

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 back grounds 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

the future to include other areas of the Town. The Historic Properties Ordinance is town-wide in application.

Mr. Jennings, in discussion of the history of the ordinances, stated that it started in 1971 when official action was taken by the Historic Society; it petitioned the North Carolina Department of Archives and History plus the National Park Service to include portions of the University of North Carolina campus, portions of East Rosemary and East Franklin Streets, and all of Battle Park as an Historic District in the National Register along with forty-nine landmarks. Referring to the map entitled "U.S. Designated Historic Districts", all of the Historic District and the structures proposed, except a portion of Battle Park and Gimghoul Castle are shown. This action insured that the National Advisory Council on Historic Preservation could comment on any federally funded projects which were undertaken or impacted the area, and on the state level, the Division of Archives and History could comment on any state funded projects undertaken or having impact on this area. However, and this gave the Town no control over private actions in the area. Therefore in 1972 the Mayor appointed a Committee on Historic Preservation to study the draft ordinance and recommended that a detailed study of the area be made. Accordingly, an Urban Design Class in the Department of City Regional Planning at UNC did a visual survey of the registered area plus surrounding areas. The architectural quality of the area was also inventoried with the help of nationally renowned architect Russell Wright excluding the campus proper. In addition, the class conducted a survey among the residents of the area resulting in 81% favoring stricter requirements and 73% favoring the volunteer consulting services of an Historic District Commission on such things as color or painting of the houses. An Advisory Commission worked with the class, revised the ordinance and made other recommendations concerning Capital Improvement and the like in the area. Since 1974, the Planning Department and the Historic District Advisory Commission updated and further refined the information and finalized the recommended action into two ordinances. These ordinances were sent to the Planning Board in the summer of 1975. The Planning Board made several policy recommendations and the ordinances before the Board of Aldermen now are essentially as they came from the Planning Board with a few minor technical changes.

The Historic District as proposed is comprised of approximately 131 acres with 178 primary structures. Referring to maps, Mr. Jennings stated that the map entitled "Buildings of Highest Historical Significance" shows the buildings in the district of highest historic significance, basically the ones on the register, within the proposed District. The map entitled "Architectural Priority" was prepared with consultation by Russell Wright, showing the architectural priority of properties in the Historic District from critical to significant to neutral to negative. The map entitled "Historic District Boundaries with Land Use Map" designates land uses in the proposed Historic District showing single family uses, residential uses of ten or more units, institutional uses and commercial and professional uses. The Historic District as proposed consists primarily of portions of East Rosemary and East Franklin Streets plus character areas surrounding the nucleus. It does include portions of University owned property which are not a part of the campus proper. During discussions by the Historic District Advisory Committee, the campus proper was excluded from the proposed district, with the understanding that University officials would insure the conservation of historic buildings on the main campus.

The Historic District Ordinance proposes to create an Historic District Commission consisting of nine persons qualified through interest or education in architecture or history, to be responsible for guiding physical change, provided it requires no restoration or reconstruction of the area. This is a conservation as opposed to preservation district. They are to encourage contemporary design when it is harmonious with the character of the district. The Historic District Commission would assume the duties of the Community Appearance Commission within the Historic District but would not assume any of the duties of the Planning Board. This Commission as proposed would use two tools. First is the issuance of a Certificate of Appropriateness. Anyone wishing to make a change in external appearance of structures which is visible from the public right-of-way, must come in for a Certificate of Appropriateness. This applies to the Town and utilities as well. The Zoning Administrator or the Town Staff does have the ability to exempt any minor projects which involve repair or alteration which do not significantly affect the exterior appearance. As review criteria, the Historic District Commission does not consider internal arrangements or anything that is not visible from the public right-of-way. It will look at historic or architectural quality using the aforementioned maps as guidelines, and the exterior form and appearance including height, setback, and exterior construction materials. The second tool is delay in demolition of any property within the Historic District for up to ninety days. This may be waived if the Commission

deems the structure as not valuable to the character of the area. This proposal is not construed to prevent normal maintenance and repair or actions required for public safety.

Not every structure of historical significance is in the Historic District, Mr. Jennings explained. Consequently, to insure that these structures are maintained the Historic Properties Ordinance is proposed. This ordinance also creates an Historic Properties Commission consisting of the same persons as in the Historic District Commission. This Commission has the ability to recommend to the Board of Aldermen that certain properties be designated as Historic Properties. These properties can be anywhere in town. The qualifications of these properties must equal those in the National Register. If designated as an Historic Property the Historic Properties Commission must be notified and allowed to comment on any alterations or demolitions as is the Historic District Commission. The Commission can only delay demolition for ninety days; it can not prohibit. During the ninety days, the Commission can take whatever action that is necessary including consultation with the property owner, trying to interest someone in buying the property, or requesting the Town to use its powers of eminent domain to acquire the property. Designation of property as Historic Property allows owners to apply yearly for a 50% tax deferral for structural and real property. He must apply yearly to the tax assessor. Severe penalty accrues to anyone who takes this tax deferral and then takes action to have his property no longer qualified as historic property.

These ordinances should be implemented to protect not only houses in the Historic District, but properties outside the District of historic significance.

After the public hearing, the ordinances will go back to the Planning Board and the Community Appearance Commission for review and recommendation to the Board of Aldermen. If the Board of Aldermen approves one or both of these ordinances, the Division of Archives and History has sixty days to review, analyze and make recommendations back to the Board of Aldermen, at which time the Board can adopt if it wishes, one or both of these ordinances as amendments to the Zoning Ordinance and maps as well as amendments to the Chapel Hill Code of Ordinances.

Mayor Wallace called for opponents to the Historic District and Historic Properties Ordinances. John Manning, a lifelong resident of Chapel Hill, in effect stated that nothing in the Rosemary Street area is historical in that he had seen most of it between Hillsborough Street and Tenny Circle built up in his sixty years. There is nothing architectural about it as it was built up during hard financial times. The people in the area have retained the beauty thus far without an ordinance and have no intention of destroying the area and that passage of these ordinances would be superimposing on these people. Mr. Manning stated that he was also opposed to additional Boards and Commissions being created to superimpose something unnecessary on existing Boards. Heretofore the Town had decided the areas needed to be developed into multiple housing such as Ms. Coker's property on Hillsborough Street on the east side; now it's historical. In representing Dr. Maurice Newton who owns property on the west side of Henderson Street, Mr. Manning stated that in that this land, which is in the Historic District is an empty lot used for much needed parking, it should not be subject to any of the restrictions of the Historic District Ordinance. His own home, he stated, was built in the 1940's, yet it is in the Historic District and there is nothing historical about it. He stated that these are aesthetic ideas of some newcomers who don't really know about the past of Chapel Hill and that students are coming in and taking over Town Boards and Commissions. He expressed the hope that the Board would not pass the ordinances.

Jim Beckwith, a resident of Henderson Street, spoke more from an academic viewpoint than as a property owner. He stated that he has just completed a book on preservation law for the National Trust in Washington, D.C. and he questions the choice of methodology used with these ordinances. He stated that he agrees that Chapel Hill has historic properties that are worthy of preservation, however he questions the method of such preservation. He referred to Friedric A. Von Hayek, winner of the Nobel prize for economics in 1974, as saying that the growth of public law is being brought about by the sudden change in the nature of the individual. This is reflected in this public hearing because the choice of methodology in preservation as in all areas of land use is crucial. He asked should the nature of land use be controlled by zoning and regulation by government or by private agreements between individuals. Before the advent of zoning in the early part of the century, there were numerous land use conflicts that were settled privately through covenants, easements, various common law and statutory techniques. This, he stated, is the choice that faces Chapel Hill today. He stated that although there is enabling legislation, the question is should it be used here as zoning brings about excessive administrative costs

according to some studies made at UNC, and results frequently in insufficient land use. He cited Houston as an example of a community which does not use zoning, stating that use of land is controlled through covenants. There had been no attempt to encumber property here through easements, defeasible estates, covenants running with land, equitable servitudes or the like. This alternative is being neglected because of current dominance of public law, although use of these methods to control aesthetics is perhaps novel. If all the people who owned historic property were brought together and they encumbered these properties voluntarily, there would be no need for this public hearing, regulations, or the cost of government involved.

Dr. Fred Patterson stated that he is opposed to the ordinances as written because they contain unnecessary control and should be modified. When asked by Mayor Wallace for specifics, he stated that he had specific objections but it would take an extremely legal minded person or a city planner to understand the ordinances as drawn.

Henry Lewis, of North Street, after stating that he is neutral, asked Mr. Jennings to read the proposed ordinances' definition to the word "historic" and the definition of "normal maintenance and repair", stating that someone would have to administer the ordinances and it would be wise to have standards to follow. In response, Mr. Jennings stated that the historic properties would have to meet the qualifications of the National Register, which are very specific and this is defined in the ordinances. Mr. Lewis asked about structures not on the register in the proposed zone. Mr. Jennings stated that these were acting as a buffer area to protect the properties themselves. Many North Carolina Historic Districts have allowed incompatible land uses to develop around them, thus the idea of a buffer area was developed here. In defining "normal maintenance and repair", Mr. Jennings referred to Section XIV of the Historic Conservation District Ordinance, which is taken verbatim from the State Enabling Legislation. He read, "Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any architectural feature in the Historic District which does not involve a change in design, material, or other appearance thereof nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the building inspector shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition." Mr. Jennings stated that the Town is presently conducting a housing inspection program which uses the requirements of the State of North Carolina building code. Anything in that building code would be within "normal maintenance and repair" but should be used with discretion. Color of paint and landscaping were specifically omitted from the ordinance. The Historic District Commission would serve to give advice in these areas but not to impose. When questioned about changes in roof material, Mr. Jennings stated that if the same material is used or something is used that gives the roof the same appearance, it will not be a matter of review.

Edwin Jackson asked Mr. Jennings to explain the wavy line designating a 500 foot radius surrounding the heavy line outlining the historic district. Mr. Jennings explained that any time the Town undertakes zoning amendments, everyone within 500 feet of the zone amendment must be notified. There are, however, no restrictions on the people in this 500 foot radius.

Julius Page, a resident of 105 South Boundary Street with property at 604 East Franklin Street asked about disposal of property and the restrictions involved with this. Mr. Jennings stated that it makes no difference who owns the property as long as the external appearance does not change.

John Schnorrenberg, a resident of North Boundary Street, stated that in 1967 he bought a house which had a leaking metal roof which was the original roof on the house. He stated that he asked advice as to what to do about the roof with his budget and he took the advice to remove the metal roof and replace it with a roof of composition shingle. He asked if the ordinance had been in effect at that time, would he have had to be reviewed. Mr. Jennings stated that as he would have been changing the composition of external features and the materials involved, it would have required a Certificate of Appropriateness. If the roof involved public safety however, there would have been no problem.

Elizabeth Yaggy, a resident of Rosemary Street, asked if there would be a ninety day waiting period to get the roof fixed. Mr. Jennings responded that the ninety days only applies to demolition. The ordinance outlines the requirements for submission of applications for Certificate of Appropriateness. This request must be submitted by twenty-one days before the next meeting of the Historic District Commission so there is essentially a twenty-one day waiting period.

Dr. Fred Patterson stated that in the 1930's the Town had an ordinance or policy of some kind that specified that everything built had to be of a Colonial style. This subsided and went away, consequently Colonial Chapel Hill went away. He asked if the same thing is going to happen to this ordinance stating that he required no answer.

Johanna Seltz asked what happens if a resident of an historic property can not afford to use the same material to fix a roof or the materials are not available Mr. Jennings responded that a Certificate of Appropriateness would be required if the ordinance as presently proposed.

J.D. Eyre of 619 East Franklin Street stated that he is anxious to see the charm of Chapel Hill preserved, however there are things about the definitions that puzzle him. He stated that given the large area involved in the Historic District, there is a wide range of architectural designs. In referring to architectural type, the ordinance uses the word appropriate. He stated that this is an open-ended, wide definition of what is appropriate. He further stated that many older homes have garages that are almost shanties. Most of them were put up with local red cedar logs and the cheapest single available; anything to keep the rain off of the car. "Suppose you want to put up a garage that by your own standards is more attractive, more substantial and does a better job of protecting the car and storing other things." He asked if there is any provision in the ordinances for placing higher priority in restrictions on the two higher categories of significant and critical in referring to architectural priority as opposed to neutral. He stated that although Chapel Hill has charm, it is not an old town in that its architecture is not representative of any back in the Colonial period. Each generation of home builders have added a little something different. He asked if the ordinances would fossilize the present situation. He stated that the architecture of the future would apparently not be represented as it supposedly would not be in harmony. Although he does not want to suffer the severe losses of other towns and cities, there are many operational details of the ordinances that are really very bothersome. He stated that much of the charm of Chapel Hill is in the landscaping and love given to trees and shrubs as well as structures. In response to Dr. Eyre, Mr. Jennings stated that the majority of the members of the Historic District Commission must be qualified by interest or training in architecture or history. It is the intent of the ordinances to encourage contemporary design that is harmonious with the character of the district. This is why the Historic District Commission is to be qualified as it is to make these kinds of decisions. The Historic Significance and the Architectural Priority maps are a part of this ordinance and they are to be referred to in review criteria. Landscape elements were left out of the ordinance and put in an advisory capacity. Trees are delegated to a possible tree ordinance for the Town as a whole. Alderman Howes asked if it is possible for the whole matter to revert to a question of judgement on the part of the members of the Commission. Mr. Jennings responded that it is possible and this is why the Historic District Commission is proposed to be qualified to make such judgements.

John Haywood, a lawyer representing Ms. Susan Coenen, a resident of East Franklin Street, stated in effect that the restrictions proposed in the Ordinances are additional problems that would cause anyone interested in buying property in Chapel Hill to buy elsewhere. He stated that these houses are not new houses so the roof may go out or other problems will invariably arise and the Ordinances simply crease another worry. He stated that the neighborhood needs people moving in that will take care of the property voluntarily.

Mr. John Page stated that it seems that somebody on the Zoning Board has been amiss in the Battle Park area. He and all his neighbors have glorified parking places in this historic district.

Mayor Wallace summarized letters from citizens addressed to the Board of Aldermen concerning the Historic District and Historic Properties Ordinance. The first, from John Foushee stated that he is in favor of the ordinances but thinks they are too cumbersome and unfair to the property owners. He wrote that he agreed that the front of any designated property should not be changed, but the sides or rear should only be required to have the approval of a building inspector or architect. He objected to the necessity of a public hearing to carry out the intent of the ordinances.

Mayor Wallace recognized Dr. Warner Wells who stated that the charm of Chapel Hill lies in its individuality, imagination and its tendency to be different. When walking through historic towns, every block is just like the one before. The entire town is repetitive. People in Chapel Hill and elsewhere like the town because it is different and its citizens are able to express themselves. It is possible, he stated for another Adams brother to make an appearance in

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Chapel Hill to change the thinking, about beauty, constitution and living as did in the past. Referring to a letter from Mr. Robert E. Stipe, Mayor Wallace stated Mr. Stipe strongly endorsed the ordinances, stating that such regulations could serve to stabilize property values and maintain the character of the areas regulated. Mayor Wallace stated that he had also received a letter from George Welsh and Alice Welsh, adjoining property owners, strongly endorsing the ordinances. A letter was also received from Mr. George C. Hemmens, Chairman of the Department of City and Regional Planning at the University of North Carolina, lending support to the ordinances and urging adoption of them.

Mayor Wallace called for proponents of the Historic District and Historic Properties Ordinances. Mr. R. H. Lamberton made the following statement:

Mr. Mayor, members of the city council and fellow Chapel Hillians, I propose to speak in favor of the Historic District Ordinance.

Two years ago, Mrs. Lamberton and I purchased the Betty Smith property at the corner of Rosemary and Hillsborough Streets from the Chapel Hill Preservation Society. It was understood at that time that the property would be the nucleus of an historical district to be established by city ordinance and in which certain property restrictions and standards would apply. As a result, we mutually agreed upon certain standards and restrictions selected from those in effect in other historical areas on the eastern seaboard, a few of which would be incorporated in the Chapel Hill Historical Ordinance draft. In line with this, we spent a considerable amount of money to rehabilitate the house and yard, both of which were in a very run down condition. The standards in the main dealt with even paint colors, roofing and architecture that would be compatible with the neighborhood. The restrictions also required provisions for the cutting down of trees. Permission had to be granted for trees over six feet in diameter. There was to be no sub-dividing of the property. There was to be no new construction without prior approval of the Society. We did not feel that these provisions were at all unfair because if there is to be an historical area you have to have a certain amount of restrictions to keep the appearance and the preservation of the historical area in line. We agreed on provisions subject to change by the mutual agreement. And I feel that in the ordinance things that are not workable can easily be changed. There's not going to be any difficulty with that. You have to have confidence in your Aldermen; you have to have confidence in your committee that's going to administer it and if you think the people aren't capable that are on it, get them off of the thing. If you think that they are capable, then rely on them to do the type of job that should be done. All of this is a preamble to show that we not only approve of the ordinance in principle but we have been living under it in fact and spirit the past two years with no difficulty.

I think it should be emphasized that there is no intention of turning Chapel Hill into a New Bern or Winston Salem which are North Carolina's examples of early governmental and tide water living on the one hand and religious, trade and inland living on the other hand; beautiful historic examples of these two types. Chapel Hill can become an equally famous example of a third type of historical area. It, too, is deeply historical in a third direction. A small county town with farm house type homes for the most part and also one of the most important educational, historical universities in the United States; the oldest state university. This is something to be proud of and should be preserved. We must realize that the town and the University are a unit - neither could exist without the other - but likewise there should be no infringement of these two entities on each others rights. As an example of what can be done through cooperation, the Delta Upsilon Fraternity, about which there has been some controversy for several months, came up with plans for the expansion of their fraternity. These plans were gone over again and again and they are in shape now in which I feel that they will be an attractive and constructive addition to the neighborhood and are not a liability. That is because they worked with the Council and worked with the various commissions. In this connection if the fraternities and sororities now in the area realize the privilege they have to enjoy residence in historical areas they will continue to act as good neighbors in maintaining and preserving their properties and continue to be more than welcome. I do, however feel that additional fraternities and sororities should not be permitted to come into the area or it will become a "fraternity row" instead of a residential area. The University has large land holdings that can be made and should be made available for such expansions.

I would like to emphasize that the ordinance deals only with exterior appearance and the interiors can be done any way anyone would want. It can be as modern as possible; it can be as exotic as possible; there is nothing in the ordinance to interfere with that. Outside I am sure that we all want neat, clean, simple early North Carolina type farm houses or city homes in an architectural style that is pleasing to the eye.

Chapel Hill has become a mecca for retired people, the majority of them from other states that happen to come by here or hear of it and when they were exposed to it they could not resist. This, I think, is the greatest argument for continuing and enhancing the atmosphere of the town that is loved by everyone that has ever seen it.

The value of property in the area, I feel will be enhanced if the ordinance is passed because it will mean a stable community in which the people will feel that the houses there will be maintained; that they will be more in keeping with each other; and that they will not have some monstrosity go up at their side door every day of the week.

Mr. Ralph Watkins, President of the Chapel Hill Historic Society, asked that Dr. Charles Blake who has been very active in everything historic in Hillsborough, be recognized. Dr. Blake stated that he had a certain amount to do with the Historic Zoning Ordinance that Hillsborough has and it is working very well. He referred to Bruce McDougald of the Department of Archives and History as saying, at the ceremony to swear in the Hillsborough Historic District Commission, that the way the ordinance would work depends on the common sense of the Commission. It has done so in Hillsborough. He stated that registering a property on the National Register has not proven to be any way of saving the property in that approximately 25% of the properties already listed on the National Register have been destroyed since they have been on the Register, but there are many historically valuable properties that were not on the register that were destroyed by the owners as there was no way of stopping them. He further stated that there is also a variety of architecture in Hillsborough. He cited San Francisco Bay as an example of a community which has had problems preserving Victorian buildings which are now getting to be about a century old. They apparently, he stated, do not have any ordinance of this general sort. Therefore he thinks the proper thing to do here is to give the ordinance a fair trial. He stated that he has no faith in restrictive covenants as in almost every case they can be thrown over in court. Arrangements between private citizens can be denounced by one party or another.

Nancy Preston, President of the Chapel Hill Preservation Society stated that one problem the Preservation Society had not had is membership and this is why the Society supports the Ordinances. The following letter was drafted by the Society and sent to all concerned property owners but the letter was not delivered in time.

Dear Property Owner:

The Chapel Hill Preservation Society earnestly solicits your support of these ordinances, for which a joint Planning Board-Board of Aldermen public hearing has been called for next Monday, January 12, at 7:30 pm at the Municipal Building. The hearing notice you have already received spells out the major purposes and provisions of the ordinances, and it is our purpose here to urge your support and to help answer some of the most frequently asked questions about the ordinances.

The basic purpose of the Historic District Conservation Ordinance is merely to codify some of the basic considerations that most property owners already take into consideration in building, adding to, remodeling, and otherwise maintaining their properties within the district. Such ordinances are working successfully in more than 500 places around the United States, and the number of North Carolina cities and counties with such ordinances is growing rapidly. Winston-Salem, Hillsborough, Salisbury, Raleigh, Charlotte, Edenton, Wilmington, Murfreesboro Beaufort and others have had good success with them, and property owners generally do not find them unduly burdensome. In general, the ordinances do no more than to establish the outer limits of what might be called "visual good manners"--no more or less than what most owners in the historic district would do themselves or wish their next door neighbors to do anyway. The ordinances also "buy time" (no more than 90 days) for the Town, the Preservation Society, and others to find ways to save the more important buildings in the area. Our Society's \$25,000 revolving fund

was established for just such purposes.

The historic conservation district is a precious part of Chapel Hill, not only to residents of the district, but to alumni and visitors as well. There is a saying about historic buildings individually that also applies to such charming old neighborhoods as well: "You can't make one and you can't buy one; when it's gone, it's gone forever." Chapel Hill has just passed through a period of major growth, and not all of that growth has been good to look at. Much of the charm of Chapel Hill has been lost during the last two decades, and these ordinances, in our opinion, greatly enhance our chances of conserving what's left of the good. We ask for your support.

Nancy Preston, President

HISTORIC DISTRICTS - FREQUENTLY ASKED QUESTIONS

- 1. MY HOME IS IN THE PROPOSED DISTRICT. WHAT WILL ITS ESTABLISHMENT DO TO MY PROPERTY VALUES?

Individual cases vary, but evidence from other districts around the country indicates that property values stabilize or increase.

- 2. SINCE THE ORDINANCE WILL REQUIRE CONTROL OVER PROPERTY ALTERATIONS, WILL I HAVE TO GET A CERTIFICATE OF APPROPRIATENESS TO MAKE MINOR REPAIRS?

If such minor projects don't involve a change in design, material or outside appearance, they won't be regulated.

- 3. CAN THE COMMISSION CONTROL THE COLOR I PAINT MY HOUSE?

No, the Commission will provide advice of colors if requested, but will not regulate the color you choose.

- 4. IF I WANT TO REDESIGN THE INTERIOR OF MY HOUSE, WILL IT REQUIRE A CERTIFICATE OF APPROPRIATENESS?

No. The Commission only deals with exterior changes. However, if the interior changes would necessitate an exterior alteration (for example, the modification of windows) then a Certificate of Appropriateness would be necessary.

- 5. HOW DO I GET A CERTIFICATE OF APPROPRIATENESS?

You would have to get the required forms from the Zoning Administrator at the Municipal Building and complete and return the forms 21 working days before the next regularly scheduled meeting of the Historic District Commission. The Commission will review the request and issue either an acceptance or denial. Upon approval the Zoning Administrator will issue the Certificate.

- 6. CAN I APPEAL THE DECISION OF THE HISTORIC DISTRICT COMMISSION IF I DON'T AGREE WITH IT?

Yes, an appeal may be taken to the Chapel Hill Zoning Board of Adjustment. Further appeal may be made to Superior Court.

- 7. WHO WILL BE ON THE HISTORIC DISTRICT COMMISSION?

It will consist of 9 members appointed by the Board of Aldermen, some of whom will be residents of the district.

- 8. WILL I NEED A CERTIFICATE OF APPROPRIATENESS TO MAKE CHANGES BEHIND MY HOUSE?

Yes, any exterior changes or alterations require a Certificate of Appropriateness, if they can be viewed from a public right-of-way.

9. CAN I TAKE OUT A TREE WITHOUT PERMISSION?

Yes. The Commission may advise you on the matter, but controls only man-made things, not trees. It is assumed people will continue to care for the many fine trees in Chapel Hill as they have in the past.

10. WHAT IS THE PROCEDURE IF I WANT TO DEMOLISH A BUILDING ON MY PROPERTY?

You must give the Commission 90 days written notice of any proposed demolition. This serves to provide time for the Commission to find a way to save the building if it is significant. (If the building is not significant, the Commission will probably waive the 90-day period and allow immediate demolition.) If the Commission cannot find an alternative solution satisfactory to you within 90 days, you may remove the structure.

11. WILL I BE FORCED TO DO EXTRA MAINTENANCE ON MY PROPERTY?

The Commission only has authority over proposed changes, not over routine maintenance or the matters covered in the Chapel Hill Housing Code.

12. WILL THE CONTROLS IN THE HISTORIC DISTRICT MAKE IT MORE DIFFICULT TO SELL MY PROPERTY?

Not at all. The neighborhood will be enhanced, and thereby your property. There are no limitations set on the sale of property by the Historic District Ordinance.

13. MUST NEW BUILDINGS IN THE HISTORIC DISTRICT BE IMITATIONS OF THE HISTORICAL BUILDINGS?

Alterations and new construction must satisfy certain design principles specified in the ordinance. The intent is to make new construction harmonize with the buildings already in the area and to prevent serious incongruities. But there is no intent to prescribe any type of architecture or building style and thereby freeze the area into a particular style or period.

14. HOW WERE THE BOUNDARIES FOR THE DISTRICT CHOSEN? MY HOME ISN'T PARTICULARLY OLD.

The boundaries were drawn to include the buildings and areas of definite historic interest, as well as their immediate surroundings. Other buildings which aren't of particular historic value were included in the proposed district because they are of value in establishing the special character of the neighborhood.

Responding to a question, Ms. Preston stated that the Preservation Society's revolving fund would not help homeowners to make repairs to their homes that they cannot afford to make themselves.

Robert DeMaine stated that up to now the residents of the proposed Historic District had maintained the variety and charm, but the Business District is so close and something could encroach on the Historic District as almost did to the Betty Smith house. This ordinance is a way, through the Town, of letting residents develop something that will give them a new sense of security.

Mel Rashkis stated that although he lived out of the proposed Historic District he operated a business at 212 East Rosemary Street and he recognized the valid concerns expressed thus far at the public hearing. He stated that he is concerned over the bureaucratic handling of the ordinances and the problems of submitting to the individual opinions of members of the Commission. He is also concerned about emergencies and the delay for improvements. These, however, are concerns over mechanics, not over what the ordinance will do for the neighborhood and the individual property owners. Addressing a statement made by Mr. Manning, Mr. Rashkis stated that that he manages one or two buildings in the area and is having difficulty getting property owners to maintain the area and pretty soon major remodeling will be needed. He stated that he would think that next door neighbors might welcome some control over what is done to the property around them. Addressing the statement made by Mr. Haywood concerning the desirability of living in the area once stringent controls are put on the area, Mr. Rashkis stated that it had been his experience that people are always asking what restrictions there are to protect them from all the

other people around them with bad taste. He further stated that the Historic District Commission is not the last word but the Town had the Board of Adjustment which in the past have been most sympathetic with people whose builders have built their houses too close to the sideline and can't afford to have them moved. He recommended that the ordinances be initiated but that some closer consideration be given to concerns expressed at the public hearing.

Joseph Straley stated that on September 26, 27 and 28 a Growth Option Conference was held in Hillsborough and was broadly representative. Among other statements that appear in their report, there is a long section having to do with the impact of growth on the quality of lives and towns. One aspect of impact statement is that it ought to have to do with values as they relate to the delicate and fragile environment. He stated that no one had to think back very far to recall the precious structures that have already disappeared from Chapel Hill. If there had been an Historic District Commission, perhaps those structures would still be here. The Group Option Conference put into their statement about what they believe an impact statement should contain, the following words: "That an impact statement should contain a statement of the ways in which the action will impact on historical sites in the county and on fragile but vitally important aspects of the environment." He stated that supposedly an impact statement would deal broadly with the Town but essentially at this public hearing, a micro-impact statement would be in order. Each person's home contributes to the environment so it is essentially everyone's business. He urges passage of the ordinance.

Carolista Baum, a resident of 515 East Rosemary Street stated that the residents of Rosemary have appeared a number of times to protect the character of the area. She stated that she had only lived here thirteen years but she came here because she chose to. Although the Thoroughfare Plan has not been mentioned, she stated that she thinks it would be a great asset to have the area declared a protected area in declaring a fight against the Thoroughfare Plan. She stated that she would think that anyone that can afford to buy property in this area can afford to put the appropriate roof on the house. Oxford University has very beautiful modern structures that are in character with the old architecture. The ordinances do not rule out tasteful modern architecture. She further stated that there have been attempts to build apartment complexes in the area. She is in favor of the ordinances but the wording is of concern.

Dr. Fred Patterson stated that the Town has ordinances that take care of large apartment complexes. He also stated that he is not opposed to the restrictions but would like to see the Board of Aldermen consider an historic zone, study it in great detail but not as proposed here.

Mr. George Watts Hill, Sr., Vice President of the Preservation Society and past Chairman of the Building Committee of the Horace Williams House which is 99 99/100% complete, stated that he hopes that everyone will go by and take a look at it. He wished to thank Ida Friday and Georgia Kaiser for having gotten him into the Preservation Society and spearheaded the organization of the Society followed by Diana Lee, Nancy Preston, the present president and Betty Caldwell, the manager of the Horace Williams House. He stated that in a modern community where everyone must live closely together, people must realize that as the community grows, it must have rules to control the body quality. After being told by Mr. Jennings that it all started in 1972 when the Mayors Committee on Preservation petitioned the North Carolina Department of Archives, Mr. Hill stated that the smart thing for this community to do is to make this start; the ordinances can always be amended. He stated that he is sorry that the University saw fit not to join in, particularly on the old campus. He is a member of the Board of Governors and thinks the University is absolutely wrong in not cooperating with the community in preserving Old East, Old West and that whole area and hopes they can be persuaded to do so. He stated that he feels the Board of Aldermen is a good cross section of this community and he has confidence in the Board of Aldermen, even as they change from time to time, the Planning Board, the Community Appearance Commission and the nine members of the proposed new Historic District Commission.

Mr. Edward Yaggy, a resident of East Rosemary Street, stated that in that we're interested in the appearance and preservation of a lot of houses, regardless of whether or not there is a Commission, he urges everyone to write their painters and ask why paint only last eighteen months on the outside.

Susan Coenen stated that she had lived in Chapel Hill most of her life and most of her mature life had been spent at constant effort and expense as a one women preservation society. As a charter member of the Historic Society, she stated that she is in favor of the ordinances. Her objections are that some of the steps in the ordinances seem unnecessarily restrictive to personal use of property and should be gone over very carefully. The effectiveness of the whole thing will largely depend on the common sense of members of the Commission.

Roger Foushee of 735 or 733 Raleigh Road, stated there are many people that have been very intimately involved in everything that has been discussed at this hearing. They have grappled for many hours on both sides of the questions and have dealt with every concern expressed by every citizen here. The proposal was submitted in very preliminary draft form two years and three months ago and has been considered by both the Chapel Hill Historic Society and the Chapel Hill Preservation Society represented by the executive committees of these two societies. Since 1971 there have been some basic temporary controls on the national and state levels but at the local level there has been no control whatsoever except long range zoning commissions. The Dey House across from the Betty Smith house in 1972-73 was threatened by the Delta Upsilon Fraternity who wanted to demolish it. A Special Use Permit was required and after much opposition was expressed, all controls and ordinances from the Town were exhausted. The only thing that saved the more than 120 year old Dey House was that the Delta Upsilon Fraternity could not finance its demolition. Although the Ordinances have been well thought through, they certainly haven't solved all the problems ahead in the future. He stated that he would urge enactment of it as it stems from enabling legislation provided in 1971 by the General Assembly originally drafted by Robert Stipe. This legislation established a state-wide trend and is structured so it can be generally applied to every community. He stated that he feels that at this time in Chapel Hill, in its move toward development, a little more formal review and structure at the Town level is needed with full citizen participation. The proposed Historic District Commission will be a broad spectrum structure. This ordinance is needed at the local level to aid that at the state and federal level. As a citizen, he stated, he supports it and feels it will enhance the quality of Chapel Hill.

At the request of Mr. George Watts Hill, Sr., Mayor Wallace asked for a showing of support by the citizens at the public hearing. Over three fourths of the citizens at the public hearing stood or raised their hands.

In response to a question by Mr. George Watts Hill, Jr., Mr. Jennings stated that the University properties that are included are the Presidents Houses, the Spencer House, the Dickerson House, the Horace Williams House and anything on the south side of the University campus property.

Mayor Wallace asked for a show of opposition by the citizens at the public hearing. Approximately four citizens stood or raised their hands.

Ida Friday stated that she has worked on Historic Zoning for four years and help is needed in this. If there is not going to be an Historic District then she had to question their efforts and money that had gone into the district to make it beautiful. She feels that there is not enough in the ordinance. There should be a color pallet broad enough to appeal to most people and still keep garish colors out in case someone wants to use them. She stated that he had never pushed this because she knew it wasn't wanted, but most areas do have this and many other things that have been watered down here.

Carolista Baum stated that in Edenton the color and fencing is restricted and this is known by property owners when they buy the property.

Hearing no more comments from proponents to the Historic District and Historic Properties Ordinances, Mayor Wallace called for comments from the Board of Aldermen. Alderman Howes stated that as a former member of the Planning Board, he had worked on the Ordinances in draft form and he supported the concept at that point. He requested of the citizens who favor the concepts to be specific about their reservations and submit them to the Planning Board and the Board of Aldermen who will be happy to consider them. He urged the Planning Board to take into consideration Dr. Eyre's comment about the fossilization of our architecture. Perhaps some added language could be put in the ordinances to make this a matter of policy. He stated that he sees no way around the judgement of the Historic District Commission but concerned citizens can work with the Planning Board to make definitions as specific as possible.

Alderman Marshall stated that she was on the Appearance Commission in January, 1972 when the matter of Historic Properties first came to the Commission. This is when she met Bob Stipe and Tom Rose, following inclusion of the properties on the National Register. She had to resign as she was appointed to the Board of

Aldermen and it took her well over a year to get the minutes of that meeting. She stated that she has been very involved in that she had followed the work of the Preservation Society and attended almost all of Sid Cohn's classes that led up to the work and maps presented here. She expressed the desire to get something and get something that is workable stating that she lives in the District in one of the neutral properties. She stated that she had sat on this Board and seen all kinds of political problems come before the Board and help to slow it down and also help to work against the Board and what it is trying to work for. She stated that she would like to spell out some of the things Dr. Patterson and Dr. Lewis alluded to. She expressed less concern with details than with the way the purpose is stated, adding that she had less problem with the Historic Properties Ordinance than with the Historic Conservation District Ordinance. The Historic Conservation District Ordinance talks about stabilization. It is true, she stated, that it is hard to be a property owner in this area and not have very much money, but it is not true that all the residents of the area have sufficient bank books to take care of everything they would like to do. If it is possible under the enabling legislation, she stated that she would like to see any created Commission with regard to this, be an integral part of the Planning Board and make recommendations through the Planning Board to the Board of Aldermen. Alderman Marshall felt that in Section VIII of the Historic Properties Ordinance, a value judgement is indicated and a much stronger definition of this value judgement is needed. Referring to Section IX, she quoted, "... the Town or the Commission, may institute any appropriate alteration, remodeling or removal, to restrain, correct, or abate such violation, or to prevent any illegal act or conduct with respect to such historic property." In regard to this, she stated that she would like to have spelled out what "appropriate action or proceeding" would be. Referring to the Historic Conservation District Ordinance, she expressed concern about the time element involved. The Board has not yet moved through the established procedures that it has now to get a time frame that is suitable for fair regulation and for fair development and to add another step to these already cumbersome processes before this has been worked out is difficult. Referring to Section IV, she stated that she preferred giving advice to guiding. Referring to the Certificate of Appropriateness, she stated that she was very uncomfortable about adding more modifications to the Special Use Permit before the already existing ones had been worked out. She stated that the ordinance should be more specific about the budget; it if will be through the Preservation Society or just exactly what it means in terms of Town money. In Section V-K, a definition of "appropriate Town officials" is needed. In Section -O, public hearing should be changed to meetings, unless a public hearing is called for and advertised by the Board of Aldermen. In application for Certificate of Appropriateness, there are several steps of data to be submitted with the application. Much of this data follows that which the Town has asked for in Special Use Permits. In Special Use Permits however, the developers are going to be selling the properties and are going to be able to put the cost of this data, be they elevation plats, plans, or photos, onto the price of the property. Here, she stated, very often we're dealing with home repairs and she stated that she feels very strongly against private homeowners having to supply these drawings.

Alderman Cohen made the following statement:

I currently work for the Department of Cultural Resources of the State of North Carolina. I think the very name of that Department shows the state's realization that culture and history are just as much a resource as heavy industry, textiles, power plants and dams.

We are talking about an area of the Town where people can look back and see our Town in perspective. My father rented a room in a house on North Street in 1942 and 1943. He came back to Town in 1975, and one of the first things he did was to go around town and look at the various places he lived. Some had been destroyed, but he was pleased to see what for him was history. Perhaps there is a lot of relativism in history.

This statute was passed by the General Assembly in 1965 for eight cities, and made statewide in 1971. Since 1965, many cities have adopted Historic District Ordinances and Historic Properties Ordinances under the authority of state law. At work today, I talked with one of the people responsible for reviewing these ordinances. She said her knowledge was that this ordinance, which is verbatim in the most part of the state law, was working very well all over the state.

One citizen stated that the Division of Cultural Resources was another level of bureaucracy telling Chapel Hill what to do. This is far from the truth. The law gives the Division of Cultural Resources the right to comment on local actions. This gives local governments the benefit of advice from a state agency which sees historical preservation in a broad light and which can tell the local governments about ideas other Towns have.

The question of why was a parking lot in Battle Park included in the District. Perhaps if this ordinance had existed in 1970, there would still be houses and people rather than cars and barren asphalt.

Let's also discuss preservation in another light. The example of the Carrboro Mill in a time of shortage shows the advantage of renovating an old structure over knocking down and rebuilding. It takes less resources and is cheaper to renovate rather than destroy and rebuild.

It was talked about Chapel Hill does not have the same nature of property as communities like New Bern and Winston Salem. But other communities I've seen, two communities that I grew up in, Simsbury and Avon, Connecticut are examples of towns that are not in themselves historic like New Bern and Winston Salem, but have been preserved as examples of giving value to that which is old.

Alderman Cohen stated that he basically favored the broad concept of the ordinances but he would like to see some of the problem areas worked out. He stated, speaking as one who has tried to get very broad representation of the community, that contrary to the comment made by a citizen, of the twenty people on the Town Board of Adjustment, only one person is a student who has lived in Chapel Hill twice as long as he has. He stated that people should look at the common sense of Boards and Commissions and not scare people in the neighborhood about who is going to be administering the ordinances by making statements that really aren't true about the nature of people on Town Boards and Commissions. He stated that this is not a hasty action but something that has been studied for three or four years to get to this point. "This is the stage that we're trying to get public input so we'll know what the problems are."

Alderman Vickery stated that the most telling argument involves the true historical concept of the ordinances. He stated that he finds few problems with the Historic Properties Ordinance in that it shows the historical value of Chapel Hill, of not only centuries old but nostalgia as well. The Historic District Ordinance is quite another thing because it restricts a whole area of town and says that every structure in it is subject to very strict restrictions. Any such change in the rights of individuals to change their property as they wish, has to be justified carefully. In the interest of simplifying the administration of Town government, the Community Appearance Commission could perform the functions of the Historic District Commission. He stated that he does not find it terribly appealing to have ordinances including increasing property value for an entire district, as one of its purposes. He understands that it will probably happen if the ordinance passes, but it is not appropriate for this to be one of its main considerations.

Alderman Silver, concurring with the concern for specifics stated that membership on such a Commission as the Historic District Commission should have special qualifications such as architectural and historic where people reside other than obviously, in Chapel Hill. Some of the restrictions need work and Alderman Silver stated that he would send his comments on to the Manager or the Planning Board, whichever is appropriate.

Alderman Gardner stated that everyone shares the interest of preserving the charm of Chapel Hill. The ordinances are not in their final form and there is time to make changes. He questioned Mr. Jennings on the agreement with the University. Mr. Jennings stated that the agreement was reached among the members of the Historic District Advisory Committee in the initial discussion of the proposed ordinances with the understanding that the University would do one of three measures to conserve the main campus. This informal agreement among the members of the Historic District Advisory Committee was a reasonable agreement as long as the University did keep its part of the bargain. Of course the Board of Aldermen is not bound by the agreement. Neither the Planning Board or any staff made an attempt to negotiate in the name of the Board of Aldermen. This is a recommendation of the Historic District Advisory Committee. Alderman Gardner suggested that the Planning Board discuss this further. He also stated that he thought the suggestion made by Alderman Marshall to have the Historic District Commission come back through the Planning Board to the Board of Aldermen rather than as a separate Commission is a wise suggestion.

Alderman Epting stated that he supports the general thrust of the Historic Properties and Historic District Ordinances but he questions tax benefits to be afforded the proposed property owners within the district. He stated that this is some of the most valuable property in town and it bothers him that these property owners be given some type of tax relief. Alderman Cohen stated that this only applies to property owners both within and out of the district that are designated as Historic Properties. Alderman Marshall stated that this is state-

wide. Alderman Epting asked Town Attorney Denny if the Board is bound to accept this tax relief or can it be denied. Attorney Denny stated it is his opinion that the Town could not deny this as it appears to be state-wide in application. The Town can mitigate the effect by just not declaring a property an historic property, then there is no way the property owner can get this relief. Assuming the Town does so declare, the property owner is entitled upon application to the tax relief. Alderman Epting stated that the argument is that tax relief in the form of a reduction in tax rate would encourage property owners not to change the use of the property. He cited several recent economic studies that indicate that such tax benefits for owners of raw land to leave the land in raw state, have shown that there is really no incentive that can be shown as a functional matter which arises from that sort of tax reduction. He stated that it bothers him a great deal to have to justify to the other citizens who can't afford to live in these houses, why people who can afford to live in these more expensive houses should get tax break. He stated that he believes that the first supporting buttress of the tax system should be that it appears fair. He could not argue to citizens that live in other areas that this is a fair buttress. He questioned the ordinance on the restoration required if the house roof is destroyed by fire or wind or by any natural force. He stated that it seems to him that if a house is partially destroyed or fully destroyed by natural causes, the proposed ordinance would not apply. It seems, he stated, that if a house was fully destroyed, it would not have to be restored as originally built. This is a matter of degree that should be defined more fully within the statute, that is how much would have to be destroyed before it would not have to be restored to its original appearance. If the house burned and the roof destroyed, he asked, would it have to be restored in the same condition in the same colors. Mr. Jennings stated that in order to avoid the Certificate of Appropriateness procedure, it would have to be built exactly as it was. If there is a change in external appearance, the procedure is necessary. This does not mean, Mr. Jennings stated, that the owner wouldn't be able to change the appearance. Alderman Epting stated that he thought that this only applied to ordinary maintenance and repair. If it happened by an act of nature or unusual event, it wouldn't be ordinary maintenance and repair. Liz Rooks, a Planner for the Town of Chapel Hill stated that it would be new construction and new construction requires a Certificate of Appropriateness. Nothing requires it to be rebuilt as it was originally. In response to Alderman Epting's question about partial destruction by natural force, Ms. Rooks stated that if it is rebuilt with no external changes, no Certificate of Appropriateness would be required, however if the owner wanted to build a whole new wing as a result of partial destruction by natural forces, it would be a change in modification and would require a Certificate of Appropriateness.

Alderman Smith stated that the purpose of the public hearing is to get public input and he wishes to express appreciation to the people who have come out to give this input. He stated that there is a need to trust the sense of judgement and sense of fairness of the people who are going to carry this thing out if it is approved. He stated that there is need to trust the Planning Board to come back with an ordinance which reflects the concerns that have been brought out here.

Hearing no further comments or questions, ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN GARDNER THAT THE HISTORIC DISTRICT AND HISTORIC PROPERTIES ORDINANCES BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS UNANIMOUSLY CARRIED.

Mayor Wallace thanked the citizens for coming before adjourning the public hearing at 10:03 P.M.

Mayor Wallace called the regular meeting of the Board of Aldermen to order at 10:08 P.M. The minutes of the meeting of January 5, 1976 were duly considered and corrections were made. ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN GARDNER, THE MINUTES OF THE MEETING OF JANUARY 5, 1976, WERE UNANIMOUSLY APPROVED FOR OFFICIAL RECORDING AS CORRECTED.

Mayor Wallace called for petitions and requests. Alderman Smith petitioned the Board to consider a resolution designating January 15, 1976 as Martin Luther King Day. The Board agreed by unanimous consent. Alderman Smith presented the resolution. ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN EPTING, THE RESOLUTION DESIGNATING JANUARY 15, 1976 AS MARTIN LUTHER KING DAY IN CHAPEL HILL WAS UNANIMOUSLY ADOPTED.

WHEREAS, Dr. Martin Luther King, Jr. was known throughout the world as a christian minister dedicated to the principles of non violence and of racial justice for all people and

WHEREAS, this dedication won him the Nobel Peace Prize

BE IT RESOLVED, that the Board of Aldermen of the Town of Chapel Hill do hereby designate January 15, Dr. King's birthday, Martin

Luther King Day, of rededication to the goals of equal opportunity and equal justice for all citizens of Chapel Hill and that this Resolution be entered into the permanent minutes of the Town of Chapel Hill.

This the 12th day of January, 1976.

Town Manager Jenne petitioned the Board to place on the agenda at the end, the constitution of a negotiating committee to negotiate the matter of a bus system with the Town of Carrboro. He also petitioned the Board to place on the agenda at the end, the approval of educational leave for a Town employee in accordance with Section 14-88 of the Personnel Ordinance. Both petitions were granted.

Sedimentation Ordinance Appeals - Resolution

The action before the Board was a adoption of a Resolution Requesting That All Sedimentation Ordinance Appeals Be Made To The Orange County Planning Board and Board of Commissioners. Responding to a question by Alderman Howes, Town Manager Jenne stated that the staff perceives no difficulty with this resolution. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN SMITH THAT THE RESOLUTION REQUESTING THAT ALL SEDIMENTATION ORDINANCE APPEALS BE MADE TO THE ORANGE COUNTY PLANNING BOARD AND BOARD OF COMMISSIONERS BE APPROVED. Alderman Cohen stated that this resolution will be presented to the next County Commissioners meeting so that they can take action to change their ordinance. From this point it will come back to be formally adopted by this Board. He stated that the County Commissioners would meet on Tuesday, January 13, 1976. Alderman Epting asked if this action would bind Chapel Hill if future Boards should become disenchanted with the County enforcement of the ordinance and wants the Town to recover its power. Town Attorney Denny stated that since it is necessary for the Board to adopt a resolution before the County ordinance in any form is applicable inside the Town, it is feasible for a future Board to recind that action or revoke that resolution and say that the ordinance is no longer effective inside the corporate limits. Alderman Cohen stated that the State Sedimentation Control Board would have to approve the change in procedure. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION REQUESTING THAT ALL SEDIMENTATION ORDINANCE APPEALS BE MADE TO THE ORANGE COUNTY PLANNING BOARD AND BOARD OF COMMISSIONERS

WHEREAS the Board of Commissioners of Orange County has adopted an ordinance controlling soil erosion and sedimentation throughout the county; and

WHEREAS said ordinance is to be enforced by the Erosion Control Officer, a member of the Orange County staff; and

WHEREAS appeals from decisions of the Erosion Control Officer regarding land within the towns within the county are to be referred to the Town Boards; but

WHEREAS for the sake of uniform enforcement within the county it would be best if all appeals were processed by the body having original jurisdiction; and

WHEREAS the Board of Commissioners of Orange County have legislative control over the ordinance and general oversight over all residents of Orange County; NOW THEREFORE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill requests that the Board of Commissioners of Orange County reconsider the appeals procedure of the "Ordinance to Provide for the Control of Soil Erosion and Sedimentation" and to revise said procedure so that appeals regarding land within the corporate limits of the Town of Chapel Hill be processed through the Orange County Planning Board and Board of Commissioners; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to Orange County, and to the Towns of Carrboro, Hillsborough, and Mebane.

This the 12th day of January, 1976.

Signature Authorizations for Town Accounts and Appointment of Budget Officer and Finance Officer - Resolutions

Town Manager Jenne stated that these resolutions are of a housekeeping nature. Since the hiring of a Finance Director, the staff has reviewed existing resolutions with the appropriate designations of signatures on various accounts of the Town as well as the designations of Budget Officer and a Finance Officer. A variety of signatures were found on signature cards and bank authorizations and these resolutions have been drawn up to clear up the matter and to appoint the present appropriate budget staff members. They are in accordance with state statutes in the Uniform Fiscal Control Act. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, THAT THE RESOLUTIONS AUTHORIZING SIGNATURES FOR TOWN ACCOUNTS AND APPOINTING BUDGET AND FINANCE OFFICERS BE ADOPTED AND MADE A PART OF THE PERMANENT TOWN RECORDS. For clarification, Mayor Wallace stated that the first four resolutions are signature authorizations and the last resolution is an appointment resolution appointing the Town Manager as Budget Officer and the Finance Director as Finance Officer. Responding to a question by Alderman Gardner Mr. Jenne stated that these resolutions cover all authorized Town accounts. Responding to a question by Mayor Wallace, Mr. Jenne stated that Central Carolina Bank and Trust Company is the sole depository of the Town at the present time but it is Town policy to circulate accounts. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION RELATIVE TO DESIGNATION OF CENTRAL CAROLINA BANK & TRUST COMPANY AS DEPOSITORY FOR THE TOWN OF CHAPEL HILL COMMUNITY REDEVELOPMENT PROGRAM 20 103 043 8

At a meeting of the Board of Directors of the Town of Chapel Hill held at its office in the city of Chapel Hill on January 12, 1976, pursuant to due notice, at which a quorum of the Board was present, on motion, duly seconded, the following resolution was unanimously adopted:

RESOLVED that CENTRAL CAROLINA BANK & TRUST COMPANY, Chapel Hill, North Carolina, (Hereinafter called CCB) be and hereby is designated a depository for the funds of this corporation, and CCB is hereby authorized and requested to honor and to charge to this corporation, checks, drafts, and other orders for the payment of money drawn in the name of this corporation against funds of the corporation on deposit with CCB when bearing the signature(s) of any two of the following:

NAME	TITLE
Kurt J. Jenne	Town Manager
Anthony Hooper	Finance Director

FURTHER RESOLVED, that the President, Vice President, Secretary, Treasurer or Finance Director is hereby authorized to designate, from time to time, the officers and employees empowered to act as agents of this Corporation under the foregoing agreement and to certify to said Bank the names of the agents so designated, and changes in such designations, and said Bank shall be fully protected in relying at any time upon the then current list of agents so certified and in refusing to honor the actions of a person not at the time on the current list.

RESOLVED further that the provisions of this resolution shall remain in full force and effect until specifically rescinded or modified by resolution of the Board of Directors of this corporation, and a certified copy of such resolution has been filed with CENTRAL CAROLINA BANK & TRUST COMPANY.

IN WITNESS WHEREOF,

I have hereunto set my hand and the seal of the said corporation, this 12th day of January, 1976.

A RESOLUTION RELATIVE TO DESIGNATION OF CENTRAL CAROLINA BANK & TRUST COMPANY AS DEPOSITORY FOR THE CHAPEL HILL-GENERAL FUND 20 102 984 4, TOWN OF CHAPEL HILL PAYROLL 20 102 985 5, TOWN OF CHAPEL HILL PARKING FACILITIES 20 102 986 6

At a meeting of the Board of Directors of the Town of Chapel Hill held at its office in the city of Chapel Hill on January 12, 1976, pursuant to due notice, at which a quorum of the Board was present, on motion, duly seconded, the following resolution was unanimously adopted:

RESOLVED that CENTRAL CAROLINA BANK & TRUST COMPANY, Chapel Hill, North Carolina, (Hereinafter called CCB) be and hereby is designated a depository for the funds of this corporation, and CCB is hereby authorized and

requested to honor and to charge to this corporation, checks, drafts, and other orders for the payment of money drawn in the name of this corporation against funds of the corporation on deposit with CCB when bearing the signature(s) of any two of the following:

NAME	TITLE
Kurt J. Jenne	Town Manager
Anthony Hooper	Finance Director

FURTHER RESOLVED, that the President, Vice President, Secretary, Treasurer or Finance Director is hereby authorized to designate, from time to time, the officers and employees empowered to act as agents of this Corporation under the foregoing agreement and to certify to said Bank the names of the agents so designated, and changes in such designations, and said Bank shall be fully protected in relying at any time upon the then current list of agents so certified and in refusing to honor the actions of a person not at the time on the current list.

RESOLVED further that the provisions of this resolution shall remain in full force and effect until specifically rescinded or modified by resolution of the Board of Directors of this corporation, and a certified copy of such resolution has been filed with CENTRAL CAROLINA BANK & TRUST COMPANY.

IN WITNESS WHEREOF,

I have hereunto set my hand and the seal of the said corporation, this 12th day of January, 1976.

A RESOLUTION RELATIVE TO DESIGNATION OF CENTRAL CAROLINA BANK & TRUST COMPANY AS DEPOSITORY FOR ALL CERTIFICATES OF DEPOSITS

At a meeting of the Board of Directors of the Town of Chapel Hill held at its office in the city of Chapel Hill on January 12, 1976, pursuant to due notice, at which a quorum of the Board was present, on motion, duly seconded, the following resolution was unanimously adopted:

RESOLVED that CENTRAL CAROLINA BANK & TRUST COMPANY, Chapel Hill, North Carolina, (Hereinafter called CCB) be and hereby is designated a depository for the funds of this corporation, and CCB is hereby authorized and requested to honor and to charge to this corporation, checks, drafts, and other orders for the payment of money drawn in the name of this corporation against funds of the corporation on deposit with CCB when bearing the signature(s) of any ~~one~~ of the following:

NAME	TITLE
Kurt J. Jenne	Town Manager
Anthony Hooper	Finance Director
David B. Roberts	Town Clerk

FURTHER RESOLVED, that the President, Vice President, Secretary, Treasurer or Finance Director is hereby authorized to designate, from time to time, the officers and employees empowered to act as agents of this Corporation under the foregoing agreement and to certify to said Bank the names of the agents so designated, and changes in such designations, and said Bank shall be fully protected in relying at any time upon the then current list of agents so certified and in refusing to honor the actions of a person not at the time on the current list.

RESOLVED further that the provisions of this resolution shall remain in full force and effect until specifically rescinded or modified by resolution of the Board of Directors of this corporation, and a certified copy of such resolution has been filed with CENTRAL CAROLINA BANK & TRUST COMPANY.

IN WITNESS WHEREOF,

I have hereunto set my hand and the seal of the said corporation, this 12th day of January, 1976.

A RESOLUTION RELATIVE TO DESIGNATION OF CENTRAL CAROLINA BANK & TRUST COMPANY AS DEPOSITORY FOR THE TOWN OF CHAPEL HILL LICENSE PLATE RECEIPTS
20 100 795 4

At a meeting of the Board of Directors of the Town of Chapel Hill held at its office in the city of Chapel Hill on January 12, 1976, pursuant to due notice, at which a quorum of the Board was present, on motion, duly seconded, the following resolution was unanimously adopted:

RESOLVED that CENTRAL CAROLINA BANK & TRUST COMPANY, Chapel Hill, North Carolina, (Hereinafter called CCB) be and hereby is designated a depository for the funds of this corporation, and CCB is hereby authorized and requested to honor and to charge to this corporation, checks, drafts, and other orders for the payment of money drawn in the name of this corporation against funds of the corporation on deposit with CCB when bearing the signature(s) of any two of the following:

NAME	TITLE
Anthony Hooper	Finance Director
Kurt J. Jenne	Town Manager

FURTHER RESOLVED, that the President, Vice President, Secretary, Treasurer or Finance Director is hereby authorized to designate, from time to time, the officers and employees empowered to act as agents of this Corporation under the foregoing agreement and to certify to said Bank the names of the agents so designated, and changes in such designations, and said Bank shall be fully protected in relying at any time upon the then current list of agents so certified and in refusing to honor the actions of a person not at the time on the current list.

RESOLVED further that the provisions of this resolution shall remain in full force and effect until specifically rescinded or modified by resolution of the Board of Directors of this corporation, and a certified copy of such resolution has been filed with CENTRAL CAROLINA BANK & TRUST COMPANY.

IN WITNESS WHEREOF,

I have hereunto set my hand and the seal of the said corporation, this 12th day of January, 1976.

RESOLUTION APPOINTING A BUDGET OFFICER AND FINANCE OFFICER AS REQUIRED BY NORTH CAROLINA STATUTES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill hereby, in accordance with the provisions of G.S. 159-9, appoints Kurt J. Jenne, Town Manager of the Town of Chapel Hill, as Budget Officer of the Town of Chapel Hill; and

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that the Town of Chapel Hill hereby, in accordance with the provisions of G.S. 159-24, appoints Anthony I. Hooper, Finance Director of the Town of Chapel Hill, as Finance Officer; and

BE IT FURTHER RESOLVED that the above appointments supercede all previous appointments.

This the 12th day of January, 1976.

Interior Bus Advertising

Terry Lathrop, Chairman of the Transportation Board was present to answer questions about Interior bus advertising. Alderman Cohen stated that when he first was in Chapel Hill, there were Raleigh buses here which carried Raleigh political advertising. Of the restrictions stating that the buses will not accept political advertising, he asked if it is an absolute statement of policy. He stated that of course if the town is not endorsing a product, the town is not endorsing the purchase or use of it either. Mr. Lathrop stated that this is probably the most difficult part of the whole business. It is hard to get across to some people. The town can't allow cigarette advertising without endorsing cigarettes. In advertising movies, for example, it might be taken as some tacit approval of the Town of the subject matter of these movies. Political questions

202) are of the same nature. Political advertisements may be construed to be tacit endorsements of the candidates. Alderman Cohen stated that somewhat on a first amendment basis about responsible political discussion, he personally feels that advertising on the buses is an educational means for the people to find out about things. Alderman Silver stated that he feels uncomfortable with a policy that states that bus advertising is not one of the means by which people can reach other citizens. Public Service Announcements should be encouraged but it comes to a question of the definition of "public service". He asked Mr. Lathrop if there is a good definition. Mr. Lathrop stated that although there are probably many examples to nullify this definition, it seems to be public service as opposed to self service or commercial self service. Alderman Silver stated that some public services can be construed to be self service by another. He cited for example the running of service schedules of every church in town. Mr. Lathrop stated that he did not see any reason why this could not be done as the church is not a profit-making organization. In response to a question by Alderman Silver, Town Manager Jenne stated that the policy can be initiated immediately within the means that is available to the Town at the present. This should suffice until there is a need or just demand for buying additional equipment. The Town does have some of the pins and racks on the inside of buses and they can be used immediately. In response to a question by Mayor Wallace, Mr. Lathrop stated that the Transportation Board has adopted alternative V-A of the alternatives for bus advertising. He further stated that this particular draft of the suggested criteria was produced by the Staff. It is the intention of the members of the Transportation Board is to draw some guidelines to accept advertising and present them to the Board of Aldermen for advice. He stated that the Transportation Board would like to have some guidance from the Board of Aldermen before it in turn tries to provide guidance to the staff and to make judgements in these matters. Mayor Wallace stated that he is quite skeptical about the whole bus advertising business. He stated that the Town would start off with nice, neat public service announcements and then it will expand, and from there it will be a down hill slide. The purpose here is to provide the ideal bus system which consists of providing comfortable and attractive transportation from place to place. The \$2,500 involved in commercial advertising is a trivial source of revenue and the trouble involved is not worth it. He stated that the Transportation Board has enough to do to provide transportation without getting into the advertising business. ALDERMAN VICKERY, after stating that even if the revenue is \$25,000, it would not be worth it, MOVED, SECONDED BY ALDERMAN MARSHALL NOT TO ALLOW ANY COMMERCIAL ADVERTISING ON BUSES IN CHAPEL HILL. Alderman Cohen clarified stating that this would be no change from the current policy which allows public service announcements. Alderman Epting, after citing the case of a lawyer who had represented a group of citizens who sued the proprietors of the bus system in Washington, D.C. saying their rights of privacy had been breached when recorded commercials were put on the buses, and won the case, stated that he does not think the whole thing is worth it. Alderman Howes stated that he thinks the bus interiors are dull. If subjectivity can be applied to the newspapers, there is no reason why the same thing cannot apply to the buses. There should be a means by which the Town can set criteria as to what should be advertised on buses. Mayor Wallace stated in his opinion, advertisements don't brighten up buses. Alderman Silver stated that notices on the bus is an excellent method of communication and that he has mixed feelings on the matter. Alderman Smith stated that advertisements become monotonous. Mayor Wallace stated that he sees the bus as an "island of tranquility" and a welcome break from commercials. Alderman Gardner thanked the Transportation Board for bringing in their recommendation. Alderman Epting called for the question. THE MOTION CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN HOWES OPPOSING.

Recreation Commission - Appointment

Prior nominations to fill one vacancy on the Recreation Commission are Sam Sockwell, Tony Key, Deborah Rollins and Chick White. Mayor Wallace announced that the Superintendent of Schools had recommended Juanita Floy as representative of the School System on the Recreation Commission. Alderman Cohen stated that although he had not commented on nominees in the past, pro or con, he wished to speak in behalf of Sam Sockwell. He stated that in the early part of 1970, a group of young people came to the Board of Aldermen and asked that a young person be placed on the Recreation Commission as so many of their programs involve people of that age group. It was the opinion of the Attorney General that the State Constitution required one to be a voter to serve on a Board or Commission. Voter age was then twenty-one. In the summer of 1971, the Constitution was changed lowering the voter age to eighteen. In late 1971 or early 1972, a defacto Town policy was established of including young people on Boards and Commissions. Matt Moffitt and Cathy Harris created vacancies on the Recreation Commission, one through term expiration and one through resignation; both were students. Sam Sockwell is a freshman at UNC and has lived in Chapel Hill for seventeen or eighteen years and will do a good job and willing to serve.

Alderman Cohen stated that he wished to remind the Board of its past policy. In response to Alderman Smith, Alderman Cohen stated that Mr. Sockwell is registered to vote and a freshman at UNC so he is probably eighteen or nineteen years old. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES THAT THE NOMINATION BE CLOSED WITH THE NAMES OF SAM SOCKWELL, DEBORAH ROLLINS, TONY KEY AND CHICK WHITE. The Board voted by secret ballot and disclosure resulting in five votes for Ms. White and three votes for Mr. Sockwell. Ms. White was appointed to the Recreation Commission.

Concerning the appointment of a School System representative to the Recreation Commission, Attorney Denny stated that the appointee must be actively affiliated with the School System. In this case, the Superintendent was requested to suggest a nominee for this position but the Board can nominate persons as long as they are actively affiliated with the School System. Alderman Marshall nominated Ms. Juanita Floyd to fill the vacancy of School System representative to the Recreation Commission. Alderman Smith moved, that the nominations be closed. In response to a question by Alderman Silver, Mr. Denny stated that the Board was actually at the second stage of the appointing procedure. The required number of meetings had passed, however the Board in effect skipped a meeting, so this is actually nomination night. Alderman Smith withdrew his motion. Mayor Wallace stated that nominations will remain open until the next meeting.

Alderman Shirley Marshall - Resolution

Mayor Wallace read a resolution transmitted to the Town Manager on December 31, 1975, passed by the Transportation Board on December 8, 1975 for transmission to the Board of Aldermen. The Resolution was read as follows.

WHEREAS, Shirley Marshall has served as the representative of the Board of Aldermen to the Transportation Board and the Transportation Advisory Committee since October, 1974, and

WHEREAS, the Town of Chapel Hill, the Transportation Advisory Committee and the Transportation Board have benefited greatly from her enthusiastic, devoted and thoughtful contributions to the Transportation Board and its predecessor Committee,

THEREFORE, BE IT RESOLVED by the Transportation Board that it expresses its gratitude to Ms. Marshall for her service to the community, and, further, that this resolution be communicated to the Board of Aldermen of the Town of Chapel Hill.

This, the 8th day of December, 1975.

Transportation Board
Town of Chapel Hill

Alderman Marshall thanked the Transportation Board.

Carrboro Bus System

Town Manager Jenne stated that he had received a call from Mr. Whitaker, the acting Town Manager of Carrboro. He stated that Carrboro's Transportation Committee is meeting this week among themselves and is interested in meeting with representatives from Chapel Hill to discuss specifics of sending the bus system into Carrboro. Mr. Jenne stated that he thinks the representative should be the Chairman of the Transportation Board, Mr. Terry Lathrop, the Aldermanic liaison to the Transportation Board, Alderman Vickery, the Manager and any appropriate staff. He stated no formal action is required by the Board. Mr. Lathrop and Alderman Vickery have expressed willingness to serve. Alderman Cohen stated that as he had been involved in the previous meeting between Mr. Lathrop, Town Attorney Denny, himself and the people from Carrboro, he would also be willing and interested to serve. Alderman Vickery welcomed this. In response to a question by Alderman Gardner, Mr. Jenne stated that he feels the furthest the group could go is to discuss the substance of the data transmitted to Carrboro already; the pros and cons, advantages and disadvantages and various problems of the data already distributed to them well as any alternatives they might bring up. This group of representatives does not have the authority to make any conclusive offers to the Town of Carrboro on behalf of the Board. If a preliminary agreement or a number of alternatives are arrived at during the meeting, they will have to come back to the respective Boards for their feelings. Alderman Gardner stated that he hopes that in the future, the full Board will be kept informed of proceedings or negotiations. He stated that there was an informal group and some previous discussion earlier, perhaps prior to the one in October, 1975, that was not known to the full Board. Mr. Jenne stated that to his knowledge, no discussion has been conducted with the Town of Carrboro on the part of the Administration or members of the Board that had not been announced beforehand.

Mayor Wallace stated that whatever the case, the Board would be kept fully informed of all events. Alderman Cohen stated that the kind of thing that Carrboro was concerned with at the last meeting was pass price with the University. They needed to know this fairly early to put together their budget estimates. Another concern was the method of allocation. Right now instead of 16.5% based on property valuation, one concern was why allocations are made on property valuations rather than route mileage. Obviously, he stated, the Board has to make a decision on its attitude in this matter. Carrboro was just interested in the amount of money coming from pass sales, how the cost is shared, what formula is used and on what basis the formula is arranged. Mayor Wallace stated that the Board is presently uninformed and it will take one meeting for both sides to get together and bring up questions to bring back to the Board, at which time the Board can react and find out the various positions of the parties involved. Alderman Cohen stated that apparently Carrboro would like to have something definite by two or four weeks from now. Mr. Jenne stated that the meeting with the representatives from Chapel Hill had not been set yet. The Transportation Committee of Carrboro is meeting among themselves this week. He stated that he had indicated to them that Chapel Hill needs to know something definite by the end of January or the beginning of February to enable the Town to move forward with budget deliberations and negotiations with the University.

Educational Leave for a Town Employee

Town Manager Jenne stated that the Personnel Ordinance that was adopted in September, 1975 allows for educational leave for Town employees under certain circumstances. Section 14-88 of the ordinance specifies that if this leave is over 15 days, approval of the Board of Aldermen is required. Lt. Arnold Gold of the Police Department has requested along with the Chief of Police in his behalf to be allowed to attend a course at the Southern Police Institute in Louisville Kentucky for a three month period from March to May of this year. Course work will include police communication, police administration, personnel management, constitutional law and evidence, and criminal law and procedure. The Course is sponsored by the Governor's Highway Safety Program and the Governor's Highway Safety Program will pay all but about \$300 of the cost. The residual cost is primarily in terms of meals and travel. Mr. Jenne stated that he understands that it is in fact an honor both to Lt. Gold and the Town to have been accepted in this program. It is highly competitive and very well thought of in law enforcement circles. He stated that he and the Chief of Police both feel that the training will be very useful to the Chapel Hill Police Department as well as to Lt. Gold and his career. The Chief of Police very strongly recommends approval of the educational leave for Lt. Gold although he admits it will do violence to his staff operations. He says that he can make the appropriate adjustments, however, during Lt. Gold's absence. Mr. Jenne stated that he had to bring this matter to the Board without prior notification because Lt. Gold just last week received notification that he had been accepted into the program. At this time he is pursuing course work on his own time, at his own expense taking college courses and he has to know by Wednesday, January 14th whether to continue with his present course work and make a considerable investment in books. For this reason, action is requested tonight. In response to Alderman Cohen, Mr. Jenne stated that this would be leave with pay. Alderman Epting stated that from his experience, this course is the second most highly regarded police administration course on the top level in the eastern part of the country if not the entire United States; the other being the FBI Academy which is a six to nine month course. He stated that it had been his experience with policemen in Greensboro that every one who had taken this course had resulted in increased efficiency. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN MARSHALL TO ALLOW LT. GOLD TO TAKE EDUCATIONAL LEAVE TO ATTEND A COURSE IN THE SOUTHERN POLICE INSTITUTE IN LOUISVILLE, KENTUCKY FROM MARCH TO MAY OF 1976. THE MOTION WAS UNANIMOUSLY CARRIED.

Personal Liability of Town Officials

Mayor Wallace announced that Alderman Marshall had distributed a memorandum to the Board on personal liability of local officials both elected and appointed in this age of malpractice suits. She has placed a cassette dealing with this in the Mayor's Office and urges everyone to listen to it. Mayor Wallace instructed the Town Attorney and the Town Manager to consult with some insurance people about the areas and degree of liability of Town officials.

Orange County Emergency Medical Service Council - Resignation

Mayor Wallace announced that Mr. W.L. McIver has resigned as Chapel Hill's consumer representative to the Orange County Emergency Medical Service Council. He instructed the Board, particularly Alderman Gardner to think in terms of a replacement.

Editorial Comment

Alderman Smith stated that concerning the article in the Chapel Hill Newspaper, mentioned at last week's meeting, regarding the Recreation Commission and the problems in recreation, he would like to see a thorough investigation of the Recreation Commission as the Board studies committees and commissions of the Town of Chapel Hill. He stated that the article disturbed him greatly since it deals with High School students.

Agenda Requests

Alderman Vickery requests that his preliminary report of Board appointed commissions and committees be put on the agenda for distribution and explanation at the next meeting. He stated that it was in a drafty preliminary state so he is not going to ask for any action at that time.

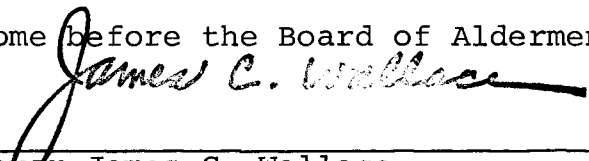
In response to a question by Alderman Vickery, Mr. Jenne stated that the report on the disposition of the Lottie Riggsbee property will be coming up on the agenda of the next regular meeting of the Board.

Alderman Vickery requested that a draft recommendation be prepared in the near future concerning fines and similar tools being put into ordinances to enforce them.

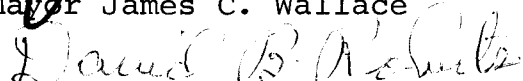
Alderman Vickery stated that Mr. George Rabinowitz has conducted a multisurvey of the citizens of Chapel Hill in the last two weeks of the campaign in the fall. He stated that the results of this survey should be quite useful in the Board's deliberations on the Capital Improvements Program. Mr. Rabinowitz is prepared to present his report at any work session or to the Board at one of its regular meetings. He stated that there was nothing inflammatory in the report. He requested that this be added to the agenda. In response to a question by Alderman Epting, Alderman Vickery stated that a summary of the report will be distributed to the Board prior to Mr. Rabinowitz' presentation.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING TO DELAY THE SCHEDULED WORK SESSION UNTIL MODAY, JANUARY 19, 1976 AT 7:00 P.M.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 11:10 P.M.



 Mayor James C. Wallace



 Town Clerk, David B. Roberts

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
 TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
 MONDAY, JANUARY 19, 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 Attorney E. Denny and Town Clerk D. Roberts.

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN MARSHALL THAT APPROVAL OF THE MINUTES OF THE JANUARY 12, 1976 MEETING BE POSTPONED UNTIL THE JANUARY 26, 1976 MEETING.

Petitions and Requests

Alderman Silver petitioned the Board to have two items considered for action at this meeting. The first being making the letters of thanks to the former members of the Orange Water and Sewer Authority a part of the permanent record, and the second being appointment of a school system representative to the Recreation Commission. The petitions were granted.