommends approval of the submitted plans for complying with modification #10 with the following conditions:
 - a. That the roof over the loading deck extend no further than the outside wall on the bottle room;
 - b. That ligustrum be planted on both sides of the proposed walls;
 - c. That the screening along Willow Drive be improved by planting Burford Hollies between the existing pyracantha;
 - d. That ligustrum be planted along the southeast side of the loading zone, provided it is practical.

Mr. Jennings showed the area in question on a site plan. He said that Planning Staff disagrees with the Appearance Commission's recommendation, since the staff feels that the intent of stipulation number 10 was to achieve the same character on the supermarket building as exists at the main mall building, this being the inability to discern any of the sides of the building as being the "rear" of the structures. On the main mall building this is achieved by the provision of well enclosed service bays with landscaping strips along the walls. He said that staff recommends that similar enclosed service bays and landscaping be provided for the supermarket building, due to the proximity of the building to Willow Terrace Apartments and Binkley Baptist Church. He said that the plan as submitted does not achieve the screening objectives sought in stipulation number 10, and it is recommended by staff that plans be redrawn to show fully enclosed service bays with landscaping. Alderman Welsh said that the recommendation would correct a number of eyesore problems at the location in question. Alderman Marshall said that most of the loading for Winn Dixie is done at the front of the building, and that there should be some way of enforcing servicing from the back; she said that she can support the staff recommendation only if use of the rear loading bays can be enforced. Town Attorney Denny said that the Board can require that the facility be provided, but it cannot require that it be used, since it is private property. Alderman Marshall said that a safety problem exists with the loading being done at front of the Winn Dixie building from no parking areas; there is no enforcement of the no parking zone and a serious accident in the area can occur. Town Attorney Denny said that it is private property and municipal regulations do not apply; the loading zones are privately provided. He said that there is no way that Town can legally require that loading be done from the rear of the building at this stage of the Special Use Process. Mr. Jennings said that the intent of staff's recommendation was to make the back of the building similar to the front in appearance and does not address itself to the question of safety. Alderman Welsh moved, seconded by Alderman Marshall, that the recommendation concerning the provision of service bays at the rear of Winn Dixie store in University Mall be returned to staff for further elaboration and recommendations back to this Board. Alderman Gardner said that, according to Appearance Commission minutes of July 2, 1975, Mr. Richards, the developer, had no objections to the Appearance Commission's proposed modification. Mr. Jennings said that this is correct; Mr. Richards has been sent a copy of staff's recommendations, but has not made any comments regarding them. Town Attorney Denny said that Board should consider Appearance Commission's recommendation 3d carefully, since the term "practical" is meaningless. Said motion passed by a vote of five to one, with Alderman Gardner opposing.

Central Business District
Studies--Recommendations

Mr. Mike Jennings, Planning Director, said that a number of CBD studies have been made in recent

years, specifically the Leary report on June 1, 1973, CBD Study Committee report on March 11, 1974, CBD Implementation Team report on

June 3, 1974, recommendations by the Appearance Commission and the Planning Board regarding all three reports, and now a compilation of a final report from the deliberations of the CBD Implementation Team, Planning Board, and Appearance Commission. He said that these recommendations, plus the recommendations made by PITCH will be used in the final recommendation of a long range development plan. Alderman Marshall said that two of the members of the CBD Implementation Team left town after the interim recommendations were made, and that she filled Mr. Jennings in on the matter, stressing the fact that Board has never been given a chance to express its views on the matter before a final plan is presented for its consideration. Alderman Welsh said that many of the things recommended in the various reports no longer apply. Alderman Marshall agreed and said that some of the reports were out of date by the time they were presented to the Board. She said that she feels all the recommendations should go into consideration of the comprehensive plan being developed, unless a member of the Board strongly disagrees with some of the recommendations. Alderman Marshall moved, seconded by Alderman Gardner, that all the work of the CBD Study Committee, Leary Report for Central Chapel Hill, and the recommendations of the CBD Implementation Team be put into the consideration of the comprehensive plan and discussed by Board only in relation to the comprehensive plan, as it is presented to the Board at a later date. Alderman Smith said that the Board has discussed that McCauley Street not be extended, but that the Leary Report recommends its extension; he expressed his concern that items not be put in the comprehensive report that the Board does not agree with. Mayor Lee said that the Board has never taken action on the extension of McCauley Street. Alderman Welsh said that the Board does not have to agree with all the recommendations in the reports; these are forwarded to staff without comment, and not as being approved. Said motion was unanimously carried.

West Franklin Street--
Loading Zone at Kenan Street

Alderman Smith requested that the consideration of a loading zone at Kenan and West Franklin Street be postponed until Streets Committee is able to meet. Alderman Gardner moved, seconded by Alderman Welsh, that the request to delay the matter be granted. Said motion was unanimously carried.

Noise Problems--Motor
Vehicles and Barking Dogs

Police Chief Hilliard reported that the police department has issued 26 citations in the past three months for improper equipment on motorcycles and cars. He said that mounted straight pipes on vehicles cause excessive noise, but are difficult to spot since the drivers are careful when they feel that police may be around. He said that some noise problems are also caused by diesel buses and trucks, but that this is standard equipment and no action is taken by police. Alderman Smith said that he requested the report on the noise problems, and that the noise problem with vehicles is easily observable every afternoon in the vicinity from Graham Street and McMaster Street to the public housing. Mayor Lee requested that police take the consideration of this particular area under advisement. Police Chief Hilliard said that the location of barking dogs at night may also be difficult to determine, but that the police make an effort to locate the dog and, if it is an aggravated case, have the complainant sign a complaint and, if necessary, bring the matter to court. He said that the number of complaints of barking dogs cannot be ascertained easily, since police records do not indicate this category specifically. He said that a person annoyed by a barking dog should call the police to give the approximate location of the dog, and that the police will locate it and talk to the owners. Alderman Gardner asked that the dog warden's report indicate at what time of day or night animals are being picked up. Alderman Smith said that most of the complaints he receives are about barking dogs. He said that he is concerned that the police may not be making an effort to locate these animals before complaints are received from residents; driving with windows open would help the police locate the barking dogs. Mayor Lee said that barking dogs are a problem and requested that police department make a special effort to track them down. He said that Town intends that both the leash law and the noise ordinance be enforced. Alderman Marshall agreed that having police drive in cars with open windows would not only help locate barking dogs, but make the policemen more aware of what is going on in a neighbor-

hood. Alderman Smith said that police may feel it is not their responsibility to enforce the barking dog ordinance, since Town has a dog warden. He asked that Board consider having the dog warden spend some of his time on the job at night to locate these dogs. Mayor Lee asked that police chief have the police officers develop a greater sensitivity to the problem of barking dogs.

Taxi Franchise--
Ken Pasour

Town Manager Kendzior said that a report has been distributed from Major Coy E. Durham of Chapel Hill

Police Department to the Board, regarding the inspection of the Tar Heel Cab Company and the items necessary to be completed before a franchise can be issued to the company. Alderman Smith asked whether the Police Department is setting up a regularly scheduled inspection of all taxicabs. Major Durham said that there is no regular schedule for inspections, but that one member of the police department is in charge of the inspections. Mayor Lee suggested that a three-month inspection sticker be placed on taxis, and that a system be worked out for a public safety officer to inspect taxis regularly. He asked whether police department can carry out systematic inspections. Police Chief Hilliard said that such inspections can be carried out. Alderman Gardner said that he was under the impression that such a program was going to be set up some time ago. Alderman Gardner moved, seconded by Alderman Marshall, that Board request Town Manager that a system of regular taxi inspection be recommended to Board, and that some format for carrying out the system be presented for Board's consideration. Said motion was unanimously carried. Alderman Welsh said that parking on public right-of-way is prohibited in Town, but that many taxis are doing this. She said that Board has asked police department to start tagging all motor vehicles in this violation. Mr. Pasour said that he has talked to his drivers about this; in some areas of town it is difficult to determine where the sidewalk is located. Mayor Lee said that Town will paint the sidewalks where this difficulty exists. Town Attorney Denny read a proposed Franchise Ordinance. Town Attorney Denny said that the current franchise of Tar Heel cabs is for 12 cabs, and this number was left in the franchise ordinance as read, although Mr. Pasour intends to work with five cabs at the present time. Alderman Smith said that Board intended that all twelve cabs be on the streets, and asked that the owner be aware of this. Mr. Pasour said that at the present time he has four taxis, but hopes to have twelve within one year. Alderman Welsh moved, seconded by Alderman Marshall that the Franchise Ordinance be adopted as read. Said motion was unanimously carried. Franchise ordinances have to be voted on twice, and will need to be revoted at next Board meeting.

Public Safety Services--
Classification Ordinances

The Town Manager's report of modified Police--Fire Public Safety Services has been distributed to Board mem

bers. Town Manager Kendzior said that the proposal is to budget the expansion of fifteen public safety officers. He said that \$47,000 has been placed in the contingency fund for this purpose; that implementation is scheduled to begin in October, so that the men will be trained by January 1976, at which time parity will be reached and reduced hours for the Fire Department officers will begin. Alderman Cohen asked whether there are enough funds budgeted for the raises to fire department personnel scheduled for January, 1976. Town Manager Kendzior said yes. He said that the parity system will permit internal promotion from one department into the other. He said that the public safety officers will have the option of either police or fire department retirement plans, and that they will be able to change from one to the other in case they switch from one department to the other through promotion. Alderman Gardner asked whether the proposal includes a foot patrol in CBD. Town Manager Kendzior said that this is not included specifically, but that police department can cover this through departmental assignments. Alderman Gardner asked whether the proposal means that no new fire department personnel will be needed in the next few years. Fire Chief Lloyd said that a need for increase in personnel is not anticipated until the new fire station is built. Alderman Smith asked how this proposal will affect the fire insurance rating. Fire Chief Lloyd said that the fire insurance rating will be improved, since the number of fire department personnel will be increased from 45 to 60. Alderman Smith asked how many men will be on duty at all stations. Fire Chief Lloyd said that the headquarters

will have five men with one rover; substations will have two men with one rover, as opposed to having three men stationed in each station now. Alderman Smith said that it takes three men to operate a fire truck, and asked whether all three will be available in case of an emergency. Fire Chief Lloyd said that he feels the roving officer will reach the scene of the fire faster than the fire truck 90% of the time. Mayor Lee said that he would like to express his gratitude to the police officer who probably saved the lives of a number of residents of an apartment complex recently, but that the police officer could probably have done even more if he had been trained as a public safety officer. Fire Chief Lloyd said that he agrees. He said that at the present time there is one roving fire department vehicle operating between 6 a.m. and 11 p.m.; under the new system three roving fire department vehicles will be operating. Mayor Lee asked whether the possibility of stationing a police officer from the central police department at each of the fire stations has been considered. Mr. Bill Blake, Assistant Town Manager for Public Safety, said that much of the living space in the fire departments will be freed and that some functions of the police department can be moved to the fire stations, freeing badly needed space at the police headquarters. He said that he was originally opposed to this proposal of public safety officers, but now is an enthusiastic supporter of the plan. Alderman Smith asked whether the roving officers will be in communication with the police department. Mayor Lee said that the central control communications will be located at the police station. Alderman Cohen asked what problems are foreseen regarding fire calls if the person assigned to respond cannot do so. Police Chief Hilliard said that in that case assignments will be made routinely to avoid possible friction; in most cases the officer assigned to respond will be able to do so. Alderman Cohen asked how the public safety officers will fit into the department. Police Chief Hilliard said that since about 92% of the calls are police calls, they will wear police uniforms. Fire Chief Lloyd said that the new persons hired will not have a bias toward either department, and they will be made to understand that they are expected to fill both jobs. He does not foresee any problems with these men working with the regular firemen. Alderman Welsh moved, seconded by Alderman Smith, that Board endorse in concept the Town Manager's report on Police--Fire Public Safety Services attached hereto and made a part of the minutes. Said motion was unanimously carried. Alderman Cohen moved, seconded by Alderman Welsh, that the following classification ordinance amendment be adopted:

MANAGER'S REPORT

Town of Chapel Hill, N. C.
July 14, 1975

Implementation of Modified Public Safety Services Chapel Hill, North Carolina

Introduction. The Town Board of Aldermen, following a summary report by the Town Manager concerning a public safety service department at the June 24, 1975 Budget work session, requested additional information about public safety service, particularly the implementation of 15 Public Safety Officers to form a modified Public Safety Department for the Town of Chapel Hill, to be effective January 1, 1976.

Reasons for the Modified Public Safety Service. Police and Fire (Public Safety) safety is a basic function of our Town operations and service. This safety service is not only necessary but an expensive cost of the many functions of our Town government. As such it is necessary to constantly scrutinize our public safety operations for better, and more efficient and less costly methods of operation.

These are factors that contribute to reviewing our public safety operations such as the tightening Town budget, demands by the public for better service, demands by employees for better wages and working conditions, and new Federal laws (FLSA) requiring reduction of hours for fire personnel, and additional compensation for police and fire officers, required to work in excess of the regular hours established by law.

Advantages of Public Safety for Chapel Hill. Advantages to the Town for implementing a modified Police-Fire Public Safety Department are as follows: (1) Establishment of a uniform work schedule for all police and fire personnel. This would reduce fire personnel hours from 60 hours per week to 42 hours per week. (2) Better utilization of fire personnel manpower. Productivity will increase for fire personnel working a 8-hour shift, as opposed to a 24-hour shift. (3) Improvement in working conditions for fire personnel and better facilities for Police personnel. Sleeping quarters now existing in the Fire stations can be converted into office and training space for both police and fire officers. (4) Provides for unification of non-specialist police-fire functions under one department. (5) Encourages development of neighborhood police service (fire stations utilized as neighborhood public safety centers). (6) Greater emphasis on training can be achieved. (7) Efficiency and economy of public safety service can be realized. (8) Both police and fire chiefs have more flexibility in scheduling personnel for vacations, sick leave, and court appearances. (9) Police and Fire strength will be increased. (10) Public Safety modification allows realignment of working hours and work distribution, utilizing each police and fire officer to their capacity. (11) Police and Fire Chiefs support the modified Public Safety concept. (12) Public Safety Service Cooperation represents a positive approach to better public safety service. (13) Provides a back-up of an additional 15 Fire Officers for all serious fires. (14) Modified public safety service makes it possible to deal more effectively with the unusual disaster. (15) Provides implementation of central communication concept to include police, fire, and other emergency services.

Proposed Implementation of the Modified Public Safety Program With Additional Personnel (15 PSO). The 15 additional personnel proposed for the implementation of the modified Public Safety Service would all be trained as Public Safety Officers (cross-trained in both police and fire functions). Our Police Chief, Sidney M. Hilliard reported the following information in selecting, hiring, and training the PSO; hopefully, implementing the plan by January 1, 1976.

Every new PSO officer personnel must undergo and pass certain requirements and examinations before he can be accepted as qualified and certified as a police officer under the North Carolina Minimum Standard Law. Basically these examinations are as follows:

1. Recruitment through available news media, advertise from July 1st through August 31st, 1975.
2. Processing of recruitment application requirements and background investigation(s).
 - (a) The N. C. Employment Security Commission Test required of all police officer applicants and fire officer applicant test. If applicant passes test with required score they are notified to come to the Police Department where they are given a Personal History Booklet to fill out in detail and returned. Applicant is also fingerprinted at this time. The Personal History Booklet is reviewed and if everything is in order and favorable this information is turned over to the Office conducting the background investigation.
 - (b) Background Investigation: This is conducted by an experienced investigator(s) through personal interviews, letter of inquiry, etc., estimated time for each background investigation is 16 to 20 hours for each applicant or 240 to 300 hours for 15. If the background investigation is favorable the applicant is advised to take an oral interview.
 - (c) Oral Interview: The oral interview for applicants is usually conducted by the Town personnel office, the head of the Police and Fire Departments ranking officers (2-3) of the department(s), the Police Attorney and the officer conducting the background investigation. If the applicant is given favorable approval by the oral interview board he then is given a physical examination.

- (d) Physical Examination: This examination is conducted by a doctor on retainer by the city who conducts a thorough physical examination. If the physical examination is favorable the applicant is advised to proceed with the psychological examination.
- (e) Psychological Examination: This examination is conducted by a Psychologist. This examination is perhaps the second most important in the background investigation.

The next step after the above (a) through (e), if favorable, the applicant is then told to report to the office of the Chief of Police and Fire Chief for final interview before notification of employment date, hiring information and Swearing in.

This process while seemingly lengthy and burdensome to the applicant is, however, very necessary and of extreme importance in recruitment and selection process in order to assure the selection of qualified PSO applicants. At any step (a) through (e) if there is anything about the applicant that is derogatory the applicant is dropped.

The next phase - Training and Orientation. Within 12 months after hiring all PSO personnel, must, in order to be certified as police officers under the N. C. Minimum Standards requirements, successfully complete 160 hours (4 weeks) of certified and approved police training. Fire Department requirements are 6 weeks training and orientation which includes emergency medical service training. After a PSO successfully completes the above mentioned training he must undergo at least 4 to 6 weeks of orientation on-the-job-training. He is assigned to a qualified training officer(s) for this period for on-the-job training to familiarize him with the police and fire departments, SOP, rules and regulations, and general and special orders and a period of explain - demonstrate and perform training. This training is necessary and essential before the PSO can be cleared by his superior officers to work along - and then only under close supervision for an extended period of time.

In order to best utilize this additional manpower and to meet the immediate and long range needs of the Police and Fire Departments the distribution of the PSO will be as follows:

- (12) - 3 PSO assigned to each of the 4 police shaft platoons.
+(3) - These three PSO will be assigned to the areas of
=(15) greatest need on a training - rotation bases for all 15
i.e., the desk (base 3), radio relief, walking beat,
booking desk function, jail operators, inservice training,
relief for comps/time, holidays etc., etc..

Primary area of Assignment. Three to each of the four platoons to be assigned one (1) in each of the three (3) Fire Department's fire districts. These three districts do not conform to the same areas as the police patrol zones. However, this will present no problems as each of the fire zones overlaps the police zones and will complement each other.

Responsibilities of the PSO:

Primary:

To provide for the necessary and essential coverage of all assigned areas of Chapel Hill with police and fire protection, calls for service and police and fire preventative patrol functions and activities.

1st Priority - The PSO will be assigned, as near as possible, non-emergency type calls for service - in order that he may be readily available for a fire call if needed.

2nd Priority - The PSO will, if other regular police patrol officers are not readily available be assigned emergency type calls with cover or back-up provided if available.

The PSO will be charged with the full responsibilities of a police officer and fire officer in the performance of his duty. While his primary duty, estimated 92% +, is that of a police officer, he will perform the duties of a fire officer when he is ordered or receives a direct order from a superior officer or a call over the radio directing him to the scene of a fire. Upon receiving such an order or radio dispatch he immediately becomes a fire officer and subject to fire department S.O.P. and rules and regulations, or discovers a fire during his regular patrol duties.

When released of his assignment and duties by the fire officer in charge at the scene of a fire call he immediately reverts back to being a police officer. He in fact wears two hats and is responsible to two authorities - but only one at any given time. This would present no problems.

In service training for both Police and Fire Departments for the PSO will be worked out on a schedule basis so as to present the least hardship or disruption of the work schedules of the Police Department and Fire Department.

PSO will be scheduled for on duty assignment to allow for three men to be on duty at all times, 24 hours a day, 7 days a week, 365 days a year.

All PSO when off duty are subject to being called back to duty in case of a major fire or other emergency situations, by a ranking fire or police officer. They will be paid overtime pay when on called backed to duty.

Pension Benefits:

This matter has been referred to the City Attorney for study. All police officers now employed have elected to come under the Law Enforcement Officer's Benefit and Retirement Fund Pension Program (LEO) which provides greater benefits than the Municipal Government

Pension Program which the Fire officers are covered by. It is our understanding, however, that a PSO officer whose duties as a police officer constitutes the major part of his on duty time is covered under LEO. (Refer Attachment A).

Promotion:

It is recommended that a PSO be eligible for promotion in either the Police or Fire Department. If the PSO elected to take either a Police or Fire Promotion examination and was appointed he would become a Police or Fire officer not a PSO officer.

Advantage of Modified Public Safety Service to Fire Department. Reduction of the fire officers' work week from 60 to 42 hours per week results in several favorable advantages to the Town's operation of the Fire Service. These advantages are:

Fire Prevention. Additional time allocated (removal of sleeping hours) to Fire Officers permits the fire service to be more prevention oriented, rather than suppression oriented. Prevention requires active work, suppression involves a response at the time of a fire. More emphasis can be placed on prevention than suppression. More residential inspections can be made.

Training. Elimination of sleeping time increased time for more training. Training can now occur during the night, as well as in the day, during all kinds of weather. Fire personnel will now be trained under varied kinds of conditions that fire occurs (night or day). Time is provided to try to train for all fires that occur or train for possible contingencies.

Maintenance. Maintenance and care of facilities and equipment will be increased (sleeping hours eliminated) on a 24-hour shift basis. This will result both in a higher use of vehicle and a higher overall level of maintenance. Maintenance functions can be scheduled or performed during the non-peak hours of the graveyard shift (mid-night to 8:00 a.m.).

Fatigue. No individual can be expected to work continuously for 24 hours. If alarms were spaced hourly over a 24-hour period, the response to the last alarm would probably be somewhat less than to the first alarm. Tired men are more prone to mistakes. This program provides for three fresh and rested crews daily.

Alert Personnel. One best feature of the Town plan is that fully alert and dressed personnel are available to respond to emergencies. The impact upon a fireman's heart when aroused from a sound sleep to a fast moving emergency may partially explain the high incidence of heart attacks among fire fighters.

Recall. In the event of a major fire, fire personnel will be much easier to recall. They will now do their sleeping at home and are much more likely to be found there during their off-duty hours.

Summary. To implement the Modified Public Safety Concept for the Town of Chapel Hill by January 1, 1976 it will require the following actions by the Town Board.

1. Amend the Department Organization that was approved October 21, 1974 which created new positions and aligned departmental services under two Assistant Town Managers. This will require placing the Fire Department under the Assistant Town Manager for Public Safety Services. The Assistant Town Manager for Public Safety Services would be in charge of the Police, Fire, Civil Preparedness, Emergency Service, Animal Control, and Planning for Protection to Persons and Property.
2. Revise the Budget ordinance to transfer and allocate necessary funds \$47,000 from the contingency fund reserved by the Town Board for the implementation of the modified public safety service.
3. Amend the personnel classification ordinance that would (a) maintain the fire and police departmental personnel as Fire Officers only, and Police Officers only; (b) create the position of Public Safety Officer (15) under the Chief of Police to become effective October 1, 1975; (c) reduce hours of Fire Officers from 60 hours per week to 42 hours per week as presently established for the Police Officers which is reflected in a work-period, and to become effective January 1, 1976; (d) establish salary parity for all police, fire and public safety officers to become effective January 1, 1976; (e) insure the modified public safety concept by maintaining the basic level of police and fire personnel by requiring any vacancies that occur in any existing police and fire position be staffed by either fire, police, public safety officer, or new applicants, but retained as either fire officer only, or police officer only; (f) addition of any new public safety centers will be staffed with a minimum of 2 fire officers and 1 PSO per 8-hour shift; (g) additional police and fire personnel requested above the current level of existing position will be hired and trained as a public safety officer.
4. Permit the Town Manager to implement the Modified Public Safety Service immediately (July) upon the adoption of the necessary ordinances to allow staff time to recruit, select, and train the 15 PSO to implement the program by January 1, 1976.

M E M O R A N D U M

TO: Chief Sidney M. Hilliard
FROM: Jean Boyles
RE: Retirement-Public Safety Officers

G.S. 143-166(m) defines "Law Enforcement Officers" as "All Officers employed by the State of North Carolina, or any political subdivision thereof, who are clothed with the full power of arrest and whose primary duty is that of enforcing on public property the criminal laws of the State and/or serving civil processes." The Public Safety Officer's "primary duty" will be law enforcement, therefore he will be eligible for LEO (Law Enforcement Officer's Benefit and

Retirement Fund) as well as the local Government Retirement System. Such election of membership in either plan must be made within six months after employment. The choice for any full-time career Law Enforcement Officer would normally be to join LEO, but Public Safety poses a problem in this choice concerning disability. In LEO, the Officer is covered after one year for disability for "line-duty" and after ten years for disability not in the line of duty, whereas in local government after five years, the Officer will be covered for disability regardless of cause. Therefore, if a Public Safety Officer is disabled while fighting a fire before he has been in the system for 10 years, he will be considered as far as LEO is concerned as disabled not in the line of duty. In Durham, most Public Safety Officers still choose LEO and carry personal disability Insurance; but there, Public Safety Officer's make 10% higher than regular law enforcement Officers. I would recommend that if the Tow is going to pay the Public Safety Officer's and Police Officer's the same salary that they consider a group disability policy to cover this "loop-hole" in LEO as far as fire-fighting is concerned. This should not require much expense, if any, since LEO is a little bit cheaper than local Government.

CLASSIFICATION ORDINANCE AMENDMENT

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that the ordinance establishing salary ranges, position classifications, salaries, bonds of officials and certain benefits for the various salaried and hourly full-time employees, and salaries for the various part-time and non-permanent employees within the service of the Town of Chapel Hill, North Carolina, for the period July 1, 1975 to June 30, 1976, be amended as follows:

SECTION I

Under assignment of Classes and Ranges, by adding:

<u>Range</u>	<u>Position</u>
18	Public Safety Officer

SECTION II

Under Compensation for Full-Time Permanent Employees, Police, by adding:

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Range</u>
Public Safety Officer	15	42	18
Police Officer	21	42	18

SECTION III

The effective date of this ordinance shall be October 1, 1975.

SECTION IV

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

This the 14th day of July, 1975.

Said motion was unanimously carried. Alderman Welsh moved, seconded by Alderman Smith, that the following classification ordinance amendment be adopted:

CLASSIFICATION ORDINANCE AMENDMENT

BE IT ORDAINED by the Board of Aldermen, Town of Chapel Hill, that the ordinance establishing salary ranges, position classifications, salaries, bonds of officials and certain benefits for the various salaried and hourly full-time employees, and salaries for the various part-time and non-permanent employees within the service of the Town of Chapel Hill, North Carolina, for the period July 1, 1975 to June 30, 1976, be amended as follows:

SECTION I

Under assignment of Classes and Ranges, by deleting:

<u>Range</u>	<u>Position</u>
17	Fire Officer
19	Fire Driver
22	Fire Mechanic
22	Fire Inspector
22	Fire Lieutenant
33	Fire Chief

and by adding:

<u>Range</u>	<u>Position</u>
18	Fire Officer
20	Fire Driver
23	Fire Inspector
23	Fire Mechanic
23	Fire Lietutenant
34	Fire Chief

SECTION II

Under Compensation for Full-Time Permanent Employees, Fire Department, by deleting:

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Range</u>
Fire Chief	1	40	33
Captain	2	60	25
Lieutenant	6	60	22
Fire Inspector	2	40	22
Mechanic	1	40	22
Fire Driver	10	60	19
Fire Officer	22	60	17

and by adding:

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Range</u>
Fire Chief	1	40	34
Captain	4	42	25
Lieutenant	8	42	23
Fire Inspector	2	40	23
Mechanic	1	40	23
Fire Driver	16	42	20
Fire Officer	12	42	18

SECTION III

Under Positions to be added on October 1, 1975, by deleting:

<u>Position</u>	<u>No.</u>	<u>Hours</u>	<u>Range</u>
Police-Patrol Police Officer	6	42	18

SECTION IV

By deleting the whole of Section III G., Reduction in Hours of Fire Department Personnel as of January 1, 1976.

SECTION V

The effective date of this ordinance shall be January 1, 1976.

SECTION VI

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

This the 14th day of July, 1975.

CCB099

Said motion was unanimously carried. Mayor Lee commended Town Manager Kendzior, Police Chief Blake, Fire Chief Lloyd, and Mr. Blake for their work in preparing the proposal.

Planning Department Meeting

County is scheduled for Thursday, July 17, 1975 at 7:30 p.m. in Carrboro Town Hall.

Town Manager Kendzior announced that a joint planning department meeting with Carrboro and Orange

Mayors' Conference-- Report

conference was pessimistic regarding the future of cities. He had an opportunity to speak individually with federal representatives at the conference, and he feels that Chapel Hill was well received by them. He said that the biggest concern at the conference was revenue sharing, with large cities asking that these funds be allocated according to need. He said that at the conference an effort was made to have the population of cities qualifying for mass transportation funds reduced to 30,000, in which case Chapel Hill would qualify, since the estimated population is now about 34,000. Alderman Marshall said that she feels it is very important for Town representatives to attend these conferences. Mayor Lee agreed. He encouraged as many Board members as possible to attend the National League of Cities meeting scheduled for December, 1975.

Mayor Lee reported that he attended the Mayors' conference a week ago. He said that the outlook at the

Applications for Position of Town Manager

and that applications will be received until July 31, 1975. He proposed that a Review and Interview Committee be set up consisting of three members of the Board, Mayor and Town Attorney ex-officio, to establish criteria for evaluating and selecting applications and that these criteria be presented to the Board by July 28, 1975 for consideration and approval. The remaining Board members and two citizens would **form** an informal review committee to meet socially with the applicants brought in for interview. The Review and Interview Committee, using the approved criteria, will select those applications meeting the criteria and report back to the Board regarding the number, and make these applications available to all members of the Board; these applications would be narrowed down to three sets of a total of fifteen names, and these names circulated to all Board members for consideration, evaluation and any statements. At that point, Board would approve interview dates as recommended by the Review and Interview Committee; the interviews would be held by the committee, but any members of the Board would be free to sit in. Upon the selection of a likely candidate, the total Board would be called together to review the credentials and papers on the chosen candidate, and give its approval prior to any further action of the review committee. Mayor Lee said that with the large number of applications being received, an elimination process is needed, and that applicants need to be notified if they are still under consideration. He said that he hopes the elimination process can be completed by second week in August, with the final narrowing down of potential candidates accomplished by the fourth week in August and interviews scheduled for the first week in September. Mayor Lee appointed Aldermen Gardner, Marshall and Welsh to the Review and Interview Committee. He said that a Board meeting will be called probably the second week in August to receive the first report back from the Review and Interview Committee.

Mayor Lee said that to date 109 applications have been received for the position of Town Manager,

Triangle J COG

on Wednesday, July 23, 1975 at 6:30 p.m. at Charlie Brown's picnic grounds in Raleigh to honor the appointed outgoing delegates. He said that Alderman Marshall has never been officially appointed as the new alternate delegate and asked that a resolution be prepared for next regular Board meeting authorizing Alderman Marshall as an alternate delegate to COG.

Alderman Smith said that Triangle J COG is holding a social meeting

Financial Report

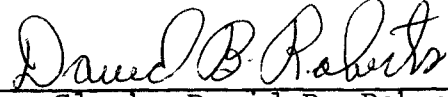
rapid preparation of the financial report.

Mayor Lee commended Town Manager and Finance Director for the

There being no further business to come before the Board of Aldermen,
the meeting adjourned at 11:40 p.m.



Mayor, Howard N. Lee



Town Clerk, David B. Roberts

CCB099

