

MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, DECEMBER 22, 1975, 7:30 P.M.

Mayor Wallace called the meeting of the Board of Aldermen to order at 7:30 p.m. Present and seated were:

- James C. Wallace, Mayor
- Gerald A. Cohen
- Robert Epting
- Thomas Gardner
- Jonathan Howes
- Shirley Marshall
- Marvin Silver
- R. D. Smith
- Edward Vickery

Also present were Town Clerk D. Roberts, Town Attorney E. Denny and Planning Director Mike Jennings. Town Manager K. Jenne was not present.

Chapel Hill Housing Authority - Revised NDP Application - Public Hearing

Mayor Wallace called the Public Hearing to order. Presentation of background information and the revisions to the Neighborhood Development Program application, was made by Al Stevenson, Executive Director of the Housing Authority. Mr. Stevenson explained that this is a revision of our second year amended application to the Department of Housing and Urban Development which was originally submitted in November, 1974 and has not been approved. HUD requested the revision when they discovered that there would be more funds available for the NDP than originally anticipated. The revision includes the same actions as the original amended application except that they have been expanded. Originally they were to acquire substandard properties, clear them and build new houses on those properties, relocate the families and make appropriate relocation payments for only three structures. This was so because this portion of the funding was transitional funding in a sense from NDP to Community Development. Now this phase has been expanded to sixteen properties. During the discussion with HUD, there appeared some differences in priorities. The Housing Authority was more inclined to get people out of substandard housing into rehabilitated housing so this was given top priority. On the other hand HUD felt they should be equally or more concerned with assembling substandard lots in the area. HUD came down, took a field trip through the NDP area, looked up lots and made recommendations that the Housing Authority assemble all of the substandard lots, meaning lots under 5,000 square feet in the area. These lots could then be bought by the agency and sold to the adjacent property owners. Mr. Stevenson further explained that there were a couple of occasions where the Housing Authority would assemble two substandard vacant lots to make one buildable lot. Referring to maps, Mr. Stevenson pointed out shaded areas as properties that if acquired would complete this NDP area as we know it except one substandard structure which he expected to be included in next year's Community Development Program. With the funding from HUD in the application, the new housing area will at least be up to the Housing code and in many cases above the housing code. Referring again to the maps, Mr. Stevenson showed the divided, unshaded areas as properties on which acquisition will be made of the structures only. The residents will retain ownership of the land and the Housing Authority will assist the residents in building new houses on the land. The shaded areas are areas of whole acquisition meaning land and structure. Mr. Stevenson further stated that the Housing Authority had contacted all property owners who indicated willingness to sell their property. They had also contacted the adjacent property owners who expressed interest in purchasing the properties and they had met with community groups who all seemed supportive of the program. Mr. Stevenson closed his presentation by stating that throughout the project, the buying of small pieces of property and assembling them in packages so as to make each lot at least 5,000 sq. ft. and thus buildable, was the thinking used in the acquisition and disposition of properties. In response to inquiry by Alderman Marshall, Mr. Stevenson explained that the outside shaded area of the map is property acquired before the NDP boundaries were reduced; the Housing Authority owns it and will sell it with NDP funds paying the expenses. Properties not being acquired now, will be with Community Development monies in 76-77. In answer to Alderman Smith's question about item eleven of the Explanation of Project Expenditures Budget, dealing with interest on borrowed funds calculated by HUD at \$10,387, Mr. Stevenson explained that this is part of the way the program is financed; the Housing Authority gets a capital grant which is a grant from HUD to carry out activities, but to make that money available, the federal governments backs a loan

from private industry or private mortgage to provide operating capital. Interest has to be paid on that loan. HUD provides this money also. Alderman Vickery expressed concern as to what had been done beforehand with the Planning Board to substantiate the sections of the resolution stating, "...the Redevelopment Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement with special consideration for the health, safety, and welfare of children residing in the general vicinity of sites covered by the Plan; and..." Town Attorney Denny clarified by stating that the Planning Board and the Board of Aldermen had determined what NDP area was to be enlarged and the steps taken, including the initial application for NDP funding and the initial Redevelopment plan which consisted of a number of sheets and maps showing all of the structures, and all of the natural areas of proposed recreation, probably a 100 page document. All of this went before the Housing Authority and the Planning Board and then to public hearing before coming back to this Board. Alderman Vickery then questioned the Northside-Knolls Neighborhood Development Plan Redevelopment Area Agreement and the Supporting Facilities therein, for clarification, as the items listed are not obviously related to the NDP. Alderman Marshall also questioned the classroom in Chapel Hill High's relativity to the NDP. Planning Director Jennings explained that these funds are supportive of the NDP in one way or another for example a certain number of Children from the NDP area attend Chapel Hill High.

Mayor Wallace called for opponents to the Revision of the NDP application. Being none he called for Proponents. Being none he called for any comments relative to the NDP application. There were none.

Town Attorney Denny specified that there are three actions necessary-the motion to adopt the Resolution approving the plan, the motion to adopt the Resolution authorizing the submission of the application and a motion authorizing the Mayor and Town Clerk to execute the cooperation agreement; these actions are in order now or later at the pleasure of the Board. The Board indicated that they had read the resolutions. ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN EPTING, THE RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL APPROVING THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROGRAM - PROJECT N. C. A-5, WAS UNANIMOUSLY ADOPTED.

RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL APPROVING THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR NEIGHBORHOOD DEVELOPMENT PROGRAM-PROGRAM N.C. A-5

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Secretary of Housing and Urban Development is authorized to provide financial assistance to Neighborhood Development Programs; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall require that the Redevelopment Plan for the respective urban redevelopment areas comprising the Neighborhood Development Program be approved by the Governing Body of the locality in which the areas are situated and that such approval include findings by the Governing Body that: (1) the financial aid to be provided in the contract is necessary to enable the program to be undertaken in accordance with the Redevelopment Plan; (2) the Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the redevelopment areas by private enterprise (3) the Redevelopment Plan conforms to a general plan for the development of the locality as a whole, and (4) the Redevelopment Plan gives due consideration to the provision of adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement with special consideration for the health, safety, and welfare of children residing in the general vicinity of the sites covered by the Plan; and

WHEREAS, it is desirable in the public interest that the Redevelopment Commission of the Town of Chapel Hill (herein called the "Local Public Agency") undertake and carry out the Neighborhood Development Program (herein called the "Program") identified as "The Northside - Knolls Street Neighborhood Development Program" and encompassing the areas described in the attached Annex; #1) In the Town of Chapel Hill, State of North Carolina (herein called the "Locality"), and

WHEREAS, the Local Public Agency has applied for financial assistance under such Act and proposed to enter into a contract or contracts with the Department of Housing and Urban Development for the undertaking of, and for making available assistance for, the Program, and

WHEREAS, the Local Public Agency has made studies of the location, physical condition of structures, land use, environmental influences, and social, cultural, and economic conditions of the urban redevelopment areas comprising the Program and has determined that the areas are rehabilitation, conservation and provisions of Subsection 21 of G. S. Section 160A-503, and by reason of the factors listed in Subdivision (2) and Subdivision (10) of said G.S. Section 160A-503, and are subject to a clear and present danger that, in the absence of municipal action to rehabilitate, conserve, and recondition the areas, they will become in the reasonably foreseeable future blighted areas in the residential portions thereof or a non residential redevelopment area as to that portion thereof which is predominantly non-residential, and the members of the Governing Body have been fully apprised by the Local Public Agency, and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the Board of Aldermen of the Town of Chapel Hill (herein called the "Governing Body") for review and approval a Redevelopment Plan for the urban renewal areas dated October 4, 1971 and consisting of thirty one (31) pages and two (2) mapped exhibits including Map #NDP-2, Existing Land Use and Building Condition Map, and Project Boundary Map, and Map #NDP-3, Land Use Plan and Preliminary Site Plan, supported by supplementary material, data and recommendations not a part of the Redevelopment Plan.

WHEREAS, the Redevelopment Plan has been approved by the Governing Body of the Local Public Agency as evidenced by a copy of said Body's duly certified resolution approving the Redevelopment Plan which is attached hereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the Planning Board of the Town of Chapel Hill, which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting the Redevelopment Plan for the Urban Renewal Areas comprising the Program, and has certified that the Redevelopment Plan conforms to the general plan for the Locality as a whole, and the Governing Body has duly considered the report, recommendations and certification of the Planning Board; and

WHEREAS, the Local Public Agency has prepared and submitted a program for the relocation of individuals and families that may be displaced as a result of carrying out the Program in accordance with the Redevelopment Plan; and

WHEREAS, there has been presented to the Governing Body information and data respecting the relocation program which has been prepared by the Local Public Agency as a result of studies, surveys, and inspections in the areas comprising the Program and the assembling and analysis of the data and information obtained from such studies, surveys, and inspections; and

WHEREAS, the members of the Governing Body have general knowledge of the conditions prevailing in the Urban Renewal areas and of the availability of proper housing in the Locality for the relocation of individuals and families that may be displaced by the Program and, in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the relocation program and the Redevelopment Plan for the Program, in conformity with the contract for financial assistance between the Local Public Agency and the United States of America, acting by and through the Secretary of Housing and Urban Development; and

WHEREAS, the Governing Body is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal activities and undertaking with Federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, or national origin:

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

1. It is hereby found and determined that the Urban Renewal areas comprising the Program are rehabilitation, conservation, and reconditioning areas and qualify as eligible project areas under the Urban Redevelopment Law of the State of North Carolina.
2. That the Redevelopment Plan for the Program, having been duly reviewed and considered, is hereby approved, and the Town Clerk be, and he is hereby directed to file a copy of the Redevelopment Plan, identified as Annex #2 with the minutes of this meeting.
3. That it is hereby found and determined that where clearance is proposed that the objectives of the Redevelopment Plan cannot be achieved through rehabilitation of the Urban Renewal areas comprising the Program.
4. That it is hereby found and determined that the Redevelopment Plan for the Program conforms to the general plan of the locality.
5. That it is hereby found and determined that the financial aid to be provided pursuant to the contract for federal financial assistance pertaining to the Program is necessary to enable the Program to be undertaken in accordance with the Redevelopment Plan for the areas comprising the Program.
6. That it is hereby found and determined that the Redevelopment Plan for the Urban Renewal areas comprising the Program will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the renewal of the areas by private enterprise.
7. That it is hereby found and determined that the Redevelopment Plan for the Urban Renewal areas gives due consideration to the provisions for adequate park and recreational areas and facilities, as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.
8. It is hereby found and determined that the Program for the proper relocation of individuals and families displaced in carrying out the Urban Renewal Plan in decent, safe, and sanitary dwellings in conformity with acceptable standards is feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Plan; and that such dwelling or dwelling units available or to be made available to such displaced individuals and families, are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families, and are reasonably accessible to their places of employment.
9. That in order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, it is found and determined that certain official action may be required and taken by this Body with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities, and other public action, and, accordingly, this Body hereby pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, department, boards, and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan, and (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan.
10. That the financial assistance under the provisions of Title I of the Housing Act of 1949, as amended, is necessary to enable the land in the areas comprising the Program to be renewed and rehabilitated in accordance with the Redevelopment Plan for the Program and accordingly, the proposed Program and the annual increment are approved and the Local Public Agency is authorized to file an application for financial assistance under Title I.

ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN GARDNER, THE RESOLUTION OF TOWN BOARD APPROVING FILING OF AN APPLICATION FOR A NEIGHBORHOOD DEVELOPMENT PROGRAM WAS UNANIMOUSLY ADOPTED.

RESOLUTION OF TOWN BOARD APPROVING FILING OF AN APPLICATION FOR A NEIGHBORHOOD DEVELOPMENT PROGRAM

WHEREAS, under Title I of the Housing Act of 1949, as amended, ("Title I"), the Secretary of Housing and Urban Development is authorized to extend financial assistance to local public agencies in the elimination and prevention of the spread of their slums and urban blight through undertakings and activities carried out under a Neighborhood Development Program; and

WHEREAS, the Chapel Hill Housing Authority has prepared and submitted a proposed Neighborhood Development Program and annual increment thereof covering the urban renewal areas described in Schedule A attached thereto; said proposed program and annual increment having been duly reviewed and considered;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill:

1. That it is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal activities with Federal financial assistance under Title I, including those relating to (a) the relocation of site occupants, (b) the provision of local grants-in-aid, and (c) the prohibition of discrimination because of race, color, creed, or national origin.
2. That the financial assistance available under Title I is needed to enable the Chapel Hill Housing Authority to finance the undertakings and activities proposed in said program and annual increment.
3. That the Chapel Hill Housing Authority is authorized to file an application for financial assistance to carry out the Neighborhood Development Program and the annual increment thereof.

ON MOTION BY ALDERMAN COHEN, SECONDED BY ALDERMAN HOWES, AUTHORIZATION FOR THE EXECUTION OF THE AGREEMENT BETWEEN THE TOWN OF CHAPEL HILL, NORTH CAROLINA AND THE HOUSING AUTHORITY OF THE TOWN OF CHAPEL HILL, NORTH CAROLINA ON THE NORTHSIDE KNOLLS NEIGHBORHOOD DEVELOPMENT PROGRAM REDEVELOPMENT AREA PROJECT N.C. A-5, WAS UNANIMOUSLY APPROVED.

NORTHSIDE-KNOLLS NEIGHBORHOOD

DEVELOPMENT PROGRAM REDEVELOPMENT AREA

Project N.C.-A-5

AGREEMENT BETWEEN THE TOWN OF CHAPEL HILL, N.C.
AND
THE HOUSING AUTHORITY OF THE TOWN OF CHAPEL HILL, N.C.

THIS AGREEMENT, entered into this 22nd day of December, 1975 by and between the Housing Authority of the Town of Chapel Hill, N.C., a body corporate and politic under the laws of the State of North Carolina, (herein referred to as the "Authority") and the Town of Chapel Hill, N.C., a municipal corporation of the State of North Carolina, (herein referred to as the "City").

WHEREAS, by resolution adopted on December 22, 1975, the Board of Alderman of the Town approved a Redevelopment Plan proposed by the Authority for the area known as the Northside-Knolls Neighborhood Development Program Redevelopment Area, Project N.C. A-5; and

WHEREAS, said Plan contemplates the acquisition and clearance by the Authority of certain properties within the Project Area as shown in said Redevelopment Plan, and the reuse and/or sale of said properties for the uses indicated, all of which uses have been determined by the Town to be in accordance with the general plan for the Town as a whole and in accordance with certain definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, and other public improvements, as in said Plan and resolution set forth; and

WHEREAS, in order for the Town to effectuate said Plan the assistance of both the Federal Government and the Town is required; namely, of the Federal Government by lending funds needed to defray the gross cost of the Project, and upon completion of the Project and repayment of such loan, by contributing three fourths (3/4) of the net cost of the Project; and of the Town by making certain local grants-in-aid (as specified by Title I of the Housing Act of 1949, as amended) as hereinafter provided, in a total amount equal to at least one-fourth (1/4) of the net cost of the Project; and

WHEREAS, the Authority has applied to the Federal Government for financial assistance under said Title I and it now devolves upon the Town to take certain actions and to provide certain non-cash grants-in-aid which are estimated, on the basis of surveys and plans hereto fore made by the Authority, to be required in the total amount of \$276,699.

NOW, THEREFORE, pursuant to Article 22, Chapter 160A the General Statutes of North Carolina and in consideration of the benefits to accrue to the Town and its citizens from the Redevelopment Project, and of the covenants hereinafter set forth, the Authority and the Town do agree as follows:

SECTION 1

In order to assist the Authority in the undertaking of the Project, the Town agrees to make grants-in-aid as follows:

(a) Site Improvements. To construct or cause to be constructed in accordance with the mutually agreeable schedule, and as required in the execution of the Redevelopment Plan, the following site improvements:

	<u>TOTAL COST</u>	<u>ESTIMATED ELIGIBLE COST</u>
(1) Sanitary Sewers	51,790	51,790
(2) Water Lines	39,756	34,468
(3) Streets	70,544	70,544
(4) Storm Drainage	36,245	36,245
(5) Pumping Station	9,897	3,840

(b) Supporting Facilities. To construct the following supporting facilities essential to the Project, in accordance with a mutually agreeable schedule, and as required by the Redevelopment Plan, to which the following estimates are applicable:

<u>SUPPORTING FACILITY</u>	<u>ESTIMATED TOTAL COST</u>	<u>ESTIMATED PERCENT AGE OF ACTUAL COST TO BE TREATED AS A LOCAL GRANT-IN-AID</u>	<u>ESTIMATED LOCAL GRANT-IN-AID</u>
Municipal Bldg.	\$548,248	25%	\$137,062
Classroom at Chapel Hill High School	395,716	9.5%	37,593

The percentage of eligibility of each facility shall be subject to change if significant facts on which the determination was based were in error, or there has been a change in (1) the Redevelopment Plan, (2) the type, size, or capacity of the facility, or (3) the boundaries of the area to be served by the facility.

(c) In addition to the foregoing, the Town further agrees to furnish, or cause to be furnished, all ineligible costs of site clearance and site improvements undertaken by the Authority which ineligible costs are now estimated to be \$-0-.

(d) It is understood and agreed that the Town's obligation hereunder is to make cash or non-cash grants-in-aid in a total amount equal to one-fourth (1/4) the actual net cost of the Project, and that the amounts payable by the Town to the Authority has hereinabove set forth are based on estimates and that if the total actual net cost of the Project (as determined by the Authority, in accordance with its contract with the Federal Government) is greater or less than the total estimated net cost of the Project, the amount of cash payments to be made by the Town to the Authority shall be appropriately adjusted. It is understood and agreed between the parties that the Town's obligations for any cash grants-in-aid are limited as set out herein in Section 7.

SECTION 2

The Town agrees that at no cost or expense to the Authority, and upon the Authority's request, the Town will, insofar as it can lawfully do so, vacate the streets, roads, alleys and other public ways, to be eliminated in preparing the Project Area for its new uses, as shown in the Redevelopment Plan.

SECTION 3

The Town agrees to sell to the Authority, at fair market value, the Town-owned parcels needed for project purposes in the Project Area.

SECTION 4

The Authority agrees that it will convey to the Town free of charge any land acquired by the Authority and required for street purposes under the Redevelopment Plan.

SECTION 5

The Board of Aldermen recognizes that Title VI of the Civil Rights Act of 1964 and the regulations and policies of the Department of Housing and Urban Development effectuating the Title prohibit discrimination on the ground of race, color or national origin in the policies and practices of any public facility responsible for proposed credit to the locality's share of the cost of an urban renewal project receiving financial assistance from the United States. The Board of Aldermen hereby assures the United States and the Secretary for Housing and Urban Development that the proposed public facilities to be provided under Section 1, above, will be available to and serve all persons without regard to race, color or national origin.

It is further understood and agreed that in order for the Town to receive non-cash credits under item 1 above, the Authority shall obtain and submit with each application for such non-cash credit satisfactory assurances that each such public facility proposed as a non-cash local grant-in-aid will be operated on a non-discriminatory basis.

SECTION 6

The Town agrees to hold the Authority harmless with respect to any claims for personal injury and/or death or property damage arising from any operations carried on by the Town in connection with the Project.

SECTION 7

The Town shall not be obligated under this contract to contract any debt, pledge its faith, loan its credit, levy any tax or collect any tax, except for necessary expenses, unless approved by a vote of the majority of the qualified voters of the said Town who shall vote thereon. The Town's obligations hereunder shall be limited to making payments to become due hereunder from funds from sources other than taxes levied by the Town except for streets, water, sewer, and other such services as would constitute necessary expenses of the municipality irrespective of whether or not a Redevelopment Project existed and the proceeds or bonds approved by a vote of the majority of the qualified voters voting thereon. Payments to be made from funds other than taxes levied by the Town shall be limited to the amount of such funds available therefore at the time such payments are due, which funds shall not have been collected by taxation. And notwithstanding this agreement, the Town does not create a "debt" within the meaning of Article VII, Section 6 of the Constitution of North Carolina, or any other constitutional prohibition, and the parties hereto agree that no such construction is, or shall ever be made as to this agreement.

SECTION 8

This agreement shall be executed in three counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Town of Chapel Hill, N.C. has caused this Contract to be duly executed in its behalf and its seal to be hereunto affixed and attested; and, thereafter, the Housing Authority of the Town of Chapel Hill has caused the same to be duly executed in its behalf this 22nd day of December, 1975.

Mayor Wallace adjourned said Public Hearing.

Amendments to the Chapel Hill Zoning Ordinance - Public Hearing

Mayor Wallace called the Public Hearing to order. Planning Director Mike Jennings made the following presentation of what zoning ordinances are to be amended, how they came about and what they mean. In May, the Board requested that four areas be looked into concerning the Zoning Ordinance brought about by lack of enforcement. These were home occupations, commercial greenhouses, commercial parking lots and sign ordinances. The sign ordinance, still under consideration by the Appearance Commission will be delayed. Mr. Jennings stated that at the Hearing for the ETNA Service Station a recommendation to change curbing requirements for service stations was suggested and there was a petition from Hidden Hills concerning liquid refuse disposal from service stations and drive-in businesses generally. In addition the staff has been looking into the public hearing schedule along with all other Board meetings and the proposed public hearing amendment does come from the staff. These amendments were advertised on December 17 and 22 in the Chapel Hill Newspaper. In explanation of the curbing requirements for service stations only, Mr. Jennings said that the objective of this amendment is to keep cars from running over the curb endangering pedestrians. It is the belief that changing the height from six inches to eight inches will prevent this from happening. Mr. Jennings explained that the requirement is an alternative of an eight inch curb on the inside of the sidewalk and a three foot wall on the outside with landscaping, or an eight inch curb and a three foot hedge on either side of the sidewalk. On disposal of liquid refuse, Mr. Jennings explained that the amendments stated that with requests for Special Use Permits for automobile service stations and drive-in businesses, a plan be required including provisions for settling ponds, grease traps, filter designs for effluents and a requirement that all chemically treated refuse be placed into the sanitary sewer system. The objective here is to ensure the proper disposal of liquid refuse. Public Hearings on Zoning Ordinance amendments and Special Use Permits are now held every month except July, August and December. The proposal is to go to a bi-monthly schedule with six instead of nine public hearings a year meeting in January, March, May, July, September and November. This would give the Planning Staff and the applicant more time to work out potential problems before the public hearing stage.

Amendments four, five and six deal with the ability to enforce the ordinances as well as the adverse effects on residential areas, Mr. Jennings said. The problem now is the determination of something as commercial. The attempt here is to change the focus from determination of commerciality to whether or not it had adverse effects, something detectable with the senses rather than using investigative techniques. The first of the Zoning text amendments related to this is home occupations. Mr. Jennings explained that because of abuses in the past, the amendment attempts to make very specific and precise what is and what is not a home occupation. The amendment asks that home occupations be conducted entirely within the structure on the premises, it be restricted to certain types of occupations and be carried on only by the inhabitants of the structure itself. Further, there would be no external evidence, for example, advertising except as allowed in the sign ordinance. The home occupation would be incidental and secondary to the uses of the property itself for dwelling determined by the percentage of the total square footage of the property used for home occupation, and the equipment and processes be undetectable off the lot in single units and undetectable outside of the unit in multiple family units. The amendment in essence prohibits certain uses and allows other uses so as to allow people to pursue home occupations in their homes making sure that during the course of this, there are no adverse effects on neighbors.

The problem with private, public and commercial greenhouses, Mr. Jennings said is that while public, private and commercial greenhouses in certain districts are on the list of permitted uses, they are not defined. The proposal would make private greenhouses accessory to permitted uses in residential districts. Public and commercial greenhouses for public and quasi-public uses would be special use. The idea here is to use size rather than commerciality as the definitive factor. In certain districts only private greenhouses would be allowed, in other districts, public and commercial greenhouses would be allowed.

With off-street parking in residential districts, the problem is distinguishing what is commercial and what is not. The proposal is that any parking lot in a residential district with six or more spaces would require special use. Mr. Jennings explained that the idea is if at a duplex, two parking spaces are allowed for each unit and one for a guest, this is fine. Anything beyond the duplex would require special use anyway.

In answer to a question by Alderman Marshall referring to the proposal concerning public hearings, Mr. Jennings stated that there would be a schedule change allowing more time between the deadline for requests to be heard and the public hearing. Alderman Marshall stated that the problem with public hearings is the procedure as well as the time element involved. The purpose for holding public hearings monthly is to avoid undue delay to the applicant taking into consideration the depressed economy and the Board did not want them to pile up. Further the Board is concerned with the possibility of holding public hearings last, that is the application would go before the Planning Board and the Appearance Commission, then to public hearing before coming back to this Board. Concerning procedure, Town Attorney Denny stated that in its Supplemental Report, the Charter Commission expressed concern that public hearings are too early in the process. This particular aspect of the Charter Commission Report was never referred to the Planning Board, however, the Planning Board is free to consider it but no action can be taken until it is advertised and another public hearing is held as it concerns a slightly different section.

Alderman Gardner questioned the curbing proposal stating that the Board never officially acted on it although it did come up in the ETNA Special Use Request. Further he questioned the difference the two inches of curbing would make stating that he had no objections to it, he just wanted a valid reason for it. In answer to this, Mr. Jennings said that the Board had not officially referred the matter of curbing to the Planning Board but it was the general consensus of the Board that it be looked into and technical analysis would be done before recommendations were made by the Planning Board.

Alderman Smith questioned the masonry wall in the curbing proposal stating that width as well as height should be spelled out. Concerning the parking lot proposal, Alderman Smith noted that the parking lots did not require paving and parking spaces could not be stably marked in Chapel Hill gravel except with logs. Further, Alderman Smith felt that it should be spelled out that the Appearance Commission is to be contacted for approval of curbs and planting on access driveways to residential parking lots.

Alderman Silver asked for clarification on the possibility of persons in residential districts providing spaces to compete with University parking. Mr. Jennings stated that the proposal is meant to deal with this.

Mayor Wallace called for opponents to the Zoning Ordinance Amendments. Bob Anderson said that it might be well to check into car levels when considering the curb height of eight inches. It could present a problem when parking or pulling up to the curb.

Mayor Wallace called for proponents. Being none, ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE PROPOSED AMENDMENTS TO THE TEXT OF THE CHAPEL HILL ZONING ORDINANCE BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION BACK TO THE BOARD. THE MOTION WAS UNANIMOUSLY CARRIED.

Alderman Smith requested the Charter Commission Report and recommendation on public hearing procedure be prepared for the next meeting so the Board can consider it.

Mayor Wallace adjourned said Public Hearing.

Mayor Wallace called the regular meeting of the Board of Aldermen to order at 8:20 P.M.

Approval of the minutes of December 15, 1975 was postponed until the January 5th Board meeting pending an extensive rewrite.

Mayor Wallace called for petitions and requests. There were none.

Resolution to Implement General Statute 160A-168.

In presenting this resolution, Town Attorney Denny stated that in the last session of the general assembly certain disclosure and privacy acts were adopted applicable to cities and counties in respect to what must and what

must not be made available for public inspection with regard to public employees. The statute also requires the governing board to designate who is to be responsible for maintaining these records and in what form they are to be kept. In response to a question by Alderman Silver, Attorney Denny stated that the information will be made available as of January 1, however the resolution itself does not speak of what an employee may see or have put in his file, but what a citizen can demand to see. The resolution is actually formalizing an already standing Town policy. In answer to a question the Board was assured that the employees would be informed as to what materials in their personnel files would be made available to the public upon request. Alderman Howes questioned the necessity for the "Chapel Hill" in "Chapel Hill Personnel Office." Attorney Denny stated that "Chapel Hill" was indeed not necessary as the personnel office is defined in the personnel ordinances. ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN GARDNER THE RESOLUTION TO IMPLEMENT THE PROVISIONS OF GENERAL STATUTE 160A-168 WAS UNANIMOUSLY ADOPTED.

A RESOLUTION TO IMPLEMENT THE PROVISIONS OF GENERAL STATUTE 160A-168

WHEREAS General Statute 160A-168 makes certain changes in defining what personnel information is of public record as of January 1, 1976; and

WHEREAS said statute requires that the governing board shall determine in what form and by whom this information shall be maintained; NOW THEREFORE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Personnel Office is designated the body responsible for maintaining the personnel information required by General Statute 160A-168; and that such information shall, for current employees, be processed out of an employee's file and put on a separate form at the time of a request for such information being kept updated henceforth; and for newly-hired employees such a form shall be made up at date of hire and kept updated henceforth.

This the 22nd day of December, 1975.

Resolution Reappointing a Charter Commission for the Town of Chapel Hill.

Town Clerk Roberts informed the Board that the following members from the Charter Commission have been contacted and agreed to serve: Joe Nassif, Lee Corum, Sandy McClamroch, Adelaide Walters, Ross Scroggs, Mary Helen Hayman, Jonathan Howes, Barbara Booth, Barbara Cleaveland, Bill Thorpe, Paul Morris, Anne Barnes, Samuel Holton. The following members have moved out of town: Richard Quinney, Charles Helton, John Wettach. Alderman Cohen said that he had thought there was of a consensus on the method of election than there actually was and he felt there should be more time. Taking this into consideration, he asked that his motion to adopt the Resolution of Intent to Consider an Ordinance Amending Section 2-1, Code of Ordinances of the Town of Chapel Hill Concerning the Method of Election of Alderman and Mayor be withdrawn and Alderman Gardner's substitute motion to refer the Resolution to a reconvened Charter Commission for recommendation be reconsidered. Mayor Wallace stated that there are several aspects of the Resolution to be cleared up and the delay in consideration of the Resolution may be served in this manner. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, TO RECONSIDER ALDERMAN GARDNER'S MOTION TO REFER THE RESOLUTION TO A RECONVENED CHARTER COMMISSION FOR RECOMMENDATION. THE MOTION WAS UNANIMOUSLY CARRIED. With Alderman Gardner's motion on the floor, it was defeated by a vote of six to two with Aldermen Epting, Silver, Vickery, Marshall, Howes and Cohen opposing and Aldermen Smith and Gardner supporting. By unanimous consent of the Board, Alderman Cohen's motion, seconded by Alderman Marshall was withdrawn.

Condemnation Resolution.

During his presentation of background information, Attorney Denny stated that some time ago it came to the attention of the Board that Mr. George Tate, Jr. owned land consisting of four lots adjoining the Hargrave Recreation Center between the Center and Rosemary Street. It further came to the attention of the Board that a fence had been erected by the Town on his property and a portion of this property was apparently being used as a baseball field for Hargraves Recreation Center. Further, Mr. Tate has requested that the Town remove the fence immediately and he be issued four building permits to construct structures on each of the four lots. The Board, after consideration of present and future plans for Hargrave Recreation Center, determined the necessity to acquire this property and in view of this, the administration was requested to obtain appraisals of the property. Three appraisals were made in varying amounts and based upon these appraisals, the Town Manager and the Town Attorney met with Mr. Tate on several occasions to acquire property through nego-

tiation. The last meeting was on Thursday, December 18, and as of that date there was no success at acquisition of the property by voluntary sale. Since that meeting, Mr. Tate again applied for removal of the fence and four building permits which is now under consideration. The purpose of the Resolution, Mr. Denny stated, is to authorize institution of a condemnation action for acquisition of this property pursuant to a special act of the legislature permitting the Town to exercise the acquisition procedures under Chapter 136 of the General Statutes. The resolution is also to authorize a deposit in the office of the Clerk of Superior Court, a certain sum of money being a necessary step in using this type of acquisition procedure. The Resolution states the sum of \$17,500 as estimated just compensation for the taking of this property. This figure was arrived at as an average of the three appraisals. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN HOWES THAT THE RESOLUTION AUTHORIZING CONDEMNATION OF CERTAIN PROPERTY OWNED BY GEORGE TATE BE ADOPTED. During the discussion Alderman Silver stated that he feels the Town has acted in good faith in arriving at a reasonable figure with Tate and he believes this action necessary because the property is essential to the Town. In answer to a question by Alderman Smith, Attorney Denny stated that in this procedure the owner has the option to do nothing in which case the said figure would be final. The owner also has the option to file an answer immediately after the action is filed, but no later than one year afterwards for damages. The damage case then goes before Commissioners appointed by the court. He can then request a jury trial to determine just compensation if not satisfied. In answer to questions by Alderman Epting, Attorney Denny stated that Mr. Tate had owned the property for six years and based on public record and excise stamps on deeds given to him, he is being assured a profit. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION AUTHORIZING CONDEMNATION OF CERTAIN PROPERTY OWNED BY GEORGE TATE.

WHEREAS, the provisions of Section 401 of Chapter 160A of the General Statutes of North Carolina authorize the Town of Chapel Hill to acquire fee simple title in real property in order to preserve open spaces and areas for public use, and enjoyment, and

WHEREAS, the land hereinafter referred to is undeveloped land that has value for park and recreational purposes, and

WHEREAS, the provisions of Section 241 of Chapter 160A of the General Statutes of North Carolina authorize the Town of Chapel Hill to acquire by condemnation the fee simple title to property for the enlarging of parks, playgrounds and other recreational facilities, and authorize the said Town to acquire said property in accordance with the procedures set forth or referred to therein including local Acts applicable to the Town of Chapel Hill, and

WHEREAS, Chapter 695 of the Session Laws of 1969 authorizes the Town of Chapel Hill to acquire property by condemnation through the use of procedures set forth in Article 9 of Chapter 136 of the General Statutes of North Carolina as modified therein, and

WHEREAS, the provisions of said Article 9 of Chapter 136 of the General Statutes authorize the procedure of condemnation through the filing and recording of a Declaration, Notice and Complaint of Taking, and the deposit into Court the amount estimated to be the compensation for said taking, and

WHEREAS, the said Town has caused the property hereinafter referred to be appraised and has sought to acquire title to said property through negotiations with owners thereof, but has been unable to do so, and

WHEREAS, the property hereinafter described is necessary and desirable for the public purposes aforesaid.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CHAPEL HILL THAT the attorney for the Town of Chapel Hill is hereby authorized and directed to prepare a complaint and declaration of taking and such other documents as may be required for the purposes of acquiring title to the property hereinafter described, and the appropriate officers of the Town of Chapel Hill are hereby authorized and directed to execute such documents, and

WHEREAS, it has been estimated by the Board of Aldermen that the just compensation for said taking is the sum of \$17,500.00, and the said appropriate officials of the Town of Chapel Hill are authorized to deposit said sum with the Court, and that title to said property be acquired pursuant to said Article 9.

The Owners of the property, the subject of this Resolution, are:

George Tate, and wife Esther Tate

and the property, the subject of this Resolution is more particularly described as follows:

All that certain tract or parcel of land lying and being on the east side of Roberson Street in the Town of Chapel Hill, which said property is more particularly described as follows: measuring from the north-east intersection of the rights-of-way of Rosemary Street and Roberson Street North 11° 00'

West 184.77 feet to the point of BEGINNING, a point in the eastern right-of-way line of Rosemary Street, and proceeding thence North 11° 00' West 200.00 to a point; proceeding thence North 64° 33'52" East 200 feet to a point; proceeding thence South 11° 37' 08" East 197.56 feet to a point; and proceeding thence South 64° 02' 36" West 202.69 feet to the point of beginning, and containing approximately 0.89 acres.

Tax Releases - Resolution.

Mayor Wallace read the Resolution authorizing Tax Releases. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN COHEN THAT THE RESOLUTION AUTHORIZING TAX RELEASES BE ADOPTED. Alderman Smith expressed concern as to the damage done to the budget by tax releases and was assured by Tax Collector Roberts that the additions were more than the releases.

Alderman Vickery stated that he felt there were a number of items such as this that should not come before the Board of Aldermen. He suggested that the Board explore the extent to which it could authorize the Manager. Mayor Wallace announced that Attorney Denny was preparing for the January 5 meeting, an outline of policies. THE 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>
George Tate, Jr.	6922	\$ 125.45	County Commissioners reduced valuation from 36,600 to 23,600.
George Tate, Jr.	6930	81.06	County Commissioners reduced valuation from 33,700 to 25,300.
James E. Somers	6640	29,73	Error in computing taxes. Sewer was \$131.10; should have been \$114.00. Late list fee was \$99.23; should have been \$86.60.
Charles G. Zug, III	7858	45.60	Mr. Zug was charged in error for sewer. He has a septic tank.
Thomas Peter Bridge	766	62.00	Mr. Bridge was on active duty in Washington. His car was in Washington on January 1st. He failed to change his address on his abstract from Rock Creek Road to Route 7, Durham, N.C.
Joseph T. Francis, Jr.	2389	72.60	Duplicate listing--same as a/c 1245330 listed to Joseph F. Treacy, Jr.
R. B. Fitch, Sr.	2261	91.20	Mr. Fitch was charged with four units for sewer rent. He only has two units.

Alan S. Livingston	4281	2.23	Bill was coded wrong. He lives at M-11 Royal Park Apts. which is in Carrboro.
Joe Winstead	9161	15.93	County advised that parents listed this car for taxes at their residence.
Marshall L. Edwards	2005	21.95	Personal property reduced by county. \$2,275 (car value) was listed in Buncomb Co.
Jane M. & James F. Foerster	2301	26.54	Personal property located on Henderson Street in Univ. Heights, which is in the county.
Gregory F. Hayden	3030	6.51	Listed a 1974 Audi; should have been a 1973. Value decreased from 6,755 to 6,080.
Community Developers	8066	72.38	Double listed. Also listed to Ronald & Susan Link for 1975.

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 22nd day of December, 1975.

Appearance Commission - Appointments.

On motion by Alderman Smith, seconded by Alderman Epting, the nominations were closed on the names of Mr. Ronald C. Link, Mr. Thomas J. Land as Mr. William L. O'Brien. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN MARSHALL, THAT RONALD C. LINK, THOMAS J. LAND AND WILLIAM L. O'BRIEN BE APPOINTED TO THE APPEARANCE COMMISSION. THE MOTION WAS UNANIMOUSLY CARRIED. Alderman Cohen stated that he had read an article in the News and Observer against the Wake County Board of Education and secret balloting and thought it may have some effect on this Board at a later date. In response to this, Attorney Denny stated that there had been no court decision but that the Board may want to consider policies on secret balloting in the future, preferably before the issue arises on the next ballot.

Recreation Commission - Vacancies.

Alderman Marshall placed Mary Howes and Louis Rubin in nomination for vacancies on the Recreation Commission. Alderman Cohen nominated, as a representative of the younger citizens, Sam Sockwell, a freshman at U.N.C. who lives in and is a registered voter of the Town. Alderman Smith requested a list of the remaining members of the Recreation Commission before the appointment of new members. Alderman Howes expressed the need for a representative from the school system. Attorney Denny stated that the reason for the existing written policy was the process of filling vacancies being telescoped to the point where Board members arrive at meetings and are faced with vacancy, nomination and election.

Orange County Council on Aging.

Mayor Wallace announced two vacancies on the Orange County Council on Aging. Ms. Gatha Lassiter's term expired August 1, 1975 and Mr. Sid Rancer served as the Board's Ex-Officio member. Ms. Lassiter's replacement will serve a three-year term expiring August 1, 1978. Alderman Cohen asked if Ms. Lassiter wanted to be reappointed. Alderman Smith suggested that the Committee

for the Aging be notified of vacancy and asked to submit recommendations. Mayor Wallace stated that he would notify the Committee for the Aging and inquire as to Ms. Lassiter's desire to be reappointed.

Firemen's Relief Fund - Vacancy.

Mayor Wallace read the announcement on the Agenda as follows: On your list of Committee vacancies, under Firemen's Relief Fund, the term being served by Alderman Tommy Gardner and expiring December, 1975 is the only appointment to be made by the Board of Aldermen to this committee. Everett Lloyd, Fire Chief stated that the firemen make 2 appointments and the Insurance Commission makes one.

There being no further business to come before the Board of Aldermen said meeting adjourned at 9:09 P.M.

James C. Wallace

Mayor James C. Wallace

David B. Roberts

Town Clerk, David B. Roberts

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, JANUARY 5, 1976, 7:30 P.M.

Mayor Wallace called said meeting to order; present and seated were:

- James C. Wallace, Mayor
- Gerald Cohen
- Robert Epting
- Thomas Gardner
- Jonathan Howes
- Shirley Marshall
- Marvin Silver
- R. D. Smith
- Edward Vickery

Also present were Town Manager K. Jenne, Town Clerk D. Roberts and Town Attorney E. Denny.

The minutes of the regular meeting of December 15, 1975 were duly considered and corrections were offered. On motion by Alderman Smith, seconded by Alderman Howes, the minutes were approved for official recording as corrected. The minutes of the regular meeting and public hearings of December 22, 1975 were duly considered. On motion by Alderman Marshall, seconded by Alderman Smith, the minutes were approved for official recording as circulated.

Petitions and Requests

Mayor Wallace called for verbal petitions and requests.

Alderman Marshall petitioned the Board and made a motion, seconded by Alderman Cohen, to discuss and possibly consider the news release from the Mayors of Chapel Hill and Carrboro and the Chairman of the Orange County Board of Commissioners, released at 10:00^h A.M., January 5, 1976, under item five on the agenda. The motion was unanimously carried.

Alderman Cohen petitioned the Board to consider, after item nine of the agenda, the action taken by the County Commissioners on sedimentation. The petition was granted.

Request to Open a Pool Room/Bar

As part of the agenda, a request was made by Mr. Cleavon Atwater for permission to open a Pool Room/Bar at 106 N. Graham Street. During the presentation of background information, Town Manager Jenne stated that it is required by ordinance for the Board to approve locations of pool rooms although there are no guidelines or conditions cited. The administration has checked the location in question for zoning, land use and public safety. It is in the Central Business District in a block primarily used for retail with only a few residences left over. Mr. Jenne further stated that the police see no problem giving protective services. Questions by the Board were centered around the other bu-