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MINUTES OF A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN  
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
MONDAY, JANUARY 26, 1976, 7:30 P.M.

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

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

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

Minutes of the regular meeting and public hearing of January 12, 1976 were duly considered and corrections were offered. ON MOTION BY ALDERMAN HOWES, SECONDED BY ALDERMAN SMITH, SAID MINUTES WERE UNANIMOUSLY APPROVED FOR OFFICIAL RECORDING AS CORRECTED. The minutes of the regular meeting of January 19, 1976 were duly considered and corrections were offered. ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN HOWES, SAID MINUTES WERE UNANIMOUSLY APPROVED FOR OFFICIAL RECORDING AS CIRCULATED.

Petitions and Requests

Mayor Wallace called for petitions and requests.

Town Manager Jenne petitioned the Board to place, at the end of the agenda, the consideration of an ordinance authorizing certain transfer of funds, by the Budget Officer, from one appropriation to the other as discussed and requested by the Board at a previous work session. Alderman Gardner objected to this item being placed on the agenda. Town Attorney Denny stated that although it was discussed by the Board at a work session, it is the policy of the Board that any item not on the agenda that is objected to by one member of the Board cannot be acted on. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN EPTING THAT THE ITEM BE PLACED ON THE AGENDA OF THE NEXT REGULAR MEETING OF THE BOARD OF ALDERMEN. In response to Mayor Wallace, Alderman Gardner stated that he had objected to the work session on the matter. In response to a question by Alderman Silver, Mr. Denny stated that as the petition had been objected to, no action can be taken, however, the matter can be discussed at this meeting. THE MOTION UNANIMOUSLY CARRIED.

Town Manager Jenne petitioned the Board to place at the end of the agenda a report and request for actions related to the emergency situation at the Waste Water Treatment Plant. He stated that this matter had no direct relationship to the first matter he petitioned the Board to consider. As there were no objections to this petition, the petition was granted.

Request for Extension of the Chapel Hill Planning Area - Resolution

Mayor Wallace stated that the proposal came to the Board of Aldermen last October from the Chapel Hill Planning Board and at that time the plan was to appoint a committee to consider the manner. This was never actually completed and the committee did not meet. Now it is back to the Board for action. The Manager recommends adoption and transmittal to the Orange County Board of Commissioners.

Mike Jennings, Planning Director for the Town of Chapel Hill presented the details of the request. He stated that the State policy on annexation is clear in its intent. It encourages annexation of areas undergoing development or which are developed so that services can be improved to these areas. In order to provide these services sufficiently, the Town must have the ability to insure that the development of these areas occurs in an appropriate manner, not only in terms of land use, but also the standards of development. North Carolina municipalities are fortunate in that they have the ability to have extraterritorial zoning and subdivision jurisdiction, which will be referred to as the planning area for this presentation. This Mr. Jennings stated, is an effective means of assuring appropriate development in these areas.

Mr. Jennings stated that the Chapel Hill planning area was originally established in 1955. At that time it included Carrboro, which has since established its own zoning area. In recent months, significant development

has occurred outside the Chapel Hill planning area and this is why it is necessary to redefine the area over which the Town has the ability to insure compatible development. In looking at the areas in which the Town should request the County to grant extraterritorial zoning jurisdiction, the staff looked at population projections which have been made, given past trends and what are expected to be future trends of the population of the Town. The Staff also looked at other plans such as the Thoroughfare Plan cordon area, which uses similar population projections. In addition, the Staff looked at the natural features of the areas, primarily drainage basins. It was found that there was great similarity between the Town's population projections and the population projections of the Thoroughfare Plan cordon area. The drainage basins are not enough or too far. The Booker Creek drainage basin runs in between the proposed area extension, and an area that is already being developed to the North of Weaver Dairy Road. The New Hope drainage basin runs all the way to Hillsborough. The Staff felt that with the coincidence of the population projections with the Thoroughfare Plan cordon area, this is a good area to start from.

Given the Thoroughfare cordon area, the staff further tried to define the area that the Town really should request to take into its planning area. The staff first looked at Durham County and felt that the area which is not in the Durham City Planning Area and not in the Town limits of Chapel Hill now, is too small to justify reconstituting the Planning Board, which would be required by this action. Either the Town should encourage annexation of this area prior to development or eventually they should be brought into the Durham City planning area. The second area is the Southern Triangle which is bounded by Durham and Chatham County lines and the Chapel Hill planning area. It is approximately 3.5 square miles in area. It is a logical area for the Town to have in its planning jurisdiction because its location and jurisdiction lines are such that it is severed from the rest of Orange County. In addition, last year there was a request for rezoning of an area that was part in Chatham County, a portion in Orange County and a portion in the Chapel Hill planning area. This request pointed out the need for property to be in as few jurisdictions as possible. The Orange County section should be in the Chapel Hill Planning area.

This zoning request also reflected interest in developing the Southern Triangle. In response to inquiries about potential changes, the Town in its planning program has been considering establishing greenbelts or at least areas of urban definition around the Town. Without central sewage services the Town and County regulations are very similar. In the County, one unit can be developed per 40,000 square feet, in the Town, one unit can be developed per acre. With central sewage in the County, a house or mobile home can be built on a 15,000 square foot lot while in the Town, the agricultural or R-20 districts allow one house per 20,000 square feet. The zoning of the area in question is very similar to that of the Town and in fact allows higher density development. Because of its location, it has been cut off from the rest of the County. Because of the demonstrated interest the Town has seen in development and the actual lack of any real difference in County and Town Zoning Ordinances, the staff recommends that the Town request the area be brought into its planning area.

The third area to be taken into consideration is the Northern area. It is bounded on the south by the Chapel Hill Planning District, on the west by the Southern Railroad and on the north by a line 250 feet north of the centerline of SR 1734, SR1731 and SR1727 including land around the proposed alternate 1-B of I-40. Durham County lines bounds it on the east. The area is approximately 5.2 square miles. It is seen as a major growth area as evidenced by three recent subdivisions in the area; Northwood which is 65 lots, Cedar Hills which is 72 lots and Timberline which is 62 lots in Phase I, with other phases proposed. In addition, alternate 1 of I-40 crosses the property and I-B also crosses the area with its intersection at Highway 86 being included in the proposed planning area extension. Because it is a major growth area which will probably be in the Town eventually, the Town needs to insure the appropriate development, so it should be in the Chapel Hill planning area.

The two areas are different in nature but both are of importance for different reasons.

Referring to intergovernmental cooperation, Mr. Jennings stated that last summer the Towns of Chapel Hill and Carrboro and the County established a Courtesy Review System. The staff submits that this proposal does not violate the Courtesy Review System. This Courtesy Review System would still be in effect as projects would emanate from Chapel Hill to Carrboro and Orange County. The only difference is that the areas would be developed to Chapel Hill standards.

The proposal does not violate the concept of compatible development regulations for fringe areas around the Towns. There is a time factor involved in establishing such standards, involving such considerations as how strict should they be. It would be much easier to apply existing Town standards to these areas. Additionally, even with the Courtesy Review, there is no real control of land use from the Town perspective, since final decisions would not be made by the Town. The point is that these areas should be considered as a part of the urbanized area, with courtesy review and fringe area regulations outside this area. If the request is approved, the county zoning will remain in effect for sixty days. Subdivision and building code regulations could be applied immediately, but zoning will take extensive staff effort. Mr. Jennings stated that the staff has generalized land use information, but needs to know lot sizes, and detailed land use. Because of the present work load and because of limited staff, if the extension is granted, the Town staff would come back to the Board of Aldermen and request that one public hearing be cancelled and the staff be granted permission to administratively delay action on current planning items for a thirty day period. The staff wants to make sure zoning is proper.

Upon conclusion of this presentation, Alderman Gardner questioned Mr. Jennings as to what indications there have been indicating a change in the County's attitude towards this request. Mr. Jennings responded that the city had made no commitment one way or another as they are awaiting an official request from the Board of Aldermen. In response to a question by Alderman Gardner concerning the distance around the corporate limits the planning area extension will cover, Town Attorney Denny stated that the Town of Chapel Hill for many years has operated on a Special Act included in the Charter which establishes extraterritorial zoning without respect to distance. There is a further Special Act which permits the Town of Chapel Hill to exercise its Special Act Jurisdiction and with the consent of the County, to exercise the General Statutory Jurisdiction which is one mile in some instances and three miles in other instances. The Town was faced with a choice, a number of years ago, of either giving up its Special Act Jurisdiction and operating exclusively under its General Law which was one mile, or operating under the Special Action Jurisdiction and working under this alternate procedure of consent. The boundaries that now exist have no relationship to distance. In response to a question by Alderman Gardner concerning representation of the property in the area in question, Mr. Jennings stated that there is no plan to remove or in anyway reconstitute the Planning Board as it has attempted so far to distribute its members evenly throughout the County. The law requires five members from the planning area and five members from the Town of Chapel Hill. Town Manager Jenne suggested that this matter is separate from what is being discussed here and actually not the concern of the Planning Department. In response to Alderman Gardner concerning the status of the school district and the Recreation District in this proposal, Mr. Jennings stated that basing the boundary lines of the proposed planning district on the School District lines, is not acceptable from a planning point of view. The School District line is north of the proposed line. Future development patterns can be expected to be formed from existing road systems, improvements and the like. The School District line is an arbitrary line which does not follow any land patterns. The staff felt that going along a reasonable distance behind a major road is much better criteria, as pointed out in the State enabling legislation. Alderman Gardner further questioned Mr. Jennings on the success of the Courtesy Review. Mr. Jennings pointed out that two of the three proposals involved no land use decisions. In all three proposals, county development standards applied, which are not up to Town standards. In the case of Timberline, the land use decisions could greatly affect the Town but the Town has no control over the decisions.

Alderman Gardner questioned the method for speaking to the concerns expressed in this request, suggesting the alternative of a buffer zone, three to five miles outside the corporate limits with development arising in this buffer area requiring approval of the government of the Town of Chapel Hill as well as the County Commissioners. Mr. Jennings responded that he had no problem with the buffer area concept but he asserted, the buffer area should be outside of the proposed planning area extension. One part of the proposed area is of intense urban development. This area should be under Town control perhaps with a buffer area outside of it. In response to Alderman Gardner concerning a time factor involved with annexation, Mr. Jennings stated that there is no time table on when the Town will annex this area. It depends on how quickly the area develops. Alderman Gardner stated that this growth and development will have a tremendous impact on the Capital Improvement Program and future Development of the Town. He asked when the

Comprehensive land use plan would be complete. Mr. Jennings stated that the Planning Board had been working on it for the last six months along with a set of goals, objectives and policies. This comprehensive plan is scheduled to be before the Board of Aldermen for their adoption by the end of the fiscal year. In response to a question by Alderman Smith concerning the distance of the proposed planning district line and the present one, Mr. Jennings stated that the distance is approximately a mile in some portions to 1 1/2 mile at most. When questioned by Alderman Smith concerning lot lines, Mr. Jennings stated that because lot lines vary a great deal it was not feasible to follow them. Consequently, the staff took the most reasonable course of 200 feet from the right-of-way line and 250 feet from the center line where the staff felt the most highway-oriented development would be.

Alderman Cohen expressed great concern with the representation on Town Planning Boards. He stated that although he supports the concept and supports the need for Extraterritorial Zoning Jurisdiction if a rational plan for growth is going to be possible, the feelings of the people involved have to be considered. They are essentially cut off from legislative decisions about the development of their area. The need is satisfied in the Northern area in terms of access to roads, potential for development, closeness to streams and closeness to Durham and Chapel Hill. These issues are not satisfied with the Southern area. He stated that he did not think that the Board should vote on this area at this time. Alderman Epting disagreed stating that the Southern Area ought to be included in the proposal because of its nature as an essentially rural area. He stated that as he is familiar with the area, he is aware that the land in the area is owned in larger parcels and is undeveloped. He stated that he would think that once the several larger parcels start to develop, the rest of the parcels will follow. While it is not as developed subdivision plan-wise as the Northern area, it should be included at this time along with the obvious argument that it is cut off from County services by the very existence of Chapel Hill, Durham and Chatham County on its three sides. He stated that he would vote to include it. Mayor Wallace stated that for the very reason that it is not developed and it ought to remain in its present state, that it should be given the protection of being part of a larger planning district. Alderman Cohen reiterated his point by stating that the Town, in this action, is essentially telling people who have no role in future decisions, what the future use of their property should be, and unless the area is close to urban development, there is no reason to essentially force the opinion of the Town on rural people whose area is not developed. He stated that he understands the reasons for including the area and may personally agree, however these other considerations outweigh the possibility of the area development.

ALDERMAN HOWES, MOVED, SECONDED BY ALDERMAN MARSHALL THAT THE RESOLUTION REQUESTING EXTENSION OF THE CHAPEL HILL PLANNING AREA BE ADOPTED. Alderman Silver stated that should the resolution be adopted, he would like to see a letter to the Board of Commissioners asking for the Town of Chapel Hill to be notified when the matter comes before them for consideration so that a member of the Staff and the Board can be there to present Chapel Hill's concerns. It was the consensus of the Board that this be done. ALDERMAN COHEN MOVED TO AMEND THE RESOLUTION TO DELETE THE SOUTHERN AREA. The motion died for lack of a second. Alderman Cohen stated that if this action is to go forth as proposed, and if it is approved by the County Commissioners, an advisory committee of the people in the Southern Area should be formed as this is the only way the feelings of the people can be known in terms of long range planning. In response to a question by Mayor Wallace, Alderman Cohen stated that this Advisory Committee would be advisory to the Board of Aldermen in addition to the Planning Board when the area is actually zoned. Alderman Silver stated that the concern for representation of people in the Planning district is a valid one but it would be a concern no matter how large the planning area is. He stated that he thinks this is a point for consideration by the County Commissioners, not the Town. It is the Town's responsibility to think about what happens to the Town. The Town certainly would be sensitive to all aspects of the action, namely, the people of the area because they will be in the Chapel Hill planning area, however the Town should bring it to the attention of the County Commissioners and if they feel it is an overriding concern, they should act on it. Alderman Cohen stated that if the Town is asking essentially to have jurisdiction over people who are not our constituents, the Town should make the first effort of showing them that it is affirmatively seeking their opinion. These people are going to be very resistant to the change. Alderman Howes suggested that this concern be stated in the correspondence to the County Commissioners. THE MOTION CARRIED BY A VOTE OF 6 TO 2 WITH ALDERMAN GARDNER AND COHEN OPPOSED. Alderman Silver suggested that it might also be useful to transmit a copy of the minutes of the discussion to the County Commissioners. Mayor Wallace stated for the permanent Town record that it is the consensus of the Board of Aldermen that should the request for planning area extension be granted by the County, a committee of citizens of the affected area be constituted for a period of time when zoning changes and the like are considered.

## A RESOLUTION REQUESTING EXTENSION OF THE CHAPEL HILL PLANNING AREA

WHEREAS state policy declares that sound urban development is essential to the continued economic development of North Carolina; and

WHEREAS for a municipality to provide urban governmental services efficiently, it must assure that the development of areas to which it will likely provide services in the future occurs in an appropriate manner; and

WHEREAS the extraterritorial planning concept embraced by General Statute 160A-360 provides a means of assuring appropriate patterns of land use and standards by which such uses may be developed, so that municipalities may plan for the efficient provision of services to the areas developing around them; and

WHEREAS there are areas close to the Town of Chapel Hill whose services will probably in the future be provided by Chapel Hill, but which are outside the current Chapel Hill Planning Area; NOW THEREFORE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill hereby requests of the Board of Commissioners of Orange County that the Commissioners concur in the extension of the planning and zoning jurisdiction of the Town of Chapel Hill into certain areas surrounding the Town of Chapel Hill more specifically described as follows and on the map attached to this resolution.

## LEGAL DESCRIPTION OF PROPOSED PLANNING AREA EXTENSIONS

## NORTHERN SECTION

Beginning at the intersection of the center of the Southern Railway right-of-way line with a straight line connecting the junction of NC Highway 54 and Morgan Creek with the junction of New Hope Creek and the Orange-Durham County line; and proceeding thence north with the centerline of the Southern Railway right-of-way approximately 12,800 feet to its junction with the extended northern line of Chapel Hill Township Tax Map 18, Lot 6A; proceeding thence easterly approximately 1,225 feet to the western line of lot 18-7A; proceeding thence south approximately 20 feet to the northwestern corner of Lot 18-8; proceeding thence east with the northern line of Lot 18-8 to the western right-of-way of NC 86; proceeding thence north approximately 400 feet to the extended northern line of Lot 17-1; proceeding thence east with said extended northern line and with the northern lines of Lots 17-1, 3 and 4 approximately 2,050 feet to the northeast corner of Lot 17-4; proceeding thence east in a straight line approximately 2,000 feet to a point in the centerline of the right-of-way of SR 1731; proceeding thence east parallel to the right-of-way of SR 1731 and 250 feet north of the centerline thereof approximately 13,420 feet to its intersection with a line parallel to the right-of-way of SR 1734 and 250 feet northwest of the centerline thereof; proceeding thence northeast, parallel to the centerline of the right-of-way of SR 1734 and 250 feet northwest thereof approximately 1,600 feet to its intersection with the extended northern lines of Lots 16-22 through 24; proceeding thence with said extended northern lines approximately 1.815 feet to the Durham County line; proceeding thence south with the Durham County line approximately 2,635 feet to its junction with New Hope Creek.

## SOUTHERN TRIANGLE

Beginning at the southern corner of Orange County where its line with Durham County intersects its line with Chatham County, thence westerly along the boundary lines between Orange County and Chatham County, about 4 miles to a point at which U.S. Highway 15 and 501 intersect this line; thence in a generally northeasterly direction along a straight line to the point where Morgan Creek intersects the boundary between Orange County and Durham County; thence southwardly along the boundary line between Orange County and Durham County to the point of Beginning.

This the 26th day of January, 1976.

Village West Condominiums - Request for Special Use Permit Modification

Mike Jennings, Planning Director made presentation of background information and details of the Special Use Modification requests. He stated by pointing out, on maps, the difference in the original project and the requested modifications. The original project had three phases; Phase I, consisting on 167 units around Ridge Trail, Phase II in two parts and Phase III. The whole project has been renumbered. Phase I is the same as in the original project. The first part (the southern part) of Phase II is still Phase II. The second part of Phase II (the northern part) is now Phase III and the former Phase III is now Phase IV.

The proposal consists of four parts. The first part is to redraw the Northern boundary line of Phase I. The northern boundary in Phase I includes a 200 foot portion of Village Drive which is unpaved at the present and is not necessary to service any property in Phase I or Phase II, all access being provided by Village Drive ending at Ridge Trail or the road in Phase II. Bonding for Phase II will cover all road improvements that haven't been made up to this point. The Attorney's Office has reviewed the letter from the bonding agent and said that the letter is sufficient for the protection of the Town so if the request is approved, the bond will cover all expenses in the request. The Public Works Department has said that the bond is sufficient to cover all costs involved. Mr. Jennings reviewed the second and third parts of the proposal together as they are related. He stated that the original starting and completion dates were based on a strong economy. Since then, the economy has declined which affected the sale of new units accordingly. The proposed beginning and completion dates are the developers best estimates given his experience with construction and marketing of the project. The Town requires starting and completion dates to control speculative developments. The applicant has already made many of the capital improvements, including the recreation facilities. There is no reason to assume the project won't be completed and even if the units aren't completed, the road will be, and that is all that the Town should be concerned with at this time. Mr. Jennings further explained that the completion date on Village Drive has been modified. At the time the project was approved, the concern was that by the time Phase III is completed, the Town felt it was necessary to have two points of access to the project; one from Estes Drive and one from Umstead Drive. The traffic leading to Umstead Drive was a major consideration in the project's approval. The Staff's recommendation is to time the completion of Village Drive to Estes Drive to coincide with the completion of Phase III, before Phase IV is begun.

The fourth request is to establish the extent of the easement necessary for, and the location of the drive serving properties to the south of the cemetery. At the time the project was approved, there were three houses along the power line easement. The major concern was that they not be denied access because of the development. The access was along the power line easement, along a cartageway which runs along Bolinbrook property and through the Chapel Hill Cemetery, across the tracks and out through Carrboro. The Town took action to provide a new point of ingress off of Village Drive by providing a thirty foot right-of-way on the Town Cemetery property, which is designated as Part A. Part B is totally within Bolinbrook property. It runs from the intersection at the cemetery driveway to the power line easement and a right angle turn is necessary for access to Part B. Part C is totally within the power line easement and serves the two houses, plus unoccupied property. Mr. Jennings stated that consideration of this request requires both long and short term considerations. The short term consideration is general service by Town vehicles, be they maintenance or emergency vehicles. The long term consideration deals not only with this part of the property and one other property along Part B, but also a larger underdeveloped area to the south and west.

The staff feels that the existing road involving two right angle turns and the lack of urban improvements including paving, curbing, gutters, sewage and possibly no water in the houses, is not an acceptable development standard for this area. The thirty foot right-of-way along cemetery property, if coupled with another thirty foot right-of-way along Bolinbrook property (Part A), would provide a standard right-of-way to the property which could be developed preferably as a unified development in the future according to Town standards. In Part IV of the proposal, the Town Manager recommends the applicant dedicate a thirty foot right-of-way along his property line in Part A and Part B. Part B should be abandoned if a development comes in

that provides better access to those two houses.

Mr. Jennings stated that the Planning Board recommends approval of the requested modification, with the following stipulations:

1. That the beginning and completion dates for each phase be as follows:

<u>PHASE</u>	<u>BEGIN</u>	<u>COMPLETE</u>
I		April 30, 1976
II	April 30, 1976	April 30, 1977
III	April 30, 1977	April 30, 1978
IV	April 30, 1978	April 30, 1979

2. That Village Drive be completed to Estes Drive by the completion of Phase III and prior to the start of Phase IV.
3. That the applicant dedicate a thirty foot right-of-way along his property lines as shown on Map 2, and the map submitted January 23 by the Applicant. This right-of-way consists of two parts. The first part supplements Part A, providing a 60 foot right-of-way to the entire undeveloped area. This part should be considered as a permanent access. The second part parallels and includes Part B to the power line easement. This part should be considered as a temporary access, to be abandoned once satisfactory access to the area is provided through other means.

In response to a question by Alderman Cohen, Mr. Jennings stated that the eventual extension of Village Drive from Umstead Drive to Estes Drive is a public road which will have a sidewalk. After securing the fact that the two houses on the undeveloped property in the district are in the corporate limits, Alderman Smith expressed concern about providing decent access for the residents of these houses. He stated that with the cemetery closed off, it is somebody's responsibility to live up to what the Board promised these people when it originally approved the Special Use Permit for Village West. He stated that the Town has an obligation to build a road whether the Town does or the developers of Village West do it. Town Manager Jenne stated that when the Town decided to annex this area, it did include \$20,000 in the Capital Budget for improvement on the road which the houses face, as well as the access which is being surveyed at this time. Construction and improvements are expected to be completed by the end of the fiscal year. In response to a question by Alderman Vickery, Mr. Jennings stated that Bolinbrook has agreed to provide its portion of the thirty foot right-of-way. There is no problem with the thirty foot easement in Part A. The thirty foot easement in Part B should revert back if a better access is provided. In response to Alderman Smith, Mr. Jennings stated that it will be the Town's responsibility to provide the road with the money provided in the Capital Budget. In response to questions by Alderman Gardner, Mr. Jennings stated that on the establishment of the easements necessary, final approval will be by the Board of Aldermen. The recommendation of the Manager is thirty foot easements in the two parts.

Alderman Smith reiterated his concern stating that traffic from Umstead Drive to Airport Road is already bad because it is impossible to see around the corner at the bottom of the hill on Airport Road. The state was requested to put a traffic light at that corner, but it did not do it. He expressed further concern with the traffic that will be generated by the project itself. Construction vehicles will have to use Umstead drive to get to the project. In essence, a larger traffic problem is being created while the length of time until there will be an alternate route into Town is being extended. Mr. Jennings stated tht at the time the Board approved the original Special Use Permit, it was the understanding of the planning staff that the Board intended two accesses to the project be completed by the time 127 units were completed. The present recommendation is consistent with the intent of the Board. Alderman Marshall stated that the economic situation possibly necessitates the change, however, she stated that she would support Alderman Smith's concern that at the time the Board passed the original Spe-Use Permit it felt a great urgency in having Vuillage Drive to Estes Drive open as soon as possible. She stated that she does think she can support the modification as presented, although Alderman Smith is indicating what the Board had in mind at that time.

Alderman Marshall moved, seconded by Alderman Gardner that the request for modification of the Special Use Permit for Village West be granted, subject to the following stipulations:

1. That the beginning and completion dates for each phase be as follows:

<u>PHASE</u>	<u>BEGIN</u>	<u>COMPLETE</u>
I		April 30, 1976
II	April 30, 1976	April 30, 1977
III	April 30, 1977	April 30, 1978
IV	April 30, 1978	April 30, 1979

2. That Village Drive be completed to Estes Drive by the completion of Phase III prior to the start of Phase IV.
3. That the applicant dedicate a 30-foot right-of-way along its property lines as shown on Map #2, and the map submitted January 23rd by the applicant. This right-of-way consists of two parts:

The First Part supplements Part A providing a 60-foot right-of-way for permanent access to the undeveloped area.

The Second Part parallels and includes Part B to the power line easement. This easement is considered a temporary access to be abandoned once satisfactory access to the area is provided through other means.

4. That except as modified herein all other special terms, conditions, and stipulations heretofore made applicable to the Special Use Permit be continued in effect, and as so modified the Board finds that with all stipulations and conditions as modified, the use continues to meet the four requisite findings set forth in the initial Special Use Permit.

Alderman Epting stated that he would not vote on the matter because of a potential conflict of financial interest. Mayor Wallace stated that this is provided for in the Charter. ~~MA~~ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN SILVER TO AMEND THE MOTION TO HAVE THE COMPLETION DATE FOR VILLAGE DRIVE AS APRIL 30, 1977 AS PLANNED IN THE ORIGINAL SPECIAL USE PERMIT. Town Manager Jenne stated that the requirements of the modification as requested and recommended, in essence, does change the time of completion of Village Drive relative to the completion of a certain number of units in the project. If "x" number of units are completed, Village Drive must be completed. He stated that he realizes that Alderman Smith is concerned that Village Drive needs to be completed now in view of the present traffic situation. With the economy matter in development, it would be a severe hardship for the developers to complete the length of road before he completes a compatible number of units in conjunction with it, to get a return on the investment. It is not economically feasible for the developers to do this. Alderman Smith stated that it is possible that the economic situation may not be feasible in 1978 either. He cited the possibility that the developer may ask for another change in dates and the road may never be built even though 167 units may be completed. Mr. Jenne stated that the stipulations in the modification state that the road must be completed by the completion of Phase III as well as before Phase IV is begun. Alderman Cohen stated that before the Certificate of Occupancy can be obtained by the developers, Phase III and Village Drive must be completed.

Alderman Silver stated that he is concerned with the question of timing. He asked if timing was actually associated with the number of units completed in the original discussion of the Special Use Permit, or if it was felt that in normal procedure it would only be one year before a heavy traffic situation would be created on Umstead Drive. Alderman Marshall stated that as she remembered, if it had been possible the Board would have asked before any of the phases were completed, to have Village Drive opened to Estes Drive. The economic situation has to be taken into account so, Alderman Marshall stated that very reluctantly she would have to go along with the original motion.

Alderman Smith pointed out that the Recreation for the area is over there. He stated that the Board was concerned enough about the traffic running through the Recreation area, to consider rerouting Village Drive. One of the reasons that the Town asked to take over the Village Drive property from the State was so that traffic could go around, leaving the whole recreation area to the left. Since the State did not agree to this, heavy traffic is still going through a major recreation area. The Board should stop the traffic through the recreation area with this Special Use Modification. Alderman Smith stated that this is the only time he sees to get the traffic rerouted. THE AMENDMENT FAILED BY A VOTE OF 4 TO 3 WITH ALDERMEN MARSHALL, HOWES, GARDNER AND VICKERY OPPOSING AND ALDERMEN SMITH, SILVER AND COHEN SUPPORTING. THE ORIGINAL MOTION PASSED BY VOTE OF 6 TO 1 WITH



ALDERMEN SMITH OPPOSING. ALDERMAN EPTING DID NOT VOTE.

Schedule of Regular Meetings of the Board of Aldermen - Ordinance

Mayor Wallace read the proposed Ordinance To Amend Section 2-3, Code of Ordinances, Town of Chapel Hill, North Carolina, changing the regular meeting time of the Board of Aldermen. Town Attorney Denny requested the word "regular" be inserted in Section I, in the second sentence, between "All" and "meetings". Alderman Vickery requested the phrase "unless the Board otherwise directs", to be inserted after the last word in Section 1, before the ".", as is stated in Section 3.3B of the Town Charter. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL TO ADOPT THE ORDINANCE TO AMEND SECTION 2-3, CODE OF ORDINANCES, TOWN OF CHAPEL HILL, NORTH CAROLINA INCLUDING THE WORD "REGULAR" AND THE PHRASES "UNLESS THE BOARD OTHERWISE DIRECTS", IN THE APPROPRIATE PLACES. Alderman Marshall moved to amend the motion to include the phrase "and on the fourth Monday of December." at the end of the first sentence in Section I. Alderman Smith accepted the amendment. Alderman Silver questioned and was assured by the Board that although there will be months when the Board will not have a regular meeting for three weeks, a special meeting can be called, if necessary, without any difficulty. THE MOTION PASSED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN VICKERY OPPOSING.

AN ORDINANCE TO AMEND SECTION 2-3, CODE OF ORDINANCES, TOWN OF CHAPEL HILL, NORTH CAROLINA

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

SECTION I

That Section 2-3 entitled "Regular meeting of the Board of Aldermen" is hereby amended to read as follows:

"Regular meetings of the Board of Aldermen shall be held on the second and fourth Mondays of each month at 7:30 o'clock p.m., except that no meeting shall be held during the month of August and on the fourth Monday of December. All Regular meetings shall be held in the meeting room of the Municipal Building, 306 North Columbia Street unless the Board otherwise directs."

SECTION II

All Ordinances and portions of Ordinances in conflict herewith are hereby repealed.

1976-77 Community Development Block Grant Application - Request for Public Hearing

Mayor Wallace stated that the Board must consider a request to set a public hearing for February 23, 1976 to hear recommendations of the 1976-77 Community Block Grant application. Town Manager Jenne stated that this is a regular public hearing meeting for the month of February and that this would move the Community Development Program on schedule in time to get it in for A-95 review and get it to this Board for final approval before the final date of April 13, 1976. In response to a question by Alderman Gardner, Mr. Jenne stated that the Board would receive copies of the application in their packets. In response to a question by Alderman Howes, Mr. Jenne stated that this application does not include discussion of the progress this year on the Community Development Program. This is included in the semi-annual report which is expected to be out by the end of the week. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, THAT A PUBLIC HEARING BE SET FOR FEBRUARY 23, 1976 TO HEAR RECOMMENDATIONS OF THE 1976-77 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION. THE MOTION WAS UNANIMOUSLY CARRIED.

Survey of Citizens' Attitudes Towards Town Services

Alderman Vickery introduced George Rabinowitz, the faculty supervisor of the survey to discuss the survey and answer any questions that the Board may have. Mr. Rabinowitz, after stating that everything was outlined in the memo distributed to the Board, clarified one portion of the survey con-

cerning bicycle paths. He stated that all responders, not just bikers, were surveyed on the desire for bicycle paths. Alderman Smith asked if it is customary to have such small samples (167 out of approximately 31,000) in surveys such as this one. Mr. Rabinowitz responded that a small sample does not make the survey less valid, it simply widens the range of accuracy of percentages. The larger the sample, the more accurate the percentages are. Alderman Smith asked if all ethnic and age groups were surveyed. Mr. Rabinowitz stated that the survey was town-wide. People living in dormitories or in institutional settings were intentionally not surveyed. Alderman Smith stated that in a survey such as this, he would like to see where the people are dissatisfied. He cited for example, the percentages on garbage collection. Eight percent of the people surveyed felt that garbage collection is poor. He stated that he would need to know where the people are dissatisfied with the garbage collection so that efforts can be concentrated in that area. He stated that this is the case with all the various points of the survey. Mr. Rabinowitz stated that the data was not coded in this way. Alderman Vickery stated that the Urban Institute and the International City Management Association sponsor similar experiments funded by the National Science Foundation to develop a sample design for taking multi-purpose citizens surveys. They did this in Nashville and St. Petersburg, Florida. St. Petersburg is the smaller of the two cities, approximately 250,000 people in the off season, and approximately 400,000 people during the tourist season. The sampling fraction was about one in 400 or 500. Here it was about one in two hundred, so it was a reasonably safe sampling fraction. The sampling fraction here is reasonably adequate for the purpose of identifying major strengths and weaknesses for the city as a whole. He concurred that a much larger sample is needed to identify strengths and weaknesses in specific parts of the city. Even so, more than a sample would be needed to determine precisely where the highest priority improvements are. This survey provides a signal as to what the Town should pay close attention to. In response to Alderman Smith, Mr. Rabinowitz stated that no matter what categories are put in a survey, somebody will respond in each one. For this reason, all surveys should be regarded with a certain amount of skeptical awareness. The context that the survey should be viewed in is the rankings of various services. In response to Alderman Silver Mr. Rabinowitz stated that the students did ask some open-ended questions, however they were not all so construed. Examples of some things citizens stated they would not mind paying more taxes for, were more parks, a pool and tennis courts. Alderman Marshall stated that she felt the survey was a very good one in that it covered a lot of things that the Board is interested in. She stated that it would have been very interesting if before the results were in, the Board of Aldermen was allowed to predict what the results were to see how aware it really is. She stated that she would also be very interested to know how many of the people surveyed were new or people who had participated in any of the pitch presentations on either of the Thoroughfare plans. She commented on the number of citizens participating in the survey stating that citizens do tell the Aldermen a lot and she was sure that the Board has heard from as many as 167 people in two weeks time. This is not to say that the survey is not valid, however. The ultimate survey, she stated, is who the people elect. The electorate has been fairly consistent for a number of years. The Board is told that the people want a town where there is a mix of people and incomes. They want a town where people who work in Chapel Hill, can live in Chapel Hill and it is said by some that this is not possible. If this is taken up as one the Board's prime priorities, all the other priorities have to be included in this. She stated that she gets the feeling that people want sidewalks more than bicycle paths. She does not know where bicycle paths, dog shelters and bus shelters come in. On the Transportation Plan and the Thoroughfare Plan, she stated that it is pretty clear that the people don't want one that's going to do violence to any present land use. They will put up with some safety improvements and some bigger moves in the traffic, but they don't really care if the motorist is somewhat inconvenienced. She stated that she has heard it mentioned that the people would like the Town to be smaller than it is or at least not to grow any more, and this is a difficult issue for the Board. The Board discussed, earlier tonight, projections of where the Town is going. She asked, in reference to the Thoroughfare Plan, if the citizens feel strongly enough to march to Raleigh and tell the Transportation Department how they feel about it. This Board, she stated, feels that the ultimate 201 facilities plan is just as important a determining factor in the Town's growth. She asked if there is any indication from this kind of survey, of how to make the people aware of this and to get them to march up to the EPA Building on February 26th to help support what the people that have studied it and the Board feels are very important for the things that the Town wants.

27 Mayor Wallace expressed appreciation for the information, stating that it is of considerable interest. Mr. Rabinowitz responded that the students did all the designing of the survey with some help from the Planning Department on what areas to touch. In response to Mayor Wallace, Mr. Rabinowitz stated that the study was made the last week in October and the first week in November.

#### Refuse Collection Packer Bodies - Bids

Town Manager Jenne stated that he had nothing to add to the memorandum distributed to the Board concerning the receipt of bids for two Refuse Collection Packer Bodies. The bid, the only one received, from Worth Keeter, Inc, is well within the allocation of \$31,700. After discussion by the Board on the receipt of only one bid, ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER TO ACCEPT THE BID OF \$27,428.00, FROM WORTH KEETER INCORPORATED, FOR TWO REFUSE COLLECTION PACKER BODIES. THE MOTION WAS UNANIMOUSLY CARRIED.

#### Town Participation in Research Project

In introducing the project, Alderman Howes stated that it is really inappropriate to call this a research study. During the campaign, Alderman Vickery, Alderman Howes and others talked about some options in the way the Town organizes its planning, including options of an organized system of Neighborhood Planning Councils and some more extensive ways to involve people throughout planning issues and decisions. In order to begin an exploration of how that system should be modified or if it should be modified at all, Professor David Godschalk of the Department of City Municipal Planning has offered to structure his regularly offered course on citizen participation planning to include a very specific and localized study of how this alternate to Chapel Hill's planning process might be structured and organized. Alderman Howes further explained that this is in a way analogous to the work Professor Cohn did some years ago on the Historic District. It permits the students, involved in regular coursework in the department, to focus on this Town so that when they conclude the course, they will be in the position to explore some options for the Town. If the Town decides to take this option, it can do it on the basis of some experience. He stated that has the Manager's recommendation indicates, money is already budgeted in the Planning Department. It is essentially there in the budget appropriated by the Director of Planning. There is no need for additional appropriation by this Board. The request for a research assistant is not recommended by the Manager so this is not an issue at this point. Professor Godschalk is here and ready to answer questions. Professor Godschalk could go on with this without any formal indication of assistance or support from the Town and come to the Board at its conclusion and simply report the results. It seems that a formal indication of support from the Town would be appropriate and in particular some financial assistance in printing the final output would not only be modest demand on the budget but also a commitment on the part of the Town to at least pay attention to the results. There is now operating in Raleigh, a rather extensive system of Neighborhood Planning Councils that supplement the Planning Committee and the City Council there. It has been a highly successful mode of enhancing participation and the students would certainly use it as one of the models to study carefully. Alderman Howes stated that one of the other things that could be offered in terms of support from the Board would be people that would meet periodically with the class. Alderman Cohen stated that it involves a lot of perception to organize a neighborhood organization through planning. There are some here that have existed for quite a while such as Lake Forest, Hidden Hills and Morgan Creek. Several Homeowners Associations have come along through condominiums such as Village West and Village Green. The Historic District Residents Association is in the process of being formed and is now beginning to actively work with things that affect them. The Town will be able to use all of these organizations, especially the one on Rosemary Street. Alderman Vickery stated that this is an interesting experiment that is taking place in a number of municipalities. Chapel Hill has the University and this is a very inexpensive way to explore an idea that could have great significance for the Town. In response to Alderman Silver, regarding a specific budget Mr. Godschalk stated that the \$1200 figure was a very rough figure. The thinking was that the report would probably have to be printed. There might be a need for some materials for the survey depending on the methodology used. Nothing has been itemized in regard to this figure. Alderman Silver questioned the extent to which the results of the survey would require formal publication. Mr. Godschalk responded that the publication will be applied to the class, directed towards the Town and to that extent it would be formal. Again in response to Alderman Silver, Mr. Godschalk stated that there are twenty-four students already registered into the course in question. Alderman Silver stated that his only concern is the funding. He stated that he had heard of a number of instances in

which either in courses or by the initiative of faculty and students, things of tremendous value of the Town have been done. George Douglas did a survey on Transportation and the study discussed earlier, by Mr. Rabinowitz. These surveys were completed within the context of the class. He questioned the necessity of financial support. The University, he stated, is certainly wealthier than the Town. Mr. Godschalk responded that the purse strings of the University are getting tighter in terms of getting materials, duplicating expenses and the like. Alderman Vickery stated that in light of the questions raised concerning the study made by Mr. Rabinowitz' class, the Town has an opportunity to participate in creating the research designs. Given the recommendation of the department Manager that the funds are available up to \$1200, it seems to be a very useful thing. Alderman Smith stated that there have been studies supported by the Town that are up in the Planning Department gathering dust. He stated that he feels skeptical about supporting this one unless the Town commits itself to use it. In a study of this sort, the Town should give the class guidance as to what is hoped to be obtained from the study. He stated that he wants some new ideas on the way in which the Town involves citizens. Alderman Gardner stated that he concurred with Alderman Smith in respect to the many studies that have already been made, however, if the Planning Board recommends this study and the funds are available, he has no objections. Town Manager Jenne stated that there has to be a differentiation between the availability of funds and availability of staff time. If it is the conclusion of the Board that this a worthwhile venture, the funds are available, however, there is no anticipation that the Planning Director or his staff will have the time to direct or participate in this study. He, in fact, stated that he is in no position to commit any staff time to the study. Alderman Cohen stated that there are twenty-four people that are willing to work on this participatory planning that the Board discussed back in the fall, and they should be encouraged. He stated that he would rather not bias the survey by advising too much. Alderman Marshall stated that she felt that in coming up with the Comprehensive Plan, the Planning Department had pulled out all the aforementioned dusty studies and pulled out what could be used from them, so there are no dusty plans in the Planning Department now. Alderman Silver stated that there ought to be a differentiation between the work done in a seminar course and the work done by some research associate. To indicate how strongly he feels in favor of the study, he offered himself to Mr. Godschalk to work on the study with the class. He stated that his argument is with the funding. He suggested that the Town reserve the funds until after the study and if need be, perhaps then fund the printing of the results. Alderman Howes stated that the money was already appropriated into the Planning Department budget and if it is not used for this, it will be used for something else, not to fund any other worthwhile venture.

Mayor Wallace stated that Alderman Epting asked to excused because of illness. According to the rules, the Board must excuse any one of its members. He asked if there were objections to Alderman Epting being excused. There were none.

ALDERMAN HOWES, MOVED, SECONDED BY ALDERMAN VICKERY TO ENDORSE THE PARTICIPATORY PLANNING PROGRAM STUDY TO BE CONDUCTED BY THE PARTICIPATORY PLANNING METHODS SEMINAR OF DAVID GODSCHALK, INCLUDING THE EXPENDITURE OF UP TO \$1200 FOR EXPENSES. Alderman Gardner questioned the allocation of the monies in question and who would be responsible. Alderman Howes stated that the funds are now allocated at the discretion of the Planning Director. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN GARDNER TO AMEND THE MOTION TO DELETE REFERENCE OF FINANCIAL ASSISTANCE. In response to Alderman Cohen, Mr. Godschalk stated that the \$1200 will be needed to set up survey materials and carry out the study as well as to present the results. Alderman Howes stated that it could be used to duplicate appropriate portions of State legislation or to acquire from the State the procedures under which their councils operate. Alderman Cohen stated that if there is going to be a changing of the planning process, the people coming up with the idea should have the resources to do that. Mayor Wallace stated that since there will be no staff time available for the study, if the money is deleted, then essentially the Town would not be providing anything. Alderman Silver stated that he sees this as a course, therefore it is essentially the responsibility of the students to provide the necessary materials. Alderman Vickery stated that the Town is obtaining a high quality study without having to pay \$300 a day to a research firm. He called for the question. THE MOTION TO AMEND THE ORIGINAL MOTION TO DELETE REFERENCE TO FINANCIAL ASSISTANCE FAILED BY

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A VOTE OF FOUR TO THREE WITH ALDERMEN SMITH, GARDNER AND SILVER SUPPORTING AND ALDERMEN MARSHALL, HOWES, VICKERY AND COHEN OPPOSING. THE ORIGINAL MOTION TO PROVIDE SUPPORT INCLUDING THE \$1200, PASSED BY A VOTE OF FOUR TO THREE WITH ALDERMEN HOWES, MARSHALL, COHEN AND VICKERY SUPPORTING AND ALDERMEN SMITH, SILVER AND GARDNER OPPOSING. Alderman Silver stated for the permanent record that he strongly supports the study, but that his sole concern is of the financial aid involved. He reiterated his willingness to help with the study.

#### Committees and Commissions - Progress Report

Alderman Vickery requested that his report on Town Boards, Committees and Commissions be postponed until the work session scheduled for Thursday 29, 1976. He stated that he would distribute material and talk for about three and one half minutes. Alderman Cohen suggested that Alderman Vickery's report be after the discussion on the Capital Improvements Program which is currently scheduled for discussion at the work session. After brief discussion on this, the Board decided to hear Alderman Vickery's report following discussion of the Capital Improvement Program at the aforementioned work session.

#### Wastewater Treatment Plant - Emergency

Town Manager Jenne stated that his purpose here is to inform the Board of the emergency situation at the Waste Water Treatment Plant that occurred on Friday. He wished to report the actions taken so far and actions are need by the Board to continue to meet the situation. He made the following statement:

On Friday, January 23, the Centrifuge used to dehydrate digested sludge at the treatment plant was shut down after malfunctioning. A major component necessary to its operation was found to have partially disintegrated. The estimated time required for repair or replacement is four to eight weeks and six to twelve months respectively. The Manager has found that no action has ever been taken to purchase a stand-by replacement part to have on hand in just such an emergency.

As of today, operations are underway to dispose of the sludge in liquid form on farm pasture land by agreement with land owners and with approval of the State environmental management division after inspectin of the sites and discussion of disposal methods to be used. The equipment required for this disposal method has been secured from the City of High Point and local equipment dealers. We are holding open as much capacity as possible in the drying beds at the plant for periods of bad weather when the land application may become difficult. Bad weather is already upon us which makes us concerned about how much of that holding capacity can be preserved.

It has also been necessary, with the advice and concurrence of the state environmental management commission to shut down our alum treatment because the alum increases sludge production by about 100 - 150% over normal. This will prevent us from meeting the required standards for effluent quality at the treatment plant.

The damaged equipment was delivered today to the manufacturer's plant in Charleston West Virginia. In three days we will know whether the component can be repaired or not. If it can, the Manager wishes to have it repaired to get the centrifuge back on line in the shortest time possible and to order a back-up component immediately in order to meet future emergencies of this kind. If the component is irreparable, the Manager believes that it is imperative for the Town to order the fabrication of two new components immediately. The Manager is pursuing every available avenue with the manufacturer to shorten the repair or delivery time wherever possible.

If the component is irreparable it will probably also be necessary for the Town to purchase or lease, on a long-term basis, the tank equipment now on loan for 30 days from High Point and the tractor equipment being rented locally.

This emergency has also brought to the fore an associated matter which has concerned the Manager over the past month. The plant has always been under the supervision of a University employee, a member of the experimental lab staff, who holds the required

plant operator's license and who was responsible to supervise not only testing and reporting but also operation and maintenance of the treatment facilities. The Manager has believed for some time that this arrangement was untenable from the standpoint of the Town who is the responsible holder of the state and federal permits, yet, who has no clearly defined and enforceable authority over the performance of the licensed plant superintendent. The Manager has also been informed that the individual concerned has now been granted partial leave by the University for the spring semester and therefore will be able to provide less time than usual to plant supervision.

This situation, coupled with our current problems at the plant which do not promise to be resolved in any short period, make it imperative that the Town Manager have available a full-time superintendent of plants who can devote full-time to testing, monitoring, reporting, and maintenance of the wastewater treatment operations and who is clearly responsible to the Town of Chapel Hill for the performance of those duties.

Because of the situations and events just described, the Manager must request several actions by the Board tonight so that we can move expeditiously to maintain the operation of the treatment plant. These actions include a waiver of bid requirements for repair and purchase of the damaged centrifuge components, authorization to hire a full-time superintendent of plants, and authorization to proceed with certain activities which will require legislative adjustments to the wastewater fund budget.

With respect to the bid requirement, a waiver of the normal procedure is requested, based on the need for immediate response to an emergency and the apparent lack of alternative sources of components. This waiver is contained in the resolution which has been distributed to you tonight.

With respect to the full-time superintendent of plants, an ordinance has been prepared and distributed tonight to authorize this position in the Department of Public Works. The position level is based on the requirements of the Orange Water and Sewer Authority whenever it were to take possession of the operation and on the Town's current requirements in coping with a problem-laden operation between now and the time when treatment capabilities are improved through the conclusion of the Section 201 Wastewater Facilities Program.

With respect to the actions anticipated in the coming weeks and months to solve the current emergency and to maintain adequate plant operations the following items are anticipated:

1. IMMEDIATE ACTION

- a. Repair existing centrifuge component
- b. Purchase of back-up component 20,000
- c. Rental of Equipment from High Point (30 da) 1,500
- d. Rental of local equipment 1,800/month
- e. Reimbursement to Gen. Fund for labor 2,000

2. FOLLOW-UP ACTION

- a. Payment of Plant Superintendent Salary 6,800
- b. Plant Process Improvements 16,000
- c. Purchase or lease of equipment beyond 30 days unknown

There are still uncertainties regarding some of the alternatives available and the exact costs involved in rectifying our current situation. However, it is certain that the Town will have to use the \$20,000 contingency in the wastewater fund and appropriate some portion of the approximately \$118,000 unappropriated fund balance in the wastewater fund. It is anticipated that most of these uncertainties can be resolved in the next two weeks so that formal action on amendment of the budget could take place on February 9. Meanwhile, the Manager would prefer to have authorization by the Board to proceed in these matters before that time. A motion to that effect has also been prepared and distributed to the Board tonight.

In summary, the action requested of the Board this evening is:

- 1. A Resolution to waive bid requirements on the centrifuge components.

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2. An Ordinance to authorize the hiring of a full-time Plant Superintendent who would be solely responsible to the Town's Director of Public Works.
  3. A motion to authorize the Manager to take necessary actions in purchases and rentals within the limits of financial prudence and to recommend to the Board no later than February 23 necessary amendments to the wastewater budget.

Mayor Wallace stated that the centrifuge which has just been repaired was expected to last two or three years but five months later it is out. It is needed to dewater the sludge in the sludge digester. Without the centrifuge, it becomes a matter of pumping and disposing of sludge on some properties. The only source for this particular centrifuge is in Walpole, Massachusetts. There is no chance of finding anything comparable. The centrifuge was sent to Charleston, West Virginia for possible repair. The Town is now faced with possible repair and otherwise replacement. The need to minimize the sludge in intervals is clear because of the rather high volume since it is not dewatered and the alum treatment that has been used to reduce the BOD and the suspended solids, which has been very successful, adds to the quantity of sludge. Because of this, the Department of Environmental Management recommended, by letter, that the alum treatments be stopped. This means that during this period, the effluent requirements from the Wastewater Treatment Plant will not be met. The BOD, with a maximum requirement of 30, is now 15 and will probably go up to between 30 and 40. The suspended solids will be in the same range. The Department of Environmental Management is aware of the situation, has been on the scene and approves the process. They are sending the Manager a letter incorporating these suggestions and admitting knowledge of the situation. The Manager acted immediately and conferences were held over the week-end so it appears that the Town has essentially done all it can do. There is no foreseeable alternative to waiving the bidding because it would take too long. The second item, Mayor Wallace stated goes back a long time. The Town has not employed, under its own jurisdiction and the Board's own motion, a Wastewater Treatment Plant Operator. This has never been a major problem until recently since EPA representatives have come into the picture. The permits are issued to the Town of Chapel Hill as are writs of procedure and civil penalties. Because the person who has heretofore been doubling in this capacity while running the experimental part of the plant for the University, has gone on partial leave it seems a most appropriate time, especially in view of the 201 which is around the corner, that we make every effort to quickly bring on board a person with a license to operate a class IV Wastewater Treatment Plant. Mayor Wallace stated that he wishes to voice his concurrence inasmuch as it seems escapable that the Town proceed expeditiously.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN THAT A RESOLUTION FINDING THAT AN EMERGENCY EXISTS REQUIRING THAT THE STATUTORY BIDDING PROCEDURES BE WAIVED AND A CONTRACT AWARDED FOR THE REPAIR OR REPLACEMENT OR EQUIPMENT, BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION FINDING THAT AN EMERGENCY EXISTS REQUIRING THAT THE STATUTORY BIDDING PROCEDURES BE WAIVED AND A CONTRACT AWARDED FOR THE REPAIR OR REPLACEMENT OF EQUIPMENT

WHEREAS the proper operation of the Chapel Hill sewage treatment plant is a necessity for the continued health and safety of the residents of Chapel Hill and the surrounding area; and

WHEREAS sudden failure of the centrifuge used to dehydrate digested waste has created a special emergency, making it impossible to dispose of waste in a normal and proper manner; and

WHEREAS a quick return to normal operation of the waste treatment plant is necessary to avoid a hazard to the health of the community; and

WHEREAS the Town has determined that manufacturer of the damaged centrifuge equipment is the only repair facility for said equipment and that said manufacturer is willing to make the needed repairs or to replace the equipment if necessary; and

WHEREAS delay in awarding the contract for repairs or replacement after solicitation of bids through formal advertisement would cause a delay in the return of the centrifuge to operation and a prolongation of less satisfactory disposal measures made necessary by lack of the equipment; NOW THEREFORE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town hereby finds that there exists an emergency constituting a

potential hazard to the health and safety of the residents of Chapel Hill, and that the statutory formal notice and bidding procedures for the repair or replacement if irreparable of the waste centrifuge should be waived; and

BE IT FURTHER RESOLVED that a contract for the repair or replacement if irreparable of said centrifuge be, and the same hereby is, awarded to Bird Machine Company of Walpole, Massachusetts, and that the appropriate officials of the Town of Chapel Hill are authorized to execute all purchase orders to carry out the terms of this Resolution.

This the 26th day of January, 1976.

Mayor Wallace stated that in employing a Wastewater Treatment Plant Operator, the Town is more or less assigning a class and range for a position that it has never had before. Town Manager Jenne stated that this is a matter which he had given some thought before the emergency situation occurred. Several months ago, it became his firm belief that the Town needed a full time plant operator, not only in view of the increase in problems that the Town is experiencing in operation of the plant, but also in terms of transfer to the Water and Sewer Authority and in terms of installation of the 201 improvements expanding the plant's capacity. He stated that he had discussed in detail, with the then president of the Water and Sewer Authority and Everette Billingsley, the respective requirements which would be both by the Town in present terms and by the Water and Sewer Authority if it takes over facilities in the future. He stated that they developed this position at this particular level and range and found, surprisingly, that it met both of their needs equally. The range is not comparable to anything the Town has now. The position is equivalent in range to the Director of Operations in the Department of Public Works and the City Engineer, two of three individuals in this proposal that report directly to the Director of Public Works. There is also a request that the Superintendent for Collections position be deleted. This is partially a deferral to the future requirements of the Water and Sewer Authority should it take over operation of the system and in anticipation of it, the position has been vacated. The duties of the Superintendent of Sewage Collections operations is being performed by the same individual that is Superintendent of another division in the Department of Public Works. This dual superintending is not inconsistent with what is being done in other divisions. The two actions involved here deal with two different divisions. The Town does not currently have any position of Superintendent under treatment. The Superintendent the Town does have is charged with maintenance of lines. He has nothing to do with the treatment operation itself. In response to a question by Alderman Cohen, Mr. Jenne stated that the range 30 is roughly from \$14,000 to \$18,000. Alderman Marshall asked if the range is set up to fit in with the Classification Plan that was adopted by the Water and Sewer Authority. Mr. Jenne stated that he believes so, however he stated that he had no direct knowledge of the Classification Plan of the Water and Sewer Authority. He stated that his primary concern is that considering the responsibilities, education and experience required, that it be consistent with the other ranges in the Town pay plan as much as possible in that it is not comparable to any other position in the Town. He stated that all he asked the Water and Sewer Authority is if it is consistent with their plan. They said it was. Alderman Smith questioned the University's participation in these repairs. Mr. Jenne responded that the University is aware of the situation, however they have not been approached about participation in funding. They have not offered anything. In response to a question by Alderman Gardner, Mr. Jenne stated that Jim Brown holds the license which is required to operate the plant. He is not filling any formal position of Superintendent of Plants. His primary responsibility is operation of the experimental testing laboratory that the University runs at the plant. Mayor Wallace stated that in the past, when the Town was been asked for the name of their licensed Wastewater Treatment Plant Operator, Mr. Brown's name was given. Mr. Brown is a employee of the University. The Town has the full responsibility for the plant because if the permits are issued to the Town, any difficulty under the laws comes to the Town, so the Town has this opportunity to do what it should have done before. Mr. Brown is on partial leave and is phasing out. Town Attorney Denny stated that there is an agreement with the University concerning operations of the plant and Mr. Brown. Mr. Brown is, in effect, providing a service to the Town in a general supervisory capacity. In response to Alderman Gardner, Mr. Jenne stated that the position, being deleted, is vacant and a second position is being created. The position will have to be advertised so there is no immediate anticipation of filling the position. Mayor Wallace stated that licensed Wastewater Treatment Plant Operators are in short supply. There are no training facilities



except at Community Colleges and they are done on a 72 hour week-end basis, so these people are getting minimal training. Essentially \$10 million plants are being turned over to people with minimal training. Alderman Gardner stated that he hopes that discussions of the matters will be held with the University. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES THAT THE ORDINANCE TO AMEND THE ORDINANCE OF JUNE 27, 1975, ESTABLISHING SALARY RANGES POSITION CLASSIFICATIONS, ETC., FOR EMPLOYEES WITHIN THE SERVICE OF THE TOWN OF CHAPEL HILL FOR THE PERIOD JULY 1, 1975, TO JUNE 30, 1976, BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER TO AUTHORIZE THE TOWN MANAGER TO TAKE THE NECESSARY STEPS TO MAINTAIN OPERATION OF THE WASTEWATER TREATMENT FUNCTION WITHIN PRUDENT FINANCIAL LIMITS AND TO HEREBY DIRECT THE MANAGER TO REPORT BACK TO THE BOARD, AT ITS MEETING OF NOT LATER THAN FEBRUARY 23, 1976, THE NECESSARY AMENDMENTS TO THE BUDGET ORDINANCE REQUIRED TO FINANCE A REVISED WASTEWATER TREATMENT PROGRAM DURING FISCAL YEAR 1976-77. THE MOTION WAS UNANIMOUSLY CARRIED.

AN ORDINANCE TO AMEND THE ORDINANCE OF JUNE 27, 1975, ESTABLISHING SALARY RANGES, POSITION CLASSIFICATIONS, ETC, FOR EMPLOYEES WITHIN THE SERVICE OF THE TOWN OF CHAPEL HILL FOR THE PERIOD JULY 1, 1975, TO JUNE 30, 1976.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the ordinance of June 27, 1975, establishing salary ranges, position classifications, etc., for employees within the service of the Town of Chapel Hill for the period July 1, 1975, to June 30, 1976, be amended as follows:

ADD to Section II, "Assignment of Classes and Ranges", the following:

<u>Range</u> 30	Superintendant of Plants
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DELETE from Section III C., "Wastewater Collection", the following:

<u>Position</u>	<u>No.</u>	<u>Hrs.</u>	<u>Range No.</u>
Superintendant	1	40	23

ADD to Section III C, "Wastewater Treatment", the following:

<u>Position</u>	<u>No.</u>	<u>Hrs.</u>	<u>Range No.</u>
Superintendent	1	40	30

Section II

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of January, 1976.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:25 P.M. 1976. THE MOTION WAS UNANIMOUSLY CARRIED.

*James C. Wallace*  
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 Mayor James C. Wallace

*David B. Roberts*  
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 David B. Roberts, Town Clerk