

have a lot to say too, if they can get over the shadow. The worse thing that ever happened was last December, when New York, who has never participated at all, when they were in trouble, sent many people down to disrupt every meeting.

In response to Alderman Howes, Alderman Marshall stated that the Congress of Cities is always right after Thanksgiving. There is a notebook, kept by the Assistant to the Manager, which tells of everything that comes in, of announcements of meetings and the like.

Mayor Wallace stated that he would like to inform the Board that he has set up two meetings with the people in relationship to the 201 situation. The attempt is to get as many firm alternatives as possible to get back to this Board as quickly as possible. First, the technical aspect of it has to be determined and then the political situation here has to be determined. Hopefully, within the next two or three weeks, the conclusion of what is wanted, will be reached in relation to 201. Until this is determined, it will be difficult to determine what can be obtained and then it might be impossible. It is the hope that in connection with the National League of Cities and other Congressmen, that the Town can begin to put whatever persuasion it can from that area into this thing.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 11:25 p.m.

James C. Wallace

Mayor James C. Wallace
David B. Roberts

Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, MARCH 22, 1976, 7:30 P.M.

Mayor Wallace called the regular meeting of the Board of Aldermen 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 Attorney E. Denny and Town Clerk D. Roberts.

Mayor Wallace stated that before the public hearing, the Board must consider a matter that the public hearing is dependent upon. Town Attorney Denny stated that the item deals with certain Zoning Text Amendments which were heard in an earlier public hearing. The Board has received recommendations of the Planning Board and have directed this ordinance to be drawn for consideration at this time. One of these Zoning Text Amendments modifies that portion of the Zoning Ordinance dealing with quas-public buildings as a special use and the districts in which they are permitted. The amendment amends Section 4-C-4-b to insert three zones which are not now included in the zones in which quasi-public buildings are permitted, namely R-10A, R-4A, and R-3. It is necessary to adopt the ordinance in order to make the application for a quasi-public building in a R-10A district, appropriate for public hearing. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES THAT AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED. In response to Alderman Smith, Mr. Denny stated that this matter has been heard at a previous public hearing, heard by the Planning Board and their recommendations have been approved by the Board of Aldermen.

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS"

BE IT ORDAINED that "Ordinances providing for the zoning of Chapel Hill and surrounding areas" be amended as follows:

SECTION I

INSERT into subsection 4-C-4-b, "Permitted Districts," the following: R-10A, R-4A, and R-3.

SECTION II

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

This the 22nd day of March, 1976.

ON MOTION BY ALDERMAN COHEN, SECONDED BY ALDERMAN GARDNER, THE REGULAR MEETING OF THE BOARD OF ALDERMEN WAS UNANIMOUSLY RECESSED.

QUASI-PUBLIC BUILDING SPECIAL USE PERMIT FOR THE PHILLIPS LAW OFFICE - PUBLIC HEARING.

Mayor Wallace called the public hearing to order to hear a request for a quasi-public building Special Use Permit for the Phillips Law Office located at the northeast corner of East Franklin Street and Hillsborough Street. He swore in Mike Jennings, Planning Director for the Town of Chapel Hill, Ida Friday and Brent Glass, all of whom wished to speak at the public hearing. Alderman Marshall pointed out that a quorum of the Planning Board was not present. Mayor Wallace declared a recess of the public hearing not to exceed thirty minutes.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES TO RESUME THE REGULAR MEETING. THE MOTION WAS UNANIMOUSLY CARRIED.

Approval of the Minutes

The minutes of the March 8, 1976 meeting were duly considered and corrections were made. ON MOTION BY ALDERMAN GARDNER, SECONDED BY ALDERMAN EPTING, SAID MINUTES WERE UNANIMOUSLY ADOPTED FOR OFFICIAL RECORDING AS CORRECTED.

Petitions and Requests

Mayor Wallace requested that a report from the Board members on the Orange Water and Sewer Authority, relating to their last meeting, be added to the end of the agenda. There were no objections.

Charles Vickery referred to a previously distributed petition and the claim by Albert West of the Town of Chapel Hill. He stated that Morgan Creek, which runs along Morgan Creek Road, had a sewer line installed in 1969 crossing the creek in several places. Mr. West wrote the Town Manager in September, 1970 stating that the flow of the creek had been altered by this sewer line and the bank had begun sliding and caving in along Mr. West's property line. Mr. Peck, then the Town Manager of the Town of Chapel Hill, promised in a letter to do something about it. Another letter was sent to the Manager. At some point thereafter, in the spring of 1971, Public Works came out and made some minor changes. Some of the Aldermen came and viewed the problem. The Board then apparently directed the Manager to do something about it and nothing was done. This past summer, it looked as if about six feet of the property had been lost. Mr. Vickery stated that he had inquired into the Town's capabilities for rectifying the matter. He was told that the Town did not have the capability and it was suggested that he contact a private contractor to see if anything could be done. In November, Elmer Pendergraft of Pendergraft Construction stated that he could repair the land and change the shift of the creek. Mr. West, being an engineer, agreed with Mr. Pendergraft's plan and found that it would cost between \$3,000 and \$4,000 to make the repairs. Mr. West is asking, because of the history of this matter, that the Town supervise the repairs made on the shift and approve an expenditure of monies for the repairs. He is also asking for reaffirmation or a revote of the Board's previous actions on this matter.

Alderman Smith stated that having been on the Board when this matter originally came up, he is at a loss as to why it has not been corrected. He stated that the facts as presented by Mr. Vickery are correct and he feels that the Town is wholly responsible because it should have been corrected six years ago when the Board instructed the Town to do so. Alderman Marshall stated that she also was among those that went and surveyed the situation on Mr. West's property. She asked if the repairs made on the stream would cause any other problem, or the same problem further down the stream, perhaps on someone else's property line. She was assured by Mr. West that it would not. This is why, he stated, he is asking for Town supervision of the repairs. He also stated that the repairs will not be easy because of the access problem. In response to Alderman Smith, Town Manager Jenne stated that the Town itself does not have the capabilities to do the repairs. Mayor Wallace stated that it does seem that the Town is liable in this matter. He recalled the promises made and the things that were originally done, however these were not the right things. The appropriate thing to do is to authorize the Manager to get expert advice on what to do and how much it will cost. Until this information is obtained, the Board cannot proceed. Alderman Marshall requested a full report of other "miseries" encountered at the site.

ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN SMITH TO INSTRUCT THE TOWN MANAGER TO SEEK EXPERT OPINIONS ON THE METHOD AND COST OF REPAIRING THE DAMAGE DONE TO MR. WEST'S PROPERTY. HE IS TO REPORT BACK TO THE BOARD OF ALDERMEN IN ONE MONTH. Alderman Smith asked that the motion be amended so that the Manager would be required to report back at the next regular meeting. Mr. Vickery accepted the amendment. THE AMENDED MOTION WAS UNANIMOUSLY CARRIED.

Alderman Marshall requested that the meeting be called off on Thursday, April 1, 1976, that she had requested to discuss the internal organization to the Board. There was no objection.

Alderman Silver requested that item 13 on the agenda, regarding a Resolution Authorizing Payment to the Orange County Energy Conservation Task Force For Professional Services, be removed. The Orange County Commissioners will consider the matter on Thursday, April 1st, and this Board should wait until after their decision. There was no objection.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH TO RECESS THE REGULAR MEETING OF THE BOARD OF ALDERMEN AND RESUME THE PUBLIC HEARING. THE MOTION WAS UNANIMOUSLY CARRIED.

PUBLIC HEARING RESUMED

Being previously sworn it, Mr. Jennings gave presentation of the subject of the public hearing. He stated that the request is for a quasi-public Special Use Permit under Section 4-C-4 of the Zoning Ordinance. The applicants are the Bicentennial Commission, the Preservation Society and the owner of the building, Mr. Walter Creech. The location is on the northeast corner of East Franklin Street and Hillsborough Street. The property is zoned R-10A. The zoning is also R-10A on the west, north and east of the property and University-A on the south. There are sorority uses to the west, residential uses to the northeast and the east and University uses to the south. The existing Phillips Law Office will be used for headquarters for the Bicentennial Commission and once their function ceases, the Preservation Society will find another suitable tenant for the building. There is a requirement for a 20,000 square foot lot for this type of Special Use, however, a variance has been granted by the Board of Adjustments on this point. It meets required parking spaces for this type of use which is one space for every 300 square feet. This is only a 600 square foot building. More parking spaces may be necessary, depending on the practices of employees of the structure and the visitation to the building.

Brent Glass, representing the Preservation Society, being duly sworn, made the presentation by the applicant. He stated that the building in question has historic significance. It was the first law office in Chapel Hill used by Sam Phillips and William Battle, members of two families that have long been associated with Chapel Hill and the univer-

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sity. It was also a boys school and also served as a classroom space for the first classes of the University Law School. He stated that it is worthy of preservation because of its function within the Historic District. Chapel Hill's Historic District is a character area and this building certainly is among those buildings with character in Chapel Hill. It is on the National Register of Historic Places. The building is important, not only for the Historic District, but for the visual quality of the Town as it is one of the first buildings one sees when entering Chapel Hill. Any project that would enhance the quality of this particular building, would enhance the quality of the entrance of Chapel Hill. As a Bicentennial project, it has significance beyond the Bicentennial in that it can serve as an example in the future for other owners of similar property.

Mayor Wallace called for proponents to this matter. Ida Friday, President of the Bicentennial Commission, spoke as an applicant as well as proponent. Being duly sworn, she stated that she became involved with the building when she was President of the Preservation Society. She stated that finding a proper use for the old building is extremely difficult. It's limiting because it cannot be purchased and it is small, doesn't have adequate space, and cannot be zoned properly. An attempt was made to purchase the property with money offered by an interested party, however, Mr. Creech did not want to sell. Consequently, it is being rented. The rent will have to be paid even after the lease runs out because there is an option to renew the lease. There is another problem with the building in that Mr. Creech has told his son, who is in College, that he can have the house his senior year in college. Consequently, the house has to be returned to Mr. Creech with the option to get it back later if so desired. Ms. Friday stated that it has not been easy finding a suitable use for the property after the Bicentennial Commission no longer needs it. One recommended use was an information center for Chapel Hill, however, the traffic is wrong and there are no parking spaces. The hope was that the Historic Society would be interested in it as their office. The Historic Society has since said that this was not possible because there is not adequate parking space and not adequate space inside for their Board to meet. The Chapel Hill Board of Realtors, as a contribution to the Bicentennial, wants to restore the Phillips Building and it is really in need of restoration. The Bicentennial Commission had given to it, money by an interested individual to pay the rent for 2 years so the restoration could take place. The Bicentennial Commission goes out of the office on the 31st of December so they asked the Preservation Society if they would handle the option with Mr. Creech and they agreed. After the close of the Bicentennial, the Preservation Society will have the time to work out something for the future. Mr. Glass asked what the following statement of justification be entered into the record:

STATEMENT OF JUSTIFICATION
BY THE APPLICANT

Application by the Chapel Hill Bicentennial Commission and the Chapel Hill Preservation Society for a special use permit for the Phillips Law Office at 401 East Franklin Street, for use as an office in an area currently zoned R-10A.

Background

As a measure to insure the longevity of this small building which plays a most significant part in the history of Chapel Hill, the Chapel Hill Preservation Society following upon a request from the Chapel Hill Bicentennial Commission has secured permission from the owner, Walter D. Creech, to lease the building for use by the Commission as its headquarters in 1976. Following the cessation of their functions, the Chapel Hill Preservation Society will be responsible for securing a tenant of like nature for the duration of the lease.

Currently, the building is in poor condition with problems resulting from termites, water and weather damage. This state of deterioration will accelerate unless attended to soon. The Chapel Hill Board of Realtors has agreed, as their contribution to the Town's recognition of the nation's 200th birthday celebration, to renovate the building under the watchful eye of Mr. Ed Turburg, an expert in historic restoration from the Division of Archives and History in Raleigh. This work will begin shortly.

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From the description of this building in the nomination paper for its placement on the National Register of Historic Places we learn that it "was erected in the 18400's by Samuel Phillips to serve as a law office. In 1847, Phillips used the structure as a preparatory school for boys. It also was used by William Horn Battle for classes of the first law school of the University. It was the first law office in Chapel Hill and its particularly notable for having been shared by two of the Town's most distinguished early residents, Samuel Phillips and William Battle". It seems most fitting that the use of this building as an office should again be allowed.

1. Use of this building as an office will not materially endanger the public health or safety. The traffic into the required two large, or three small parking spaces provided will be the same as currently provided. Entry and exists from this area behind the building is clear and should prove no hazard to drivers. Hopefully a good portion of the traffic into the building would be by foot, having left their car in a city lot or arrived by bus. The building is located on the F route of the bus system and could be most conveniently reached in this manner.
 - b. Provisions of services and utilities will remain the same. Where needed, plumbing and mechanical repairs will be made.
 - c. There will be no cause for soil erosion.
 - d. The site is not in the Chapel Hill Flood Plain.
2. The use of this building as a quasi-public office would comply inasmuch as it does now with the zoning ordinance and land development regulations and standards. The landscaping will be improved to enhance the building and surrounding areas. An Orange County Nurseryman, Tom Glendinning, is donating his time and shrubbery, etc. for this beautification as his contribution for the Bicentennial.
3. This use and the improvement of this property will in no way be detrimental to the adjacent property-owners, but would in fact enhance the surrounding areas by virtue of the building and grounds being improved and beautified.
 - a. We foresee no conflict of this use to that allowed in the current neighborhood, where home owners are permitted to conduct business within their homes of a certain nature that doesn't interfere with the peace of the neighbors. Such is the case here. We foresee no conflicts especially in light of this use being so closely akin to its original function.
 - b. We believe this use is in conformance with the zoning map and the plan of development of Chapel Hill and its environs.
4. The improvement of this property as outlined above will remain in harmony with its area of location and will conform with the plan of Chapel Hill and its environs. It will not affect the Flood Plain, Chapel Hill Thoroughfare Plan or the Greenway Plan.

Mayor Wallace called for opponents. There were none.

In response to a question by Alderman Vickery concerning the lease, Ms. Friday stated that the lease is for two years. After that time, Mr. Creech's son will get the building. He may not want the Building, but in the event that he does, the Preservation Society or whatever tenant they have found for the building, will be able to renew the lease, not necessarily at the same price.

In response to Alderman Cohen, Mr. Jennings stated that a quasi-public building is anything that is generally open to the public but not financed by a public institution. There is no list of possible quasi-public uses.

In response to Alderman Smith, Mr. Jennings stated that the lot has two parking spaces, possibly three small ones, which is all that is required by square footage. More spaces could be put on the lot, however,

the lease between the Preservation Society and the owner, requires that the landscaping be left as it is. Ms. Friday stated that this is only generally speaking. There is a landscapist group that has asked to landscape it as their Bicentennial contribution. Mr. Creech has asked that the parking spaces be left and the Preservation Society and the Bicentennial Commission feel strongly that the naturalness of it should be kept.

In response to Alderman Smith, Ms. Friday stated that Mr. Creech's son will live in the house. It has in the past, been rented to college students for \$150 a month for two small rooms and a bath. When the students are in it, damage will be done.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS UNANIMOUSLY CARRIED.

ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN HOWES, THE PUBLIC HEARING WAS ADJOURNED AND THE REGULAR MEETING WAS UNANIMOUSLY REOPENED.

Historic Conservation District and Properties Ordinances

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL THAT THE HISTORIC CONSERVATION DISTRICT ORDINANCE BE REHEARD AND THE HISTORIC PROPERTIES ORDINANCE NOT BE ADOPTED.

Alderman Howes stated that the public hearing on the Capital Improvements Program is scheduled for the same date as this public hearing and suggested a possible alternate date for this public hearing. He suggested such an amendment charging the Manager with coming up with an appropriate date, which was accepted by Alderman Smith who made the motion and by Alderman Marshall who seconded the motion.

Alderman Vickery suggested some change in wording so that the ordinance would not reflect that the Board of Aldermen is saying that it wants to increase property values in one area of Town by making it something special. ALDERMAN VICKERY PROPOSED AN AMENDMENT TO DELETE "STABILIZING ANI INCREASING VALUE" AND SUBSTITUTE "MAINTAINING AND ENHANCING GENERAL WELFARE THE AMENDMENT WAS SECONDED BY ALDERMAN SILVER.

During discussion of this amendment, it was pointed out by Mr. Jennings, Planning Director, that the point that Bob Stipe, who worked with Historic Districts across the state and in fact wrote the enabling legislation, made is that maintenance of property values in conducive to the general welfare. Where these Historic District Ordinances have been attacked, the state courts relied on this very phrase. This particular ordinance specifically speaks to that point. The Zoning Ordinance as a whole makes its tie to the police power, the maintenance and stabilization and possibly increasing the property values. In order for the Town to enact its police power, it must have some link to the general health, welfare and morals of the community. The link has to be there. The link is, as established in court cases, the maintenance and enhancing of property values. Several Board members had alternative wording changes to reflect Alderman Vickery's concern, but the consensus of the Board was that it would not like to go against established court cases. In response to Alderman Vickery, Town Attorney Denny stated that what is being discussed here is bits and pieces of a proposed ordinance which is part of a greater ordinance. It is true that the courts have uniformly felt that "general welfare" is too vague a definition to form a standard. This ordinance supports the Appearance Ordinance concept on the property value. From a legal standpoint, there should be a requirement in a particular area that does directly reflect on light and air and things normally considered in the preamble to the regular Zoning Ordinances. Alderman Vickery responded to this statement asking if the ordinance could, instead of having the terms in this particular ordinance about the Town's desire to improve property values in this district, refer to the larger ordinance that it needs to be linked to and say that it is the Board's intention to maintain and enhance the general welfare in this district consistent with general statutes or whatever other ordinances the Board finds appropriate. THE AMENDMENT FAILED BY A VOTE OF FIVE TO THREE WITH ALDERMEN VICKERY, SILVER AND MARSHALL SUPPORTING AND ALDERMEN SMITH, EPTING, GARDNER, COHEN, AND HOWES OPPOSING.

Alderman Howes questioned the restrictiveness of the term "architecture" in the paragraph regarding membership in the Historic District Commission. He proposed an amendment, seconded by Alderman Epting, to have the phrase read "history, architecture, and other design related professions." The amendment passed unanimously.

Alderman Howes stated that he has many strenuous reservations about the Community Appearance Commission assuming the duties of, and becoming the Historic District Commission, and would like to review this fully at the appropriate time.

THE ORIGINAL MOTION, NOW AMENDED, PASSED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN MARSHALL OPPOSING.

Approval of Annexation Report - Resolution

In response to Alderman Vickery concerning proposed sidewalks on the right-of-way at Frank Porter Graham, Town Manager Jenne stated that the sidewalks would not be required to be installed, but could be installed upon annexation.

Alderman Vickery stated that if it is true that Capital Improvements represent the present value of the total cost involved or the total capital cash year by year discounted through this point and time, the Board should be looking at, in this presentation, the present value of total revenue over the life span of those Capital Improvements. What appears to be here is a marginal kind of surplus and what should be presented is either the present value of both revenue and cash over the life span of the asset, or the present total revenue for the average annual period and some kind of annual equivalent of the total Capital cash over that life span, something analgous to the depreciation rate plus the interest on the remaining capital. What is stated here is an overstatement of capital improvement costs and an understatement of revenue. From now on, the Board really should have a more appropriate balance between the two figures. Town Manager Jenne stated that the purpose of presenting these figures in the annexation report is to allow the Board to satisfy itself before taking action on the area. The Town is indeed capable of taking whatever services would be required by the annexation, whatever capital improvements may be required by the annexation itself and in addition, in this case, have added capital improvements that may not be required, but should be done. Alderman Vickery stated that, that is alright in this case; it understates the benefits of this particular annexation, but in the future, what will happen if the district under consideration is a less endowed district to annex, is that the Board will see a deficit and wonder if its worth doing when presentation of the figures as Alderman Vickery previously indicated, may show a surplus. Alderman Marshall stated that she would tend to disagree with Alderman Vickery. The figures that have to be given to the Board, are the figures which the Board has to look into, in its actual budget obligations over the next several years. Very often the Town does have to take on an annexation that will cost the Town money and which will indeed have a deficit. The Board would not want to deceive itself or the Boards that will follow in five or six years. What each Board is worried about is being able to be responsible for the budget in each year. Alderman Vickery stated that he is concerned with both sets of figures. One is the proper comparision of the revenue and cost figures and the second is what kind of financial strain it will make in the first year or the first five years. Mike Jennings, Planning Director, stated, as a point of information, that the term "present value", in this case, is speaking in layman's terms, not economic terms. This is not a discounting present value, this is just the present cost per square yard. The inflation figures of cost and revenue were included. Alderman Vickery stated that he would like to see the presentation of revenue and cost figures that recognizes the stream of both revenue and costs over the life span of the asset being considered, and indicates, in a cash flow sense, what problems the Town is getting into or avoiding in intermediate terms of just dollars and cents flow. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER THAT A RESOLUTION APPROVING ANNEXATION REPORT, BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION APPROVING ANNEXATION REPORT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the report on the Oaks and on a portion of ROW fronting Frank Porter Graham School, describing the areas and plans for provision of services thereto after annexation, is hereby approved.

This the 22nd day of March, 1976.

Zoning of Chapel Hill and Surrounding Areas - Ordinance

ON MOTION BY ALDERMAN COHEN, SECONDED BY ALDERMAN MARSHALL, AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", WAS UNANIMOUSLY ADOPTED.

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS"

BE IT ORDAINED that "Ordinance providing for the zoning of Chapel Hill and surrounding areas" be amended as follows:

ADD to Sections 4-C-2-I and 4-C-7-G a new subsection (8) to read as follows:

- (8) LIQUID REFUSE - Proposed plan for the disposal of liquid refuse (where such plans are applicable) including settling ponds, grease traps, and filter designs for effluents. Chemically treated effluent shall be placed into the sanitary sewer system.

and RENUMBER subsections 4-C-7-C(8) ff as 4-C-7-G(9) ff.

II

REVISE Section 4-B-1-e to read as follows:

- e. Hearings on Special Use Permit requests shall be heard only on the fourth Monday of the months of January, March, May, July, September, and November, provided that where the Board of Aldermen by vote of two-thirds (2/3) of its total membership finds that an emergency exists, it may waive this restriction.

REVISE the second paragraph of Section 11(4) to read as follows:

Hearings by petition from private citizens on changes to the Zoning Ordinance (Zoning Text or Map) shall be held only on the fourth Monday of the months of January, March, May, July, September, and November, provided that where the Board of Aldermen by vote of two-thirds (2/3) of its total membership finds that an emergency exists, it may waive this restriction.

III

In Section 3, Table of District Regulations,

INSERT the word "private" to precede and modify the word "greenhouses," under "Accessory uses and structures," and

REPLACE "Greenhouses, commercial" with "Greenhouses with retail sales on the premises" and

REPLACE "Greenhouses, private and public" with "Greenhouses, private" and

REPLACE "Agricultural products grown on premises, retail sale thereof on premises" with "Agricultural products grown on premises, retail sale

therefore on premises including greenhouses and the sale of plants and herbs."

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ADD to Section 13, "Definitions," the following definition:

Greenhouse, private. A structure for the cultivation or protection of tender plants conducted entirely within a dwelling or an accessory building thereof and carried on solely by inhabitants of the dwelling unit in connection with which there is no show window or sales room. Such use shall be clearly incidental and secondary to the use of the property for dwelling purposes and shall not change the character thereof. On lots of one acre or less the maximum size shall be 500 square feet. For lots greater than one acre the maximum size shall be 1.2% of the lot area. Private greenhouses located in accessory buildings having a floor area greater than 500 square feet shall be placed outside the required minimum yards.

ADD to the heading of Section 4-C-4 and to subsection 4-C-4-a the words, "Public Greenhouses" to follow the words "Private Schools."

INSERT into subsection 4-C-4-b, "Permitted Districts," the following: R-10A, R-4A, and R-3.

RENUMBER present subsection 4-C-4-d as 4-C-4-d(1) and ADD a new subsection 4-C-4-d(2) to read as follows:

- (2) Off-street parking areas shall be screened from the view of abutting residential districts or uses by solid continuous walls or fences or by solid appearing evergreen hedges; such screen walls or fences shall be constructed not less than six (6) feet high, and hedges shall be six (6) feet high within two years after planting; required height of walls, fences or hedges shall be measured from the highest ground floor level of the parking area.

REVISE Section 4-C-5 to read as follows:

Regulations for Special Use Permits

Section 4-C-5

RESIDENTIAL PARKING LOTS HOLDING SIX (6) OR MORE AUTOMOBILES AND NOT OTHERWISE COVERED BY SPECIAL USE PERMIT:

INTENT: It is the intent of this section to minimize any adverse effects upon residential areas from the use of private property for off-street parking. The use of a residential lot for more than five automobiles must be justified by the need generated by residential uses in the immediate area, and is subject to necessary design standards, in order to satisfy this intent.

a. Permitted Districts:

Residential parking lots, as defined by this section, shall be permitted in Agricultural, R-20, R-15, R-10, R-10A, R-6, R-5, R-4, R-4A, R-3 and R-FP districts. Residential parking lots covered by this section shall not be used to provide additional parking or automobile storage area for retail or office uses located within Central Business, Regional Commercial, Suburban Commercial and Limited Business districts.

b. Minimum Lot Area:

The area of any lot shall be at least 5,000 square feet.

c. Screening and Fencing:

Parking areas shall be screened from the view of abutting residential districts or uses by solid continuous walls or fences or by solid appearing evergreen hedges; such screen walls or fences shall be constructed not less than six (6) feet high, and hedges shall be six (6) feet high within two years after planting; required height of walls, fences or hedges shall be measured from the highest ground floor level of the parking area. Parking areas shall be screened from the view of abutting public rights-of-way by solid continuous walls or fences or by solid appearing evergreen hedges not less than four (4) feet high. The height of such walls or fences shall be measured from the highest ground floor level of the parking area.

50 d. Other Requirements:

(1) Parking areas shall have a stabilized surface with parking spaces clearly marked and properly maintained.

(2) A vehicle free strip, not less than ten (10) feet wide, shall be left between the public right-of-way and abutting parking spaces and traffic lanes and between abutting properties and abutting parking spaces and traffic lanes.

(3) Access driveways shall be of adequate design to provide for the traffic. Such driveways shall be placed at a sufficient distance from any street or highway intersection to minimize traffic hazards, inconvenience and congestion.

(4) Ingress and egress to any street shall follow the North Carolina Manual on Driveway Entrance Regulations and Chapter 17 of the Chapel Hill Code of Ordinances.

(5) On all streets having curb and gutter a sidewalk, either of concrete or of brick construction, shall be built along the entire frontage of the property abutting public streets. The outside edge of the sidewalk shall lie along the right-of-way line. Such sidewalk shall be graded to a minimum width of eight (8) feet and paved to a minimum width of five (5) feet.*

(6) Access driveways shall be well defined by approved curbs and planting.

(7) Lighting fixtures shall be designed and arranged so that the source of light shall not be visible from public rights-of-way and adjacent properties.

(8) There shall be no motor vehicle repair, motor vehicle servicing, or dispensing of gasoline or any other motor vehicle fuel within the parking lot.

(9) The applicant shall prepare a list of the owners of all properties within 500 feet of the property for which the Special Use Permit is requested, and provide the Zoning Administrator with two copies of the list. The applicant shall obtain from the Zoning Administrator copies of the Legal Notice for the Public Hearing at which his request is to be considered; and shall return these copies to the Zoning Administrator in stamped envelopes, properly addressed to all property owners on the list described above, not later than 8 work days prior to the date of the Public Hearing. The Zoning Administrator shall mail these copies of the Legal Notice to the property owners no later than one day following this receipt.

*In certain circumstances where such a sidewalk would conflict with the character of the district in which the parking lot is located, the Board of Aldermen may grant an exemption from this requirement.

e. General Plan:

The following plans are required to be submitted with the initial application for a Special Use Permit. All drawings shall be of professional quality.

(1) The applicant shall submit a sketch map, at a scale of not less than 100 feet to the inch nor more than 20 feet to the inch, showing the following:

- (a) The property for which the Special Use Permit is requested, with location and approximate size of existing and proposed buildings, easements, rights-of-way, and open space;
- (b) A perimeter line 500 feet from and surrounding the property lines of said property;
- (c) Property lines, names of property owners, existing buildings and structures, and existing land uses for all properties within said 500 foot perimeter line;
- (d) The area within a 1,000 foot radius of said property, showing existing public streets and rights-of-way, and existing zoning districts.

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(2) EXISTING SITE CONDITIONS SURVEY at a scale not less than 1 inch to 30 feet showing site boundaries, topography of the site at contour intervals of not greater than 5 feet, trees and natural elements, easements, and rights-of-way, above ground and below ground facilities.

(3) PRELIMINARY SITE DEVELOPMENT PLAN at the same scale as in item (2) above showing all proposed and required grading, proposed finished topography of the site at contour intervals of no greater than 5 feet, the extent of paving and parking including the maximum number of automobiles to be accommodated, location of signs, lighting, and trash disposal facilities.

(4) PRELIMINARY LANDSCAPE PLAN as in item (2) above, showing existing trees and natural elements to be preserved and all proposed and required planting of trees, shrubs, vines, ground cover, and grass.

(5) PRELIMINARY SIGN PLAN at a scale of not less than 1/4 inch to 1 foot showing location, size, construction, materials and color and type face for all proposed signs.

(6) FLOODWAY - the boundaries of both the floodway and the floodway fringe zone, as shown on the series of maps entitled, "Floodway Maps--Morgan Creek, Little Creek, Booker Creek, and Bolin Creek, Chapel Hill, North Carolina" published by the Corps of Engineers, U. S. Army, Wilmington, North Carolina District, dated February 1972, and as subsequently revised, shall be clearly delineated on the site plan.

(7) CIRCULATION - Proposed points of access and egress together with the proposed pattern of internal circulation.

(8) TIMING OF DEVELOPMENT - Proposed schedule of development including stages likely to be followed.

(9) PROPOSED PROVISION FOR STORM AND SANITARY SEWERAGE, including both natural and man-made features and the proposed treatment of ground cover, slopes, banks and ditches.

(10) Prior to issuance of a Certificate of Occupancy the applicant shall submit to the Building Inspector a recordable plat showing all dedicated easements and rights-of-way, and as-built drawings of all underground utilities.

f. Detailed Drawings:

The following plans are required to be submitted with the application for a building Permit:

(1) Detailed construction scale drawings and material specifications for site development all of professional quality.

(2) Detailed fabrication scale drawings and material specifications for all signs.

(3) Detailed plans, profiles, and cross-sections of the following items, as may be required by the Town Manager, for review and approval by the Town Manager.

- a. Paving, curbs, and gutters.
- b. Sidewalks, and pedestrian and bicycle paths.
- c. Sanitary sewer and storm drainage facilities.
- d. Public easements.
- e. Other utilities and improvements.

(4) Detailed planting plans drawn to scale and plant material specification for all landscaping.

(5) Any other submissions required under conditions designated by the Board of Aldermen in granting the Special Use Permit.

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(1) Landscaping shall be completed no later than the first planting season following the date of issuance of the Certificate of Occupancy.

(2) All landscaping required for issuance of Special Use Permits shall be maintained in healthy condition for the duration of the Certificate of Occupancy.

Any and all planting which dies during the life of the Special Use Permit shall be replaced with planting of the same species and approximately the same size during the next planting season.

V

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

This the 22nd day of March, 1976.

1976-77 Transit Agreement with UNC-CH

Town Manager Jenne stated that the Board had received a memorandum outlining the background of the discussions held with the University, some of the results of those discussions and the principles which are necessary to have concurrence on in order to proceed with the grafting of the actual agreement. The proposal contains the principles with respect to the pass prices, the principles that announce the guaranteed pass purchase by the University, and the general principles with regard to the minimum service levels to be established and written into such an agreement. The service levels that are discussed are minimum or a floor, below which the Town proposes not to go in budgeting and developing the transit system for this coming fiscal year. The system, as described in items one through nine of the minimum bus service requirements, which are modifications of current service levels, would bring in an estimated amount of between \$830,000 and \$890,000, depending on the final estimates of the unit cost per bus hour cost of the system and minor adjustments that might be made prior to incorporation into the budget. The discussions proceed on the basis of the Manager's recommendation for the establishment of a ~~pass price~~ range of \$40 to \$50 for the basic annual pass for 1976-77. This was based on the necessity to raise the pass price to more accurately reflect the value of the service provided. This is also to shift the amount of the revenue that is received by the system, that is going to the cost of the system each year, a little bit more towards the users of the system and a little bit less off of the tax and revenue sharing funds, the latter of which are very uncertain at this point, this year.

Alderman Vickery stated that the Town has a Transportation Advisory Board which has not seen the memorandum yet and the Board of Aldermen would welcome the opportunity to review the Transportation Advisory Board's comments of this memorandum. It would seem consistent, almost mandatory with the ordinance passed establishing the Transportation Advisory Board that the Board of Aldermen's advice be that the memo be submitted to the Transportation Advisory Board with a request that the Transportation Advisory Board meet within the next few days if possible and entertain a recommendation from them with regard to each of these suggestions by the Town Manager. Mr. Jenne stated that Alderman Vickery's sentiments are well taken, however, the University is going to have to issue its advance information regarding both parking permits and bus passes, to its various departments and to all the organizations on campus that issue them. This is going to be done on March 23, which is the day after this meeting. He stated that he would feel uncomfortable, at best, with delaying it even another couple of days for additional review. After being reviewed, it would certainly have to be brought back to the Board of Aldermen. This would put the University in an untenable situation with regard to its issuance of the advance information in this matter. Alderman Vickery stated that the purpose of the Transportation Advisory Board's meeting last Monday, was dissatisfaction with lack of consultation over the negotiations. At that time, an agreement was reached on the price range of \$40 to \$50 on the Manager's insistence that this was needed for a meeting with the University on Wednesday. At that time, the Transportation Advisory Board also indicated its willingness to hold additional meetings,

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if necessary. He stated that he is unconvinced that the University's wishes as to advance notice are necessarily overriding in this matter. The Town has a collection of citizens who are eager to contribute ideas and the Town will not be as constructive as it could be if it bypasses them in this situation. Mr. Jenne stated, for clarification, that what the Manager is asking the Board with regard to service level, is not the specification of routes or times or headways nor running hours, but a service floor, below which the Town would not be willing to drop in the provision of transportation service next year. The University or any group making a large bulk pass purchase or guaranteeing the purchase of annual passes from the Town, can quite reasonably expect to count on some minimal level of service in order to maintain the remarketed ability of the passes that they purchased from the Town. To that end, it will be necessary to incorporate in the agreement with the University, certain floors or minimum service levels to guarantee that market ability. In response to a question by Alderman Vickery concerning the University's possible actions in the event that the Town does not get back to them with this on time, Mr. Jenne stated that as much as a year ago, both the University and the Town agreed that it is essential, from the University's standpoint in terms of issuance of advance information, and from the Town's standpoint in proceeding on budget deliberations, that some conclusion should be reached in these negotiations on or about the 15th of March. That deadline date has passed already. It was fully anticipated that the deadline would be met. It was not, however, anticipated that negotiations with Carrboro would last for six weeks. Under normal circumstances, discussions with the University would have been during the months of late December, January and February, in which case, the Town could have proceeded with discussions with the Transportation Advisory Board in order to meet the March 15th deadline. March 23rd is the date every year that the University issues its advance information on parking permits and bus passes. Mr. Jenne stated that he could not answer for the University on their flexibility.

In response to Alderman Silver concerning alternatives to the ones offered in the memorandum, Jr. Jenne stated that in developing the nine points in the memorandum, the staff looked at morning service, off peak midday service, week-end service, holiday service, summer session service, essentially everything except peak hour service. He stated that he thinks that peak hour service and specific routes configurations, would be about the only other alternatives. Alderman Silver stated that he would feel very uncomfortable about going ahead with this, at this time, without having heard from the particular Board that the Town has created to discuss things of this nature, taking into consideration the time constraint.

After securing that there were other items, including whole routes and changes that the Town could make on its own with just agreement and consultation from the University, Alderman Marshall stated that when the Board was in the long drawn out discussions with Carrboro, the Board very clearly designated the team that was going to work with the University. This was to be the Town Manager, representing the Board, and the head of the Transportation Advisory Board, representing them and Carrboro. She submitted that the Board did this and she submitted that the Town Manager form of government is a very difficult one at times. She stated that she feels that the Board asked the Manager to do this and designated him as the Board's representative in these agreements and that the Town Manager form of government calls for the Board to accept this. To insist on the Transportation Advisory Board going over these, moves the Town on close to a Commission type of government. Alderman Gardner stated that there is some justified criticism of the manner in which the matter was handled, however, it is not the fault of this Board that the Transportation Advisory Board did not have adequate input into negotiations. Alderman Smith stated that the Board did form the negotiating team for negotiations with the University. The Chairman of the Transportation Advisory Board was appointed as representative of the Transportation Advisory Board and perhaps he felt that this is not an area in which the entire Board should be involved. If the Chairman had felt that the entire Transportation Advisory Board should be involved, he would have indicated such to the Manager and the Board would not have been bypassed. Mr. Jenne stated, in response to Alderman Smith, that the Town makes no differentiation between the Town routes and the University routes with respect to whether they should go before the Transportation Advisory Board or not. They are all part of a total system, not operating independent of each other. It appears that this entire disagreement is a matter of time constraints.

Alderman Silver suggested that perhaps the University is only interested in items seven, eight, and nine of the bus service requirements. He asked if it is necessary, at this time, to be so specific on items one through six, for example, the complete elimination of Sunday service. Mr. Jenne stated that these are alternatives. The approach that was taken in establishing these kinds of adjustments, was going from the least productive on up the line. What is here, is a floor for eliminating the least productive routes, hours, periods. Anything beyond this or alternatives to this, would be the elimination of more productive aspects of the service. It is certainly anyone's prerogative to add back any services, because this is a minimum.

Alderman Howes stated that he shares the concerns of the Board members about the role the Transportation Advisory Board did nor did not take in this in that the Board was created to advise the Board of Aldermen. However, in taking action here, this is no final action but just giving the Manager the authority to proceed to discuss with the University and come back with a realistic discussion of what the options are. He stated that he hopes that the process can be refined in the future so as to permit adequate input by the Transportation Advisory Board and more wide ranging discussion of the University's role and contributions. In the document adopted regarding the service levels in Carrboro, the Board also agreed to enlarge the Transportation Advisory Board by two members from Carrboro. There has been no feedback from the Carrboro Board on this.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH THAT THE BOARD AUTHORIZE THE MANAGER TO PROCEED WITH THE DRAFTING OF AN AGREEMENT WITH THE UNIVERSITY WHICH WOULD INCORPORATE THE PRINCIPLES OUTLINED IN THE MEMORANDUM WITH RESPECT TO PASS PRICES, AMOUNT OF GUARANTEED PURCHASE BY THE UNIVERSITY AND THE MINIMUM SERVICE LEVELS TO BE ASSURED BY THE TOWN IN THE OPERATION OF THE TRANSIT SYSTEM DURING 1976-77.

In response to Alderman Cohen, Mr. Jenne stated that signing of the document, should Carrboro's referendum pass, would not prevent the Town of Chapel Hill from signing an agreement with Carrboro for more service. Alderman Cohen asked if, during the discussions, it was actually indicated by the University that they would subsidize the service, reselling passes at a price lower than purchase price. Mr. Jenne stated that this item was discussed, however, he doesn't know the University's final decision on that matter. The Town's concern was that, were the University to engage in any kind of discounting to the University's personnel, that a reasonable minimum be set, to keep the pass resale within a reasonable range of what the regular pass price will be. One of the Board's objectives here also, is to avoid making a final decision on pass price until the whole budget is put together. Regarding the matter of the Town asking for a minimum resale price on the passes, Mr. Jenne stated that the idea is to be more equitable to the balance of the market not just a very large segment of the market. This is not to allow the ultimate consumer prices to one specific group to fall unreasonably below what the average person would have to pay.

Alderman Cohen stated that essentially the situation here is one in which there is uncertainty about revenue sharing for next year, and operating assistance. The situation in the past was one where there was essentially a contribution from people who wanted to drive their cars to campus by being required to buy a parking sticker. There was a benefit or subsidy going through to bus riders which was beneficial in terms of the way costs are allocated people who drive and take buses. With this proposal, the Town is, in a sense, for this, because of the uncertainty of other revenue, required to keep with this plan even though it does not provide the same kinds of benefits as the initial contract did three years ago. Next year when the Town knows about operating systems without revenue sharing in Carrboro, the Board ought to consider the Town of Chapel Hill marketing the entire system. That way, the system can be operated without being tied down to such levels. The system is geared to ridership. People will continue buying passes and once the revenue system is fairly well determined, the Town should try to have the system determined by the representatives here and not have to go through this process every year of bulk purchase resale. The Town should also continue, as part of encouraging bus ridership and decreasing traffic congestion, removing parking in closed areas, and in residential areas. Alderman Cohen stated that he agrees to the subsidy of public transportation. For forty years, the Town has provided huge subsidies to private automobiles and there is nothing wrong with continuing to subsidize. The Town's first priority in this stage should be getting

people back and forth to work. Cuts should not be made to the system that would require people to drive their cars back and forth to work because they could not have access to the public transportation. Alderman Cohen also questioned service on U Route stopping at 11:30 p.m. When the discussions were held years ago when the first contracts were negotiated, one of the points made was that bus service on U Route be provided approximately until the library closing hour at about 1:30 a.m. That was so that the women students would have access back to south campus without having to walk through Kenan Stadium in the middle of the night. This is one of the things that should be looked at in terms of any increases that may be made. It would contribute a lot to public safety in the community.

Alderman Silver stated that he does not know where anyone could have gotten the impression that he is not interested in peak hour ridership in cutting down the automobile traffic. He stated that he has just been involved in an enormous study on energy and the trends are there. Any comments that he made on alternatives, he stated, specifically did not say that he was looking for alternative which would increase car ridership into Town. He questioned the incorporation into the contract with the University, of service standards which the Town can modify without approval of the University. Mr. Jenne stated that this could be put into the contract. Alderman Silver questioned the modification of radial routes after consultation with the University. He stated that one of the unfortunate parts of the last agreement was, in fact, some veto power. Mr. Jenne responded that this has not been specified at this time. At worse, it might be part of the agreement and at best, it may not require any consultation.

Mayor Wallace stated that the Board seems to be in general agreement that in the future, if there is going to be adequate public input, there will be a need for greater lead time, because it requires, in essence, the publication of the Town's negotiating position. This requires a lot of time which is the problem now. There seems to have been a shift in the University's philosophy in getting the parking out of the center and getting more parking along the perimeter. As long as parking is permitted in the center, the premium is placed on the automobile and penalty on the bus pass.

In response to Alderman Howes' question concerning the size of the contribution to the system, Mr. Jenne stated that the University maintains that this is all that is available financially. Alderman Gardner stated that, in the initial negotiations, \$509,000 was requested of the University as their contribution for this coming year. The \$360,000 that they have agreed to pay for the service leaves a deficit there of approximately \$150,000. There is 2 1/2¢ leeway left on the remaining transportation tax that would yield approximately \$57,500 from the citizens with the University paying an increase of \$30,000 or \$27,500 less than what the additional 2 1/2¢. It is unfortunate, he stated that the Board has to act right now when it is shortly going into some budgetary discussions. Over the past few years, over \$380,000 in revenue sharing has not gone into the system. He asked the Manager for some indication of the remaining 2 1/2¢. The Manager could not give such an indication at this time.

Alderman Cohen stated that he would like it made clear, that if Operating Assistance come through, this is the local share, State money into the system. He stated that this should be part of the agreement, if necessary. People should know that the Board did look at areas of possibility for additional funds.

Alderman Vickery stated that he had received a letter from a citizen stating that she had obtained a bus pass with a University parking sticker and she has to drive to work every day. She has a daughter who would like to use her pass, if possible and she would like to transfer her pass to her daughter. The University responded that Town rules prohibited this. If the Board should decide to change this rule, or any other rule related to the transportation system, would this be permissible by the terms of the agreement. Mr. Jenne stated that these are the major principles of the discussions. The Town did take the position of nontransferability of passes based on the Town's pass market. In the previous agreement, both sides tried very carefully to protect its market; the University on its part by prohibiting the Town to sell passes to University personnel and the Town on its part by restricting transferability of passes. It would seem that if the Town Board decided to rescind that policy, it would be all to the University's advantage and they certainly should have no

objection to violating that part of the agreement. Aldermen Cohen stated that the question of transferability is a very important one because if the Town is trying to estimate revenues with nontransferability of passes, and if people are allowed to transfer their passes, they will stop buying them because they can legally use a friend or relative's pass. If this is the case, either the pass is going to have to be higher to bring in the same amount of revenue or something else will have to be done. Mayor Wallace stated that the Transportation Advisory Board might study this very carefully in the future.

Alderman Smith called the question. THE MOTION PASSED BY A VOTE OF FIVE TO THREE WITH ALDERMEN COHEN, EPTING, HOWES, MARSHALL AND SMITH SUPPORTING AND ALDERMEN GARDNER, SILVER AND VICKERY OPPOSING.

With respect to Carrboro members of the Chapel Hill Transportation Advisory Board, in response to Alderman Cohen, Town Attorney Denny stated that until there is an actual operating contract enforced, from a legal standpoint, it is not appropriate for Carrboro to have members on the Chapel Hill Transportation Advisory Board. On the other hand, nothing is wrong with Carrboro appointing a Town Commission with the recommendation that they be notified of the meetings of the Chapel Hill Transportation Advisory Board and have an opportunity to attend. In response to Alderman Howes on this matter, it was pointed out that the Carrboro would be extended invitations to the Chapel Hill TAB meetings and notified of their times, so that may attend in an ex-officio capacity.

Alderman Smith stated that there is no reason why the Transportation Advisory Board cannot get this memorandum concerning service principles, since it is a minimal level of service. At this point, they will have the opportunity to review items one through six. Mr. Jenne expressed no objection.

Site Lease Agreement for Bus Radio Transmitter

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES TO AUTHORIZE THE MANAGER TO ENTER INTO AN AGREEMENT WITH BRANCH BUILDINGS, INC. TO LEASE THE NCNB PLAZA SITE FOR INSTALLATION OF THE TOWN'S BUS RADIO TRANSMITTER AT AN ANNUAL FEE OF \$375.00, RENEWABLE AT THE BEGINNING OF EACH SUBSEQUENT CALENDAR YEAR. In response to Alderman Silver, John Pappas, Transportation Director, stated that the transmitter will transmit seventy-five watts. In response to Alderman Gardner, Mr. Pappas stated that there will be no interference with any other Town communication. This has been checked by Motorola and General Electric radio consultants. THE MOTION WAS UNANIMOUSLY CARRIED.

Closing of Franklin Street for Apple Chill Fair - Resolution and Ordinance

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN MARSHALL THAT A RESOLUTION CLOSING A PORTION OF FRANKLIN STREET BE ADOPTED. In response to Alderman Smith, it was pointed out that the Apple Chill Fair begins at 1:00 p.m. The bus route will be modified at 11:30 am. THE MOTION WAS UNANIMOUSLY CARRIED. Alderman Cohen asked that placards be placed late the night before or early the morning of the fair to avoid towing, if possible. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH THAT AN ORDINANCE TO PROVIDE FOR NO PARKING ON HENDERSON STREET, BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION CLOSING A PORTION OF FRANKLIN STREET

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

That the portion of Franklin Street between Henderson Street and Columbia Street be closed to vehicular through traffic between the hours of 12 noon and 7 p.m. on Sunday, April 11, 1976, to allow the holding of Apple Chill Fair and cleanup of the street following said fair.

This the 22nd day of March, 1976.

AN ORDINANCE TO PROVIDE FOR NO PARKING ON HENDERSON STREET

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

Section I

That on the 11th day of April, 1976 between the hours of 12:30 p.m. and 7:00 p.m., there shall be no parking on either side of Henderson Street between Franklin Street and Rosemary Street. The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters situated on said street during such hours on said date, and to post signs during said time that said area is a tow zone. The Police

Department is further authorized to remove, tow in, and impound automobiles and vehicles of any kind which are parked on said street during such hours in controvention of this Ordinance. The owner shall be responsible for and pay storage and moving cost of any vehicle removed pursuant to the provisions of this Ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicle.

This the 22nd day of March, 1976.

Office Furnishings - Resolution and Bids

Mayor Wallace stated that the Board must consider a Resolution Accepting Bids and Awarding Contracts for Office Furnishings. In response to Alderman Smith, Town Manager Jenne stated that most of the furniture will be used in the temporary Transit Maintenance Garage.

Received Bids: On March 16, 1976, eight bids were received as follows:

| <u>Bidder</u> | <u>Total Bid</u> | <u>Delivery</u> |
|--|---|-----------------|
| Brame Specialty Company, Durham, North Carolina | (Math error corrected \$2,151.74 to \$2070.89) (No bid on drafting furniture, file and storage cabinets, bulletin and chalk boards and clock) | 6-8 weeks |
| Capital Printing Company, Raleigh, North Carolina | \$3,569.33 (No bid on bulletin boards and drafting lamp) | 15-30 days |
| Carolina Office Supply Company, INC. Durham, North Carolina | \$3,229.00 | 4-5 weeks |
| Clyde Rudd and Assoc. Inc., Raleigh and Greensboro, N.C. | \$3,036.14 (No bid on drafting furniture and clock) | 30-45 days |
| David's Office Interiors, | (Math error corrected \$3,266.44 to \$3,266.49) | 30-60 days |
| Raleigh Office Supply Co., Raleigh, North Carolina | \$3,178.59 | Not Stated |
| The Rose Agency Inc. Durham, North Carolina | \$3,153.35 (No bid on drafting table) | 3-6 weeks |
| Triangle Office Equipment, Inc., Chapel Hill, North Carolina | \$2,836.66 (No bid on drafting lamp) | 4 weeks |

Discussion: Neither Capital Printing nor Carolina Office Supply provided a bid deposit thereby making their bids invalid. Brame Specialty did not bid on a large number of items. Its corrected total for the items bid exceeds Triangle's bid total on the same items by \$233.08. Triangle bid on all items but the drafting lamp. Low bidder on the drafting lamp was David's Office Interiors at \$23.10. If \$23.10 is added to the Triangle bid, it would still be low bidder for the total package. Triangle Office Equipment is a local vendor, a regular supplier for the Town and gives excellent service.

Recommendation: That the bid of Triangle Office Equipment, Inc. is the amount of \$2,836.66 for forty-seven pieces of office furnishings be accepted and the bid of David's Office Interiors, in the amount of \$23.10 for a drafting lamp only be accepted and that these two firms be awarded the contracts.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING THAT A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACTS FOR OFFICE FURNISHINGS, BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED. Alderman Smith stated that he is happy to see the bus garage heading towards completion.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACTS FOR OFFICE FURNISHINGS

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

That the bids of Triangle Office Equipment, Inc. in the amount of \$2,836.66 be accepted and the bid of David's Office Interiors in the amount of \$23.10 for the drafting lamp only be accepted and that said companies be awarded the contracts for Office Furnishings.

This the 22nd day of March, 1976.

Personal Property Surplus - Resolution

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING THAT A RESOLUTION DECLARING SIXTY-SEVEN ARTICLES OF PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTY BY PUBLIC AUCTION, BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION DECLARING SIXTY-SEVEN ARTICLES OF PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE SALE OF SAID PROPERTY BY PUBLIC AUCTION

WHEREAS Article 12 of General Statute 160A and Section 4.144 of the Charter of the Town of Chapel Hill authorize the Town to dispose of surplus personal property, and

WHEREAS, the Town desires to dispose of certain articles of personal property, no longer needed for Town purposes, NOW THEREFORE

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

Section I

That the following articles of personal property are hereby declared surplus property:

| <u>Article</u> | <u>Quantity</u> | <u>Minimum Acceptable Unit Bid</u> |
|--|-----------------|--|
| 1975 Plymouth Fury Sedans | 4 | \$1,000.00 |
| 1962 Plymouth Sedan | 1 | 50.00 |
| 1964 Oldsmobile Sedan | 1 | 50.00 |
| 1968 Plymouth Sedan | 1 | 100.00 |
| 1970 "Little Joe" 3-Wheeled Trucksters | 2 | 1 @ 50.00 |
| | | 1 @ 25.00 |
| 1971 "Little Joe" 3-Wheeled Trucksters | 4 | 2 @ 100.00 |
| | | 1 @ 35.00 |
| | | 1 @ 10.00 |
| 1975 Ford Courier Truck Beds | 4 | 200.00 |
| Aeroil Tar Kettle | 1 | 10.00 |
| Pullman Jiffy-Vac Auto Vacuum Cleaner | 1 | 10.00 |
| Bench Grinder | 1 | 1.00 |
| Jacobson Lawn Mower | 1 | 1.00 |
| Marquette Battery Charger, Model #612-6 | 1 | 1.00 |
| Air Compressor | 1 | 1.00 |
| Frigidaire Air Conditioner | 1 | 1.00 |
| Three-Drawer Dresser | 1 | 10.00 |
| Single Metal Bunk Beds with Box Springs and Mattresses | 26 | 25.00 |
| Double Metal Bunk Beds with Flat Springs and Mattresses | 4 | 25.00 |
| Single Mattress for Bunk Bed | 1 | 1.00 |
| Folding Tables | 3 | 1.00 |
| AB Dick Mimeograph Machine, Model 525 | 1 | 25.00 |
| Victor 10-Key Adding Machine | 1 | 10.00 |
| Burroughs Full-Key Adding Machine | 1 | 5.00 |
| Burroughs Addressograph Machine | 1 | 1.00 |
| Check Protector Machines | 2 | 10.00 |
| Ice Hockey Game | 1 | 5.00 |
| Sliding Board | 1 | 10.00 |

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Section II

Be it further resolved that the following items declared surplus property on December 16, 1974 be sold at Public Auction at or above the listed acceptable minimums:

| <u>Article</u> | <u>Quantity</u> | <u>Minimum Acceptable Unit Bid</u> |
|----------------------------------|-----------------|--|
| Ohdner Electric Adding Machine | 1 | \$1.00 |
| Smith Corona Electric Typewriter | 1 | 1.00 |
| Thermofax Copying Machine | 1 | 5.00 |

Section III

That the Town Purchasing Agent be, and is hereby authorized to dispose of any and all articles according to the applicable procedures by Public Auction thereof, with sales made to the highest bidder and designated final on the day of the auction if the bid price equals or exceeds the minimum acceptable amount specified for each item in Section I.

This the 22nd day of March, 1976.

Report of Sub-Committee on Recreational Facilities of the Intergovernmental Task Force

Alderman Silver stated that two months ago, the Intergovernmental Task Force, which has been studying questions of cooperative effort between governmental units, authorized and requested that he form a sub-committee on recreational facilities. It became very clear from the beginning that there were different problems with recreational facilities in the southern end of the County than in the northern end of the County. This is true because in the County Recreational Program operation, there is the possibility that there would be three recreation programs operating here and only one in the northern end of the County. It was decided that the report should be divided into two parts; one concerned with the southern end of the County where there are jurisdictional problems in question, and one concerned with the northern end of the County. The portion on the northern end of the County is presently being prepared and that information should be available soon, hopefully by the Task Force meeting on April 14th. The report suggested ways in which facilities can be developed, roles for the County Recreation Department to play in this end of the County, and various procedures. Alderman Silver stated that he had taken the liberty to draft some comments for the Board to consider because it has been requested to return its comments to the Task Force as well as to other entities.

Alderman Smith referred to the portion of the report concerning free use of the school recreational facilities. He stated that the fee that is currently charged is used to pay for custodial services. He asked who will be responsible for paying the custodial workers under the proposal of the report. Alderman Silver responded that the proposal is that the County Recreation Program, rather than operate in this end of the County, actually provide funds. What is being suggested is that they use the money that they send down to this end of the County, to pay for just such services that Alderman Smith is concerned with. If the County accepts this recommendation, that will be a part of the County budget going directly to the school system or indirectly through their own recreation program. It is the recommendation that the funds be used in this way, so that Carrboro and Chapel Hill can schedule their program on the basis of need and availability rather than on the basis of cost because this will presumably be taken care of by the County. Alderman Silver also stated that in making this recommendation, he is making it as a member of the Task Force, not as a member of the Board of Aldermen.

Alderman Smith stated that any agreement in this regard should spell out priorities, for example, the school programs would have priority over the use of school facilities. Alderman Silver stated that the recommendation to form an ad hoc policy making scheduling committee was made so these questions can be specifically addressed at the time that the various agreements are made.

Alderman Gardner stated that most of the report really deals with future construction possibilities relating to RCIP programs, the future needs of the schools and how the Town might furnish some joint use that might be

60 beneficial to both. The County Commissioners being that authority that the School Board deals with rather than the Board of Aldermen, and particularly in light of the recommendation of the Task Force itself, the report should be sent to all members of the Chapel Hill Board of Aldermen, the Carrboro Board of Aldermen, the County Commissioners and the School Board itself. This will give all entities an opportunity to look over the report between this meeting and the next regular scheduled meeting on the April 12th, and offer their suggestions, recommendations and comments. Alderman Silver stated that the comments that he has submitted are comments on the report. They give the Board's reaction to the report and the Board's endorsement of the report. It is not a commitment. This set of comments can be either agreed to, modified, or rejected but some report should be sent to the Task Force as well as the other entities. Alderman Vickery stated that these comments are endorsements of concepts of principles and do not commit the Board to anything specific. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN SILVER TO APPROVE THE COMMENTS CHANGING "POSSIBLE" TO "FEASIBLE" ON THE FIFTH LINE OF THE ATTACHMENT, AND THAT THE COMMENTS BE SENT TO THE TASK FORCE WITH COPIES TO THE CARRBORO BOARD, THE CHAPEL HILL - CARRBORO SCHOOL BOARD AND THE ORANGE COUNTY COMMISSIONERS.

Alderman Smith expressed concern with approving this report in that it may, in fact, be letting the citizens in for a terrible let down. There is a question of whether these recommendations will be implemented in that it is talking about a tremendous amount of money on the part of the School Board.

In response to Alderman Howes, Alderman Silver stated that the report had been received by the full Task Force, however, they only acted on it with respect to asking for the comments of the County Commissioners, the Chapel Hill and Carrboro Boards and the School Board. When these comments are received, the Task Force will act on the report itself.

THE MOTION PASSED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN GARDNER OPPOSING.

The Mayor announced that the meeting would recess to the conference room in order to permit the election officials to prepare the meeting room for voting.

Unresolved Sewer Easements - Appointment of Task Force

The Mayor announced that he had appointed a task force consisting of Robert Epting, Chairman, Kurt Jenne and Emery Denny in connection with the unresolved sewer easements as reported by the Town Attorney several months ago.

Extraterritorial Zoning

The Mayor advised the Board that he had received a letter from the Chairman of the Orange County Commissioners concerning the Town's request for extension of extraterritorial zoning, and requested that he be permitted additional time to further investigate the matter before a final report on action is made to the Board. The Mayor suggested that perhaps an appropriate procedure would be for the attorneys to confer to determine the appropriate interpretation of the laws. A report could be expected at the next meeting.

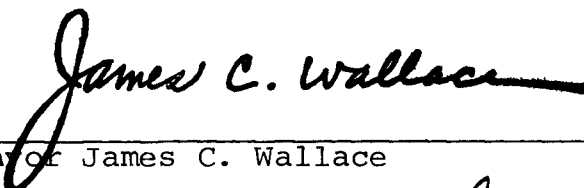
Orange Water and Sewer Authority - Report

The Mayor advised that he had requested that a report from the Chapel Hill Members of the Orange Water and Sewer Authority be added to the agenda inasmuch as the Authority had held a meeting last week, and the Board needs to be brought up to date. Alderman Howes reported that the meeting last week of the Authority was the first meeting since the Town had taken the action it had to submit a separate bid, and the Trustees had met concerning the request. The principle subject of discussion was the current status of the Authority, and if still viable, what could be expected from the Authority in its present form, and what the role Carrboro would play in the future if Chapel Hill submitted a separate bid. Alderman Howes indicated that he advised that it would be necessary for Chapel Hill and Carrboro to enter into formal agreements with respect to the wholesaling of water, and the continuing treatment of sanitary sewer. He further advised that Carrboro, at a meeting later this week, would probably replace Fred Chamblee, and appoint a committee to meet with a Chapel Hill committee concerning the future of the utilities. Alderman Howes emphasized that in large the meeting was conducted in an extremely favorable atmosphere with a sincere indication of desire to work things out. He pointed out that Carrboro had petitioned the Trustees only to preserve its options, and he agreed that all options should be left open.

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Alderman Epting reported that he and Alderman Howes had discussed whether to attend further meetings of the Authority and decided it was their duty to do so as Chapel Hill appointed representatives. He indicated that there were allegations of conflict of interest in the actions of the Chapel Hill Members, but that he did not believe this to be the case. He pointed out that the current Chapel Hill Members had had no part in the submission of the current bid of the Authority and in the event the Authority sought to develop and submit a new proposal he would not participate in that bid. He further pointed out that in his opinion the action of Chapel Hill was not an attempt, in any way, to cut off service to Carrboro, but rather to provide service in a more reasonable manner.

Alderman Howes advised that the Authority had agreed to meet again on April 8, 1975 to determine if further meetings were necessary or whether to request the governing units to dissolve the Authority, or whether to withdraw the Authority's current proposal in light of developments. Alderman Gardner inquired as to what really was the role of the Authority at the present time, and it was pointed out that it was not up to Chapel Hill to speak for the Authority, but the continued existence of the Authority in some form was still a viable alternative. It could be that in the long run the Authority would have no further role in the utility question. Mayor Wallace pointed out that were Chapel Hill to withdraw from the Authority, it would not invalidate the Authority inasmuch as the remaining governmental units could constitute an authority, and pursue a proposal for acquisition of the utilities. Alderman Cohen pointed out that the Authority, even without Chapel Hill, could revise its proposal and seek to acquire the University utilities. Alderman Silver emphasized that the minutes of the previous discussion were clear as to the reasons for Chapel Hill's action. All action was based on a determination that it was in the best interest to pursue alternatives to the single proposal, which had heretofore existed, but that in seeking to pursue alternatives the action had not been a final rejection of any alternative. It was emphasized that the determinations had been findings applicable only "at this time". He urged that all participating units be fully informed of the reasons why Chapel Hill's action had been taken, and this could be done through furnishing copies of the minutes and the Resolution to the Members of the various governing units. Alderman Vickery pointed out that the reasons for the action had been fully and clearly stated and documented. That is, that the Board was not satisfied with the composition of the membership or the provisions for control of extension of water and sewer utilities. The action of the Town was only to pursue one alternative, and not a rejection of others. Remaining a member of the Authority and working to seek a change in membership or control of extensions is still an alternative as well as working out a formal arrangement with Carrboro for supplying water and sewage treatment. By consensus the Board reaffirmed its previous and continuing position to pursue the current course as the primary alternative.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 11:30 P.M.



Mayor James C. Wallace



Town Clerk, David B. Roberts

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND THE
BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
CONFERENCE ROOM, MONDAY, APRIL 5, 1976, 5:00 P.M.

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

James C. Wallace, Mayor
Robert Epting
Thomas Gardner
Jonathan Howes
Shirley Marshall
Marvin Silver
Edward Vickery

Aldermen Gerald Cohen and R. D. Smith were not present.

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