

water agreement.

Alderman Epting introduced the following resolution, which was read:

RESOLUTION CLARIFYING SUBPARAGRAPH f(1) OF SECTION 13 OF THE PROPOSED WATER UTILITY AGREEMENT OF SALE AND PURCHASE BETWEEN THE STATE OF NORTH CAROLINA AND THE TOWN OF CHAPEL HILL

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

That Subparagraph f(1) of the proposed Water Utility Agreement of Sale and Purchase between the State of North Carolina and the Town of Chapel Hill be clarified to read as follows:

"To serve and charge reasonable rates, based on costs of service, to all classes of users of the water and sewer system impartially and without unjust discrimination, and that no differential in rate shall be based on the location of a customer of the system."

ALDERMAN ROBERT EPTING MOVED THE PASSAGE OF THE FOREGOING RESOLUTION CHANGING THE WORDING OF THE PROPOSED WATER UTILITY AGREEMENT OF SALE AND PURCHASE, ALDERMAN JONATHAN HOWES SECONDED, AND THE RESOLUTION WAS PASSED BY THE FOLLOWING VOTES:

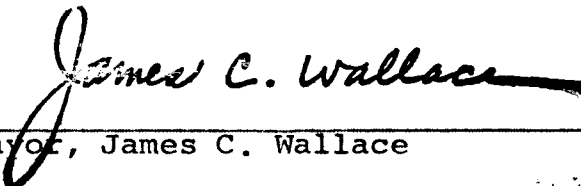
AYES: Aldermen Gerald Cohen, Robert Epting, Jonathan Howes, Shirley Marshall, R. D. Smith, Marvin Silver, Edward Vickery.

NOES: Alderman Thomas Gardner.

Mr. Gardner asked if he might bring up a matter relative to the matter at hand. Mayor Wallace stated that if the members of the Board of Aldermen had no objection he might proceed. There was no objection.

Alderman Gardner stated that there had been no written justification from the University for its increase from the original Orange Water and Sewer Authority bid of \$900,000 to minimum acceptable bid of \$1.5 million. He suggested that Dr. Jones be asked for clarification of the \$600,000 increase. There were objections from several Aldermen and the Chair ruled that this was beyond the subject matter of the Special Meeting.

The Meeting was then adjourned at 8:26 p.m.



 Mayor, James C. Wallace



 Town Clerk, David B. Roberts

MINUTES OF PUBLIC HEARINGS AND A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, MAY 24, 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.

PROPOSED CHAPEL HILL HISTORIC CONSERVATION DISTRICT ORDINANCE - PUBLIC HEARING

Mayor Wallace stated that the public hearing was called for the purpose of discussing the modifications made to the Historic Conservation District Ordinance originally proposed and discussed at a public hearing on January 12, 1976.

Mr. Jennings presented the ordinance with the explanation that the modifications had been made in response to concerns expressed at the January 12 hearing. The purpose of the Historic Conservation District Ordinance is to establish a commission which would have authority to grant or deny a "certificate of appropriateness" for changes to external architectural features, visible from the public right-of-way, to structures within the "District." The changes in the ordinance include alternation in the membership structure to allow incorporation of other commission functions if desired; delegation of approval of less significant modifications to the Town Manager; and clarification of the criteria for a certificate of appropriateness. The application procedure has been simplified and the application forms with supporting data need be submitted only ten working days prior to the next regularly scheduled meeting of the Historic District Commission rather than twenty-one days. New construction harmonious with the character of the District shall be encouraged. Required data submitted with the application shall only be that which is reasonably necessary to determine the nature of the request and its probable effect on the historic and visual aspects of the district; and in addition, criteria for the waiver of such data requirements by the Town Manager may be specified by the Commission. Definitions are included in the ordinance for the clarification of terms. A study of the historical significance is underway in the Planning Department and will be reviewed along with the Historical Conservation District Ordinance when it is brought before the Board again, tentatively scheduled for July 12. The presentation was concluded and the Mayor asked for questions from the audience.

Mr. Brecht questioned the Commission of the reduction of taxes by 50%. Mr. Jennings replied that this item would be a result of the Historic Properties Ordinance which was dropped through the results of the public hearing in January.

With no further questions, Mayor Wallace asked for comments from the audience. Mr. R. H. Lamberton stated that leaving out the Historic Properties Ordinance makes the "District" Ordinance too vague and leaves no specific criteria for determination of the boundaries. In his opinion, to be a historical property, a property must meet one of three criteria: (1) be a good example of contemporary architecture of the period in which the structure was built; (2) housed a famous personage; or (3) was utilized or involved in important historical events. He believes that few of the houses in the proposed district meet these criteria and those that do should be preserved individually.

Mr. Julius A. Page remarked that the boundary of the district included a parking lot which did not have any historical significance. However, even for those properties which do have historical significance, the owners should have the right to handle their property as they like.

Mr. John T. Manning (Mint Springs Road) stated that he and his neighbors had maintained their property, making it attractive, and he believes the ordinance to be an insult to those persons who have spent time preserving their property and other parts of Chapel Hill. It is an invasion of property and other parts of Chapel Hill. It is an invasion of property rights and represents a lack of faith in the people of Chapel Hill. The Planning Board and Zoning Ordinances are enough control.

Mr. H.C. McAlister (North Street) stated that the owners had maintained their property without a commission and did not now need one to make them continue. He stated that he did not like the changes made to the Horace Williams and would be opposed to other houses being changed in a like manner.

Mrs. Mary Scroggs stated that her home which is in the historic district is not historical in her opinion. Having watched the neighborhood over a period of years, she thinks it goes through a period of self-renewal in which old families with grown children have sold to new families with young children, and each make the house suitable for itself. She does not want the neighborhood frozen such that a family is prevented from altering the house to make it livable for itself. The strictures of the ordinance would prevent the neighborhood from maintaining its growth patterns.

Mr. Scroggs (Rosemary Street) stated he thought the ordinance unwarranted. The Zoning ordinances provide enough control and the proposed restrictions would destroy the vitality of the neighborhood. He added that history is not necessarily in the past but is also the present and the current residents should be allowed to continue their own representative building for the future. The Preservation Society should take the things of value and restore or preserve them, but should not impose this on the entire neighborhood.

Mr. Foushee reminded everyone of the ordinance requiring the Central Business District to be in Williamsburg styling which is no longer in effect. He said this Historic District Ordinance is similar in that it is unnecessary and would be cumbersome.

Mr. Ralph Watkins stated that the properties are kept and maintained well, but that a time could come in the future when undesirable building could occur. The historical society wants to prevent this type of building in the future.

Mrs. Coenen believes the restrictions would make the neighborhood economically unfeasible for middle income persons. They would not be financially able to maintain the property. She sees very little difference between the first ordinance and the modifications now made, and foresees problems with workmen and contractors in time delays while applying for a certificate of appropriateness from the commission.

Mr. Alex Cox (Boundary Street) said the Zoning Ordinances were to him complete, and the Historic Conservation commission would be an added step in government which is unnecessary.

Mr. Brent Glass stated he thought the ordinance to be three things, a conservation tool, an education tool and a planning tool. It would conserve the basic fabric of Chapel Hill and merely codify the good will already existing. It would allow planning for the cultural needs of the community and preservation without the crisis which now exists.

Mr. Mel Rashkis stated that the ordinance was an effort to protect property values. Surrounding property values must be controlled to prevent deterioration, disregard by other owners, and out-of-town rental owners who allow the property to fall below standard. Consideration should be given to this ordinance to maintain or increase property values as well as taking into view the fears of appressive restrictions.

Mrs. Nancy Preston speaking for the Preservation Society endorsed the ordinance. She stated the modifications have simplified the procedures whereby citizens can work with the Town to effect the changes they desire on their property. The section of definitions is helpful in clarifying to the reader the phases used in the ordinance. She believes the proposed restrictions to be moderate and reasonable. The make-up of the commission would be critical in the effect the ordinance would have. They must be knowledgeable in building styles as well as sympathetic to home owners. There are many qualified persons in the community who could make the preservation successful. She stated that a survey taken of property owners indicated that a majority of citizens favor adoption of the ordinance.

Mr. Walter Baum (Rosemary Street) stated there was no guarantee that the houses and streets would remain the same. They would like to insure that apartment buildings will be kept out. He said that preservation means keeping as it, and this is what most speakers have been asking for--that the community be left alone, as it is. Regulations and guidance will help.

Mr. Jim Webb (Rosemary Street) stated he had an economic concern in the neighborhood. He believes most fears to be unfounded, that the ordinance is innocuous. He has seen some areas deteriorate. He does not believe the neighborhood is self-renewing; the good will of neighbors cannot always be depended upon for the maintenance and preservation of the community. This ordinance is a supplement to the Zoning Ordinance and gives ninety days to review the situation. It prevents overnight action.

Mrs. Ida Friday pointed out that the Betty Smith house is the only house in the Town which is saved, and it was saved through the efforts of the Preservation Society, and because the Lambertons allowed restrictions to be put in the deed. She said currently the University or anyone can tear down their own property; the ordinance only requires that a notice of ninety days be given. She stated that being on the Nation Register does not prevent a building from being destroyed. Everyone has to give up some of their rights in order to preserve the area.

Mr. Marvin Howard then expressed fears of planning to buy a home without some guarantee that an apartment high-rise could not be built next door. He stated the ordinance would give some control over the neighborhood to the property owners.

Mr. Page again expressed his opposition to the ordinance.

Mr. Brecht (Rosemary Street) questioned again the criteria for decision. He felt that Cobb Terrace should not be omitted.

Mrs. Gertrude Willis (Tenny Circle) stated that preservation has been in the form of one crisis after another. Her area is now faced with the possibility of a condominium. She would like to see regulated so that the crisis do not continually exist.

Mrs. Preston again stated that the Preservation Society is now the only way to protect the district from the thoroughfare plan, from high-rises, university and business encroachment, and if the ordinance is not passed, it will continue to be the only to protect the district.

Mayor then asked for any more comments. As there were none, he asked for comments from the Board.

Alderman Marshall expressed mixed feelings over the ordinance. She stated on one side is the personal relationship people have with their home and what they do with it, and on the other is the relationship they have with surrounding properties and is something very general. She thinks the ninety day wait good. The ordinance is not very objectionable. She expressed the hope that the Planning Board will look at both sides and try to bring an ordinance that will represent both sides.

Alderman Smith told of his interest in the town when he first saw it and some of the differences then. In his opinion the ordinance was filled with a lot of unfounded fears, and he hoped the Planning Board could relieve some of these fears that the ordinance would place unnecessary restraints on the citizens. He does not want local government to generate fear in citizens. He looks at the ordinance as preserving part of Chapel Hill for the children. The schools take the children on visits to Hillsborough and Williamsburg because they have preserved their old houses. He wants Chapel Hill to have something in the years to come.

Alderman Vickery stated that historic conservation districts have worked, it is working in Hillsborough and he believes it can work here.

Alderman Howes stated the opponents and proponents seem to be evenly split. Those opposing were residents of the neighborhood and have the most immediate concern. He said the restrictions in the ordinance have been kept at a minimum, that the ordinance is experimental and can be repealed if it does not work.

Mrs. Fred Patterson asked that the Board think long about the ordinance. She did not believe that one district should be singled out; if the ordinance is going to apply, it should apply to all not just a few homes.

Mr. Scroggs disputed those persons calling his doubts fears. He foresees problems in altering the house and enlarging it and does not want to be hassled by the ordinance any more than he will be by Zoning Ordinances.

Mr. Tom Donnally pointed out the economics of keeping an old house. He questioned what the ordinance will do to help preserve the old buildings beyond ninety days for the commission to look at this situation. He would like an ordinance with "teeth" in it to help preserve these old buildings.

Mayor Wallace asked if there were any more comments from the Board or audience, any more questions. Alderman Howes then moved that the matter be referred to the Planning Board for consideration and recommendation. Alderman Epting seconded the motion. The motion was unanimously carried.

The public hearing was adjourned and the meeting recessed for five minutes.

The meeting reconvened and Mayor Wallace called the meeting to order.

PUBLIC HEARING - WRBX RADIO TOWERS SPECIAL USE PERMIT

Mayor Wallace stated the purpose of the public hearing was to hear a request by Radio Station WRBX for a special use permit to construct two 255 foot high radio towers on 3 acres of leased land. Mayor Wallace then asked for those who would be making statements to step forward to be sworn in. The following persons were sworn: Mike Jennings, Bill Bayliss, Mel Rashkis, Stewart Epperson, and Charles Grant.

After swearing in the speakers, Mayor Wallace asked Mr. Jennings to introduce the matter.

Mr. Jennings explained that the request had been made by Station WRBX under Section 4C-18 of the Chapel Hill Zoning Ordinance. The radio towers are to be located between Mt. Moriah Road and Weaver Dairy Road, on the property identified as part of Lot 1, Tax Map 26. The area is zoned agricultural. Within a 500 foot radius there are only agricultural uses; within the 1000 foot radius there are some residential uses. The proposal meets all of the Town Zoning Ordinance requirements; utilities are available--only electrical service will be required; the site is not within the flood plain. The tower site is located about 1 1/4 miles north of the approach to Horace Williams Airport. The land elevation is 300 feet above mean sea level and the towers will be 555 feet above mean sea level. Horace Williams Airport elevation is approximately 500 feet above mean sea level. Mr. Jennings then submitted three letters in support of the project, one from the Chairman of the Airport Safety Committee, Earl D. Provanha, stating there would be no problems with the exception that any future extension of height should be reviewed by the Town; a second from Helene G. Ivey of Ivey Realty Co., and the third from George Poe of Poe Realty. None of the three letter writers were sworn. The presentation was ended and Mayor Wallace asked that the record show that Mr. Jennings was duly sworn.

Mayor Wallace then asked for questions from the Board.

Alderman Epting asked for further clarification on the location of the towers which Mr. Jennings provided by showing direction on the map.

Alderman Epting asked if the towers would interfere with the reception of nearby houses. Mr. Jennings answered that he had no evidence of interference or non-interference for the residents to submit.

Alderman Smith asked if there were any preliminary plans for development within the 54 acre area. Mr. Jennings said there were none in the 54 acres, nor were there any preliminary plats in the vicinity.

Alderman Gardner asked what effect the towers would have on the development of the remainder of the 54 acres. Mr. Jennings said the alignment of the 3 acre tract which would contain the towers would leave one parcel unusable as far as access, the others were usable. Alderman Gardner asked if this would pose any problem for the owner of the property from the standpoint of the Planning Department. His second question was if the tower would pose any interference with communications in that part of the County, in particular the proposed emergency medical communications. The question was left for the engineer or president of the station to answer.

Alderman Howes then asked for relative data--height of the CHL towers. Mr. Jennings thought they were approximately 250 feet high.

Alderman Cohen asked if the access road was a currently existing dirt road. Mr. Jennings replied that it was currently existing but had not been used in a while except by tractor and had growth over it. Alderman Cohen asked if it was at one time farming land. Mr. Jennings said apparently yes. Alderman Cohen then questioned Alderman Epting as to whether he meant radio reception or t.v. reception. Alderman Epting answered that he wished to know if there was interference in either. This question was then left for an engineer to answer.

Mr. Bill Bayliss, indicating that he had been duly sworn, then elaborated on the statement of justification and outlined the four things the Board of Alderman would find regarding the special use permit: (1) the use will not materially endanger the public health or safety if located where proposed and developed according to the plans submitted and approved; (2) that the use meets all required conditions and specifications; (3) that the use will not substantially injure the value of adjacent property, or that the use is a public necessity; and (4) that the location and character of the use if developed according to the plans as submitted and approved will be in general harmony with the area in which it is located and in general conformity with the plan of development of Chapel Hill and its environs.

Mr. Stewart Epperson, president of WRBX, having been duly affirmed, presented more data on the towers. The area is low and the area surrounding the tower will be planted with grass in conformance with an erosion control plan. The entire area is covered by trees, a heavy forest, and Mr. Epperson does not believe that the towers will be seen from Weaver Road or from the present residences. In answer to the questions of interference, there is no basis in interference--some isolated interference occurs, but that is corrected--no interference with normal reception of other radio signals or t.v. signals; there is no interference with 2-way radio signals.

Alderman Gardner stated the problem he was addressing was that of repeater sites and microwaves. If there was a problem with King Mountain, would the Station have any objection to emergency medical communications being placed on the tower?

Mr. Epperson stated that frequencies were so far apart that there would be no interference in the emergency medical communications equipment. He explained that because of advanced equipment many FM stations, some AM stations and t.v. stations use the same tower. He stated there would be no objection to placing emergency medical communications equipment on the tower.

Alderman Howes asked if the location was technically better than the present location.

Mr. Epperson answered yes, that it was a moist area with a creek running through it, and it was low. He continued that AM radio, particularly in the daytime is received through ground waves, and that the site would enable the station to give a more satisfactory service to the people of Chapel Hill. The present site is located some distance out.

Alderman Howes asked if it was possible for two AM stations to broadcast from the same tower, specifically if it would be possible for WRBX to do so. Mr. Epperson answered that it was possible because of recent equipment.

Alderman Cohen then asked about precautions to keep people from wandering around the towers and trying to climb the fence around the towers, as the site is unattended.

Mr. Epperson said there is a very tall, wooden picket fence and it was unlikely that a child could climb the fence. Should a child succeed in climbing the fence and climbing the tower, he would only receive a minor burn. The only danger would be in falling off the tower. The tower does not have electricity on it. The equipment is interlocked in steel cabinets. If the door is open the equipment automatically closes off. There is very low incidence of anyone getting hurt.

Alderman Cohen then asked for the reason for choosing this site, was it the geography, was this the best available site in the Chapel Hill area? Mr. Epperson answered that it was closer, it enabled more people to receive the signal; that it was desirable from the standpoint of being low and having wet soil; that it was about the only site they could find. Alderman Cohen asked what the wattage was. Mr. Epperson replied it was 5000 watts. Alderman Cohen asked if the coverage was for the Chapel Hill - Durham area? Mr. Epperson said yes. Alderman Smith asked for the location of the present tower. Mr. Epperson said it was on University Lake Road, about 2 1/2 miles the other side of Carrboro. Alderman Smith asked for the height of the present tower. Mr. Epperson said about 180 feet. Alderman Smith asked whether increasing the height of the present tower to 255 feet could give the coverage? Mr. Epperson said it could not, that they needed to be in a location good for radiation, and closer to the city of license; that the height of the tower did not make that much difference.

Alderman Smith then the planner if there was developable land around 54 acres that the towers may be a hindrance to. Mr. Jennings answered that physically the land could be developed with the towers there; that aesthetically it was a value judgement. Alderman Cohen asked how close the Booker Creek Apartments were to the WCHL tower--it is approximately 500 feet in distance. Mr. Jennings did not know the exact distance.

Mayor Wallace asked if there were any more questions from the Board, and hearing none asked for comments from the audience.

Mr. Charles Green stated that he lived approximately 800 to 900 feet from the proposed tower site. He stated that he complains from the Booker Creek residents about the tower near them. He said that he did not want the tower that close to his property. He also stated that there was a suit pending on the 54 acre property and he believed the permit should not be granted until the outcome of the suit was known. Mr. Green was of the opinion that the tower would hinder development.

Mr. Mel Rashkis, indicating he had been sworn, said he was speaking on behalf of a group of property owners. He wishes to draw the attention of the Board to the question of property values and that of the tower being in harmony with the surrounding area. He submitted a letter to the Board in which he objected to the special use permit being granted. He also submitted letters from two realtors whom he requested to give their professional opinion as to the effect of the towers on the surrounding property values, one from Olga Eyre of Foushee Realty Company, one from A.C. Robbins of Hengeveld-Robbins, Inc. and a third from Mr. Joseph Hakan, Professional Engineer on the development of the property.

Mr. Denny stated they could be put in the record but were not sworn statements.

Alderman Epting asked if in the opinion of Mr. Rashkis would the property value be decreased. Mr. Rashkis gave his opinion that the property immediately surrounding the towers as well as property adjacent to the 54 acres would be devalued. He stated that Mr. Haken was presently making preliminary plans on property adjacent to that of Orange Properties, Inc., and it was Mr. Hakan's opinion that the property would be devalued.

Mayor Wallace asked if Mr. Rashkis concurred in the opinion of Mr. Hakan. Mr. Rashkis answered that he did concur with the judgment of Mr. Hakan. Mr. Denny then clarified the point that the letters could be introduced, but they could not be used as factual evidence by the Board since they were not sworn testimony. A gentleman from the audience asked Mr. Rashkis to point out the line of sight of Orange Properties, Inc., on the map, which Mr. Rashkis did. Mr. Rashkis stated the property was being put through preliminary planning subject to the sewer situation. He could not tell how much of the area would be within sight of the tower. He stated he believed that the logical development of Chapel Hill would be across Weaver Dairy Road, where the sewer and city water runs to, and in to this property. Mr. Rashkis emphasized that he believed the towers would be incompatible with the growth of the area.

Mayor Wallace asked for comments or questions from the Board. Alderman Vickery asked why the existing tower could not be modified to provide better coverage. Mr. Epperson replied that the existing towers could be modified but would not provide good, adequate coverage of Chapel Hill. Moving the tower would be the most acceptable and easiest way to improve the service. Alderman Vickery asked what were the other ways to modify the towers. Mr. Epperson said the power could be raised; more towers could be put up to directionalize the signal; a station could apply for night-time which WRBX is prohibited from increasing the power of their transmitter. Mr. Epperson said they had applied to the FCC to increase their power from 5000 to 10,000 and have also applied to lower their tower height to 195 feet which would eliminate the blinking light; there would be no lights on the towers. The fences are around the individual towers and are only 12' x 12'. They are required by the government to be well maintained. The FCC has stringent rules for safety. Alderman Vickery stated that there were then substitutes for this action, but they were less desirable from the viewpoint of WRBX.

Mr. Epperson said no, that from their point of view to properly serve the community they needed the site. They built on the other site because of the suburban issue which was in effect then and prohibited them from building. It has since been repealed. They have applied to the FCC and are now holding a construction permit to build the towers on the new site. Mr. Epperson stated that this is the only good alternative the station has for being a viable entity in Chapel Hill.

Mr. Rashkis stated that there were other sites which could be used.

Alderman Howes asked Mr. Jennings if the towers were visible from Mt. Moriah on Weaver Dairy Road. Mr. Jennings said that the area was so heavily wooded, that there was no way to tell whether it could be seen. Alderman Cohen stated this is only 500 feet from the County Zoning District which does not require a special use permit, where a 5000 foot tower could be put up without a permit. Mayor Wallace asked for further comments from the Board and the audience. Alderman Smith asked if there were any persons in the audience who wished to express themselves as against the granting of the permit by a show of hands. Several persons held up their hands.

Mr. Denny asked that it be noted that Mr. Rashkis had filed the letters with him.

Alderman Smith moved that the matter be referred to the Planning Board for recommendation. Aldermen Howes and Marshall seconded. The motion was unanimously carried.

The public hearing was adjourned.

PUBLIC HEARING - PROPOSED AMENDMENTS TO THE CHAPEL HILL ZONING ORDINANCE
Including Home Occupations, Public Greenhouses, and Residential Parking Lots

Mayor Wallace stated that the purpose of the hearing was to hear the proposed amendments to the Chapel Hill Zoning Ordinance including Home Occupations, Public Greenhouses, and Residential Parking Lots. Mr. Jennings then made the presentation. Mr. Jennings stated that the amendments were a follow-up action to the meeting of March 8. Revisions were made by the Planning Board to clarify the sale of goods and the uses in general under home occupations. The intent of the home occupation section is to permit residents to pursue their occupation at their place of residence while enduring that such uses will not adversely affect the character of the residential areas in which they are located. The sale of goods which are not the products of the home occupation are prohibited. The home occupation uses are clarified to show which types of occupations are allowed and which types would be prohibited. There are other provisions such as the display visible from the building and the area the occupation may occupy. It also specifies that no noise, fumes, odors, or visual clutter should be detected off the lot; and no equipment which creates interference in radio or television receivers or causes fluctuations in line voltage should be used. Mr. Jennings stated that the Public Greenhouse section defines public greenhouse as opposed to private greenhouse. The provision that residential parking lots holding 6 or more automobiles not be used for additional parking or storage area for retail or offices in the commercial district has been expanded to include University A and University B areas as well as the commercial district.

Mr. Jennings ended the presentation and Mayor Wallace asked for questions from the Board.

Alderman Smith asked if there was a conflict between 500 feet and 35% of the home within the Home Occupation Section. Mr. Jennings replied that 35% of the main structure could be used, but no more than 500 feet of all structures could be used. The maximum space allowed for a home occupation would be 500 feet. Alderman Cohen asked if the definition of occupation required that it be a business field, either profit or non-profit. Mr. Jennings replied that it would be an occupation which a person pursued whether it is for profit or non-profit. Alderman then asked if it would include hobbies such as wood-working which is done by an individual for himself. Mr. Jennings said no.

Mayor Wallace asked for questions or comments from the audience. A gentleman from the audience asked for clarification on small home businesses--the sale of goods which are not the product of the home. Mr. Jennings said that if it does not involve sale of the goods on the premises, then it is not prohibited. This is to prevent traffic problems made by persons wholesaling, then retailing. Mr. Spanzer asked if a yard sale would be included. Mr. Jennings said that a yard sale is not an occupation, that it is not the type of thing which occurs on a regular basis.

Alderman Cohen asked if there had not been some problem about rewriting the ordinance because of restaurant use perhaps hindering the sale of home baked goods.

Mayor Wallace asked for further comments. There were none. Alderman Smith moved that the matter be referred to the Planning Board for consideration and recommendation. Alderman Howes seconded. The motion carried unanimously and referral was made. The public hearing was then adjourned.

REGULAR MEETING

Mayor Wallace called the regular meeting into session.

Approval of Minutes

The minutes of the Special Meeting of April 29, 1976, were duly considered and corrections were made.

ALDERMAN COHEN MOVED THAT THE MINUTES OF APRIL 29, 1976, BE ADOPTED AS CORRECTED Alderman Vickery seconded. The motion was unanimously carried. The minutes of the meeting of May 10, 1976, were then duly considered and corrections made. ALDERMAN SMITH MOVED THAT THE MINUTES BE ADOPTED FOR RECORDING AS CORRECTED. ALDERMAN MARSHALL SECONDED. THE MOTION WAS UNANIMOUSLY CARRIED.

Petitions and Requests

Mayor Wallace read a petition from the residents of Churchill Drive to close Churchill Drive on Sunday, May 30, 1976, from 3:00 p.m. to 8:00 p.m. for a Memorial Day celebration. Mayor Wallace stated the Manager had requested clarification of the policy for closing streets.

Mr. Jenne stated that the petition had been received approximately one week prior to the meeting which presented no problem in itself, but when the staff asked for a petition containing the signatures of all the residents of the street as is usually requested, the individual presenting the petition objected. The Town staff could find no written evidence of the policy requiring the signatures of all the residents of the street for closing. Mr. Jenne asked for a resolution clarifying the policy of closing the streets.

Alderman Smith stated that if the street were to be closed and prevent some resident from returning to his home, then it should be a courtesy extended to all that the street not be closed without signatures. He continued that he did not believe the Board had the right to close the street without 100% agreement of the residents except in case of an emergency. Alderman Gardner stated that on previous occasions the Public Works had furnished barricades and residents had furnished personnel to man the barricades to let persons in or out. He said this might be added as a stipulation to the resolution for closing the street.

Mayor Wallace read the resolutions by Mr. Jenne. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN GARDNER, THAT THE RESOLUTION FOR THE CLOSING OF CHURCHILL DRIVE SUBJECT TO THE STIPULATIONS BE ADOPTED.

A RESOLUTION AUTHORIZING THE CLOSING OF CHURCHILL DRIVE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board of Aldermen hereby authorizes the closing of that portion of Churchill Drive between LeClair Street and Brigham Court on Sunday, May 30, 1976, between the hours of 3:00 p.m. and 8:00 p.m., upon the following stipulation:

A RESOLUTION SETTING POLICY REGARDING STREET CLOSINGS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that all requests for temporary closing of public streets be accompanied by a petition signed by all residents of the portion of the street to be closed stating their approval of such closing, said petition to be submitted to the Town Manager at least ten (10) days before the meeting of the Board of Aldermen at which the petition is to be heard.

This the 24th day of May, 1976.

There was no discussion on the resolution for the closing of Churchill Drive. The motion was carried unanimously.

Alderman Smith then asked for assurance that exceptions would be covered in asking for 100% agreement, such as extended absences by a resident. Mr. Jenne stated this would not be a problem, that the concern was to put in writing the intent of the Board with regard to the policy. Alderman Cohen asked if residents would mean tenants or if out-of-town owners would have to give permission. Mr. Jenne stated this would mean tenants. Mayor Wallace suggested that absentees be handled at the discretion of the Manager.

Mr. Denny stated the resolution was not now worded for these contingences. He also questioned adopting a policy which would allow only one person to prevent the closing. He said an explanation of absent signatures might be required

to accompany the petition. Alderman Marshall brought up what might be potential problems between neighbors, and infringements on property rights.

Mr. Rymer asked if writing a resolution might not create more problems than not having one.

Mayor Wallace, hearing no objection, gave the resolution to the Manager for rewording. Mayor Wallace then asked for other petitions and requests. Alderman Smith requested the Board to take up Item 13 immediately as the hour was late and there were persons in the audience who wished to hear it. Mayor asked for the names of other petitioners to be heard before establishing an order of precedence. Mr. Levine asked that the Board hear a petition for permission to tap on to a substandard sewer line on Wesley Drive. Alderman Marshall asked if the report on Mr. West was going to be heard. Mr. Jenne stated he had received a telephone call from Senator Vickery saying that he and Mr. West were going to be out of town and asking that the matter be deferred until the fourteenth. As Mr. West was present he was asked if he preferred to remain on the agenda. He did. Mayor Wallace stated he would remain on the agenda and be taken in due course. Alderman Vickery requested that the time for the Thursday work session be changed from 7:30 p.m. to 4:00 p.m. Hearing no objections, the Mayor announced the meeting time would be changed to 4:00 p.m.

Discussion of Lease Law

Alderman Smith stated that since the leash law had been passed requiring leashes on dogs in the Central Business District, he had received numerous calls from citizens with regard to dogs running loose. There are police reports of several persons being bitten by dogs. The community is still subjected to health problems and danger problems by dogs chasing elderly persons and children. This is primarily in the residential district. Alderman Smith then read two petitions the first signed by 51 persons, the second with 40 signatures, asking that the leash law be extended to all of Chapel Hill, not just the business district, and that it be strictly enforced.

PETITION FOR A LEASH LAW

We, the undersigned, do hereby petition the Board of Aldermen of the Town of Chapel Hill, North Carolina, to enact a leash law sufficiently stringent to protect people of all ages, and property, against injury (physical and emotional trauma, particularly in the case of children), damage, and general nuisance. Included in such a law should be adequate provision for enforcement.

We urge strongly that the leash law for dogs be extended to all of Chapel Hill, not confined to downtown; and that it be strictly enforced. Our reasons, which do NOT include dislike of dogs nor any wish for anyone to be unable to own, love and enjoy a pet, are many and we believe serious. A few of them are: (1) Safe health conditions. The public knows the necessity for proper handling of biological wastes, but in the case of dogs this is generally ignored. (2) Safety of young children, in the matter of (1) and from being bitten, jumped on, frightened. (3) safety of bicyclists, joggers, pedestrians including the infirm, the handicapped, the crippled, the elderly. (4) Peaceable enjoyment by each citizen of his own premises.

He then cited several problems of dogs running loose such as torn newspapers, waste, people being chased, and the recent bus accident caused by dog waste. Alderman Smith then asked that a committee be appointed to study the present ordinance on dogs and pets, make recommendations, and if necessary hold a public hearing to get citizen reaction and sentiment.

Alderman Cohen asked if all of the problems cited by Alderman Smith weren't violations of the present ordinance. Alderman Smith said that dogs outside of the CBD did not have to be on leash, just under voice control, which he did not believe to be effective. Alderman Cohen stated there are violations of the current lease law, they are just not enforced. Mr. Denny clarified by saying that in the CBD, dogs must be hand held. Alderman Smith then stated that if it were just a matter of not being enforced, that the Town should get adequate manpower and have provisions for enforcing the ordinance. Alderman Vickery suggested that more civil penalties should be imposed for infractions of the ordinance. Mr. Denny said there are provisions for both impoundment and for fines for violations; there are ample penalties. He then clarified the residential restraint ordinance. He stated that the problems Alderman Smith cited are all violations, the problem is lack of enforcement because of inability to either identify the dog causing vandalism or to identify the owner of the dog. Alderman Epting asked what the fine was. Mr. Denny stated that in impoundment the owner doesn't get the dog back. He added that there was the remedy of swearing out a warrant. Alderman Epting said the mechanism for control exists, but citizens will not use them for fear of antagonizing their

neighbors. They want the city to do it for them. One of the solutions might be to inform citizens of the remedies available.

Alderman Smith said that if the dog cannot be identified, then a warrant cannot be sworn against the owner. Many persons are not at home during the day, and therefore a dog warden could help by patrolling the residential areas and picking up dogs not on leash. Mr. Denny said there was a legal problem from dog wardens entering private property to pick up a loose dog, because the dog might be on his own property. Alderman Epting suggested that a home owner having a continuing problem with a dog, notify the dog warden that he did not have a dog or identify his dog to the dog warden so that the warden might look for stray dogs on that particular property. Mayor Wallace then asked for comments from the audience.

Mrs. Kennedy of the Animal Protection Society spoke to urge building of larger facilities to handle stray animals. She stated that picking up stray dogs was impossible unless there was somewhere to put them. She also asked that the present animal control ordinance be studied and reevaluated, specifically the low \$2 difference between the license fee for spayed and on-spayed dogs. She thought it should be larger to provide more incentive for owners to have their dogs spayed. Mrs. Reiko Sakata reiterated the problems faced from having loose or stray dogs in the neighborhood, and stated that although she is a dog owner, she circulated one of the petitions presented by Alderman Smith for a leash law. She stated that citizens rights should be prevalent over dogs' rights. Mrs. Evelyn Anderson spoke on the safety factor. She was concerned about children being chased by dogs and asked that some investigation be undertaken to find out from parents what problems their children are having with dogs. She also stated that she had called the dog warden several times and he had been unable to do anything. Alderman Vickery asked if letters or pamphlets might not be distributed to neighborhoods to educate the public as to the methods available for controlling animals and making complaints. He wanted to prevent massive expenditures for dog wardens if possible. He stated if a log of complaints was kept, there would be evidence as to the number of persons being attacked by dogs, and if there was a large number of complaints, then the ordinance would need to be restudied.

Alderman Cohen stated that extending the lease law ordinance would not attack the problem, as those who do not obey the present ordinances would continue to disobey. Mayor Wallace asked if money was available for advertisement in the paper to educate residents. Mr. Jenne said money was available for limited advertisement but not printing the whole ordinance. Mayor Wallace suggested the best solution was to advertise and let citizens in outlying areas know the ordinance applied to them and let others know the process for control of stray animals. Alderman Smith agreed to continue the problem at a later date. The Board agreed to discuss the matter privately within the next few weeks. Mayor Wallace then asked the animal protection society representatives present to begin considering a site for the new shelter as the money would soon be available but there was no site for it.

Wesley Road Sewer Petition

Mayor Wallace then asked for Mr. Levine's petition. Mr. Levine's client wishes to buy a house on Wesley Drive which has an improperly functioning septic tank. Sewage is not flowing into an open ditch in front of the house. Mr. Levine has spent time with town officials trying to solve the sewage problem and believes the solution lies in allowing Mr. Levine's client, Dr. Levitt, to tap onto a substandard 4" sewer line until such time as the city puts in an 8" line, Mr. Jenne believes the 8" line will be put in by the fall. Approximately ten years ago the Board of Aldermen passes a resolution allowing the four homes on this street to tap on to a 4" sewer line now existing there now. Only three of them did so, and although Dr. Levitt will not be in the fourth home allowed to tap on, he would like the Board of Aldermen to pass a resolution allowing him to tap on as a fourth house if the town does not have the 8" sewer line in by November 1. Until that time he will manage with the present situation. Alderman Gardner asked to hear from the manager. Mr. Jenne said that Section 23-10 of the ordinances does not allow more than 1 house on a 4" line without a variance from the Board of Aldermen. He stated that 4" lines are not maintained by the town because they are too small, and there have been problems with clogging in 4" lines. He did not recommend allowing Dr. Levitt to tap on because of problems which might occur for Dr. Levitt; problems of clogging which might occur for the other homes downhill from Dr. Levitt who are on the 4" line; the town would assume the implicit responsibility for any problems occurring if they permitted the tap on. Mr. Jenne said the public works department informed him that there were plans

for the 8" line. His investigation showed that the bond order gives enough leeway to sell additional monies to accommodate the 8" line. There is the problem of obtaining authority from the State to put in the 8" line in an area which is already sewerred. He believes that because of health problems this will be granted. Mr. Jenne has authorized the engineer to draw up and prepare plans for the 8" line and hopes that if the permit from the State is granted the line will be completed by this fall. He believes that allowing the tap on would create problems for the town. Alderman Smith asked if the Town maintains this 4" line. Mr. Jenne replied that it does not maintain any 4" lines. Alderman Smith asked if the town would then be responsible for problems on the line if it didn't maintain it. Mr. Denny said that if the town permits the tap on, although it does not maintain the line, it must accept responsibility for problems which might occur. Alderman Smith asked how the nearest 8" line was. Mr. Jenne stated that this property could not be connected to an existing 8" line. Mr. Rashkis stated that Sparrow's Plumbing has inspected the line, and it was their opinion that the 4" line could take another house without problems. He added that one of the solutions suggested by Mr. Jenne, that of flushing out the filter bed, had been done and it did not help. He stated that Dr. Levitt was not asking for a permanent hook-up to the 4" line, but that he was asking for a temporary hook-up after November 1, until the 8" line was put in. He said the problem was not correctable, that a new system would have to be put in for the home, and the back yard dug up to do so. He added that the present owner was prepared to pay for the hook-up to the 4" line and would agree to be assessed for the 8" line also. Alderman Vickery asked about the suggestion of pumping out the septic tank. Mr. Rashkis replied that it had been done and would have to be done often. Alderman Cohen asked what the assessment would be for an 8" line. Mr. Jenne said the total budget cost would be \$22,000 and that would be assessed on 8 or 9 lots which are not currently on any sewer line. Mr. Denny said the homes on the 4" line could not be assessed. Mayor Wallace asked if Mr. Jenne was assuming that the State would allow the permit for the 8" line. Mr. Jenne replied yes. Alderman Howes asked what kind of problems had occurred on the 4" line. Mr. Levine said that he had not been able to find any specific problems on this line, that he had asked and no one knew what problems had occurred. Mr. Jenne said he had no specific details, but that the public works department had indicated that there had been numerous stoppages over the last few years. Alderman Epting asked who was responsible for the Cates line. Mr. Jenne said the owners were. Mr. Rashkis said this was not the same line. Mrs. Greene stated that Mr. Sparrow had said this line was capable of handling more. Alderman Vickery asked if there was any evidence to support Mr. Rashkis' claim that pumping out the septic tank was unfeasible because it filled too quickly. Mr. Jenne stated he had no firsthand knowledge, however he understood this was an accepted practice. Mr. Rashkis stated it was an accepted practice for properly functioning tanks, however this system was not functioning properly; that the filter bed was saturated. Alderman Vickery questioned the ad hoc granting of permits based on use of treatment plants. Mr. Jenne said there were no restraints on the granting of permits; that in this instance the town was dealing with an already sewerred area, also that the lot is under 1 acre and current ordinances would not allow a septic system to be installed, and that this would not be practical long term solution. He did not encourage the installation of septic systems this close in. Mr. Levine asked if the State had been approached for the permit. Mr. Jenne said no, that the formal application could not be made until the engineering plans had been completed. However, he stated there were reasons as well precedence to believe the State would grant the permit. Alderman Silver asked how long the engineering would take. Mr. Jenne replied two weeks. Alderman Smith asked when Dr. Levitt was moving in. Mr. Levine stated it would be around the fourth or fifth of June, but that he would live with the problem until November 1, when if the 8" line had not been put in, he would like to tap on the 4" line. Alderman Smith questioned whether Dr. Levitt could be assessed for the 8" line if he was hooked-up to a 4" line. Mr. Levine said Dr. Levitt would enter into an agreement to be assessed for the 8" line. Alderman Gardner asked why, based on the cost of a tap on the 4" line, Dr. Levitt did not put in more drain title.

Mr. Levine said their estimates had been much greater than the cost of tapping on to a 4" line. Alderman Vickery did not recommend overriding the Town Manager unless Dr. Levitt agreed to pay for damages which would occur because of the tap on to the 4" line. Alderman Cohen asked if more information and data could be gathered by Tuesday night if the meeting was continued until then. Mr. Denny stated that although there might not be specific problems on this line, that there were problems on 4" lines and if the town continued to permit tap ons, it would be faced with the responsibility for clogging lines.

Alderman Vickery moved that the matter be tabled until Tuesday, May 25. Mayor Wallace suggested recessing the meeting until Tuesday, May 25. Alderman Howes

asked if Mayor Wallace was suggesting the whole agenda be held over. Mayor Wallace answered yes. Alderman Howes seconded the motion to table the matter and recess the meeting, with the exception of Item #8. Mr. Denny asked if Mr. West would object to waiting until Tuesday as his attorney was out of town. Mr. West had no objection.

The motion to recess until May 25 with the exception of Item #8 was unanimously carried.

Alderman Marshall asked that the Board apologize to Mr. West for taking over items out of order and making him wait. The Board did so.

Personnel Management and Employee Relation Contract with North Carolina League of Municipalities for 1976-77

Mr. Jenne stated this was brought up because the League had asked for response by May 25. Mr. Jenne stated this was a personnel management and employee relations service offered by the League to member municipalities. He added that the Town had requested assistance and information of the League before and that this would not now be available without the contract. The cost for the first year would be \$1,159. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE FOLLOWING RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE N.C. LEAGUE OF MUNICIPALITIES BE ADOPTED.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE N.C. LEAGUE OF MUNICIPALITIES

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 an agreement with the N.C. League of Municipalities whereby the League will provide both General and On-Site Personnel Management and Employee Relations Services to the Town.

This the 24th day of May, 1976.

The motion was unanimously carried.

Alderman Cohen proposed that the meeting begin at 7:00 p.m. on May 25. Alderman Cohen moved, seconded by Aldermen Silver and Marshall, that the meeting be recessed until 7:00 p.m., May 25. Alderman Smith asked to be excused as he would not arrive at the meeting until a later time. The motion was unanimously carried. The meeting was adjourned at 12:05 a.m.

May 25

The meeting was called back into order at 7:10 p.m. The matter before the Board was that of Mr. Levine's petition to allow Dr. Levitt to tap on to a 4" line. Alderman Silver asked what the alternatives were for Dr. Levitt if the State did not approve. He suggested that the Board wait until the State is asked for approval since Mr. Jenne has indicated that the engineering plans are underway. Mr. Levine stated that there had been problems with the State and he only wanted to provide for that. He added that he had tendered a resolution and agreement to the Town Manager. Alderman Marshall stated that ad hoc resolutions were unreasonable. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SILVER, THAT THE BOARD ACCEPT THE TOWN MANAGER'S RECOMMENDATION AND DENY THE PETITION. The Mayor asked for discussion. Alderman Epting asked if approval of the petition was a condition of the sale of contract. Mr. Levine answered that it was a condition of the contract that the plumbing be in order. Alderman Epting asked if the Seller would move if the house were not sold? Mr. Greene said that he had signed a lease for another house. He stated that although he had signed a lease, he could not afford to let the house stay vacant. He must either rent the house or occupy it himself, if it is not sold. Alderman Epting stated that he did not wish to deal with the sewer problem on an ad hoc basis, especially since this matter was for the private benefit of one citizen. Mr. Levine argued that it was not just one citizen, that the open sewer affected the whole street. Alderman Epting said the problem was not created by the town and he did not believe the town should be responsible for solving it. Mr. Levine said he had the evidence which had been asked for. Alderman Vickery said he thought the town should take the position of facilitating private business if there was no negative aspect. He added that he had questioned some of the residents on the street and could find no evidence of problems with the sewer line. However, he would like for the town staff to review the evidence of Mr. Le-

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vine. Mayor Wallace asked Mr. Jenne if his resolution involved the factuality of the situation or the principle. Mr. Jenne stated that he had no first hand evidence of problems with this sewer line. His primary concern was not with past experience on the line but with the potential for problems on this line as there had been problems with other lines, and the town would be put in the position of accepting maintenance of the 4" lines or accepting maintenance of the 4" lines or accepting responsibility for problems. He did not find any compelling evidence for granting a variance. Mayor Wallace stated the Board would now hear the evidence of Mr. Levine.

Mr. Sparrow of Sparrow Plumbing stated this his company had never had problems with this particular line. He had also questioned Orange Plumbing, who also had had no problems with this line. He said the State code allows 250 fixtures on a 4" line, and if this house were connected there would be a total of 100 fixtures on a line which would allow 250 fixtures. Alderman Vickery suggested the town staff be allowed to discuss the matter with Mr. Sparrow and then come back with a recommendation to the Board. Alderman Gardner asked if Mr. Levine could legally give the town a binding agreement that in the event of trouble because of the tap on, the town would not be held responsible, and could he support the agreement with insurance. Mr. Levine stated that he could give the town an agreement, and that he had drafted an agreement which had been given to Mr. Drake, that his client would not hold the town responsible. He was not sure that his client could get insurance as he was not the owner of the property. However, Dr. Levitt could not release the town of liability on behalf of the owners of other properties on the sewer line. Alderman Howes asked Mr. Sparrow how he would put on the tap. Mr. Sparrow answered he would use an adapter and pointed out spots on the line on the map. Mr. Drake stated that Mr. Levine's client could release the town from responsibility with regard to his property which is the highest on the line; however, anyone downstream on the line could still hold the town responsible. Alderman Cohen asked if the agreement did not accept joint liability. Alderman Vickery then asked Mr. Levine if he was not guaranteeing the town against liability. Mr. Levine said he did not know that he could guarantee the town against liability. Alderman Epting asked if Dr. Levitt of Mr. Greene would indemnify the town against damaged to downstream houses. Mr. Levine said that was a possibility if they could obtain insurance. Alderman Vickery moved that the motion be tabled until Thursday, June 3, at a special meeting, to allow the town staff to investigate the matter and confer with Mr. Sparrow. Alderman Howes asked that Mr. Levine be allowed to summarize the specific proposal. Alderman Vickery agreed to withhold the motion until Mr. Levine could summarize the proposal. Mr. Levine read the proposed resolution.

RESOLUTION

RESOLVED, that STEPHEN R. LEVITT and wife, ISABEL C. LEVITT, shall have, upon the purchase of a house and lot located at 346 Wesley Drive, Chapel Hill, North Carolina, permission from the Board of Aldermen of the Town of Chapel Hill, North Carolina, to tap onto or attach the sewage service line leading from said house and lot to an existing four-inch sewer main, now maintained privately, on or after November 1, 1976, provided that the following conditions and terms shall first have been met:

1. That as of November 1, 1976, the Town of Chapel Hill shall not have made available to said house and lot an eight-inch sewer line;
2. That at such time as the Town of Chapel Hill shall make available an eight-inch sewer line to service the above described house and lot, then the sewer service line shall at that time be disconnected (if attached) from the existing four-inch sewer line and attached to the eight-inch sewer line made available for the purposes of serving said house and lot;
3. That any costs incurred by reason of attaching or tapping onto the existing four-inch sewer line shall not be incurred by the Town of Chapel Hill;
4. That an agreement effecting this resolution shall be made and entered into, in recordable form, and recorded in the Office of the Register of Deeds, Orange County, which agreement shall provide, in

addition to the foregoing, that STEPHEN R. LEVITT and wife, ISABEL C. LEVITT, or any subsequent owner or owners of the above described property, agree to cause the above described house and lot to be serviced by the proposed eight-inch main, to be installed by the Town of Chapel Hill, when such service becomes available, and to be assessed, on a pro rata basis, along with the other lot or lots to be serviced by said proposed eight-inch sewer line, a copy of which agreement is attached to this resolution and to the minutes of this meeting.

- 5. That as a condition of the agreement attached to this resolution, STEPHEN R. LEVITT and wife, ISABEL C. LEVITT shall agree that they, their successors, grantees, assigns and future owners of the property described above shall release the Town of Chapel Hill from any and all liability associated with the attachment or "tap on" to the existing four-inch sewer line described above.

This the _____ day of May, 1976.

Alderman Vickery moved, seconded by Alderman Gardner, that the matter be tabled until Thursday, June 3, at a special meeting. The motion was defeated by a vote of four to three with Aldermen Gardner, Epting and Vickery supporting and Alderman Silver, Cohen, Marshall and Howes opposing.

The original motion to accept the manager's recommendation was brought to the floor. Alderman Silver stated that he thought the Manager should be allowed to continue with plans for the 8" line without denying the petition at this time. Alderman Gardner stated the purpose of the substitute motion had been to allow the staff to continue with its investigation without having any effect on the 8" line. Alderman Vickery made a substitute motion to reconsider the motion to delay the matter until the town staff had been allowed to investigate Mr. Levine's resolution. Alderman Howes seconded. The motion was carried by a vote of five to two, with Alderman Epting, Gardner, Vickery, Cohen and Howes supporting and Alderman Silver and Marshall opposing.

The substituted motion to defer action until June 3 was before the Board. The motion was carried with a vote of five to two with Alderman Silver, Howes, Vickery, Cohen and Epting supporting, and Alderman Marshall and Gardner opposing.

Report on the Petition of Mr. West

Mr. Drake stated that Mr. West had telephoned in the afternoon and requested the matter be postponed until June 14 as his attorney Senator Vickery was not in town.

Mr. Jenne then asked the Board to consider another item, that of the Tabulation of bids for Sewer System Improvements for Rogerson Drive and Glen Lennox. He stated one of the reasons for this was that there was a question of whether rock would be encountered under N.C. 54 which would mean an additional \$30,000 for the project. The lowest bidder for this project who was also the lowest bidder for the Community Development Sanitary Sewer Improvements which would be considered later in the agenda, had the equipment in the area to do the boring if the Board approved the bids.

Alderman Cohen moved that the item be placed as 10A on the agenda; Alderman Howes seconded. Hearing no objection, the item was placed on the agenda as 10A.

Resolution Permitting the Orange County Soil Control Ordinance to be Applied within Chapel Hill

Mayor Wallace presented a memorandum from the Town Manager, dated May 18, 1976, on the proposed Sedimentation and Erosion Control Ordinance. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE RESOLUTION PERMITTING THE ORANGE COUNTY SOIL CONTROL ORDINANCE TO BE APPLIED WITHIN CHAPEL HILL BE ADOPTED. The motion was unanimously carried.

A RESOLUTION PERMITTING THE ORANGE COUNTY SOIL CONTROL ORDINANCE TO BE APPLIED WITHIN CHAPEL HILL

WHEREAS the Board of Commissioners of Orange County have adopted "An ordinance to provide for the control of soil erosion and sedimentation"; and

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WHEREAS the Town of Chapel Hill desires said ordinance to be applied within the corporate limits of the Town; NOW THEREFORE,

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board of Aldermen, in accordance with the provisions of North Carolina General Statute 153A-122, hereby permits the "Ordinance to Provide for the Control of Soil Erosion and Sedimentation," as adopted by the Board of Commissioners of Orange County to be applicable within the corporate limits of the Town of Chapel Hill.

This the 25th day of May, 1976.

Tabulation of Bids for Eleven Items of Maintenance Shop Equipment

Mayor Wallace presented a memorandum from the Town Manager, dated May 18, 1976, on the Tabulation of Bids for eleven items of Maintenance Shop Equipment, recommending adoption. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING, THAT THE RESOLUTION ON THE TABULATION OF BIDS FOR ELEVEN ITEMS OF MAINTENANCE SHOP EQUIPMENT BE ADOPTED.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ELEVEN ITEMS OF MAINTENANCE SHOP EQUIPMENT

WHEREAS the Town of Chapel Hill has solicited formal bids on eleven items of maintenance shop equipment and the following bids have been received:

ITEM	<u>BIDDER AND BID</u>			
	<u>Southern Industrial Supply Company Durham, N.C.</u>	<u>Southern Parts & Electric Carrboro, N.C.</u>	<u>Victor F. Dry Greensboro, N.C.</u>	<u>Dillon Supply Co. Durham, N.C.</u>
Tire Changer	-	-	-	-
Lathe	-	-	\$6,584.00	-
Test Bench	-	\$1,311.00	-	-
Fork Lift	-	-	-	\$12,278.00
Crane	\$ 946.07	776.00	869.00	-
Hydraulic Press	3,446.99	-	-	2,758.46
Drill Press	954.50	-	-	945.81
Band Saw	590.00	-	760.00	642.45
Circular Saw	108.50	49.99	-	117.14
Rivet Gun	-	217.84	69.00	-
Air Wrench	79.50	212.26	178.00	-

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Victor F. Dry for the lathe, rivet gun and air wrench and the bid of Dillon Supply for the fork lift, hydraulic press, band saw and circular saw and the bid of Southern Parts and Electric for the crane.

This the 25th day of May, 1976.

The motion was unanimously carried.

Tabulation of bids for Community Development Sanitary Sewer Improvements

Mayor Wallace presented a memorandum from the Town Manager, dated May 20, 1976, on the tabulation of bids for Community Development Sanitary Sewer Improvements, recommending adopting of the resolution. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN HOWES, THAT RESOLUTION ACCEPTING BIDS ON THE COMMUNITY DEVELOPMENT SANITARY SEWER IMPROVEMENTS BE ADOPTED.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR COMMUNITY DEVELOPMENT SANITARY SEWER IMPROVEMENTS

<u>Bidder</u>	<u>Bid</u>
Wrenn-Wilson Construction Company Durham, North Carolina	\$34,652.70
C.O. Martin and Sons, Inc., Greensboro, North Carolina	\$49,334.00
J.F. Wilkerson Contracting Company., Inc., Cary, North Carolina	\$48,240.00
H.V. Allen Co., Inc. Greensboro, North Carolina	\$80,097.00

Billings and Garrett Co., Inc., Raleigh, North Carolina	\$37,108.20
T.H. Blake Contracting Corp. Greensboro, North Carolina	\$43,025.50
J.C. Ellis Contractor, Durham, North Carolina	\$44,993.30

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Wrenn-Wilson Construction Company in the amount of \$34,652.70 and that it be awarded the contract.

This the 25th day of May, 1976.

Alderman Cohen asked if the funds allocated were restricted to sewer projects. Mr. Jenne stated that it would be a carryover into next year's budget, but it would be a carryover in the community development fund. Alderman Cohen asked when it would be discussed. Mr. Jenne said it could be discussed during the budget discussion of this year. The motion was unanimously carried.

Tabulation of Bids for Sewer System Improvements (Rogerson Drive Pump Station and Glen Lennox Force Main

Mayor Wallace presented a memorandum from the Town Manager, dated May 25, 1976, on the tabulations of bids for Sewer System Improvements, recommending adoption of the resolution. ALDERMAN COHEN, AND GARDNER, MOVED, SECONDED BY ALDERMAN VICKERY THAT THE RESOLUTION ACCEPTING THE BIDS BE ADOPTED.

A RESOLUTION ACCEPTING THE BIDS AND AWARDING OF CONTRACT FOR Sewer System Improvements (Rogerson Drive Pump Station and Glen Lennox Force Main)

WHEREAS, the Town of Chapel Hill has solicited formal bids on Sewer System Improvements (Rogerson Drive pump station and Glen Lennox Force Main) and the following bids have been received:

<u>Bidder</u>	<u>Bid</u> <u>Section II</u>	<u>Section II</u>
Wrenn-Wilson Construction Co., Inc., Durham, N.C.	\$176,641.50	-
J. F. Wilkerson, Cary, N.C.	\$187,317.70	-
Crain and Dembo, Inc., Durham, N.C.	\$193,278.90	-
Laramore Construction Co., Danville, Virginia	\$193,817.77	-
Lambeth Construction Co., Greensboro, N.C.	\$197,362.18	-
Billings and Garrett, Inc., Raleigh, N.C.	\$201,244.20	\$36,750.00
Dickerson, Inc., Monroe, N.C.	\$202,584.20	\$46,000.00
Bryant Utilities Construction, High Point, N.C.	\$209,384.70	\$43,282.00
Speros Construction Co., Raleigh, N.C.	\$209,909.50	-
J.C. Ellis Contractor, Durham, N.C.	\$229,202.80	\$24,000.00
H.V. Allen Company, Greensboro, N.C.	-	\$30,347.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Wrenn-Wilson Construction Company for Section I and the bid of J.C. Ellis Contractors for Section II.

This the 25th day of May, 1976.

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The motion was unanimously carried.

Tabulation of bids for Janitorial Service for the Chapel Hill Library, the Municipal Building and the Police Department Building.

Mayor Wallace presented a memorandum from the Town Manager, dated May 20, 1976, on the bids for Janitorial Service for the Chapel Hill Public Library, the Municipal Building and the Police Department Building, recommending adoption. Alderman Marshall MOVED, SECONDED BY ALDERMAN HOWES, THAT THE RESOLUTION ACCEPTING THE BIDS BE ADOPTED.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR JANITORIAL SERVICE FOR THE CHAPEL HILL LIBRARY, THE MUNICIPAL BUILDING AND THE POLICE DEPARTMENT BUILDING

WHEREAS the Town of Chapel Hill has solicited bids on janitorial service for the Chapel Hill Library, the Municipal Building, and the Police Department Building and the following bids have been received:

<u>Bidder</u>	<u>Bid Library/ Month</u>	<u>Municipal Bldg/ Month</u>	<u>Police Dept./ Month</u>
Albert Washington Chapel Hill, N.C.	-	-	\$625.00
Carolina Maintenance Co. Inc. Raleigh, N.C.	\$360.34	\$685.50	\$896.00
Oxford Building Services, Raleigh, N.C.	\$500.00	\$600.00	-
Southern Building Maintenance of Greensboro, Greensboro, N.C.	\$297.00	\$397.00	\$756.00
Staunton Sales, Inc., Durham, N.C.	\$465.00	\$614.65	\$1,077.57

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Albert Washington of Chapel Hill for janitorial service at the Police Department Building and the bids from Southern Building Maintenance of Greensboro for janitorial service at the Chapel Hill Public Library and the Municipal Building

This the 25th day of May, 1976.

Alderman Epting asked if the Police Department Building would be done by the same company that is now doing it. Mr. Jenne stated yes, that they were the low bidder and the town had to accept the bids, however, the contract could be terminated during the year for poor performance.

The motion was unanimously carried.

Grant Award, Special Crime Tactical Squad

Mayor Wallace presented a memorandum from the Town Manager, dated May 20, 1976, on the Grant Award, Special Crime Tactical Squad, recommending adoption. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN EPTING, THAT THE RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SUBGRANT AWARD BE ADOPTED.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A SUBGRANT AWARD FOR THE SPECIAL CRIME TACTICAL SQUAD

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that Kurt Jenne, Town Manager of the Town of Chapel Hill, is hereby authorized to sign with the North Carolina Department of Natural and Economic Resources a contract covering a Special Crime Tactical Squad, with a Federal LEAA grant of \$8,073, a State buy-in of \$621, and a Town cash contribution of \$3726.

This the 25th day of May, 1976.

The motion was unanimously carried.

Vacancies on Library Board

Mayor Wallace presented a memorandum from the Board of Trustees of the Chapel Hill Public Library notifying the Board that two vacancies would exist when the terms of Mrs. Richmond Bond and Mr. Alton Sheldon expired on June 30, 1976. The Trustees of the Library submitted four names for consideration by the Board: Mr. George W. Harris, Mr. Lewis Leary, Mrs. William S. Joyner and Mr. John H. Sheetz.

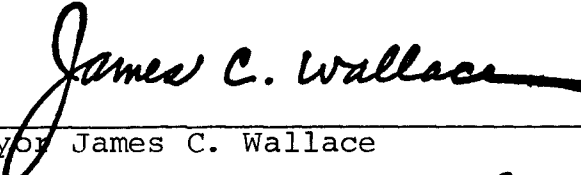
Alderman Marshall suggested that since the Board was only meeting every two weeks, that a discussion on whether to change the policy for nominations should be put on the agenda.

Nominees for the Vacancy of the Recreation Commission


Mayor Wallace presented a memorandum from the Chapel Hill Recreation Commission giving nominations for the vacancy created by the resignation of Susan Lieberman. Mr. Moyer Smith and Mr. Scott Herman-Giddens had asked to be considered. Alderman Marshall placed in nomination the name of Andy Landis, an employee of the Credit Bureau of Chapel Hill. Mayor Wallace asked for further nominations.

Alderman Cohen asked how long the term would last. The term expired this December.

As there was no further business to come before the Board, the meeting was adjourned at 8:20 p.m.



 Mayor James C. Wallace



 David B. Roberts, Town Clerk

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
 TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, THURSDAY, JUNE 3, 1976
 7:45 P.M.

Mayor Wallace called the meeting 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 Assistant Town Manager G. Shipman, Assistant Town Attorney D. Drake, and Town Clerk D. Roberts.

Mayor Wallace stated that the Special Meeting had been called to hear a request for variance of Section 23-10 of the Code of Ordinances Standards for Service Line, designed to serve more than one lot, on Wesley Drive. The request had been deferred from the regular meeting on May 24, 1976.

Mr. Shipman said that the administration had met with Mr. Sparrow, of Sparrow Plumbing, and officials of the Health Department, as had been requested by the Board at their last meeting. The recommendation of the staff at the May 24 meeting had been to deny the variance, and the meeting with Mr. Sparrow and the Health officials had not changed their recommendation. They recommended denial of the variance for the following reasons:

1. The 4" line does not meet town standards;
2. One tap-on has already been refused and the owner had to extend a 4" line to the nearest 8" line that the Town owns;