

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, NOVEMBER 10, 1975, 7:30 P.M.

The Board of Aldermen met for a regular meeting on November 10, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

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

Absent: None

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

Alderman Welsh moved, seconded by Alderman Marshall, that the minutes of the meeting of November 3, 1975 be approved as circulated. Said motion was unanimously carried.

Petitions Dr. Charles Smith petitioned the Board to be heard regarding the operation of buses on Rolling Road. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the matter placed on the agenda under 3a. Said motion was unanimously carried.

Mayor Lee presented a petition from residents of Burriss Place regarding the presence of two German Shepherd dogs in the area which are a danger to the neighbors. Alderman Marshall moved, seconded by Alderman Smith, that the petition be received and the matter referred to the Town Manager for his consideration and report back to the Board. Said motion was unanimously carried.

Planning Board--Vacancy Mayor Lee presented a letter of resignation from Mr. Jonathan Howes from the Planning Board, effective December 8, 1975. Alderman Smith moved, seconded by Alderman Marshall, that the resignation be accepted, and the Planning Board requested to make recommendations for a replacement as soon as possible. Said motion was unanimously carried.

Audit Report Mr. King Moore Willis of John C. Muse Company presented the 1974-75 Audit Report. Mr. Willis reported that the landfill accounts have been kept separate from the General Fund, and show \$95,612.24 fees received, \$67,412.17 operating expenses and \$23,755.00 depreciation, resulting in an operating income of \$4,445.07, non-operating income was \$92,962.44. He said that a \$30,000.00 reserve fund for the purchase of equipment and a \$20,000.00 reserve fund for the purchase of a new site have been set up, resulting in a total deficit of \$50,751.00. He said that the landfill fees may need to be raised to permit these necessary reserves to be set aside. He said that he is satisfied with the overall accounting procedures used by the Town.

Bus Safety Dr. Charles Smith said that he is asking the Board to honor the promise made in September, 1974 to use only small buses on Rolling Road, and requesting that the Board take steps to assure that the buses operate on Rolling Road at a speed no greater than is reasonable and prudent for the existing conditions. He said that the larger buses are used during peak hours, and that bus speed of 25 miles per hour is too fast for Rolling Road, which is a steep, winding narrow road. Town Manager Jenne said that the Town has a policy to run the large buses on the routes where they are needed to accommodate all the passengers. Dr. Smith said that the buses are generally empty on Rolling Road, and that he feels a survey would be appropriate to see how many passengers use the bus on the Rolling Road loop. Alderman Marshall moved, seconded by Alderman Rancer, that this matter be referred to the Town Manager for his consideration and report back to the Board. Said motion was unanimously carried.

Franchise Ordinance--UNC Mayor Lee presented for a second approval, the ordinance granting a franchise to the University of North Carolina to construct and maintain an electrical system.

Alderman Welsh said that she feels sixty years, is too long a time for which to grant a franchise. Town Attorney Denny said that the utility company does not require a franchise to operate in an area since the Utility Commission regulates service areas. He said that the franchise is non-exclusive, and that additional franchises may be granted by the Board in the future, if necessary. He said that sixty years is the maximum length of time permitted for utility franchises, but that it is a fairly common time period, since there is no substantial reason to review the franchise periodically. Alderman Welsh moved, seconded by Alderman Cohen, that the franchise ordinance be amended to a period of 25 years. Said motion was defeated by a vote of two to four, with Alderman Cohen and Welsh supporting. Alderman Smith moved, seconded by Alderman Rancer, that the following ordinance and resolution granting a franchise to the University of North Carolina at Chapel Hill be adopted. Said motion was unanimously carried.

AN ORDINANCE AND RESOLUTION GRANTING A FRANCHISE TO THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL TO CONSTRUCT AND MAINTAIN ITS LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY ALONG, OVER, THROUGH AND UNDER THE HIGHWAYS, STREETS, ALLEYS AND PUBLIC WAYS OF THE TOWN OF CHAPEL HILL IN THE COUNTIES OF ORANGE AND DURHAM, STATE OF NORTH CAROLINA, AND CONDUCT AND CARRY ON WITHIN SAID TOWN OF CHAPEL HILL THE BUSINESS AUTHORIZED BY LAW FOR AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM.

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

Section 1. Grant and Term. University of North Carolina at Chapel Hill, its successors and assigns, is hereby granted, for the term of sixty (60) years from and after the enactment hereof, the right, privilege and franchise to lay, extend, plant, construct, build, erect, maintain, repair, and remove the lines, poles, wires, appliances, conductors, fixtures, and other appurtenances for the conducting conveying, transmitting and distributing of power by electricity upon, along, over, through, and under any and all the highways, roads, streets, avenues, sidewalks, alleys, lanes, bridges and other public places now laid out, or in use and all that hereafter may be laid out or put into use within or near the Town of Chapel Hill, and to do all necessary acts for that purpose, and assent and permission is hereby given and granted unto said University of North Carolina at Chapel Hill, its successors and assigns, to conduct, carry on, transact and do within and near the limits of said Town of Chapel Hill, the business of selling, conveying, transmitting and distributing power by electricity for manufacturing, lighting, heating, motive power or any other purpose of purposes and to conduct business authorized by Law for an electric transmission and distribution system.

Section 2. Non-Exclusive. The right to use and occupy said streets, alleys, publicways, and places for the purpose herein set forth shall be non exclusive, and the Town reserves the right to grant a similar use of said streets, alleys, publicways, and places to any person at any period of this franchise.

Section 3. Placement of Poles. All poles used by said University of North Carolina at Chapel Hill shall be erected under the supervision and direction of the Department of Public Works of said Town of Chapel Hill and all highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges, and other public places that may be disturbed or damaged in the construction or maintenance of said lines, poles, wires, and other appliances, shall be promptly replaced by said University of Chapel Hill at its own expense and to the satisfaction of said Department of Public Works, and all poles shall be substantial and symmetrical and so located as not to interfere with the public use of said highways, roads, streets, sidewalks, avenues, lanes, alleys, bridges, or other public places, or to endanger the property or person of the citizens of said Town. And in case said University of North Carolina at Chapel Hill shall fail to replace or repair said highways, streets, roads, avenues, lanes, sidewalks, alleys, bridges, or other public places within ten (10) days after written notice to do so from the Director of Public Works, the same may be replaced or repaired by the proper authorities of said Town of Chapel Hill, and the said University of North Carolina at Chapel Hill, in the event thereof, shall forthwith pay to the said Town of Chapel Hill, the cost of such work.

Section 4. Relocation of Poles. In the event at any time during the period of this franchise the Town shall lawfully elect to alter or change the grade or level of any street, alley or publicway, the University of North Carolina at Chapel Hill, upon reasonable notice by the Town, shall remove, relay, and relocate its poles, wires, and cables and other fixtures including the level of any manhole necessitated by surfacing or resurfacing, at its own expense.

Section 5. Temporary Removal. The University of North Carolina at Chapel Hill shall, on the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its wires, if technically feasible, to permit the moving of buildings. In the event it is determined that it is not technically feasible to lower the wires, a written statement to this effect reciting the reasons therefore shall be filed with the Town. The expense of such temporarily, raising or lowering of wires, shall be paid by the person requesting the same, and University of North Carolina at Chapel Hill shall have the authority to require such payment in advance.

Section 6. Ordinances Applicable. The University of North Carolina at Chapel Hill shall be subject to the Ordinances of said Town of Chapel Hill relative to the use of such highways, roads, streets, avenues, lanes, sidewalks, alleys, bridges or other public places.

Section 7. Subdivision and Zoning Regulations Applicable. The University of North Carolina at Chapel Hill shall be subject to the zoning and subdivision ordinances of the Town of Chapel Hill with respect to the installation of underground utilities in new subdivisions within the planning district and agrees to cooperate in the undergrounding of utilities in other areas of the Town of Chapel Hill.

Section 8. Tree Trimming. The University of North Carolina at Chapel Hill shall have the authority to trim trees upon and over hanging streets, alleys and sidewalks and public places of the Town so as to prevent the branches of such trees from coming into contact with the wires and cables of the University of North Carolina at Chapel Hill, all trimming to be done under the supervision and direction of the Town at the expense of University of North Carolina at Chapel Hill Power Company.

Section 9. Use of Poles by Town. The Town shall have right during the life time of this franchise, free of charge, where aerial construction exists, of using the poles of the company within the Town limits, wire and pole fixtures necessary for a police and fire alarm system and a street lighting system, such wires and fixtures to be constructed and maintained to the satisfaction of the University of North Carolina at Chapel Hill and in accordance with its specifications. University of North Carolina at Chapel Hill agrees to cooperate with the Town in modernizing and maintaining an adequate street lighting system for the Town.

Section 10. Location Maps. University of North Carolina at Chapel Hill agrees to maintain in the Town of Chapel Hill, either in its own offices or by filing with the Town, copies of all maps showing the location and type of all poles, wires, cables, and other fixtures situated within the planning district of the Town.

Section 11. Assignability. This franchise may be assigned by the University of North Carolina at Chapel Hill to Duke Power Company without further approval of the Board of Aldermen of the Town of Chapel Hill, provided, however, such assignment shall not be effective until Duke Power Company has filed in the office of the Town Clerk an instrument duly executed reciting the fact of such sale assignment or lease, and accepting the terms of the franchise and agreeing to perform all of the conditions thereof. No further assignment shall be made until such further assignment shall have been approved by the Board of Aldermen of the Town of Chapel Hill.

Section 12. Franchise Fee. So long as the provisions of G.S. 105-116 providing for distribution to municipalities of a portion of the franchise tax levied therein or similar provision shall remain in effect, no additional franchise, privilege or license tax shall be imposed.

Section 13. Hold Harmless. Said University of North Carolina at Chapel Hill to the extent permitted by law, and in the event of assignment to Duke Power Company, then the said Duke Power Company, shall hold said Town of Chapel Hill free and harmless from all damages or claims for damages arising by reason of the negligent construction or maintenance of said lines, poles, wires, appliances, fixtures, and appurtenances.

Section 14. Effective Date. This Ordinance shall take effect immediately upon being adopted at two (2) regular meetings of the Board of Aldermen of the Town of Chapel Hill as provided by law.

This Ordinance was passed by a majority vote of the Board of Aldermen voting in favor thereof at the regular meeting of said Board of Aldermen held in the Town of Chapel Hill, North Carolina, on the third day of November, 1975, and was again passed for a second time by a majority vote of the said Board of Aldermen at the regular meeting of the said Board of Aldermen of the Town of Chapel Hill which was held in the Town of Chapel Hill, North Carolina on the tenth day of November, 1975.

Mayor of Town of Chapel Hill

Public Hearing

Mr. Morris Cohen, chairman of the Housing Authority, requested that a joint Public Hearing be held on November 24, 1975 on the current NDP Application. Alderman Smith moved, seconded by Alderman Welsh, that a joint Public Hearing be held with the Housing Authority Board on November 24, 1975, at 7:30 p.m. in the Municipal Building on the current NDP Application. Said motion was unanimously carried. Mayor Lee said that copies of the application are available for public inspection in Town Clerk's office.

Saralyn Unified Housing Development

Alderman Welsh moved, seconded by Alderman Smith, that the Board approve the submitted site and landscape plan and building elevations as fulfilling the terms of stipulation #1 with the following change to conform to Town sanitation operating requirements:

That the driveway near the entrance to McCauley Street be widened from 12 feet to 18 feet, tapering to 12 feet at the location of the dumpster approximately 25 feet south of the northern property line, and to approximately 25 feet at the point where the driveway meets McCauley Street, in order to provide easy access for service vehicles.

Said motion was unanimously carried.

Bus Stop Improvements

Mayor Lee presented the following request from the Appearance Commission for improvements at North Columbia Street bus stops:

1. That the area between the sidewalk and the curb at these bus stops immediately be paved with brick laid in sand, from Franklin Street to the alley, on both sides of North Columbia Street.
2. That two benches be placed at the bus stop on each side of North Columbia Street as soon as possible.
3. That a bus stop shelter design done by a design professional be considered for at least some of the stops in Town.

Town Manager Jenne said that designs for benches have already been approved and will be built by a carpenter who will be funded through CETA; that some shelters are budgeted for 1975-76, but those at major stops will probably be recommended in conjunction with general streetscape improvements in the downtown area; and that the paving of the area would not conflict with the installation of planned permanent improvements at a later date, but that funds have not been budgeted for this in the current fiscal year. He recommended that the Board approve the request contingent on determination by the Town Manager that execution of the project would be financially prudent in light of available fund balances for 1975-76. Alderman Welsh moved, seconded by Alderman Marshall, that the Board accept the Town Manager's recommendation. Said motion was unanimously carried.

Bids--Parking Lot Improvements

Town Manager Jenne said that only one bid has been received to construct a brick wall at Rosemary Street Parking Lot #1. He said that the bid is higher than the estimated \$5,700, but that the Interim Director of Public Works negotiated with the bidder, and the bid was reduced by altering the specifications of footings. He recommended that the Board

accept the negotiated bid with Sparrow Masonry, Inc. Alderman Welsh moved, seconded by Alderman Cohen, that the Board accept the negotiated bid by Sparrow Masonry, Inc. of \$6,502.00 to construct a brick wall at Rosemary Street Parking Lot #1. Said motion was unanimously carried.

Parking Lot Improvements-- Town Manager Jenne recommended that the Board authorize the use of \$10,000 from the residual redemption account of the Parking Facilities Fund for the programmed improvements to parking lot #1. Alderman Marshall moved, seconded by Alderman Gardner, that the Town Manager's recommendation be approved. Said motion was unanimously carried.

Funding

Bids--Fire Fighting Gear Town Manager Jenne said that four bids were received for Public Safety Office Uniform and related equipment. He recommended that the Board accept the low bid with substitute coat fasteners in order to receive immediate delivery. Alderman Smith moved, seconded by Alderman Rancer, that the Board approve the low bid from Zimmerman-Evans, Inc. of Greensboro for \$2,659.50 for fifteen sets fire fighting gear with substitute coat fasteners. Said motion was unanimously carried.

Bids--Pick-Up Trucks Town Manager Jenne reported that Coggin-Pontiac has been contacted to find out why it did not bid. He said that the Sales Manager of Coggin-Pontiac stated that it could not obtain four economy trucks, and that the trucks it had in stock did not meet Town specifications. Town Manager Jenne recommended that the Board accept the low bid from University Ford, and to instruct University Ford to remove the beds and paint the exteriors to specification. Alderman Welsh moved, seconded by Alderman Cohen, that the Board accept the low bid of \$13,644.56 from University Ford of Chapel Hill for four economy 1/2 ton pick-up trucks, with beds removed and painted to specification. Said motion was unanimously carried.

Releases and Refunds Alderman Smith moved, seconded by Alderman Welsh, that the following resolutions granting releases and refunds be adopted. Said motion was unanimously carried.

RESOLUTION - TAX RELEASES

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

<u>NAME</u>	<u>REC.#</u>	<u>AMOUNT</u>	<u>REASON</u>
John A. Cates	1160	\$136.80	Sewer was computed wrong. Was 364.80, should have been 228.00. Charged for 8 units only had 5.
Allen J. Peterson	5634	8.49	Personal property was listed for 3425, should have been 2545. County called.
L. Greg Allen	73	2.39	Property coded wrong. In Carrboro.
J. Fletcher Willy, Jr.	7601	29.27	County released late list.
Japhet Nknonge	5274	2.51	Charged for 1975 Honda, owned 1973.
William H. Schultz	6324	16.84	Duplicate listing. Same as #6325.
Donal L. Dunphy	1899	7.96	Charged for 1971 Ford, owned 1968.
Kenneth H. James	3536	20.59	Property coded wrong. In Carrboro.
Margaret J. Burnett	934	18.67	Property coded wrong. In Carrboro.
Donald R. Jaffe	3554	5.31	Stereo listed for \$700.00. Should have been \$150.00.

Property Investors	8490	45.60	Was charged for 41 units. Only had 40 units.
Clarence's Bar & Grill	8033	104.90	Personal property listed for 12,075. Should have been 1,200.
Slayton A. Evans	9026	19.26	Duplicate listing for per- sonal property.
Chapel Hill Housing Authority	8009	4,283.64	Letter from Mr. Denny stating Housing Authority owned this as of October 1974.
First Citizen Bank	8958	114.00	Sewer charged in error. Not connected.

<u>NAME</u>	<u>REC.#</u>	<u>AMOUNT</u>	<u>REASON</u>
William A. Coggins	1350	\$ 14.28	Moved to 4204 Kerly Rd., but did not change his address.
John Paulling	5508	5.07	Car was valued at 2860. Should have been 2335.
Wellaire, Inc.	9098	2.39	Coded wrong. In Carrboro.
Mary T. Webb & Henrietta Shannon	7430	13.99	Homestead Exemption.
Svein V. Toverud	7086	4.58	Listed 1974 Honda, owned a 1973.
Euzelia C. Smart	6556	45.60	Sewer charged in error, not connected.

WHEREAS, the above listed persons have made application for release of said taxes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it finds the taxes of the above listed persons were levied through clerical error, and in the discretion of the Board should be released to the taxpayer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

This the tenth day of November, 1975.

RESOLUTION - TAX REFUNDS

WHEREAS, taxes listed below were erroneously levied and collected through error on properties belonging to the following:

Euzelia C. Smart	5503	45.60	Mrs. Smart was charged sewer in error for 1974.
Charles H. Adams	16	40.00	Mr. Adams taxes were added wrong. Overcharged \$40.00, should be refunded to Cameron-Brown.

WHEREAS, the above listed persons have made application for refund of said taxes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it finds that taxes on the above listed persons were levied and collected through clerical error, and in the discretion of the Board should be refunded to the tax payer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such refund.

This the tenth day of November, 1975.

Community Development Task Force--Appointments

Mayor Lee said that the Community Development Task Force has recommended that Mr. Joseph Lee and Mr. Ron Randall be placed

in nomination to fill the vacancies created by resignation of Ms. Dee Kiester and Mr. Don Coltrane. Alderman Welsh nominated Mr. Joseph Lee and Mr. Ron Randall to fill the vacancies on the Community Development Task Force. Aldermen Welsh moved, seconded by Alderman Marshall, that the Board waive the normal appointment procedure and make appointments immediately. Said motion was unanimously carried. Alderman Welsh moved, seconded by Alderman Marshall, that Mr. Joseph Lee and Mr. Ron Randall be appointed to the Community Development Task Force by acclamation. Said motion was unanimously carried.

Executive Session--Property

Mayor Lee said that the Board will meet in an Executive Session after adjournment to

discuss property problems.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 9:15 p.m.



Mayor Howard N. Lee



Town Clerk David B. Roberts

MINUTES OF A PUBLIC HEARING AND A REGULAR MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, NOVEMBER 17, 1975, 7:30 P.M.

The Board of Aldermen met for a Public Hearing followed by a regular meeting on November 17, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

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

Absent: None

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

PUBLIC HEARING

Sewer - Kings Mill - PHASE II

Mayor Lee said that the Public Hearing was called to consider sanitary sewer improvements in the vicinity of the Kings Mill

Road area known as Kings Mill Sanitary Sewer - Phase II. He explained the procedure to be followed at this public hearing.

Town Manager Kurt Jenne gave a brief history of the project. He said that granting of the line extension permit was delayed by the State of North Carolina but that this approval is expected by November 20, 1975 since the Town is now well within the permitted limit of effluents, and that the acceptance of the bid for the improvements would be contingent on this approval. He explained that the cost for each property owner would be about 2600 for the sewer line, and about \$400 for the pumping station, totaling about \$3000; and that the charge for tapping on would be \$45.60 plus the cost of extending the lines to the residence.

Mr. John Pridgen, consulting engineer, showed the proposed project on a map and answered questions from residents.