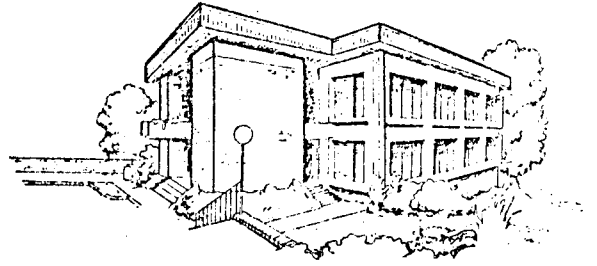


# TOWN OF CHAPEL HILL

306 NORTH COLUMBIA ST.  
CHAPEL HILL, N.C., 27514  
(919) 929-1111



## NOTICE OF SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL

TO: Gerry Cohen  
Robert Epting  
Thomas Gardner  
Jonathan Howes  
Shirley Marshall  
Marvin Silver  
R. D. Smith  
Edward Vickery

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Meeting Room, at 7:30P.M. on June 7, 1976, to consider resolution(s) concerning proposed revisions in the Constitution of Orange Water & Sewer Authority and the conveying of Chapel Hill's properties to said Authority.

James C. Wallace  
MAYOR

### ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable James C. Wallace, Mayor, to be held in the Meeting Room of the Municipal Building at 7:30P.M. June 7, 1976.

James C. Wallace  
MAYOR

Jonathan B. Howes  
Shirley E. Marshall  
Edward A. Cole  
William E. Vickery  
Marvin Silver  
R. D. Smith  
Thomas B. Gardner  
Robert Epting

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MINUTES OF A SPECIAL MEETING OF THE MAYOR  
AND THE BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
MONDAY, JUNE 7, 1976, 7:40 P.M.

Mayor Wallace called the Special 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.

Mayor Wallace stated the purpose of the meeting was to adopt resolutions relating to the reorganization of the Orange Water and Sewer Authority. Mayor Wallace then asked Mr. Denny to read to resolutions.

The first resolution was to grant assurances with respect to the reorganization and transfer of the Chapel Hill sewer utilities to such authority.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE FOLLOWING RESOLUTION GRANTING ASSURANCES WITH RESPECT TO THE REORGANIZATION BE ADOPTED.

RESOLUTION GRANTING ASSURANCES WITH RESPECT TO THE REORGANIZATION OF THE ORANGE WATER AND SEWER AUTHORITY, AND THE TRANSFER OF CHAPEL HILL SEWER UTILITY PROPERTIES TO SUCH AUTHORITY

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

SECTION I

That the Town of Chapel Hill endorses the reorganization of the Orange Water and Sewer Authority wherein five (5) members of said Authority shall be appointed by the Board of Aldermen of the Town of Chapel Hill, two (2) members of such Authority by the Board of Aldermen of the Town of Carrboro, and two (2) such members by the County Commissioners of Orange County.

SECTION II

That the Board of Aldermen of the Town of Chapel Hill commits itself and give assurances to the Mayor and Board of Aldermen of the Town of Carrboro, the Commissioners of Orange County, and the Board of Trustees of the University of North Carolina at Chapel Hill, that it will adopt the necessary resolutions to effect such reorganization by Amendment of the Orange Water and Sewer Authority, and that it will complete such process prior to the 30th day of June, 1976.

SECTION III

The Board of Aldermen of the Town of Chapel Hill agrees that upon the reorganization of said Authority and simultaneously with the transfer of the water and sewer utility properties owned by the State of North Carolina to the Orange Water and Sewer Authority, that it will transfer the sewer utility properties owned by the Town of Chapel Hill to said Authority, and grant said Authority franchises to operate said utilities within the Town upon agreement by said Authority to do the following:

- a. Provide service to those customers currently being served by the sewer utility of the Town of Chapel Hill;
- b. Maintain said utility properties at no further expense to the Town; and
- c. Agree to provide to the Town all funds when and as required to meet the outstanding debt service payments of the Town of Chapel Hill arising by reason of ourstanding bonds, the proceeds of which were used to construct or improve such sewer utility properties.

This the 7th day of June, 1976.

Alderman Silver asked how the resolution would affect future residents or future customers of the sewer utilities. Mr. Denny replied that this resolution did not affect customers, but that guarantees for the availability of water and sewer utilities would be in the sales agreement. Alderman Howes asked how the terms of the nine members of the Authority would be affected. Mr. Denny stated the terms of the members would be covered in a resolution to be taken up at a later time. The removal process is specified in the charter of the Authority. THE MOTION WAS CARRIED UNANIMOUSLY.

The second resolution was for the authorization and direction of publication of notice of a public hearing on the proposed amendment to the organization of the Orange Water and Sewer Authority.

Alderman Cohen introduced the following resolution, asking that the names of Robert Epting, Jonathan Howes, Arthur Hurow, Shirley Marshall and Allen Waters be inserted as the members from Chapel Hill.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF A PUBLIC HEARING ON THE PROPOSED AMENDMENT BE ADOPTED.

There was discussion on the date for the public hearing which would allow time for the publication after Carrboro Board of Aldermen had met. The date set was Thursday, June 24, at 7:30 p.m.

Alderman Vickery in reviewing the names of the proposed members, asked that a member of the UNC faculty with expertise in water matters be appointed, and nominated James C. Lamb, III. Alderman Vickery believed Professor Lamb to be a more neutral person in terms of politics for the Authority. Alderman Cohen stated that Mr. Waters is very open-minded, and has an engineering background. Mayor Wallace enumerated more of Mr. Waters qualifications, stated that Mr. Waters was highly regarded by the university community as well as the Chapel Hill community; that he works at the operational level of the administration scrutinizing all the contracts that the university signs. He is already working with the water utilities of the university and would help to provide a smoother transitional period. Mr. Hurow also has an engineering background and is connected with the planning board. These two men are familiar with the town and the personnel already working on the utilities and would make a better liason at the time of changeover. After the change has taken place the Board is free to make changes in the composition of the membership. Alderman Marshall concurred in the opinion of Mayor Wallace adding that Mr. Waters already knows the details of the early 1968 and 1969 reports on the utilities and has worked with bond counsel. Alderman Gardner and Alderman Silver added their support to Mayor Wallace for Mr. Waters, suggesting that the authority would also want to go to Mr. Lamb for help in matters of his expertise. Alderman Gardner moved, seconded by Alderman Marshall, the previous question. The motion was carried unanimously.

THE MOTION FOR ADOPTION OF THE RESOLUTION FOR PUBLICATION OF NOTICE OF PUBLIC HEARING WITH THE NAMES SUBMITTED BY ALDERMAN COHEN WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMAN COHEN, EPTING, GARDNER, HOWES, MARSHALL, SILVER AND SMITH SUPPORTING AND ALDERMAN VICKERY OPPOSING.

RESOLUTION AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ORGANIZATION OF THE ORANGE WATER AND SEWER AUTHORITY

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

Section 1. The Board of Aldermen hereby finds, determines, and declares that it is in the best interest of the Town of Chapel Hill to continue to join with the Town of Carrboro, North Carolina, and Orange County, North Carolina in the organization of an Authority pursuant to Section 162A-3.1 of the North Carolina Water and Sewer Authorities Act (Article I of Chapter 162A of the General Statutes of North Carolina, as amended), such Authority to be continued to be named "Orange Water and Sewer Authority", and have nine members, five appointed by the Board of Aldermen of the Town of Chapel Hill, two appointed by the Board of Aldermen of the Town of Carrboro, and two appointed by the Board of Commissioners for Orange County.

SECTION II

A public hearing will be held at 7:30 p.m. on the 24th day of June, 1976 at the Municipal Building, Chapel Hill, North Carolina, the regular place of meeting of the Board of Aldermen of the Town of Chapel Hill, North Carolina on a Resolution proposed to be adopted by the Board of Aldermen signifying

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its determination to amend the organization of the Orange Water and Sewer Authority.

SECTION III

The Clerk of the Town of Chapel Hill is hereby authorized and directed to cause a notice of the public hearing to be given by publication at least once, not less than ten (10) days prior to June 24, 1976, the date fixed for such hearing in a newspaper having general circulator in the Town of Chapel Hill. Such notice shall be in substantially the following form:

NOTICE OF A PUBLIC HEARING ON THE PROPOSED REORGANIZATION OF THE ORANGE WATER AND SEWER AUTHORITY

Notice is hereby given that, pursuant to the North Carolina Water and Sewer Authorities Act (Article I of Chapter 162A of the General Statutes of North Carolina, as amended) a public hearing will be held at 7:30 p.m. on the 24th day of June, 1976 at the Municipal Building, Chapel Hill, North Carolina, the regular meeting place of the Board of Aldermen of the Town of Chapel Hill, on a Resolution proposed to be adopted by said Board signifying its determination to reorganize the Orange Water and Sewer Authority under Section 162A-3.1 of said Act, which said Resolution will authorize the execution of Amended Articles of Incorporation of the Orange Water and Sewer Authority substantially in the form set forth below, and will appoint five (5) of the nine (9) members of said Authority.

The proposed Amended Articles of Incorporation of the Orange Water and Sewer Authority are as follows:

AMENDED ARTICLES OF INCORPORATION OF THE ORANGE WATER AND SEWER AUTHORITY

In compliance with the North Carolina Water and Sewer Authorities Act, being Article I of Chapter 162A of the General Statutes of North Carolina, as amended, the Board of Aldermen of the Town of Chapel Hill, the Board of Aldermen of the Town of Carrboro, and the Board of Commissioners for Orange County, North Carolina, each pursuant to a Resolution signifying its determination to reorganize an Authority under Section 162A-3.1 of said Act, which Authority shall be a public body and body politic and corporate of the State of North Carolina hereby certify that:

- a. This Authority is organized under Section 162A-3.1 of the North Carolina Water and Sewer Authorities Act, its name shall be the "ORANGE WATER AND SEWER AUTHORITY", and the address of its principal office shall be Jones Ferry Road, Carrboro, North Carolina.
- b. The names of the organizing political subdivisions are the TOWN OF CARRBORO, NORTH CAROLINA, the TOWN OF CHAPEL HILL, NORTH CAROLINA, and ORANGE COUNTY, NORTH CAROLINA
- c. The Orange Water and Sewer Authority shall have nine members, five appointed by the Board of Aldermen of the Town of Chapel Hill, two appointed by the Board of Aldermen of the Town of Carrboro, and two appointed by the Board of Commissioners of Orange County.

The names and addresses of the first members of said reorganized Authority appointed by the Board of Aldermen of the Town of Chapel Hill are:

NAME	ADDRESS
Ms. Shirley E. Marshall	707 East Franklin Street Chapel Hill, N. C. 27514
Mr. Robert Epting	205 Short Street Chapel Hill, N. C. 27514
Mr. Jonathan Howes	108 Cedar Street Chapel Hill, N. C. 27514
Mr. Arthur Hurow	14 Oxford Apartments Chapel Hill, N. C. 27514
Mr. Allen S. Waters	708 Kenmore Road Chapel Hill, N. C. 27514

The names and addresses of the first members of said reorganized Authority appointed by the Board of Aldermen of Carrboro are:

NAME	ADDRESS
Mr. Braxton Foushee	202 Hillcrest Drive Carrboro, N. C. 27510
Mr. Ernest F. Patterson	109 Mary Street Chapel Hill, N. C. 27514

The names and addresses of the first members of said reorganized Authority appointed by the Board of Commissioners of Orange County are:

NAME	ADDRESSES
Ms. Flora R. Garrett	Route 4, Box 430 Hillsborough, N. C. 27278
Mr. Paul Morris	335 Burlage Circle Chapel Hill, N. C. 27514

- d. The members of said Authority will be limited to such members as may be appointed from time to time by the organizing political subdivision.

IN WITNESS WHEREOF, the Town of Chapel Hill, North Carolina has caused these Amended Articles of Incorporation to be executed by its Mayor, its corporate seal to be affixed hereto, and attested to by its Clerk; the Town of Carrboro, North Carolina has caused these Amended Articles of Incorporation to be executed by its Mayor and its corporate seal to be affixed hereto and attested to by its Clerk; and Orange County, North Carolina has caused these Amended Articles of Incorporation to be executed by the Chairman of its Board of Commissioners, and the official seal of said Board to be affixed hereto and attested by the Clerk of said Board, all as of this \_\_\_\_\_ day of June, 1976.

/S/ Ruth West, Mayor of the Town of Carrboro, North Carolina

ATTEST:

/S/ Sarah Ann Crabtree, Clerk of the Town of Carrboro, North Carolina

/S/ James C. Wallace, Mayor of the Town of Chapel Hill, North Carolina

ATTEST:

/S/ David B. Roberts, Clerk of the Town of Chapel Hill, North Carolina

/S/ Flora R. Garrett, Chairman of the Board of Commissioners for Orange County, North Carolina

ATTEST:

/S/ Betty June Hayes, Clerk of the Board of Commissioners for Orange County, North Carolina

At the time and place stated above any resident of the Town of Chapel Hill or any other interested person may appear and be heard.

This the 7th day of June, 1976.

/S/ David B. Roberts, Clerk of the Town of Chapel Hill, North Carolina

Section 4. This Resolution shall take effect upon its passage.

Thereupon Alderman R. D. Smith moved the passage of the foregoing Resolution entitled: "RESOLUTION AUTHORIZING AND DIRECTING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ORGANIZATION OF THE ORANGE WATER AND SEWER AUTHORITY"

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AYES: Alderman Gerald Cohem, Robert Epting, Thomas Gardner, Jonathan Howes, Shirley Marshall, Marvin Silver and R. D. Smith.

NOES: Edward Vickery

I, DAVID B. ROBERTS, Clerk of the Town of Chapel Hill, North Carolina, do hereby certify that the foregoing is a true copy of the proceedings of the Board of Aldermen of said Town at a meeting held on the 7th day of June, 1976 so far as the same relate to the authorization of the publication of a notice of public hearing on the proposed organization of the ORANGE WATER AND SEWER AUTHORITY, as such proceedings are recorded in Minute Book No. \_\_\_\_\_ beginning at Page \_\_\_\_\_ and ending at Page \_\_\_\_\_.

WITNESS my Hand and the Corporate Seal of the said Town, this the 9th day of June, 1976.

/S/ David B. Roberts, Clerk of the Town of Chapel Hill, North Carolina

There being no further business before the Board, the Special meeting was adjourned at 8:10 p.m.

*James C. Wallace*  
\_\_\_\_\_  
Mayor James C. Wallace

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

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY JUNE 14, 1976 7:30 P.M.

Mayor Wallace called the meeting to order at 7:34 P.M.; present and seated were:

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

Also present were Town Manager K. Jenne, Town Clerk, D. Roberts and Assistant Town Attorney D. Drake.

Alderman Marshall moved, seconded by Alderman Howes, that the meeting adjourn into executive session. The motion was unanimously carried.

The meeting was called back into order at 7:43 p.m.

Minutes

Alderman Smith moved, seconded by Alderman Marshall, that the minutes of the meeting of May 24, 1976, be approved. The motion was carried unanimously. Alderman Smith moved, seconded by Alderman Howes, that the minutes of the Special Meeting of May 17, 1976, be approved as corrected. The motion was carried unanimously. Alderman Howes moved, seconded by Alderman Cohen that the minutes of the Special Meeting of June 3, 1976, be approved. The motion was carried unanimously.

Petitions and Requests

Alderman Cohen asked that a resolution be placed on the agenda and considered. There was no objection. ALDERMAN COHEN MOVED THAT THE FOLLOWING RESOLUTION OF APPRECIATION TO MARY WALLACE BE ADOPTED. ALDERMAN HOWES SECONDED. THE MOTION WAS UNANIMOUSLY CARRIED.