

TOWN OF CHAPEL HILL



CHAPEL HILL, N.C.

January 5, 1976

NOTICE OF SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL

TO: Gerald Cohen
Robert Epting
Thomas Gardner
Jonathan Howes
Shirley Marshall
Marvin Silver
R.D. Smith
Edward Vickery

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Meeting Room, at 4:00 P.M. on Jan. 7, 19 76, To Discuss The Orange Water And Sewer Authority

James C. Wallace
MAYOR

ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable James C. Wallace, Mayor, to be held in the Meeting Room At 4:00 P.M. On January 7, 1976.

James C. Wallace
MAYOR

William Edward Vickery
Shirley E. Marshall
Jonathan B. Howes
R. D. Smith
Edgar A. Brown
Robert Epting
Thomas G. Gardner
Marvin Silver

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, WEDNESDAY
JANUARY 7, 1976, 4:00 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.

At the hour of 4 o'clock p.m. the Mayor announced that the Board of Aldermen was meeting to consider recommendations from the Mayor of the Town of Chapel Hill, the Mayor of the Town of Carrboro, and the Chairman of the County Commissioners of Orange County, concerning the replacement of members of the Orange Water and Sewer Authority appointed by the Town of Chapel Hill.

After being asked by Alderman Silver to insert the names of Alderman Shirley Marshall, Robert Epting and Jonathan Howes, Alderman Marshall introduced the following resolution, which was read:

RESOLUTION REMOVING THE MEMBERS OF THE ORANGE WATER AND SEWER AUTHORITY CURRENTLY SERVING BY APPOINTMENT OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, AND REPLACING THEM FOR THE UNEXPIRED TERM PURSUANT TO SECTION 162A-5 OF THE NORTH CAROLINA WATER AND SEWER AUTHORITIES ACT OF THE GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED.

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

SECTION I

Pursuant to the provisions of the General Statutes of North Carolina, Section 162A-5, which provides that Members of a Water and Sewer Authority appointed by the Board of Aldermen may be removed at any time, with or without cause, the Board of Aldermen do hereby determine that Sid S. Rancer, James C. Lamb III, John L. McKee, heretofore appointed by the Board of Aldermen of the Town of Chapel Hill be, and they are hereby removed without cause as Members of the Orange Water and Sewer Authority effective upon the appointment and qualification of their successors.

SECTION II

The following persons are hereby appointed as Members of the Authority, each of whom shall continue in office for the unexpired term set forth herein, and until the successor of such member shall be duly appointed and qualified:

Shirley Marshall, for the unexpired term of one year, expiring June 5, 1976.

Robert Epting, for the unexpired term of two years, expiring June 5, 1977.

Jonathan Howes, for the unexpired term of three years, expiring June 5, 1978.

SECTION III

This Resolution shall take effect upon its passage.

Alderman Smith expressed reluctance to take such an action so soon after the new Board was seated. He expressed concern that the Board is taking such an action supposedly to get answers to questions that the Town Attorney could, in all possibility, answer stating that the Board had not given the Attorney an opportunity to answer its questions. He asked if the Board is showing appreciation of the work the present appointed members of the Water and Sewer Authority and the expertise they used.

In response to a request by Alderman Marshall for the Mayor to speak on the issue, Mayor Wallace stated that this action by the Board is no reflection on the Authority members. The function of the Authority will be increasing interrelationship between communities and the Authority as the 201 and 208 studies unfold. The next few months seem like a short time but it will be a very critical time, furthermore in six months when Alderman Marshall's term on the Water and Sewer Authority terminates, the Board can begin to place back on the Authority, the technical and managerial experts. In answer to a question by Alderman Smith, Mayor Wallace stated that the subject matter of the Authority is changing, not the function of the Authority itself. Attorney Denny reinforced this stating that the function of the Authority cannot legally be changed by local governments. Alderman Silver stated that the problem seems to be the need for political as well as technical expertise on the Authority. Political problems seem to be coming to a head at this time as more interaction with other governmental units becomes apparent. He stated he would feel better if at least two members of the Authority representing Chapel Hill are elected members. The need is to address the most pressing problem at this time.

During the discussion, it was made clear that the resolution was drawn up in such a way as to allow complete or partial reversal in six months, that is to replace any one or all of the elected Board members with the technical and managerial experts. Mayor Wallace stated that neither the news release recommending this action or the Resolution mean to establish a permanent policy but it was the feeling of the two mayors and the Chairman of the County Board of Commissioners that this was the action needed for now to make for a much needed blending between technical and political people.

Alderman Gardner pointed out that this Board was the only Board that had the benefit, when appointing its members to the Water and Sewer Authority, of knowing the appointments of the others. This way the Board was able to appoint people for the proper blending. Alderman Cohen stated that when the Authority was formed, the Board felt that its procedure for appointing was good, however at this point the Authority has come to a standstill and it is obvious that a change must be made. The Board and the Authority can both be served by this action.

Alderman Gardner made the following statement:

We meet this afternoon in special session to act on a Resolution removing the Chapel Hill members of the Orange Water and Sewer Authority without cause as the result of a meeting indicated in a news release dated January 5, 1976.

Paragraph three speaks of reconstituting the Authority by persons who are currently Board members of Chapel Hill, Carrboro, Orange County. Fifty percent of the present Board and two thirds of the previous sitting Board approved from a lengthy list after discussion, the present Chapel Hill members as well as their terms. The only Board acting to date on the recommendation has declined.

To date the recommendation for so constituting the Authority has not been made clear and raises questions itself. The proposed action of removal without cause and a statement of thanks for diligent efforts and accomplishments do not concur.

How could such action bring an earlier resolution of this important matter? If there is no dissatisfaction concerning performance of duties of present Authority members perhaps there are other overpowering reasons. If there are they should be made clear in order that this Board in good conscience can take such action without being presumptuous.

Of course there have been questions raised, even agreed by members of this Board that any and all would be put in writing in order that they be properly and reasonably answered. We are in the beginning stages of an era of cooperation and working together in this county and between towns having never existed before. In such vital matters as water, sewage treatment and even others such as schools, recreation, medical, public safety, we can ill afford to destroy or damage such efforts. Local or personal identity are of little significance unless we can bind together our mutual problems and concerns into solutions.

The effort of such premature actions without public forum providing opportunity for all to listen, learn and question, would not best serve us as an individual community or collectively.

Alderman Epting stated that he understood that the matter had been put off until this meeting so as to give the Board time to consider it and become aware of public opinions. He asked if a greater length of time would draw more public opinion. Alderman Gardner responded stating that he felt it would. The original request was to hold a public discussion on January 19th giving the citizens more time to become informed; to make everything available to the public for consideration and opinion. Mayor Wallace stated that the action as proposed here would facilitate a more rapid response to citizen's questions. Heretofore the public had been receiving information in bits and pieces. Alderman Gardner stated that he had confidence in the present Authority. In response to Alderman Gardner, Alderman Howes stated that although the proposed action would change the membership, it would not affect the overall nature or purpose of the Authority. This is an attempt to bring this Board and the Authority in closer communication and bring to closure the matters the Authority was created to deal with. Alderman Silver stated that this is the perfect opportunity to get the Authority moving and operating again.

Alderman Vickery stated that he sees this action as an opportunity to provide better information to the public and to answer the political questions of the cooperative. After this is accomplished, experts will be welcomed to answer the technical details of what the Board sets up.

Alderman Marshall stated that at the time she voted for the 201 and 208 studies, she felt the decisions surrounding them would be complete before the question of an Authority came up. She stated that as she voted for 201 and 208 studies and she voted for the Authority, she feels a responsibility to the citizens to see these decisions through and put into action. She urged the Board to take this intermediate step leaving the matter to technical expertise afterwards.

Alderman Cohen stated that the Board and the community have to feel confident that it is reflecting the feelings of the majority of the public and that the proposal would help to facilitate this. Alderman Smith expressed concern that a political giant is being created with this action or that it may appear so to the public. He stated that the 201 and 208 cannot be accomplished any faster by this action and it appears that the Board is attempting to control the people involved with the 201 and 208 studies in Durham. Alderman Marshall stated that this action doesn't have to be completely political, however many officials in Durham are interested in the Water and Sewer Authority, as an appointed body, working with the officials in Durham who are an elected body.

Alderman Epting stated that the statement made by Alderman Smith unduly sensationalizes the political aspect of this action. Whether the action is called a political action or is referred to in a broader sense, there is more needed in the Water and Sewer Authority than the hardware. He stated that if this solution does not work then something is wrong anyway.

Alderman Vickery stated that with any group of people there is a fear that goes along with appointments. He expressed satisfaction with the idea of combining political with technical experience. He stated that Alderman Epting with his legal background, Alderman Howes with his planning background and Alderman Marshall with her background knowledge, which the Board and Triangle J should be a good mixture. If they don't do the job, they can be removed. Alderman Smith stated that he is concerned with not giving the Attorney an opportunity to answer questions. He reminded the Board of the volumes of material concerning the Transfer of the water and sewer utilities that couldn't be released prior to being received by the University and suggested the possibility of prematurity with this action. Attorney Denny stated that to date, the Water and Sewer Authority has had no better opportunity than the Board in connection with the 201 and 208 studies. He stated that it is true that until the proposal was formally made to acquire the State utilities, the details could not be discussed in public. He stated that it appears that the Board is not concerned with the legal answers to certain kinds of questions but with a different level of questions. Alderman Epting stated that it is not so much the answers to the questions as how the Authority will address the questions.

ALDERMAN MARVIN SILVER, MOVED THE PASSAGE OF THE FOREGOING RESOLUTION REMOVING THE MEMBERS OF THE ORANGE WATER AND SEWER AUTHORITY CURRENTLY SERVING BY APPOINTMENT OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, AND REPLACING THEM FOR THE UNEXPIRED TERM PURSUANT TO SECTION 162A-5 OF THE NORTH CAROLINA WATER AND SEWER AUTHORITIES ACT OF THE GENERAL STATUTES OF NORTH CAROLINA, AS AMENDED, AND ALDERMAN EDWARD VICKERY SECONDED THE MOTION, AND THE RESOLUTION WAS PASSED BY THE FOLLOWING VOTES:

AYES: Aldermen Gerald Cohen, Robert Epting, Jonathan Howes, Shirley Marshall, Marvin Silver, Edward Vickery.

NOES: Aldermen Thomas Gardner, R. D. Smith.

Mayor Wallace swore Aldermen Shirley Marshall, Robert Epting and Jonathan Howes in as members of the Orange Water and Sewer Authority.

It came to the attention of Alderman Epting that he now held too many positions, therefore he withdrew from the Firemen's Relief Fund in favor of Alderman Gardner. Alderman Gardner was then elected.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 5:10 P.M.

James C. Wallace

 Mayor James C. Wallace

David B. Roberts

 Town Clerk, David B. Roberts

MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING OF
 THE MAYOR AND ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
 MONDAY, JANUARY 12, 1976, 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 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.

HISTORIC DISTRICT AND HISTORIC PROPERTIES ORDINANCES - PUBLIC HEARING

Mayor Wallace called the Public Hearing to order. He stated the purpose of the Public Hearing is to hear from the public both pro and con on Historic District and Historic Properties Ordinances. Afterwards the matter will be referred to the Planning Board and the Appearance Commission for review considering both pro and con statements. Presentation of the ordinances and their backgrounds were made by Mike Jennings, Planning Director for the Town of Chapel Hill. In introducing the Historic District and Historic Properties Ordinances, Mr. Jennings stated that in its comprehensive planning program, the Town must consider not only developing areas, but also the maintenance and enhancement of already developed areas. In this light, the Town has undertaken and is presently undertaking such programs as the Neighborhood Development Program, which has been assumed under the Community Development Program, the proposed Capital Improvements Program, which would implement many of the proposals of the Central Chapel Hill Studies plus many critically needed community facilities in the Town. Conservation of areas and properties of architectural and historic quality are also important in that much of the identity and heritage of the Town are in these areas and they can also serve an educational, enrichment function. In discussing the Historic District and Historic Properties Ordinances, the background of the development of the ordinances and provisions of the ordinances as they relate to maintenance and enhancement of historic areas and structures will be brought out.

In explaining the ordinances, Mr. Jennings stated that although the Historic District and Historic Properties Ordinances are two separate and distinct ordinances, they both address the need to conserve areas and properties of architectural and historic quality. The Historic Conservation District Ordinance as proposed relates to one specific area of the Town, although it may be expanded in