

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 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-

businesses in the area and what they are. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SMITH, THAT THE REQUEST BY MR. CLEAVON ATWATER FOR A POOL ROOM/ BAR AT 106 N. GRAHAM STREET BE APPROVED AND THE TOWN CLERK BE DIRECTED TO ISSUE A PERMIT. THE MOTION WAS UNANIMOUSLY CARRIED.

Work Sessions

Town Manager Jenne presented a request to schedule six work sessions during the month of January stating that the six items are ones that will be needed to determine of the direction the Board wishes to take and the timetable in which the Board wishes to work. The six items involved are 1) conduct of business by the Board involving the lengthy memorandum from Town Attorney Denny; 2) the matter of briefing by the Town Auditors involving a summary briefing of the Uniform Fiscal Control Act and a brief review of the Town's audit for 1974-75; 3) Boards and Commissions involving an overall review of the Town; 4) Section 201 and 208 studies and how they will effect Chapel Hill involving sessions between the Board and the consulting engineers to discuss technicalities and specifics with regard to Chapel Hill; 5) the Capital Improvement Program 7681 and positive guidance to the Manager by the end of January with regard to policy and overall priorities; and 6) Public Service Programs for 1976-77, also with regard to policy guidance to the Manager from the Board. In answer to a question by Alderman Smith, Mr. Jenne stated that he had no suggestive dates, however to give the Manager and the Finance Director time to prepare information, the Public Service work sessions should be held towards the end of January. The auditors have requested their work session in the first two weeks of January and the Board would want to move quickly with the sessions on conduct of Board business. Alderman Howes questioned the benefits to be gained from meeting with the auditors stating that previous work sessions seemed to be more commercials for the firm than informative. Alderman Marshall questioned whether or not the Manager, Board, Finance Director and Mayor are satisfied with the contracted auditing firm citing for example the dissatisfaction with the decision to audit the transportation fund as an enterprise fund. She stated, however that the present firm is very cooperative and said they could have audited transportation in a different way. Town Manager Jenne stated that the contract for next year's audit had already been signed with the same auditing firm. Due to the transition in the administration, that is, a new Finance Director and a new Manager, it may be best to stay with the same auditing firm. After the next audit, however, it may be well to look into the possibility of another firm. Alderman Marshall stated that after the Institute of Government schools in February and March, the Board may be able to ask more penetrating questions. For this reason, Mayor Wallace suggested that the work session concerning the auditors be held in abeyance. Alderman Vickery suggested that item four concerning the 201 and 208 studies and item three concerning Boards and Commissions be delayed until February stating that item one concerning conduct of business by the Board, item five concerning the CIP and item six concerning Public Service programs are all time consuming. In answer to questions by Alderman Howes, Mr. Jenne stated that the 201 report is supposedly off the presses and he has urged immediate distribution, perhaps this week. Alderman Howes questioned the effect of the output of 201 on the CIP stating that if it does have an effect, it should not be postponed. In answer to this, Town Manager Jenne stated that whatever indications are made in the 201 report it should not have a major effect on the sewer portion on the CIP. The reason the sewer projects were couched specifically the waste treatment projects was to anticipate the maximum outlay required regardless of physical location. Whether alternatives one, or three are chosen, the Town of Chapel Hill would be required to make some kind of capital investment in treatment facilities whether they are its own or in junction with some other entity in some other location. The level of expenditure really does not vary greatly in terms of capital outlay in terms of location so that bonding amounts and project amounts can be discussed whether or not a final decision on the specific location of the facility has been made. Alderman Cohen added to this stating that the sewer portion of the CIP is supposedly funded by user charges rather than taxes so it is not impossible to separate the sewer portion of the CIP from the rest as it is not to be financed in the same way. Alderman Marshall stated that she felt that to begin to understand the wide ramifications of 208 along with 701, the HUD requirements and North Carolina Land Use Act and all the areas in which these intertwine and conflict, the Board should start studying it, consequently it should not be put off. After discussion of convenient times for all Board members it was decided, on suggestion by Alderman Smith, that item one dealing with conduct of Board business be discussed at the next regular meeting of the Board. It was further decided that item two dealing with the auditors be postponed until after the Institute of Government schools, item three concerning Boards and Commissions be deferred pending Alderman Vickery's preparation, item four referring to the 201 and 208 reports be postponed, item five concerning the CIP be taken up Wednesday, January 7th at 4:00 P.M. to be continued on Wednesday, January 14th at 6:00 P.M., and the rest of the work ses-

sions be set up later as is convenient. Mayor Wallace directed Mr. Jenne to send out notices of the schedule.

Orange Water and Sewer Authority - Public Meeting

Alderman Gardner presented to the Board, a request to put on the agenda of a regular meeting in the very near future, a discussion of the transfer of water and sewer utilities to the Orange Water and Sewer Authority. In respect to the request made by Alderman Gardner, it was the consensus of the Board that such a public meeting be delayed until the Board is better informed of the workings of the Water and Sewer Authority, particularly with respect to the 201 and 208 reports and the various land planning acts. The Board's discussion centered around the recommendation cited in the news release from the Mayors of Chapel Hill and Carrboro and the Chairman of the Orange County Board of Commissioners. Alderman Marshall, appalled at the lack of understanding by the members of the Authority as to the importance of the Board's involvement and disturbed by the lack of knowledge on the part of the members of the Board, suggested that the Board consider the recommendation of the two Mayors and the Chairman of the County Board of Commissioners. The recommendation as stated in the news release, "...it is our recommendation to the respective Boards that the present Authority be reconstituted in this manner by withdrawing those members now serving who are not presently holding an elective position and replacing such members - for the remainder of their unexpired terms - by persons who are currently Board members." In discussing this recommendation, Mayor Wallace pointed out that although the County Board of Commissioners had rejected the recommendation, they already had two members seated on the Water and Sewer Authority. This does not affect Chapel Hill or Carrboro as neither has a Board member on the Authority. Town Attorney Denny stated that extensive answers to most or all of the Board's questions are contained in a report that heretofore could not be released to the public. Alderman Smith questioned the effect that seating of new members on the Water and Sewer Authority would have on their progress thus far. Alderman Marshall stated that such involvement by the Board is not intended to rip anything down only add to the Authority what the Board is so vitally interested in, taking into consideration its responsibilities to the citizens. In light of this, ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN EPTING TO ADOPT THE RECOMMENDATION BY THE TWO MAYORS AND THE CHAIRMAN OF THE COUNTY BOARD OF COMMISSIONERS TO REPLACE APPOINTED MEMBERS OF THE WATER AND SEWER AUTHORITY WITH PRESENT BOARD MEMBERS. Alderman Gardner stated that he was not aware that action would be taken at this time, consequently he is not prepared to vote. ALDERMAN COHEN MADE A SUBSTITUTE MOTION TO CONSIDER THE MATTER AT THE BEGINNING OF THE WEDNESDAY, JANUARY 7th WORK SESSION. This will give the Board two more days to consider the action. Town Attorney Denny stated that even if Alderman Marshall's motion passed, it would not complete the action; two resolutions have to be drawn up, one removing the existing appointed members and one appointing their successors designating their terms. This would require a special meeting, however there is no reason why this meeting can't be called for Wednesday and then adjourned to the work session. After discussion on the legality of this action, ALDERMAN MARSHALL AMENDED HER MOTION, SECONDED BY ALDERMAN SILVER, TO STATE THAT RESOLUTIONS BE DRAWN UP THAT WOULD ENCOMPASS THE SENSE OF THE NEWS RELEASE, APPLICABLE TO CHAPEL HILL ONLY, REMOVING APPOINTED MEMBERS OF THE ORANGE WATER AND SEWER AUTHORITY AND REPLACING THEM WITH PRESENTLY ELECTED BOARD MEMBERS, TO BE TAKEN INTO CONSIDERATION AT A SPECIAL MEETING ON JANUARY 7, 1976 AT 4:00 P.M. Alderman Cohen withdrew his substitute motion. During the discussion of the amended motion, it was pointed out that the Water and Sewer Authority will have no comment until it is known who its members will be. Alderman Silver requested that copies of the Resolution be distributed on Tuesday, January 6th. THE MOTION WAS UNANIMOUSLY CARRIED.

Striping Powder for Street Markings - Bids

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING THAT THE BOARD APPROVE THE LOW BID OF \$4,185.00 FROM 3-M COMPANY, ST. PAUL, MINNESOTA FOR WHITE AND YELLOW STRIPING POWDER FOR STREET MARKINGS WITH DELIVERY WITHIN TWENTY TO THIRTY DAYS SUBJECT TO INVESTIGATION BY THE MANAGER BEFORE SIGNING. In answer to questions by Alderman Gardner, Town Manager Jenne stated that this is the same type of material now being used, it holds up very well, is extremely durable, extremely fast drying and there have been no complaints about slipperiness. THE MOTION WAS UNANIMOUSLY CARRIED.

Orange County Council on Aging - Appointment

Mayor Wallace recommended Alderman Marshall as the ex-officio member from the Board to serve on the Orange County Council on Aging. Alderman Marshall

indicated her willingness to serve. ON MOTION BY ALDERMAN SILVER, SECONDED BY ALDERMAN SMITH, ALDERMAN MARSHALL WAS UNANIMOUSLY APPOINTED TO THE ORANGE COUNTY COUNCIL ON AGING AS THE EX-OFFICIO MEMBER FROM THE BOARD OF ALDERMEN. Ms. Lassiter's term, as she was appointed in May of 1975, will not expire until 1978.

Recreation Commission - Appointments

Six recommendations have been received from the Recreation Commission, to fill three vacancies on the Commission. These names are Mary Howes, Lewis Rubin, Dick Hiskey, Tony Key, Deborah E. Rollins and Chick White. Alderman Cohen nominated Sam Sockwell at the last regular meeting of the Board. No nominations have been received to fill the vacancies created by the resignations of Ms. Barbara Booth, the representative from the school system and Mr. Matt Moffitt. Mayor Wallace informed the Board that the superintendent had been informed of the need for his recommendation to fill the seat of Ms. Booth with a representative from the school system. The Recreation Commission will be informed that recommendations for the vacancy created by the resignation of Mr. Moffitt are needed. ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN HOWES, NOMINATIONS FOR THE FIRST THREE VACANCIES ON THE RECREATION COMMISSION WAS CLOSED ON THE NAMES OF MARY HOWES, LEWIS RUBIN, DICK HISKEY, TONY KEY, DEBORAH E. ROLLINS, CHICK WHITE AND SAM SOCKWELL. Town Attorney Denny reminded the Board of the court case concerning secret balloting. It was decided in this court case that secret balloting be allowed, however the ballots must be signed and the results announced. Hearing no dissent, Mayor Wallace announced the vote would be held by ballot and disclosure assuring that the ballots will be open to inspection at request. The Board voted by secret ballot, each voting for three persons, resulting in seven votes for Ms. Howes, six votes for Mr. Rubin, four votes for Mr. Hiskey, two votes each for Mr. Sockwell, Mr. Key and Mr. White and one vote for Ms. Rollins. Ms. Howes and Mr. Rubin were appointed to two of the three vacant seats on the Recreation Commission. A majority of five is needed to appoint, consequently the Board voted a second time by secret ballot, each voting for one person from the four highest. The results of this ballot were four votes for Mr. Hiskey, two votes for Mr. Sockwell and one vote each for Mr. Key and Mr. White. As no candidate had a majority of five, the Board voted a third time by secret ballot, each voting for one person, with Hiskey and Sockwell, resulting in six votes for Mr. Hiskey and two votes for Mr. Sockwell. Mr. Hiskey was appointed to the third seat on the Recreation Commission. For the seat vacated by Mr. Moffitt, Alderman Howes nominated Tony Key, Deborah Rollins, Chick White and Sam Sockwell. He stated that the Recreation Commission had already sent these names in and if recommendations were again asked of them, they would conceivably send the same names back again. Since there is no meeting of the Commission between this and the next regular Board meeting, he would like to place these names in nomination. Alderman Marshall suggested that Alderman Howes be responsible for notifying the Recreation Commission of the need for any additional recommendations for this vacancy.

Sedimentation Control - Ordinance Modification

Alderman Cohen announced that he had attended a meeting of the County Commissioners last week concerning sedimentation control. When the County Soil Sedimentation Control Ordinance was passed, the Town adopted a Resolution in November implementing the County ordinance in Chapel Hill rather than enact a separate ordinance. It was the Board's understanding at that time that the entire process would be County. The County has come up with a modification and the Board has to decide whether or not to accept the modification as proposed or ask that it be changed. The proposal is that everything outside the corporate limits is done by the County. Within the city, the county officer will rule on permits, but appeals will be to the Chapel Hill Board of Aldermen. The alternative, also acceptable to the County, is to have the County to hear permit appeals. Town Manager Jenne stated that from an administrative standpoint, if one jurisdiction is administering the ordinance, that is, they have a sedimentation control officer making administrative determinations on issuance of permits and they are being passed on by legislative bodies in the jurisdiction, appeals should take place in the same jurisdiction. Alderman Cohen asked that the matter be placed on the agenda for formal response to the County. The ordinance does not take effect until the first of April so there is time to consider the matter.

Mayoral Appointments

The following appointments were made by Mayor Wallace. Alderman Silver was appointed liaison to the Recreation Commission. The Streets Committee was combined to be Streets and Public Safety with Aldermen Gardner, Epting and Cohen appointed as members and Alderman Smith appointed as Chairman. Alderman Marshall was appointed Chairman of the Cemetary Committee and Aldermen Smith and Cohen were appointed members. The Board in its entirety was appointed as Finance Committee. Alderman Vickery was appointed to the Transportation Board and Alderman Marshall was appointed to the Council on Aging. Alderman Marshall was also appointed to the Triangle J Council of Governments. Aldermen Epting was appointed to the Firemen's Relief Fund by motion of the Board of Aldermen. Alderman Howes was appointed to the Joint Planning Council of Chapel Hill, Carrboro and Orange County, although it is not clear as to the status of this Council. Alderman Silver was appointed liaison to the Orange County Energy Task Force. Off Street Parking is being looked into. All of these committee were checked out by ordinance to be Mayoral appointments.

Agenda

Alderman Vickery presented a request for the Board to decide on the agenda of the next regular meeting at the end of each public session. Alderman Smith expressed reluctance to do this because it puts pressure on the Manager to prepare items for presentation when he is not really ready. Mayor Wallace expressed the concern that the Manager only has two and one half days after each meeting to get the packets out for the next meeting. Alderman Smith stated that it was alright to suggest, but not to demand items be placed on the agenda.

Frank Porter Graham School - Announcement

Alderman Epting announced that as a result of an extensive number of calls from citizens concerning the traffic situation at Frank Porter Graham School, he has talked with the Mayor and Public Safety Officials and plans to talk with Manager and the officials of Carrboro to work out a resolution to the problem. He stated that he wanted to make the public aware that the Board is aware that a problem exists and is working diligently for a resolution. One solution, he said is not to let children out on the left side of Merrit Mill Road but take them on the school grounds before letting them out of cars. Mayor Wallace stated that the problem is also the fact that the roads in the vicinity of Frank Porter Graham School are neither Chapel Hill nor Carrboro, but County and the sherrifs are not expected to take care of the traffic but something has to be done.

Editorial - Commendation

Alderman Howes announced that he would like to commend the editorial by Mr. Rubin in the January 5th edition of the Chapel Hill Newspaper relating to the Recreation Commission and cooperation of the School Board and the School System stating that the editorial identifies the real problem.

Mayor Wallace announced he would like to commend the rendition in the same edition of the paper on the visit made by representatives to the National League of Cities.

Executive Session

ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN GARDNER, THE BOARD ADJOURNED TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OF EPHEBUS ROAD RECREATION SITE AND OTHER CURRENT COURT CASES INVOLVING THE TOWN OF CHAPEL HILL.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 9:35 P.M.

James C. Wallace

Mayor Wallace
David B. Roberts

Town Clerk, David B. Roberts