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Mayor Wallace said that the Town Attorney, Town Manager, Mayor and any other member of the Board who wishes to participate should meet as soon as possible to discuss the procedure of submitting the bid. Town Attorney Denny said that the document submitted with the bid will be similar to that of the Orange Water and Sewer Authority, and that some Board members have expressed concern with the wording of certain paragraphs of the document. He said that he needs to receive suggestions from the Board on this, since the Board is the one that needs to make a judgement on the wording. Mayor Wallace requested that any questions and concerns that the Board members might have on the document that need to be submitted with the bid be given to the Town Attorney or the Town Manager no later than the morning of April 30, 1976.

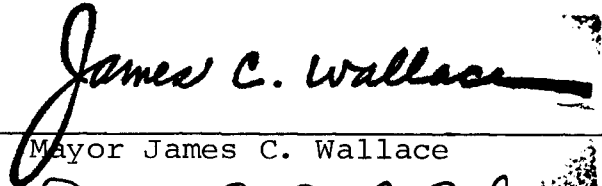
In response to a question by Alderman Gardner, Town Attorney Denny said that a large amount of money will not be necessary at this point in the preparation of the bid, and that most of the preparation can probably be handled through the Town staff, although some of the work may need to be contracted. He said that any unexpectedly large expenses would have to be brought to the Board for approval, and that the prepared bid also will need to be brought to the Board for approval, since the resolution does not authorize the Town Manager to submit the bid to UNC.

Alderman Silver asked what the position of the Town representative on the existing Water and Sewer Authority is at this point. Alderman Howes said that if the Authority called a meeting, that he would probably resign from the Authority.

Alderman Silver said that he hopes, if the Town were accepted, that by October 1, 1976 the Board will authorize an ordinance to authorize a Water and Sewer Commission to be set up.

Mayor Wallace said that meetings of the Board will be called as necessary during the bid preparation process.

There being no further business to come before the Board of Aldermen, said special meeting adjourned at 7:26 p.m.



Mayor James C. Wallace



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, INSTITUTE OF GOVERNMENT,
MONDAY, MAY 10, 1976, 7:30 P.M.

Mayor Wallace called the 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, Mayor pro tem
Marvin Silver
R. D. Smith
Edward Vickery

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

BUDGET 1976-77 - PUBLIC HEARING

Mayor Wallace said that the Public Hearing is called for the purposes of receiving comments from citizens on the Town Manager's recommended operating and capital budgets. He explained the procedure to be followed at the public hearing.

Town Manager Jenne said that the recommended budget for 1976-77 seeks to reflect three overall objectives: to adequately provide basic and necessary

municipal services, such as public safety, waste disposal, transportation, and the repair and upkeep of the Town's physical assets; to maintain the Town's commitment to human and cultural resources such as human services, recreation and library services; to strike a reasonable balance of resource allocation between immediate operating requirements and investment in the future quality of services through planning.

Town Manager Jenne said that the major single portion of the budget is the General Fund, including General Government, Community Development, Public Safety, Leisure Activities, and Sundry. He said that the General Government section covers eight areas of operation, and constitutes the resources for overall management and support of all direct service programs operated by the Town; the most significant change is the full funding of an operational personnel department. He said that this section includes funding for a full staffing of these departments, the conduct of a fall bond election, and legal services for cases pending in the new year.

Town Manager Jenne said that the Community Development section includes Human Services, Planning, Inspection and Public Works. He said that the major objectives in Human Services are to strengthen supportive services to public housing and Community Development programs carried out by the Chapel Hill Housing Authority; to assure the effectiveness of contributions to outside agencies and programs through the use of specific performance contracts; and to improve management, control and needs assessment in the social services support programs offered under the Human Services Department. He said that the emphasis of the Planning Program is on long-range planning, taking advantage of the lull in private sector development to make significant progress on the Town's long-range development plan. He said that funding is recommended to formulate a Transportation Department Program which would put the Town in the position of developing transit service, off street parking, thoroughfares and minor street networks, and cycling and pedestrian facilities in the context of a balanced framework. He said that the Public Works Program is a coordinated set of activities designed to implement a continuing program of major capital improvements; to collect and dispose of the Town's solid and liquid waste effectively; to maintain the Town's streets, curbs, gutters, sidewalks, cemeteries, rights-of-way, parks, buildings and other facilities in good repair; and to provide each year a modicum of minor improvements and amenities to the Town's public places; and that funds are provided for a number of small repair and improvement projects and for the replacement of several major items of equipment.

Town Manager Jenne said that the Public Safety Section consists of Fire and Police Departments, including the public safety program and animal control. He said that it is recommended that patrol strength be slightly reduced by the elimination of vacant positions, with current service levels maintained through more flexible use of patrol, public safety, and tactical personnel; that animal control services be strengthened by a small increase in manpower and interim improvements to the existing shelter facility; and that the Town proceed to put the fire department on a communications band compatible with Police and anticipated future combined emergency communications systems.

Town Manager Jenne said that the Recreation and Leisure section includes Library and Recreation. He said that funds are recommended for library services to enable effective use of existing facilities and materials. He said that the recommended program of recreation activities reflects an attempt to tighten up the large array of activity offerings, to adjust activities with marginal participation, to adjust activities also offered by other organizations, and to seek to provide a solid basic program in preparation for major facilities development in the next few years.

Town Manager Jenne said that the Sundry Account contains recommendations for needed adjustments in the Town's pay plan in response to the cumulative effects of the rising cost of living; provides for fringe benefits such as health insurance, retirement and workmen's compensation; provides interfund transfers to debt service; and provides a modest contingency fund.

Town Manager Jenne said that the General Fund Revenues include \$146,000 of Revenue Sharing funds which are allocated to capital outlay; state-shared taxes which are estimated to show a slight increase in the new year in accord with state economic projections; fire district charges and interest on investments which are estimated to show a reduction of revenues; the available fund balance which is about \$200,000 less than last year, and the property taxes which are estimated to show a modest natural growth and an increase through the anticipated annexation of the Oaks area. He said that the

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current general fund tax rate would produce revenue totaling \$5,055,000 which falls short of the recommended expenditures in the General Fund by \$133,000, and that consequently a 5¢ increase in the general property tax is recommended to close this gap.

Town Manager Jenne said that there are nine other funds in the Town budget. He said that the Debt Service Fund expenditures are borne by transfers from the General Fund, Transportation Fund, and Wastewater Fund to support outstanding bond obligations in these areas. He said that the Wastewater Fund expenditures are increased by almost \$400,000 to provide for the elimination of inflow and infiltration of stormwater in the Town's sewer lines and to fund improvements to the treatment plant which would enable its operation on a non-emergency basis. He said that the Solid Waste Fund expenditures include payments to the equipment and land reserve account to meet the requirements for both the current and the new year as set forth in the landfill agreement and that the low tonnage of construction material deposited during slumps in building activity is the primary cause of the shortfall in reserves, resulting in a recommendation of an increased usage fee in the new year. He said that the revenues in the Parking Facilities Fund are expected to remain strong in the new year; and that, besides some modification and beautification of the existing surface lots, no major improvements are recommended, pending a thorough assessment of future off-street parking needs as a part of the Transportation Development Study. He said that the objectives of the recommended Transportation Fund expenditures are to cover at least 50% of operating cost through user revenues and to reduce the system's dependency on Revenue Sharing for operating income; that this requires the incremental elimination or reduction of the least productive routes and a reduction of about 41% of operating hours, and an increase in long-term pass prices to reflect more reasonably the cost of service; that the improvement in the preventive maintenance of the systems rolling stock is partially achieved by these service adjustments; and that with estimates of revenue from pass purchases at the recommended rate of \$50 annually, cash fares at the current rate, charter services, and \$186,000 from Revenue Sharing, the special ad valorem levy is recommended to remain at 7.5¢ in the new year. He said that the expenditures recommended in the Transit Capital Grant Fund total \$116,000 for a bus washer, major items of shop equipment, and 17 bus shelters; that 80% of this cost is funded by UMTA with 20% coming from the Town's transit bond proceeds; and that funds for any purchase of replacement buses and the development of Park and Ride lots would be budgeted upon the final authorization by the Board and approval by UMTA in the first or second quarter of the new year. He said that the revenues in the Revenue Sharing Fund reflect anticipation of the continuation of the program, but that the fourth quarter entitlement has been allocated to outlay items in the public works and fire departments for which funds would not be committed or encumbered prior to actual reenactment. He said that the Capital Improvement Fund includes cash funding from current revenues for the completion of the temporary transit facility, the completion of Lakeshore Lane reconstruction, the construction of an animal shelter, the purchase of a parking lot adjacent to the Police Court facility, and the paving of the Kroger Park and Ride lot; that the other projects in the fund are continuations of earlier bond projects; and that major capital improvements would be added by amendment of the Capital Budget at such time as they were authorized by the Board and by the referendum. He said that the Community Development Fund reflects the Town's 1976-77 Community Development application, as approved by the Board and submitted to HUD in April, 1976.

Mayor Wallace asked for comments from citizens, and requested that all comments on a given topic be presented together.

Mr. Charles Martin, Director of the Orange County Council on Aging, said that the Council on Aging is a private, non-profit, charitable organization and that the Board of Aldermen appoints four members to serve on the Board of the Council on Aging. He said that 42% of the people contacted by the Council on Aging are low income residents. He said that the Council on Aging has only two committees, and that the Board of Control meets quarterly, and the Executive Committee on those months when the Board of Control does not, except during summer. He said that the budget for the current year was for Ms. Bernie Hopkins' salary plus an additional \$2,400 from the Town that funds are also obtained from Carrboro, Hillsborough, and Orange County; that the Chapel of the Cross provides free office space, which is used as matching funds for Title III of older Americans Act; that funds from Title XX pay salaries to persons in homemakers program; and that Title VII funds provided for a fifteen passenger van, which has just been received, to carry persons to meal sites. He said that in 1973 the Council on Aging was sug-

gested to a County-wide program, but that the Board of Aldermen chose not to join at that time; that in 1974 the Board agreed to a proposed merger of the Orange County Council on Aging and the Chapel Hill Council on Aging, since this would enable the Council to obtain more federal funds, and that part of the merger agreement was that an office would be maintained in Chapel Hill. He said that such an office has been maintained in Town, staffed by Ms. Hopkins and a part-time housing coordinator. He said that at the time of the merger Ms. Hopkins was requested to be permitted to remain on the Town's payroll, since the Town can provide better fringe benefits than can the Council on Aging. He said that as of October 1, 1976, Ms. Hopkins will have completed six years as a Town employee and will have vested retirement benefits. He said that the budget for the coming year proposes that Ms. Hopkins become an employee of the Council on Aging, but that the Council does not have sufficient funds to pay the salary.

Rev. Robert Seymour said that a number of years ago Inter-Church Council asked the Board to join them in securing federal funds to serve the older residents of the community, that this resulted in the Council on Aging, and that this was a farsighted move and a commitment to the growing number of older residents in the community. He said that the Council on Aging has met the needs of the older residents in recreation, transportation, home-making, and home health care. He said that the \$5,000 cut from the Council on Aging budget should be restored, since otherwise it will appear that the Town's commitment to this age group of population is lessening; and that maintaining Ms. Hopkins on Town's payroll is a way of symbolizing direct support, interest, and direction to this age group. He said that many persons are retiring in this community, that the Council on Aging assures them that the Town is aware of their needs, and that support of the Council on Aging will ensure an advocate for their continuing needs.

Ms. Gaitha Lassiter, site manager of the nutrition program of the Chapel Hill area, said that she drives about 40 miles a day in picking up and taking people back to their homes, and that she puts in 8-10 hours a day of work. She said that she has looked forward to having a bus which would provide transportation, and that the bus has now been received, but that it is of no use if there are no funds for a driver and gas. She said that if these funds are not available, the nutrition program may have to be discontinued, since her health will not permit her to drive much longer. She asked the Board to do the best it can in the funding of the Council on Aging.

Mr. Graham Cook, president of Glover Club, a senior citizen organization, said that after moving to Chapel Hill he has worked with the Council on Aging and Inter-Church Council in trying to obtain services, such as Home Health Agency, which have been lacking in Town. He said that the Home-keepers program was not available until the Council on Aging established it in cooperation with other agencies to supply homekeepers at a reasonable cost to homebound people, and that funds are needed to subsidize the employees of this program to make their salaries competitive with the salaries that they could obtain elsewhere. He said that the training for the program is done by volunteers, but that there is a need for a paid professional person to supervise the volunteers. He said that he feels sure that the Board will wish to maintain control of the program which will cost taxpayers money, but which will help the people who are middleclass taxpayers in need of services, who cannot afford them and are ineligible for services provided by federal government.

Mr. Hugh McLeese, Vice-Chairman of the Orange County Council on Aging, said that the Council has tremendous resources in volunteers, but needs professions to direct them. He said that many people retire to Chapel Hill, that they pay taxes, but that they do not require the many services required by younger families. He asked the Board to reinstate the funding of the Council.

Mr. Leonard Mayo, member of the Chapel Hill Advisory Council to the Council on Aging, said that he endorses the statements made by people speaking before him. He asked that the cut in the budget of the Council on Aging be restored.

Mr. Martin asked the people in attendance of the public hearing in support of the Council on Aging to stand. About thirty persons stood.

Ms. Dee Kiester, Vice-President of Inter-Church Council, said that she is as concerned as the previous speakers about the quality of services available to the older residents of the community, but that there is a need for

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an outreach effort in the community to contact the persons who need services but who do not know how to get them. She said that most middle class retirees know how to find the resources available, but that there are still many low income elderly who are not being reached. She said that the Inter-Church Council has endorsed a proposal that a network of neighborhood resources be developed and that this is the type of project that she would like to see coordinated by or with the Council on Aging. She said that there is a need for the planning and execution of programs that are creative and imaginative, and that she is concerned that there be an extension of services, coordination of the existing services, and an elimination of duplication of services.

Ms. Marian Lentz said that she was the first volunteer of the Council on Aging, and that there is much more that can be done, but that outreach programs by Council on Aging are now functioning in prisons and nursing homes, through the visits of volunteers. She said that she hopes the funding of the program will not be curtailed.

Mr. Wes Hare, Assistant Director of the Joint Orange-Chatham Community Action Agency, which operates the Multipurpose Center, said that he is not opposed to the Council on Aging, but that there is a need for setting priorities so that the lower income elderly can get the necessary basic resources. He said that the JOCCA's basic reason for existing is to provide service to the poor, and that at the present time the Multipurpose Center is a site for meal program funded through Title VII, and designed to be complementary to other services for the elderly. He said that JOCCA intends to present a letter to the Board requesting \$5,000 to provide basic support service for the operation of the Multipurpose Center. He said that last winter a group of elderly persons took a trip to the ocean, many of whom had never seen the ocean before, and that a request will be made for \$1,000 to provide funds so that the elderly poor can travel during the bicentennial year and visit a number of bicentennial events and places. He said that sources of funding are available for travel within the local area, but that no funding is available for long distance travel. He said that JOCCA has had a cut in its budget, necessitating a reduction in staff, and that it is requesting funds of the United Fund and of the local government for support of the facility. He said that the Multipurpose Center houses Student Health Action Clinic (SHAC) for which JOCCA provides funding Community Center for People Under Six, commodity food from Comprehensive Health Center, Clothing Cooperative from Inter-Church Council, and meeting space for a variety of groups. He said that funds are needed to renovate and improve the facility. He invited the Board of Aldermen to visit the Center and see the need for improvements. He said that the Center provides services that are not stressed by the Council on Aging, but that there is a close working relationship with the Council.

Ms. Gaitha Lassiter said that the trip to the ocean last winter was provided without cost to a group of elderly residents, that the Council on Aging helped to raise the money for meals on the trip, and that JOCCA furnished the bus and gas. She said that the people who went on the trip are still talking about it.

Ms. Susie Weaver spoke on the need for people to support each other.

The meeting recessed Pt 8:40 p.m. and reconvened at 8:42 p.m.

Ms. Fran Hollister, President of the Friends of the Library, said that the Library during the past year had 317,600 book checkouts for the 50,000 volumes, and that the library standards recommend two books per Town resident, or about 64,000 volumes for the Town library. She said that the cost of books has increased, and more people are borrowing books from the library. She said that the library provides a variety of other services, such as the bookmobile, which makes 27 stops during the week; film series, which have been attended by 124,000 viewers, both children and adults; and space for meetings, with the meeting room being in use every night for the past few months. She expressed her appreciation for what the Town is doing to the library.

Mr. Dick Hiskey, a member of the Recreation Commission, said that he is speaking as a private citizen. He said that he is concerned about the proposed budget reduction of the Recreation Department, especially since the programs that are eliminated and reduced are those that are areas of strength for the Recreation Department. He said that a reduction is also proposed in the printing and advertising costs, and that he feels that

instead these costs should be increased. He said that it is important for the Board to know that a number of items that the Recreation Commission discussed do not appear in the budget, such as vans to transport people of various ages. He said that the Recreation Commission feels that there is a need to expand the Teen program, including the development of a 1,000 square foot center, and that very little of the overall budget is devoted to this. He said that a proposal has been made to develop a joint outdoor program with the North Carolina Botanical Garden, and that funds for this are not included in the budget. He said that the Recreation Commission feels it is necessary to develop small neighborhood projects, and to maintain the existing ones, such as Phillips Tennis Courts, Oakview Park, Umstead Park, etc., and that funds are not available. He said that it is difficult to develop a meaningful summer program when it is not known early in the year how much funding will be received for the entire summer. He said that it is necessary to purchase basic equipment for the various programs, and that meaningful programs cannot be developed without equipment. He said that the salaries need to be increased. He said that with all these needs existing, it is not the time to cut the Recreation Department budget. He said that he does not see much logic in eliminating programs in preparation for facilities that will be made available through the Capital Improvements Program.

Mr. Joseph Lee said that he spoke at the public hearing on the Capital Improvements Program on the need for recreational facilities for people who are not affiliated with the University. He said that it is absolutely imperative that summer programs be available, and that there is a need for recreational programs in the low cost housing. He said that the Inter-Church Council has worked with the Recreation Department in developing some programs for the housing projects, but that cuts in the recreation budget will not permit this to proceed further. He asked the Board to review the recreation program and, if it were not possible to increase the budget, to bring the funding back to the level of this current fiscal year.

Mr. Andy Landis said that the Town needs more tennis facilities, and that the Town should both develop its own facilities and work out a cooperative arrangement with the University.

Mr. Robert Hall said that he is horrified at the thought that the bus service might be reduced. He said that he does not own a car and relies heavily on buses for transportation. He said that service on some of the less used routes, such as N and F, might be reduced or eliminated for part of the day, but that bus service to apartment complexes should be maintained, even if the service is only once every hour. He suggested that if the Town needed to obtain more funding, parking fees in municipal lots and cost of parking tickets might be increased.

Ms. Carol Haley said that the bus service makes it possible for people without cars to live on the outskirts of Town, and that the proposed bus service cutbacks will hurt people who do not follow the schedule of peak hour usage. She said that if people are unsure whether they will be able to take a bus back home, they will drive their cars to work, resulting in a decreased usage of the buses. She said that she hopes service cutbacks will not be as drastic as proposed.

Mr. Thomas McKenna said that the night bus service is a necessity because so many of the apartment complexes are on outskirts of Town. He said that many of the jobs at the University go on until late at night, and that the elimination of night bus service will penalize the people who hold these jobs. He said that if these people needed to walk home after work, they would have to do so along unlit, narrow roads with no shoulders, and that the question of safety needs to be considered. He said that it is irresponsible for the Town to offer night bus service and then to withdraw it, since people who work at night are unable to plan around the lack of this service.

Mr. Ken Pace, manager of Pinegate Apartment, said that a year ago he requested that the Town annex Pinegate Apartments, and that now he is presenting a petition from residents of the apartments requesting that bus service be continued to the apartments. He presented the petition to the Board.

Col. Wesley Egan congratulated the Town Manager and staff for getting the budget back into reasonable proportion. He said that he does not feel that the bus system should be discontinued, but that he does feel it is time to assess the capabilities and needs of the system and to develop a

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system that the Town and the riders will support. He said that he feels accurate bus information is not emphasized enough to Town residents, since the cost of the bus system includes not only the cost of operation at over \$800,000, but also a transit facility from revenue sharing funds, street paving on bus routes, park-ride lots, and the purchase of ten more buses from capital bond issue for a total of more than \$1,300,000. He said that these expenses do not all come from ad valorem taxes, but that they are eventually borne by the taxpayer, and are now currently placed in funds of the public may not be aware. He said that the total figure of funds for the bus system will see that these figures are well publicized. He said that the operation of the bus system also includes hidden expenses, such as reconstruction of streets on bus routes. He said that it is necessary to conduct an accurate rider survey on each bus to determine the accurate operation cost per mile. He said that night service is needed on routes that are heavily used. He said tht it is necessary to have an in-depth audit of Town's expenditures for the bus system, that it is also necessary to have an in-depth analysis to see whether Town is obtaining the service that it is paying for, that this information has to be disseminated to the public, and that the revenues have to be reworked to see that the revenues intended for the bus system pay for it. He said that there is a need for a greater emphasis on adult bus transportation, with a survey of people in the community to find out what their needs are for bus transportation. He said that the Town is also neglecting to purchase any large amounts of recreational space around the perimeters of the Town, and that the last purchase was made in 1974.

Mr. Bob Owens, a representative of People's Alliance, said that he supports night bus service. He said that it is also important for the Town to provide good bus service to strengthen its position with the State Department of Transportation in regard to the thoroughfare plan.

Alderman Cohen said that some of the items mentioned by Col. Egan have been funded in previous years, either by the federal government or by local bond referendum, but that the funds have not yet been spent. He said that the capital costs of the bus system should not be charged off against a single year's operation, which is the reason they are in a capital fund. Col. Egan said that there are funds that the Town is planning to spend this year, and that the capital improvement budget does not show depreciation; if these items are to be considered long term expenditures, then depreciation should be shown, even though the state auditing procedures may not require this. He said that Town residents do not know generally about the items that were approved in the local bond referendum three years ago.

Mr. Howard Yandle, proprietor of the Village Pharmacy, said that he wishes to protest the proposed increase in commercial garbage collection fee from \$24.00 per year to \$160.00 per year for a six day service, and said that the service is not provided as often as it is supposed to be.

Mr. Willis Knight of Knight and Campbell Hardware, said that he also is concerned about the increase in the commercial garbage collection fee.

Town Manager Jenne said that the item is on the agenda for the regular meeting, at which time the Board will consider it. He said that the administration has considered the various services that the Town provides and whether the fees are equitable. He said that the current charge for commercial garbage collection six times a week is not equitable, and that he is recommending that the Board consider increasing the fee to reflect the actual cost of providing the service. He said that Town provides garbage collection without cost twice a week, and that the services for the other four days was calculated on the basis of 77¢ per container per pick-up.

Mr. Yandle said that it seems that the merchants are asked to foot the bill for other residents of the Town.

Alderman Cohen asked whether there is any set procedure for notifying people who will be affected by a charge in a fee prior to action by the Board. Town Manager Jenne said that the Town has no set procedure in this matter and that the matter of fees was considered during budget preparations and discussed with representatives to the Chamber of Commerce. He said that the information on the proposed change in fee was intended to be distributed to the merchants earlier, but that it could not be distributed until this morning. He said that the staff considered deferring this matter from this meeting, but that, since the annual billing for this service goes to the merchants in May and early June, it was decided to leave the item on the agenda.

Town Manager Jenne said that the proposed schedule for the work sessions is included in the proposed budget, and that the first two work sessions will be held on May 13, 1976 - General Government, and May 17, 1976 - Human Services. Alderman Vickery asked whether people will be allowed to speak at the work sessions. Mayor Wallace said that this is something that the Board can decide at the work session, depending on the number of people attending that particular session. Alderman Silver requested that **the work sessions be held in the evening, to encourage more people to attend.** Alderman Cohen requested that the work session scheduled for June 10 be rescheduled to June 9, since he plans to attend a conference of alternative public policy in Austin on June 10. Town Manager Jenne said that this rescheduling should not present any difficulties.

The public hearing adjourned at 9:40 p.m., and the Board reconvened at 9:55 p.m.

REGULAR MEETING

Approval of Minutes

The minutes of the April 26, 1976 meeting were duly considered. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE SAID MINUTES BE ADOPTED FOR OFFICIAL RECORDING AS PRESENTED. THE MOTION WAS UNANIMOUSLY CARRIED.

Petitions and Requests

Alderman Vickery presented two petitions from the Kings Mill Precinct. He read the following petition, signed by 105 persons representing 61 households: We the undersigned, protest vigorously any attempt to eliminate bus service to the Morgan Creek - Kings Mill area for the following reasons: 1. we voted for the bus tax assessment with the clear understanding that buses would serve all of Chapel Hill without regard to the revenue earned; 2. our area pays a disproportionately high amount of tax revenues to support bus service; and 3. many residents have applied to purchase bus passes for 1976-77 with the expectation of bus service to Morgan Creek - Kings Mill area.

Alderman Vickery read the following petition, signed by 23 children, ages six through fifteen: This is a petition to keep the bus running in the Morgan Creek - Kings Mill area. The young people need the buses so they can get around Chapel Hill without having to nag their parents to take them to their destination. For some of us it is the only way we can get to the library, recreation programs, the movies, and the shopping center.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE BOARD ACCEPT THE TWO PETITIONS AND REFER THEM TO THE TOWN MANAGER FOR HIS CONSIDERATION AND RECOMMENDATION BACK TO THE BOARD. THE MOTION WAS UNANIMOUSLY CARRIED.

Alderman Smith said that he has received a number of calls from residential areas about roaming dogs, and requested that a discussion on this matter be placed on a future agenda.

Alderman Howes requested that the work session scheduled for May 13, 1976 begin at 4:00 p.m., since the County Commissioners have a public hearing at 7:00 p.m. on land development plan in Orange County. Mayor Wallace said that this budget work session will be scheduled for 4:00 p.m. and other budget work sessions will begin at 7:00 p.m., unless otherwise rescheduled.

Alderman Howes suggested that items 15 and 16 of the agenda be deferred to May 11, 1976. Alderman Vickery said that he would prefer that these items be considered at this meeting, since he will be out of Town on the proposed date. Alderman Howes withdrew his suggestion.

Petition by Albert West - Report and Board Action

Mayor Wallace presented a memorandum from the Town Manager, dated May 6, 1976, on the report in response to petition and claim by Mr. Albert West, recommending that the Department of Public Works monitor and record pattern of channel behavior quarterly and that no action by the Town be taken at this time. To the memorandum are attached a letter to the Town Manager from Dr. H. R. Malcom, Jr., dated April 6, 1976; a Study and Opinion of Streambank Condition of a Reach of Morgan Creek, by H. R. Malcom, Jr., dated April 6, 1976; and a letter to Mr. John McAdams of Rose, Pridgen

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& Freemon from Mr. Donald L. Cordell, Regional Engineer, dated April 20, 1976.

Mr. Charles Vickery, representing Mr. West, said that, as he recalls, the last time he was before the Board, the Board requested that Town Manager give a report on how to solve the problem of erosion of Mr. West's property, not just to give a recommendation generally. He said that, judging from the report by Dr. Malcom, the investigation of erosion was done on the wrong property; he cannot say from Mr. Cordell's letter whether or not the correct site was investigated. He showed on a map where the report states investigation was done. He requested that the Board accept the third recommendation of the report to put down a specific type of stone at points of stress on the bank, since the creek on Mr. West's property has gross erosion and the matter should be corrected.

Mr. West said that either he or his wife are at home most of the time, and that neither one of them saw either Mr. Cordell or Dr. Malcom, and that he so stated to the Assistant Town Manager at the time that he was contacted requesting that the matter be deferred from the last Board meeting.

Mr. Harris of the Public Works Department said that he personally did not show the location of Mr. West's property to either of the two engineers, but that he did show the location to Mr. John McAdams, Town's consulting engineer, and requested that he pass this information on to the two consulting engineers. He said that the problem of the creek erosion is better viewed from the side of the creek opposite Mr. West's property, and that this may be the reason why neither Mr. nor Mrs. West saw the investigation conducted. He said that he does not know why Dr. Malcom has indicated an erroneous point of investigation to this report.

Alderman Smith said that the Board was of the opinion of several years ago that the rocks should be placed on sides of the creek and directed the Town Manager to do so, although the rocks were never placed. He said that the Board should accept the recommendation to place rocks on sides of the creek. He said that he saw the creek at the time that the sewer line was installed, and that heavy damage was done to the property. Alderman Vickery said that he has visited the site and feels that the problem should be corrected. Alderman Cohen said that he cannot make a decision in this matter until it is discovered whether or not the engineers observed the correct site. Mayor Wallace recommended that the engineers visit the site in question with Mr. West, to make sure that the correct site is investigated. Alderman Marshall said that she is concerned that even if the right site were visited, the engineers can still state that the damage is due to urbanization. She said that the Town did do damage to the property, that the Board and the Mayor have always so acknowledged, and that the problem of erosion should be corrected.

Town Manager Jenne said that the recommendation is not an attempt to circumvent the wishes of the Board, but that experts in the matter have recommended that no action be taken, and that is it his responsibility to so report to the Board. He said that if the Board wished to correct the problem, the staff is prepared to do so, and the expense can be fit into the current budget.

Alderman Vickery asked how long it would take to reinvestigate the matter. Town Manager Jenne said that this should be accomplished before the next Board meeting. Mayor Wallace suggested that Dr. Malcom be requested to investigate the site with Mr. West and prepare another report. Alderman Marshall said that such a report should take into account that the Board is concerned with correcting the damage done by the Town. Alderman Smith said that Rose, Pridgen and Freemon were engineers for the sewer line, that they should have been aware of the damage done to the section of the creek, and that they now should be requested to fix the problem, since they failed to fulfill their obligation of correcting the matter at the time it occurred.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, THAT DR. MALCOM; ROSE, PRIDGEN AND FREEMON, MR. HARRIS, AND MR. WEST MET TO VIEW THE SITE, MAKE A DETERMINATION OF WHAT NEEDS TO BE DONE, AND REPORT BACK TO THE BOARD AS SOON AS POSSIBLE, AT WHICH TIME THE TOWN MANAGER WILL BE DIRECTED TO DO APPROPRIATE WORK TO CORRECT THE PROBLEM. THE MOTION WAS UNANIMOUSLY CARRIED.

Clarence Gray/Fast Fare Special Use Modification - Resolution

Mayor Wallace presented a memorandum from the Town Manager, dated April 26, 1976, on the request by Mr. Clarence N. Gray and Fast Fare for the modification of Special Use Permit, recommending approval of the request, with stipulations.

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ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE FOLLOWING RESOLUTION GRANTING MODIFICATIONS TO THE CLARENCE GRAY FAST FARE SPECIAL USE PERMIT, WITH STIPULATIONS BE APPROVED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION GRANTING MODIFICATIONS TO THE CLARENCE GRAY/FAST FARE SPECIAL USE PERMIT, WITH STIPULATIONS.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit for Kwik Pik (Fast Fare) originally granted to Clarence N. Gray on April 6, 1970 be modified in accordance with the plans as submitted with this request, subject to the following stipulations:

1. That the landscape plan be complied with by replacing the missing trees as stipulated in 3 and 4 of the original stipulations, and that the brick curbing for the three planters referred to in the original stipulations 3, 4 and 5 be repaired;
2. That the trash container be relocated so as not to threaten the integrity of the planting areas, subject to the approval of the Town Manager;
3. That 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;
4. And subject further to all stipulations and conditions placed upon the Special Use Permit as originally approved and modified.

and

BE IT FURTHER RESOLVED that, subject to the above stipulations, the Special Use Permit as modified continues to meet the four findings set forth in the original permit.

This the 10th day of May, 1976.

Oxford Condominiums Special Use Modification - Resolution

Mayor Wallace presented a memorandum from the Town Manager, dated April 26, 1976, on the request for the modification of Special Use Permit for Oxford Condominiums, recommending approval of the request, with stipulations.

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN EPTING, THAT THE FOLLOWING RESOLUTION GRANTING MODIFICATIONS TO THE SPECIAL USE PERMIT FOR OXFORD CONDOMINIUMS BE APPROVED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION GRANTING MODIFICATIONS TO THE SPECIAL USE PERMIT FOR OXFORD CONDOMINIUMS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit for Oxford Condominiums, originally granted to Mr. Glen Guy on March 14, 1966, and subsequently modified, be further modified as follows:

1. The completion date for the project is hereby extended to November 20, 1978; and
2. The owner is hereby granted the option of using a portion of each of two approved porches located at the ends of building number 5 for either a small bedroom or a den;

and

BE IT FURTHER RESOLVED that, subject to all previous conditions and stipulations, the use as originally approved and later modified continues to meet the four findings set out in the original Special Use Permit.

This the 10th day of May, 1976.

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Phillips Law Office Special Use Permit - Resolution

Mayor Wallace presented a memorandum from the Town Manager, dated April 26, 1976, on his request for a Quasi-Public Special Use Permit for the Phillips Law Office, recommending approval of the request.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN GARDER, THAT THE FOLLOWING RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE OLD PHILLIPS LAW OFFICE BE APPROVED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR THE OLD PHILLIPS LAW OFFICE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill hereby grants to Walter Creech a Special Use Permit under Section 4-C-4, (Quasi-Public Buildings) of the Ordinance Providing for the Zoning of Chapel Hill for the Old Phillips Law Office property; and

BE IT FURTHER RESOLVED that the Board of Aldermen find:

1. that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
2. that the use meets all required conditions and specifications;
3. that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and Its Environs.

This the 10th day of May, 1976.

Annexation Report - Resolution

Mayor Wallace presented the amended Annexation Plan Report, dated May 10, 1976, for the Oaks Apartments and Subdivision and for the Frank Porter Graham right-of-way.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, THAT THE FOLLOWING RESOLUTION ADOPTING THE AMENDED OAKS APARTMENTS SUBDIVISION AND FRANK PORTER GRAHAM RIGHT-OF-WAY AREA ANNEXATION REPORT BE APPROVED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION ADOPTING THE AMENDED OAKS APARTMENTS/SUBDIVISION ANNEXATION REPORT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby adopts the annexation report for the Oaks Apartments/ Subdivision as amended to delete holes 12 and 13 of the Chapel Hill Country Club.

This the 10th day of May, 1976.

Annexation Ordinances

Mayor Wallace presented the ordinances to annex the Oaks Apartments and Subdivision and the Frank Porter Graham right-of-way.

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES, THAT THE FOLLOWING ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED.

AREA I

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, on the 8th day of March, 1976, the Board of Aldermen adopted a Resolution of Intent to consider the annexation of the area hereinafter described simultaneously with other areas not adjacent hereto, but adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill, and

WHEREAS, said Resolution of Intent set the time and place of a public hearing thereon at 7:30 p.m. on the 12th day of April, 1976 in the courtroom of the Town Hall in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section 47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing, and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for a least four (4) successive weeks prior to the date of the hearing, and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on March 21, March 28, April 4, and April 11, 1976, and

WHEREAS, on March 22, 1976, which is seventeen (17) days before the date of the public hearing the Board of Aldermen received and approved the report provided for in GS §160-A-47, and made same available to the public at the offices of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution, and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 13th day of April, 1976 in the Town Hall of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, residing or owning property in the territory described in notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then in individual ownership, if any, the population residing in each particular portion of the area, and the services to be provided in the area by the Town in the event of its annexation, and

WHEREAS, an amended annexation report subsequent to said public hearing has been prepared, and

WHEREAS, said annexation report, as amended, was duly adopted by the Board of Aldermen of the Town of Chapel Hill on the 10th day of May, 1976, and

WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill, and

WHEREAS, all of the prerequisites to the adoption of this Ordinance described in Article 4A, Sections 45-56 of Chapter 160A of the General Statutes of North Carolina have been met.

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

SECTION I

That from and after the effective date of this annexation Ordinance, which will be midnight on the 30th day of June, 1976, the following described territories shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:

Area 1. Oaks Apartments, Oaks Subdivision and land north to Little Creek. BEGINNING at the northwestern corner of Lot 6A, Tax Map 52, and proceeding thence eastward with the northern line of said lot approximately 540, 320, 400, 495, 315, 200, 520, and 125 feet to the western right-of-way

line of Pinehurst Drive; proceeding thence across Pinehurst Drive to a point one foot east of the eastern right-of-way of said street, thence southward parallel to said right-of-way approximately 590 feet to the northern corner of Lot 54B-D-1; proceeding thence southward with the eastern line of Lot 54-B-D-1 291 feet to the southeastern corner, and 100, 80, and 104 feet westward with the southern line of said lot to a point one foot east of the eastern right-of-way line of Pinehurst Drive; proceeding thence south parallel to said right-of-way line 151 feet to the northern line of Lot 54B-D-2; proceeding thence with the northern lines of Lots 54B-D-2 and 4, 88, 70, 200, and 165 feet to the eastern corner of Lot 54B-E-4 proceeding thence westward with the southern lines of Lots 54B-D-4 and 54B-C-14 320 and 625 feet to the southwestern corner of Lot 54B-C-14; proceeding thence north with the western line 344 feet and east 76 feet with the western and northern lines of Lot 54B-C-14 to a point one foot west of the western right-of-way line of Pinehurst Drive; proceeding thence north parallel to said right-of-way line 320 feet to the southern line of Lot 54B-C-13; proceeding thence southwest with the southern lines of Lots 54B-C-13 through 7, 312, 240, 120, 140, and 150 feet; proceeding thence south with the eastern lines of Lots 54B-C-5 through 3, 230 and 150 feet to the southeast corner of Lot 54B-C-3; proceeding thence west with the southern line of Lot 54B-C-3 213 feet to the northeast corner of Lot 54A-A-12; proceeding thence south with the eastern lines of Lots 54A-A-12 through 7, 160, 330, and 645 feet to a point one foot east of the eastern right-of-way line of Burning Tree Drive; proceeding thence parallel to said right-of-way line 668 feet to the northern line of Lot 54A-A-6; proceeding thence east with said northern line 224 feet to the northeast corner of Lot 54A-A-6; proceeding thence south with the eastern lines of Lots 54A-A-6 through 1, 240, 240, 240, and 163 feet to the northern right-of-way of N.C. 54 Bypass; proceeding thence southward to the centerline of said right-of-way, the present Chapel Hill Corporate Limits, and proceeding thence westward with said centerline approximately 850 feet to the extended centerline of Rogerson Drive, the present Corporate limits; and running thence north with said corporate limits approximately 4,920 feet to the point of BEGINNING.

SECTION II

The Board of Aldermen hereby specifically finds and declares that the above-described territory meets the requirements of G.S. §160A-48 as follows:

Area 1 extends north from the existing Town limits at N.C. 54 to the existing Town limits near Little Creek. It contains The Oaks Apartment complex with 124 units and a large amount of single-family development along Burning Tree Drive.

1. The Oaks area is contiguous to the Town's boundaries, as defined in G.S. 160A-53(1), at the time of the beginning of the annexation proceeding. (G.S. 160A-48(b)(1));
2. The aggregate external boundary of the area is estimated at 16,900 feet of which 9,000 feet are adjacent to or contiguous with the existing municipal boundary. Therefore, 53.2 percent of the area's external boundary is adjacent to or contiguous with the present Town boundary. This figure exceeds the required one-eighth (12.5%). (G.S. 160A-48(b)(2));
3. No part of Area 1 is included within the boundary of another incorporated municipality. (G.S. 160A-48(b)(3));
4. Area 1 is developed for urban purposes as defined in G.S. 160A-48(C)(1). It contains an estimated 157 acres with 154 dwelling units, resulting in an estimated population of 405 persons and a density of 2.58 persons per acre. This density exceeds the criterion of two persons per acre. (G.S. 160A-48(C)(1));
5. The boundaries of Area 1 have been drawn such that, wherever practical, natural topographic features have been used. Where a street is used as a boundary, land on both sides of the street is included and the outside boundary extends no more than 200 feet beyond the right-of-way of the street. (G.S. 160A-48(e))

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to the Oaks Area are outlined below as required by G.S. 160A-47(3).

1. Street Lighting. The University of North Carolina supplies electricity and street lighting under contract for the Town of Chapel Hill. Area 1 has developed with underground power lines and a number of street lights have been installed by the developer. These street lights are maintained by the Oaks Homeowners Association and the Oaks Apartments. Upon annexation, the Town will contract with the University for the maintenance of the street lights which have been installed according to Town policy, i.e., one (1) street light at each intersection, in the middle of long blocks, and at points in curving streets where necessary. Any additional lights will have to be maintained by the Homeowners Association or the Apartment complex.
2. Garbage Collection. Garbage collection will be on a twice-a-week schedule and will commence on the date the annexation ordinance becomes effective. Existing collection routes will be rearranged or extended. As in other parts of the Town, trash, limbs, and leaves will be picked up at the curb on a non-scheduled basis. This will provide garbage and trash collection on the same basis as exists in the rest of the Town, and in accordance with Town practice and policy.
3. Sewer Service. This area is completely served with sewer at the present time and is a part of the sewer system of the Town of Chapel Hill. Charges for services and maintenance will be the same as for other residents of the Town of Chapel Hill.
4. Public Water. Public water is available in the entire area, and is provided by the University of North Carolina as is all public water within the Town of Chapel Hill. The Town does not own or maintain a water system.
5. Street Maintenance. Street maintenance in this area except streets which are a permanent part of the State Highway System, will be undertaken by the Town immediately, and street maintenance and cleaning in this area will be performed on the same basis as that in the rest of the Town. All streets are paved with curb and gutter, however, Burning Tree Drive is in badly deteriorated condition. It has been accepted as part of the State Highway System and presently is maintained by the State. If the Oaks area is annexed, the State probably will release Burning Tree Drive to the Town. If this occurs, the Town will need to provide some immediate patch maintenance and ultimately reconstruct the road to a standard which would compensate for difficult subsurface conditions. The Oaks presently has custom-designed street signs. When these eventually deteriorate the Town will replace them with standard street signs unless the Homeowners Association wishes to assume the additional cost required for the existing type of signs.
6. Storm Drainage. This area requires no additional storm drainage.
7. Fire Protection. Fire protection will be provided immediately in the area upon the effective date of annexation. No additional fire hydrants are needed in this area; however, the Town will assume the monthly assessment from University Utilities for upkeep of the existing hydrants. Immediate fire service is possible from existing municipal fire stations.
8. Police Protection. Police protection in the area will be the same as in other areas of the Town effective immediately upon annexation. The Town provides Police protection in the residential areas on a regular patrol basis. Protection of this area will be provided through re-arrangement or extension of existing patrol routes.
9. Transportation. It is not feasible to provide bus service directly to all of Area 1 at the present time. However, this situation is not uncommon in other low-density, single-family areas currently within the Town limits. Residents of this area have access to bus transportation on Route G which already serves The Oaks Apartments.

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10. Recreation. Recreational facilities and services of the Town of Chapel Hill will be available immediately to this area upon annexation and upon the same basis as other residents.
 11. Other Municipal Services. All other municipal services including library, inspection, and administration, etc. will be available immediately upon annexation.

SECTION IV

The annual operating expenses for this area are estimated to be \$10,000. This figure represents additional cost to the Town for garbage collection and maintenance of streets, lights, fire hydrants, and signs. Some services already are being provided to the area (fire, bus) and some will require no additional personnel or equipment to serve the area (police)

The total cost of Capital improvements for this area is estimated to be \$122,000. This figure includes a portion of the cost of a 28-cubic yard capacity garbage truck to replace an existing 16-cubic yard capacity truck and the present cost of reconstructing Burning Tree Drive. The 16-yard capacity garbage truck is obsolete and needs to be replaced within 2-3 years. However, addition of the Oaks would exceed its present capacity and would necessitate its replacement in the 1977 fiscal year. All costs will be provided from the General Fund.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION VI

That the newly-annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1976 and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly-certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That notice of date of adoption of this Ordinance shall be published once (1) in the Chapel Hill Newspaper.

This the 10th day of May, 1976.

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE FOLLOWING ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA BE ADOPTED. THE MOTION WAS UNANIMOUSLY CARRIED.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CHAPEL HILL UNDER AUTHORITY GRANTED BY ARTICLE 4A, SECTIONS 45 THROUGH 56 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, on the 28th day of March, 1976, the Board of Aldermen adopted a Resolution of Intent to consider the annexation of the area hereinafter described simultaneously with other areas not adjacent hereto, but adjoining and contiguous with the municipal boundaries of the Town of Chapel Hill, and

WHEREAS, said Resolution of Intent set the time and place of a public hearing thereon at 7:30 p.m. on the 12th day of April, 1976 in the courtroom of the Town Hall in the Town of Chapel Hill, described the area under consideration, and provided that the annexation report required by the provisions of Section 47 of Chapter 160A of the General Statutes of North Carolina be available at the office of the Town Clerk at least 14 days prior to the date of the public hearing, and

WHEREAS, notice of said public hearing was duly given by publication in a newspaper having general circulation in the Town of Chapel Hill once a week for at least four (4) successive weeks prior to the date of the hearing, and

WHEREAS, publication was duly made in the Chapel Hill Newspaper on March 21, March 28, April 4, and April 11, 1976, and

WHEREAS, on March 22, 1976, which is seventeen (17) days before the date of public hearing the Board of Aldermen received and approved the report provided for in GS Section 160-A-47, and made same available to the public at the offices of the Town Clerk, and in addition thereto copies of said report were prepared for public distribution, and

WHEREAS, a public hearing was duly held at 7:30 p.m. on the 12th day of April, 1976 in the Town Hall of the Town of Chapel Hill at which said hearing a representative of the Town of Chapel Hill first made an explanation of said report, following of which all persons, resident or owning property in the territory described in notice of public hearing, and all other residents of the municipality in attendance were given an opportunity to be heard, and at which time the nature and character of the area was discussed, the large tracts then individual ownership, if any, the population residing in each particular portion of the area, and the services to be provided in the area by the Town in the event of its annexation, and

WHEREAS, said annexation report was duly adopted by the Board of Aldermen of the Town of Chapel Hill on the 23rd day of March, 1976, and

WHEREAS, the Board of Aldermen has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Chapel Hill, and

WHEREAS, all of the prerequisites to the adoption of this Ordinance described in Article 4A, Sections 45 - 56 of Chapter 160A of the General Statutes of North Carolina have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

SECTION I

That from and after the effective date of this annexation Ordinance, which will be midnight on the 30th day of June, 1976, the following described territories shall be annexed and become part of the Town of Chapel Hill, and the corporate limits of the Town of Chapel Hill shall on said date be extended to and include said territory more particularly described by metes and bounds as follows:

Area 2. Right-of-way near Frank Porter Graham Elementary School

Beginning at a point in the Eastern right-of-way line of Smith Level Road, the southwestern corner of Lot 1, Block B, Chapel Hill Township Tax Map 122; proceeding thence approximately 30 feet to the centerline of the right-of-way of Smith Level Road; proceeding thence with said centerline north approximately 730 feet to the northern ROW line of Merritt Mill Road; proceeding thence with the northern ROW line of Merritt Mill Road approximately 904 feet east to its junction with

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the extended western line of Lot 122-C-1; proceeding thence south with said western lot line 148 and 385 feet to the north right-of-way line of N.C. 54 at its junction with the extended western line of Lot 122-B-3A; proceeding thence with said extended lot line south across the right-of-way of N.C. 54 to the northeast corner of Lot 122-B-1; proceeding thence west and south with the northwestern lot lines of lot 122-B-1 approximately 240, 845, 95, and 265 feet to the point of BEGINNING.

SECTION II

The Board of Aldermen hereby specifically find and declare that the above described territory meets the requirements of G.S. Section 160A-48 as follows:

AREA 2

Area 2 is a small section of unincorporated land between the Town limits of Carrboro and Chapel Hill near Frank Porter Graham School. It includes only land used for highway rights-of-way for N.C. 54 Bypass, Smith Level Road and Merritt Mill Road.

Qualifications According to Requirements Listed in G.S. 160-A-48

1. Area 2 is contiguous to the Town's boundaries, as defined in G.S. 160-A-53 (1), at the time of the beginning of the annexation proceeding. (G.S. 160-A-48 (b) (1))
2. The aggregate external boundary of the area is estimated to be 3,700 feet of which 2,100 feet are adjacent to or contiguous with the present Town boundary which considerably exceeds the required one-eighth (12.5%). (G.S. 160-A-48 (b) (2))
3. No part of Area 2 is included within the boundary of another incorporated municipality.
4. Area 2 contains 8.0 acres which are used entirely for highway rights-of-way.
5. Area 2 qualifies for annexation under G.S. 160A-48 (d) (2) which states that an area must be "adjacent on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes." An estimated 99.2 percent of the external boundary of Area 2 is adjacent to the present Chapel Hill and Carrboro boundaries.
6. The boundaries of Area 2 have been drawn such that, wherever practical, natural topographic features have been used. Where a street is used as a boundary, land on both sides of the street is included and the outside boundary extends no more than 200 feet beyond the right-of-way of the street.

SECTION III

It is the purpose and intent of the Town of Chapel Hill to provide services to an area being annexed on substantially the same basis and in the same manner as such services are provided within the rest of the Town prior to annexation. Plans for providing such services to Area 2 are outlined below as required by G.S. 160-A-47 (3).

1. Since there are no dwelling units in this area, provision of garbage collection, sewer, water, and recreation services will not be necessary.
2. Street Lighting. No additional street lighting is required for this area.
3. Street Maintenance. All streets in this area are a permanent part of the State Highway System and will require no maintenance by the Town.
4. Storm Drainage. No additional storm drainage is needed in this area.

- 5. Fire Protection. Fire protection will be provided immediately in the area upon the effective date of annexation. This service is possible from existing municipal fire stations.
- 6. Police Protection. Police protection in the area will be the same as in other areas of the Town effective immediately upon annexation. Patrol of the area will be provided through rearrangement and extension of existing patrol routes.

SECTION IV

No appropriations are needed to finance the construction of water or sewer facilities, garbage collection, recreation, or for the paving and maintaining of streets. All other services can be performed with existing personnel, equipment and facilities and any annual costs will be provided from the General Fund.

SECTION V

That from and after the effective date of this annexation, the territory annexed and its citizens and properties will be subject to all debts, laws, ordinances, and regulations in force in the Town of Chapel Hill, and it shall be entitled to the same privileges and benefits as other parts of the Town.

SECTION VI

That the newly annexed territory described herein shall be subject to Town taxes levied for the fiscal year beginning July 1, 1976 and annually thereafter.

SECTION VII

That the Mayor of the Town of Chapel Hill shall cause an accurate map of the annexed territory described in Section I hereof, together with the duly certified copy of this Ordinance, to be recorded in the Office of the Register of Deeds of Orange County, and in the Office of the Secretary of State.

SECTION VIII

That notice of date of adoption of this Ordinance shall be published once (1) in the Chapel Hill Newspaper.

This the 10th day of May, 1976.

Refuse Collection Fee Schedule - Ordinance

Mayor Wallace presented a memorandum from the Town Manager, dated May 6, 1976, on the recommended revisions in supplemental refuse collection charges, recommending adoption of an ordinance amending the refuse collection schedule for those commercial establishments and institutions requiring more than twice-weekly service.

Alderman Smith said that a comment has been made tha the refuse collection has not been taking place as scheduled. Mr. Harris of the Department of Public Works said that the refuse is not collected if the entry to the dumpster is blocked by cars, and that it is the owner's responsibility to keep the entryway free.

Alderman Cohen asked whether many merchants use one to three regular garbage cans for daily refuse collection. Mr. Gene Shipman, Assistant Town Manager, said that the majority of the merchants have four cubic yard containers, but that several use a number of cans. He said that the collection cost to the Town is the same for one dumpster as for one garbage can, since the pickup time is the same. Mr. Harris said that the staff feels a merchant using two regular garbage cans and requests daily pickup can just as easily use a dumpster with twice-a-week pickup. He said that the increase in collection fees will encourage people not to request daily pickup. unless it is really necessary. Town Manager Jenne said that some merchants have a number of regular garbage cans instead of a dumpster because of access problems to a dumpster.

ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE FOLLOWING ORDINANCE AMENDING SECTION 8-7, GARBAGE COLLECTION SERVICE CHARGES, BE ADOPTED.

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AN ORDINANCE AMENDING SECTION 8-7, GARBAGE COLLECTION SERVICE CHARGES

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 8-7 of the Code of Ordinances, Town of Chapel Hill, be amended by deleting current sub-sections (a) and (b) and replacing them with the following new subsections:

- (a) An annual charge of \$160 for seven or fewer cans and an additional annual charge of \$24 per can for cans beyond seven shall apply to any such business; and
- (b) An annual charge of \$160 per container larger than a can shall be charged and assessed against any such business; and

Section II

The effective date of this amendment shall be July 1, 1976.

Section III

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

This the 10th day of May, 1976.

Alderman Gardner asked what problem the staff sees with people bringing their trash into town and placing it into dumpsters, rather than disposing of it at the landfill. Mr. Harris said that the Town cannot control this problem and the individuals have to control it themselves. Alderman Gardner said that the merchants were encouraged to use dumpsters because this is less costly for Town, and that the merchants are concerned about the size of the fee increase and about the lack of previous notice. Alderman Silver said that the merchants have been undercharged previously, and that the proposed fee reflects the true cost of the service. Alderman Smith said that the Board has asked the Town Manager to make sure the fees for services are equitable, and that a 77¢ charge per day above the regular refuse pick-up provided by taxes is reasonable. He said that Towns have traditionally provided services at less than the true cost, and that this is one of the reasons why many towns have financial problems.

THE MOTION WAS UNANIMOUSLY CARRIED.

Agreement with Southern Railways - Resolution

Mayor Wallace presented a memorandum from the Town Manager, dated May 7, 1976, on signing of agreement with Southern Railways, recommending adoption of the resolution.

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES, THAT THE FOLLOWING RESOLUTION AUTHORIZING SIGNATURE OF AN AGREEMENT WITH SOUTHERN RAILWAYS BE APPROVED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION AUTHORIZING SIGNATURE OF AN AGREEMENT WITH SOUTHERN RAILWAYS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that Mayor James C. Wallace is hereby authorized to sign on behalf of the Town of Chapel Hill an encroachment agreement with the Southern Railway System covering a portion of the C Sanitary Sewer System.

This the 10th day of May, 1976.

Employee's Retirement System - Resolution

Mayor Wallace presented a memorandum from the Town Manager, dated May 10, 1976, on the proposed changes in the local governmental employees' retirement system recommending adoption of the resolution.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE FOLLOWING RESOLUTION SUPPORTING PROPOSED CHANGES IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM BE APPROVED, AND THAT THE TOWN MANAGER BE AUTHORIZED TO TRANSMIT THE RESOLUTION OF ENDORSEMENT TO THE N.C. LEAGUE OF MUNICIPALITIES. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION SUPPORTING PROPOSED CHANGES IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the Board of Aldermen of the Town of Chapel Hill has studied the changes proposed for the Local Governmental Employees' Retirement System; and

WHEREAS the Board of Trustees of said System has requested that all participating units, including the Town of Chapel Hill, take a stand either supporting or opposing such changes; NOW THEREFORE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill supports the changes proposed to bring the Local Governmental Employees' Retirement System into line with the State Employees' Retirement System.

This the 10th day of May, 1976.

Orange County Energy Conservation Task Force Payment - Resolution

Alderman Silver presented a memorandum written by him, dated May 6, 1976, on a request for funds to help publish the final report of the Orange County Energy Conservation Task Force, recommending that the Board allocate \$250 to help defray the costs of publishing the report.

ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING, THAT THE FOLLOWING RESOLUTION AUTHORIZING PAYMENT TO THE ORANGE COUNTY ENERGY CONSERVATION TASK FORCE FOR PROFESSIONAL SERVICES BE APPROVED. THE MOTION WAS UNANIMOUSLY CARRIED.

A RESOLUTION AUTHORIZING PAYMENT TO THE ORANGE COUNTY ENERGY CONSERVATION TASK FORCE FOR PROFESSIONAL SERVICES

WHEREAS the Orange County Energy Conservation Task Force has gathered valuable data regarding patterns of energy use within the Town of Chapel Hill, and

WHEREAS publication of the Final Report of the Task Force will be of considerable benefit to the citizens of the community and the governing and planning authorities thereof; NOW THEREFORE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager be and the same hereby is authorized to provide funds or in-kind services in the amount of \$250 to the Orange County Energy Conservation Task Force toward defraying the cost of printing and disseminating the Final Report of said Task Force.

This the 10th day of May, 1976.

Intergovernmental Task Force Study - Report

Alderman Silver reported that the Recreation Subcommittee of the Intergovernmental Task Force has reached various agreements on how the County can best serve recreational needs, and that the proposal is to provide the maximum use of school facilities. He presented a chart showing how funds would be allocated from one governmental body to another, and how the joint use of the school system facilities would interact with the Chapel Hill and Carrboro recreational programs. He said that the school system has prepared a time schedule of when school facilities are available, and has estimated the cost for their use. He said that the recommendation would split the funds from Orange County on a 30-70 basis between Carrboro and Chapel Hill, with an estimated 20% of the Chapel Hill Recreation Budget being provided by county funds for non-municipal residents, which is estimated for the coming fiscal year at about \$12,000. He said that the Task Force meets again on May 12, 1976 and that he needs some indication whether the Board finds any problems with this proposal.

In answer to questions from the Board, Town Manager Jenne said that this year the Town has spent about \$19,000 in renting space for recreational programs.

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In answer to questions from Alderman Smith, Alderman Silver said that the figures for the available time of school facilities were obtained from School Superintendent, who has said that this time will not conflict with School programs, and who has assured the subcommittee that the times allotted to the recreational programs would be honored even if later conflicts became possible.

Mayor Wallace asked whether the Board consensus is that Alderman Silver proceed with the development of this plan. There was no opposition to this.

Alderman Silver said that this agreement will be made with the County Commissioners, and the school system will be made accountable of how these funds will be used by the schools. He said that it may also be appropriate for the Task Force to discuss all the buildings that the County is planning to place in the municipalities for County services. He said that the school system has already authorized a negotiating team to discuss the potential future development of facilities with Town, if the Town so chose, and that he feels it would be appropriate for the Board to designate a representative or a committee from the Board to respond to the school system in this regard. Mayor Wallace designated Alderman Silver to serve as Board representative in this regard.

Regional Cooperation on Water and Sewer - Resolution

Alderman Cohen said that he has discussed the proposed resolution with a number of Aldermen and with the Mayor. He said that when the Town goes forward with a single bid, it should be with the intention to plan for a regional management of utilities. He said that the proposed plan has no time limit, nor any designated number of representatives from the various governmental units, since the intent is that any recommendation the study committee makes would have to be approved by the three governmental units. He said that the arrangements of regional cooperation on the water and sewer utilities can be very flexible, with an unspecified number of owners of the various parts of the utilities.

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SILVER, THAT THE RESOLUTION CONCERNING REGIONAL COOPERATION OF WATER AND SEWER MATTERS BE APPROVED.

A RESOLUTION CONCERNING REGIONAL COOPERATION ON WATER AND SEWER MATTERS

WHEREAS the University of North Carolina at Chapel Hill wishes to dispose of its portion of the water and sewer facilities now serving Chapel Hill, Carrboro, and their environs, and

WHEREAS the Town of Chapel Hill is entering a bid for the said water and sewer facilities, and

WHEREAS further investigation into the concept of regional management and control of the facilities would prove to be of benefit for all the concerned parties, NOW THEREFORE

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

Section 1

The Town of Chapel Hill proposes the formation of a study committee, consisting of representatives of the Towns of Chapel Hill and Carrboro and the County of Orange, for the purpose of investigating the feasibility of establishing a regional arrangement for the management and control of the utilities system.

Section 2

While conducting the study, the Committee shall advise the participating units of government of its progress from time to time, and shall hold such public meetings and hearings as it deems necessary. Upon completing the study, the Committee shall report its findings to the respective governments for their consideration and for such further action toward establishing a mutually acceptable pattern of regional cooperation in the area of water and wastewater decision-making as in their collective judgement shall be indicated.

Section 3

The Town of Chapel Hill pledges its good faith in seeking to achieve this goal.

Section 4

Copies of this resolution shall be sent to the Town of Carrboro and the County of Orange.

Adopted on the 10th day of May, 1976

In answer to questions from the Board, Alderman Cohen said that this agreement should be attempted regardless of the bid acceptance, and that if all three governments agreed with the resolution, then the proposed advisory committee could be set up. Mayor Wallace said that the committee would continue to explore and discuss the feasibility of mutually acceptable regional operation and control of utilities, and report to the three governments to get the system unified.

Alderman Silver said that the adoption of the resolution will not interfere with the Board's decision to submit a single bid for the utilities.

THE MOTION WAS UNANIMOUSLY CARRIED.

Executive Session

ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN HOWES, THAT THE MEETING RECESS AND THE BOARD GO INTO AN EXECUTIVE SESSION TO DISCUSS PROPERTY ACQUISITION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting recessed at 11:20 p.m. and reconvened on May 11, 1976, 1:30 a.m.

Water and Sewer Utility Acquisition - Resolutions

Mayor Wallace read the following resolution:

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN OFFER FOR THE ACQUISITION OF THE UNIVERSITY WATER AND SEWER UTILITY PROPERTIES

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

That the Mayor and Clerk are authorized and directed to execute in behalf of the Town of Chapel Hill the bids for the acquisition of the University Water and Sewer properties and to deliver the same together with the proposed agreements, appendices, and exhibits to the Utilities Study Commission in accordance with the directions contained in the letter from its Chairman.

This the 11th day of May, 1976.

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, THAT THE RESOLUTION AUTHORIZING THE SUBMISSION ON AN ORDER FOR THE ACQUISITION OF THE UNIVERSITY WATER AND SEWER UTILITY PROPERTIES BE APPROVED AS READ. THE MOTION CARRIED BY A VOTE OF SEVEN TO ONE, WITH ALDERMAN GARDNER OPPOSING.

Mayor Wallace said that the Board needs to address the question of how the Town is to proceed in relation to the existing Orange Water and Sewer Authority, since the Authority is in the process of preparing a bid, and the Town members of the Authority are being put in a difficult position in this regard.

Town Attorney Denny read the following resolution:

RESOLUTION

WHEREAS, the Board of Aldermen have authorized and directed the submission by the Town of a proposal for the acquisition of the University Water and Sewer Utility Properties, and

WHEREAS, the Town is one of the organizing units of the Orange Water and Sewer Authority, and

WHEREAS, efforts to reorganize such Authority in a manner more representative of the consumers have not been successful to this time, and

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WHEREAS, for the Town to withdraw from the Authority at this time removes any possibility of agreement, NOW THEREFORE

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

That the appointees of the Town to the Orange Water and Sewer Authority be requested not to participate in the formulation and submission of any revised bid by the Authority as presently constituted, for the University Water and Sewer Utility Properties, and the Board takes notice that they have not done so, and

BE IT FURTHER RESOLVED that in the event any proposal by the Authority is recommended for acceptance that the Board expresses its intent to withdraw from the Authority as presently constituted. (i.e., 3-3-3)

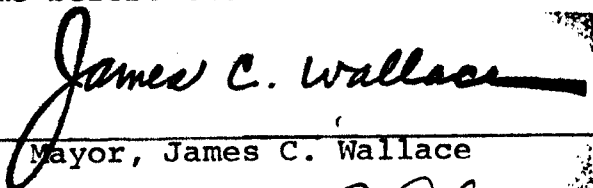
This the 11th day of May, 1976.


ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE RESOLUTION, AS READ BY THE TOWN ATTORNEY, BE APPROVED.

Alderman Epting said that it is necessary to adopt the resolution to show that the Town is not interested in a 3-3-3 Authority. Alderman Howes said that the resolution is a mechanical instruction to the Town Authority members not to participate in the preparation of the Authority bid. Alderman Marshall said that she will appreciate receiving direction on this matter, since without direction she will resign from the Authority. Alderman Cohen said that the purpose of the resolution is to avoid conflict of interest both on the part of the Town and the Authority. Mayor Wallace said that the resolution indicates in advance what the Town's intention is in case the Authority obtained the utilities.

THE MOTION WAS UNANIMOUSLY CARRIED.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 1:42 a.m.



Mayor, James C. Wallace


Town Clerk, David B. Roberts

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY
MAY 17, 1976, 7:30 P.M.

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

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

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

The Mayor announced that the Board of Aldermen was meeting for the purpose of considering some changes in the wording of the proposed water agreement.

Alderman Howes moved that the Special Meeting go into Executive Session and the motion was seconded by Alderman Epting. Mayor Wallace explained that Mr. Denny was to brief the Session on the changes in the wording. Alderman Gardner raised the question of whether this was a legitimate action for Executive Session. Mr. Denny replied that it quite clearly had to do with property application.

The meeting was adjourned into Executive Session at 7:41 p.m.

At 8:24 p.m. called the Special Meeting back into order after having considered in Executive Session the changes in the wording of the proposed