

MINUTES OF A MEETING OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL  
MUNICIPAL BUILDING, JULY 12, 1976, 7:30 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
- R. D. Smith
- Edward Vickery

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

Public Hearing

Mayor Wallace announced that the public hearing was being held to consider the assessment method for certain streets, the paving of which had been discussed at a meeting on June 17. The streets proposed to be paved are Ward Street, Weiner Street, Valentine Lane, Old Pittsboro Road with dry sewer, Howell Lane, Cleland Road with curb and gutter, Woodbine Drive, Kings Mill Road, Laurel Hill Road and Coker Drive. Mr. Jenne reported that a construction package for these streets had been put out for bids. The Aldermen had made a personal inspection of those streets to be paved without petition. In addition, on June 17, the Board had passed a preliminary resolution of intent to assess property owners for 50% of the cost of paving. A resolution of preliminary intent to assess for ~~dry~~ sewer on Old Pittsboro Road was also passed, although no assessment will be made until the sewer is connected. Cleland Road property owners will be assessed only for paving and the Town will pay for the curb and gutter. Mr. Muirhead has agreed to being assessed for paving, and the Board felt that because of his generosity in allowing the town to use the property for recreation, that they should pay for the curb and gutter which will be a benefit for the town. Mr. Jenne presented a letter from Mr. Olin Mouzon of Old Pittsboro Road, requesting that, since he was already connected to sewer and had been assessed for it, he not be assessed. Mr. Jenne found this to be correct for Mr. ~~Mouzon and for~~ one other property owner on Old Pittsboro Road. Mayor Wallace then asked for comments. Alderman Gardner added that Mr. Muirhead had dedicated a 60-foot right-of-way to the town for sidewalks. Alderman Epting questioned whether the University, in its letter stating its position on being assessed, was objecting only to the assessment for sewers; he believed Dr. Jones' arguments against assessment to apply only to the sewer, not the paving. Mr. Drake replied that Mr. Denny had talked with Dr. Jones of the University, and learned that the University did not consider the lot of value to itself and would not consent to any assessment. Mayor Wallace then asked for comments from the audience.

Ms. Laverne Anderson of Kings Mill Road asked if the road was to be paved at its present height. Over the years dirt has piled up making the street approximately 6" higher than it should be. Mr. Harris advised Mrs. Anderson the road would be lowered to the correct height.

Mr. Thomas Konrad of Weiner read and presented a letter from two of the four property owners on Weiner Street. They do not use the street as an access and do not wish it paved for two reasons. The first is that the street will no longer be used as a bus route since G bus is being discontinued from this part of town, and secondly, dirt roads keep down the heavy traffic which is a hazard to small children. Mr. Jenne replied that the bus may be back on these streets in the future, and it was felt the town should take advantage of the low cost and pave the streets now. Joanne Haggarty of Weiner Street stated she was the other property owner who had signed the letter, and that not only were they opposed, but she believed the two property owners who were not at the meeting were also opposed to the paving. Mayor Wallace then read a letter from other property owners on Weiner Street, Henry and Florence Cobb, who stated that they did not believe the paving essential now that the bus will be discontinued. They stated however, they would like to see the drainage ditch eliminated from the front of their property, and also asked why the footage cost was among the highest for the paving.

Mr. George Wheless of Coker Drive reported that he had been informed by former Town Manager Kendzior that if the bus used a dirt road (the West end of Coker Drive from Kings Mill to Morgan Circle) that the town would pay for the paving. As Coker Drive had no petition, and the street was being paved only because the bus used it, he did not believe he should be assessed, although he would like to see the street paved.

Ms. Nanette Mingle of Howell Street stated that Howell Street had no petition, was not a bus street, and she saw no reason for paving it. Mr. Jenne said that Howell Street was highly recommended for paving by the Department of Public Works because it contained a number of multi-family units, and heavy usage caused maintenance problems.

Mr. Ernie Small of Woodbine expressed his delight that Woodbine was being paved because it had not been well-maintained. However, he stated there were two culverts under Woodbine used to drain 15-501, and he hoped the ditches would run on the state's side of the road. Mr. Harris answered that he would investigate this and see if arrangements could be made to put the ditches on the state's side.

Alderman Vickery then stated there was a need to justify to the citizens the paving of streets without petitions and asked Mr. Harris for maintenance figures on dirt and paved streets. Mr. Harris said he had no exact figures, but he would estimate the cost to be \$2500 per mile per year for dirt streets, half that for paved streets. Alderman Howes stated the town money had been approved by the town last fall in the bond referendum. He believed that paved streets enhanced the appearance of the community and the maintenance record showed that paved streets though higher in cost initially, were lower in the longrun. He said he had not heard overwhelming disapproval from the citizens for the paving. Alderman Smith stated that the bids had come in much lower than anticipated, and that if the streets were not paved now, the town would pay much more to have them paved later. Mr. Jenne said there was a difference of \$70,000 between the estimated cost for the paving and the actual bids. The Board had changed from \$6 per foot for assessment to one-half of the cost of paving because the cost had been so high; in this case all of the streets would be under \$6 per foot.

Mr. Wheless again expressed his opinion that as Coker Drive was being paved because of bus usage, that the town should pay for the paving. Alderman Gardner stated that Mr. Kendzior may have told Mr. Wheless that the town would pay for paving in these cases, however, he had no authority to say this.

Ms. Helen Daniel of Old Pittsboro Road asked why this road was being paved. Mr. Jenne explained that there was no petition for this road, but that last fall there had been a number of complaints about the intersection of Coolidge and South Columbia. Part of the solution of eliminating the danger at this intersection was to make Coolidge one-way. This, however, would put more traffic on Old Pittsboro Road, which would then need paving. There were also complaints about the dust on Old Pittsboro Road. Ms. Daniel asked if paving would not increase traffic. Mr. Jenne replied that without making Coolidge one-way, he did not believe traffic would be increased by paving along.

There was an inquiry as to the Town's reasons for paving Coker Drive. Mr. Jenne explained that the east end had a petition and the west end was being paved because of bus traffic and dust. Ms. Mingle stated in her opinion there was no question of public safety on Howell Street, and that more paving would mean more flood plains. Alderman Cohen asked if there was a dust problem on Howell. Ms. Mingle said there was no problem for her.

s. Margaret Taylor of Kings Mill Road was concerned about how the road would hold up under the bus traffic. She asked what the schedule would be. Mr. Jenne said there would be peak hour service beginning in August.

A comment was made that if citizens on streets without petitions were not in favor of paving, then the streets should not be paved. Alderman Cohen explained that if in the view of the Board the interest of the community outweighed the objectives of the citizens on the street, then the Board could have the streets paved. Mr. Jenne, in reply to a question, stated that individual streets could be eliminated from the resolutions which they proposed to adopt. This would mean that the unit cost of the remaining streets would be slightly higher.

Mr. Jim Washington of Ward Street added that he was opposed to the paving of Ward Street.

Alderman Marshall stated that some of the comments made seemed to indicate that the Board was acting capriciously in paving some of the streets, but she wished to point out that when the referendum was placed on the ballot in the fall, approximately ninety per cent of the voters voted yes; and she would have to think twice before voting against the wishes of that many voters. Alderman Vickery argued that all of these streets were not on the referendum.

Mr. Richard Huzak stated that if there were no petition and it was not clearly in the interest of the community for paving, then the Board should not pave the streets.

Mayor Wallace stated that the bus routes would change in the future, and that as the money was obligated for paving, he felt that the best utilization of the town's money would be to pave some of the streets which would be considered for future bus routes while the cost was so low. Alderman Cohen added that Ward and Weiner Streets the bus had been discontinued because of a lack of funds, and that the town hoped to extend bus service back to Ward and Weiner Streets in the fall of 1977. They would then have to pave these streets at a higher cost. Alderman Smith stated that the town was in a peculiar situation. Frequently towns received petitions for street paving and did not have the money for such; the town now had the money but there were objections to the paving. He hoped to eventually have all the streets in Chapel Hill paved. Mayor Wallace asked for future comments. Hearing none, the public hearing was adjourned.

Meeting

Minutes

The minutes of the special meeting of June 17 and June 24, and the minutes of the meeting of June 28, 1976, were duly considered. On motion by Alderman Howes, seconded by Alderman Gardner, the minutes of the meeting of June 17 were unanimously approved. On motion by Alderman Smith, seconded by Alderman Gardner, the minutes of the meeting of June 24 were unanimously approved. Alderman Epting moved, seconded by Alderman Vickery, that the minutes of June 28 be approved as corrected. The motion was carried unanimously.

Petitions and Requests

Mr. John Howell requested the Board to move the tree issue up on the agenda as there were several citizens in the audience who were attending the meeting for the purpose of hearing this item. Alderman Cohen suggested that it be placed after the street paving resolutions. Hearing no objection, Mayor Wallace announced that the tree issue would be placed as item 7A.

Mr. Jenne, on behalf of Mr. Hague Bowman, petitioned the Board to hear a request for a pool hall permit. He stated that Mr. Bowman's request to be placed on the agenda had been received by the staff over a week before the meeting, but had inadvertently been left off the agenda. He asked that this be considered as item 7B. Hearing no objection, Mayor Wallace stated Mr. Bowman's petition would be heard as item 7B.

Street Improvements

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES, THAT THE FOLLOWING RESOLUTION DIRECTING THE IMPROVEMENT OF CERTAIN STREETS BE ADOPTED.

A RESOLUTION DIRECTING THE IMPROVEMENT OF PORTIONS OF WARD STREET, WEINER STREET, VALENTINE LANE, OLD PITTSBORO ROAD, HOWELL STREET, CLELAND ROAD, WOODBINE DRIVE, KINGS MILL ROAD, LAUREL HILL ROAD, AND COKER DRIVE

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

- 1. The Board hereby directs the paving of the following streets and portions of streets:

STREET	FROM	TO
Ward Street	Barclay Road	Severin Street
Weiner Street	Barclay Road	Severin Street
Valentine Lane		Full Length
Old Pittsboro Road	S. Columbia Street	Existing Pavement
Howell Street		Full Length
Cleland Road	U.S. 15-501	Existing Pavement
Woodbine Drive	Coker Drive	Manning Drive
Kings Mill Road	Laurel Hill Road	Existing Pavement
Coker Drive	Manning Drive	Morgan Creek Road
Laurel Hill Road	Kings Mill Road	Existing Pavement

2. Old Pittsboro Road shall be paved with curb and gutter; the remaining streets and portions of streets will be paved without curb and gutter.
3. 50% of the cost of such paving shall be assessed against the abutting property owners at an equal rate per front foot, each street being considered separately for the purpose of determining cost.
4. The amount of said assessment may be paid in full without interest at any time before the expiration of 30-days after the date that the notice of confirmation of said assessment has been published, or may be paid in 10 equal annual installments each bearing interest on the unpaid balance at the rate of 6% per annum from the date of said confirmation.

This the 12th day of July, 1976.

Alderman Gardner then commented that Chapel Hill tried to give its citizens paved streets and sidewalks to keep children out of streets, and to provide major arteries for residents. There was some concern over the street being paved without petition. He believed this to be like the condemnation proceedings used to obtain land for recreation purposes. The town did not like to do this, but it was sometimes necessary in the public interest. There was approval of a \$250,000 bond issue for paving the streets. The cost was so low on the bids that additional streets had been added to the list for paving. The cost of maintenance for dirt roads was high, in addition to the cost of cleaning gravel out of the drainage ditches. There had been no opposition to the paving of Ward & Weiner Streets at a previous public hearing. There was now a time element involved in utilizing the low bids, and he supported paving these streets now. Alderman Vickery argued against paving Ward, Weiner, and Howell Streets and Old Pittsboro Road because the voters didn't vote for these streets to be paved when they were not on the bus line. If they were paved, he not believe the property owners should be assessed if the town was the main beneficiary. He stated there was precedent for paving streets without assessment when the town was the main beneficiary of the paving. Funds unspent now for paving would still be available later in a pool of funds created for improvements. Alderman Howes asked if the residents were notified on the streets being considered for paving without petition. The residents on Ward and Weiner were the only ones overwhelmingly against paving. Alderman Cohen stated the town policy up until approximately two months ago was to pave every street in town. He did not believe this was a good policy, however, there were some streets which needed paving because of traffic and safety. He believed Ward and Weiner Streets would have to be paved later at a higher cost, if not done now. However, if the residents fully understood that the cost would probably be higher later and still did not wish the streets paved now, he would approve. ALDERMAN COHEN THEN MOVED, SECONDED BY ALDERMAN HOWES, TO AMEND THE RESOLUTION BY DELETING WARD AND WEINER STREETS. Alderman Marshall stated she believed it was short-sighted not to pave the streets now when the cost was low, as the town hoped to extend bus service to these two streets in the next couple of years. Alderman Epting agreed with Alderman Marshall, and added that the Board also needed to consider others who used these streets, whose cars were damaged. He was persuaded by the economic considerations that these two streets should be paved at **this** time. Alderman Cohen stated it was not necessary for other people to use these streets because they connected paved streets leading out of the subdivision. Alderman Gardner argued that people who lived in the area do use the streets, and that when the bus used the streets, it was necessary for it to use Ward Street. Alderman Smith added he believed the Board had a responsibility to use the citizens money to take advantage of the low bid. By using the money now, the Board would be getting as much out of it as was possible. Alderman Gardner asked the Director of Public Works if the ditch and drainage problems on Ward and Weiner Streets would be corrected. Mr. Harris replied in the affirmative. The motion to amend was defeated by a vote of four to three with Alderman Vickery, Cohen and Howes supporting and Alderman Epting, Gardner, Marshall & Smith opposing. Alderman Howes called the original motion. THE MOTION WAS CARRIED UNANIMOUSLY.

Sewer on Old Pittsboro Road.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, THAT THE FOLLOWING RESOLUTION BE ADOPTED.

A RESOLUTION DIRECTING INSTALLATION OF SEWER IN OLD PITTSBORO ROAD

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

1. The Board hereby directs the installation of an 8" sanitary sewer line in Old Pittsboro Road;
2. The basis for assessing said project costs shall be the actual costs of the installation of said sewers, and said costs so computed shall be assessed against the property owners equally for each lot which can be served with sewer by reason of said sewer improvements;
3. The amount of said assessment may be paid in full without interest at any time before the expiration of 30 days after the date of the notice of confirmation of said assessment has been published, or may be paid in 10 equal annual installments each bearing interest on the unpaid balance at the rate of 6% per annum from the date of said confirmation.

This the 12th day of July, 1976.

Alderman Vickery asked for a point of personal privilege. He wished to move adoption of a resolution paving Ward and Weiner Streets without assessment. Alderman Cohen moved that the resolution of Old Pittsboro Road be taken off the floor so that the Board could reconsider the motion on street improvements. There was no objection. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY THAT THE BOARD RECONSIDER THE MOTION ON STREET IMPROVEMENTS. The motion to reconsider was defeated by a vote of four to three with Aldermen Cohen, Marshall and Vickery supporting and Alderman Epting, Gardner, Howes and Smith opposing. ALDERMAN SMITH AGAIN MOVED, SECONDED BY ALDERMAN EPTING, THE RESOLUTION FOR INSTALLATION OF SEWER IN OLD PITTSBORO ROAD BE ADOPTED. THE MOTION WAS CARRIED UNANIMOUSLY.

Curb and Gutter on Cleland Road

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN MARSHALL, THAT THE FOLLOWING MOTION ORDERING INSTALLATION OF CURB AND GUTTER ON CLELAND ROAD BE ADOPTED.

A RESOLUTION ORDERING INSTALLATION OF CURB AND GUTTER ON CLELAND ROAD

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager is hereby directed to construct curb and gutter at Town expense on Cleland Road between U.S. 15-501 and the existing pavement on Cleland Road, in conjunction with the paving of Cleland Road with assessment as ordered above.

This the 12th day of July, 1976.

Mayor Wallace announced that the town was paying for this because of Mr. Muirhead's generosity to the town and because the Town was the main beneficiary. THE MOTION WAS CARRIED UNANIMOUSLY.

Bidshead Contract for Street Improvements

ALDERMAN GARDNER, MOVED, SECONDED BY ALDERMAN EPTING, THAT THE RESOLUTION ACCEPTING BIDS AND AWARDING THE CONTRACT BE ADOPTED.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR STREET IMPROVEMENTS

WHEREAS, the Town of Chapel Hill has solicited formal bids on Street Improvements and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
Mellott Contractors, Inc., Carrboro, North Carolina	\$159,374.00
REA Construction Co., Charlotte, North Carolina	\$167,116.25
Nello L. Teer Co., Durham, North Carolina	\$191,002.30
Wm. Muirhead Construction Co., Inc., Durham, North Carolina	\$192,767.60
B. & B. Paving Contractors, Inc., Morrisville, North Carolina	\$204,066.00
Oscar Miller Contractor, Inc., Raleigh, North Carolina	\$231,250.90
C.C. Mangum Inc., Raleigh, North Carolina	\$239,264.20

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Mellott Contractors, Inc. for the Street Improvements.

This the 12th day of July, 1976.

THE MOTION WAS UNANIMOUSLY CARRIED.

Tree Cutting Report

Alderman Epting announced that a memorandum had been sent to the Aldermen relating the contacts the town had with the developer of the lot on West Rosemary Street. He stated that as of the last meeting of the Board of Aldermen only the trees along the lot line just to the west of Amity Court had been removed. Mr. John Howell and other residents had discussions with the developer in which the developer seemed to be trying to placate the residents. However, on July 10, the developer cut the rest of the trees on the lot, which were not in the way of the sidewalk, but were along the drive of Amity Court. The developer had the alternative of placing the sidewalk back on the lot in order to leave the trees. Although nothing can now be done to save these trees, Alderman Epting suggested that a procedure be instituted whereby any developer who proposed to remove trees from a lot, within the CBD or historic district, for development purposes, would be delayed until a public hearing before the Planning Board, the Appearance Commission, or the Board of Aldermen could be held, and the developer had proved the necessity of removing the trees. Such a hearing would give other residents and citizens the opportunity to express their opinion as the necessity of removing the trees. Perhaps the rath of residents at such a hearing would prevent a developer from ravishing the land. Alderman Epting then proposed referring the matter to the Planning Board for investigation into similar procedures in other towns such as Charlotte and Raleigh, and a report to the Board of Aldermen as to what could be done. Alderman Cohen stated that perhaps the developer had forgotten that the land was so valuable because the town had protected its natural settings. He added that the single family residences and businesses in the CBD are the only types of construction that don't require the Board's approval. Alderman Smith asked what means the residents of Amity Court had to get to their homes. Alderman Epting said there was an easement, but that it could be blocked by cars parking at the restaurant if no barriers were put up. Alderman Marshall asked that the whole zoning ordinance be looked at by the Planning Board because there were areas where developers had cleared the land, not for development but to sell it. Mr. Howell then read the following petition.

We the undersigned, protest the merciless slaying and unnecessary destruction of inner city trees and land on the lot of Amity Court on Rosemary Street. We oppose the building of an unneeded franchised restaurant because it disrupts our community environment. We petition the owners of this proposed establishment to stop the building and to replenish the natural environment of this land. We also sign this petition in the hope of increased community awareness and thus prevent such ecological destruction to our inner city in the future.

Alderman Vickery asked why the staff did not inform the Board when a business which would cause dissension applied for a permit. Mr. Jenne replied that all such developers were asked to go before the Appearance Commission for a courtesy review, but if they refused, there was nothing the administration could do to make them comply; therefore, notification to the Board would be ineffective. Alderman Cohen said the administration could not be blamed, that they were there to carry out the policy of the Board, which had not made it a policy of legally directing developers to appear before the Appearance Commission for a review. Alderman Marshall added that the Building Inspector had had no alternative but to issue the permit since the developers met all requirements of the ordinances. Alderman Howes stated the Board should in the near future consider the study which was made of CBD development. He also suggested that the Planning Board consider special use proceedings on all development in the CBD. ALDERMAN EPTING THEN MOVED, SECONDED BY ALDERMAN HOWES, THAT THIS MATTER BE REFERRED TO THE PLANNING BOARD WITH A CHARGE THAT THE PLANNING BOARD TAKE UP THE TASK OF REVIEWING THE FACTS IN THIS SITUATION AND DEVELOPING A PROCEDURE WHICH WOULD PROTECT THE TREES IN THE CBD, THE HISTORIC DISTRICT, AND RESIDENTIAL AREAS, BY APPROPRIATE DEVICES SUCH AS SPECIAL USE PERMITS, DELAY, PUBLIC NOTICE OF INTENT OF PUBLIC HEARINGS. To do this they should include as part of their investigation consideration of the procedures used in other cities such as Charlotte and Raleigh, to prevent leveling of the landscape. Alderman Gardner stated if the

developer was to be charged, it should be by ordinance; that if this was wrong, there should be an ordinance making it so, not just complaints. THE MOTION WAS CARRIED UNANIMOUSLY. ALDERMAN COHEN THEN MOVED THAT THE SUBJECT OF TRAFFIC CONTROL ON AMITY COURT BE REFERRED TO THE STREETS AND SAFETY COMMITTEE FOR RECOMMENDATION. ALDERMAN HOWES SECONDED THE MOTION, AND IT WAS CARRIED UNANIMOUSLY. After the problem of safety was brought up by a member of the audience, Mayor Wallace asked that the Building Inspector speak with the developer about providing a fence around the site to prevent children from being hurt.

#### Permit for a Pool Hall

The next item was the petition from Mr. Hague Bowman for a permit for an arcade facility on Franklin Street, which would contain two pool tables. Mr. Bowman explained that the facility which he proposed to operate would be a pinball-arcade facility to appeal to clientele which would like an alternative to seeing movies for entertainment. He stated that beer, sodas, and wrapped sandwiches would be sold, but there would not be tables on which to eat. Mr. Bowman proposed a well-lighted, carpeted facility which would attract a "first-class" clientele. His manager and employees were not the type to attract the type of business which is now reported not to be welcome at the "Town Hall". Mr. Jenne stated there was no criteria for the Board to consider for issuing a permit for pool tables. The police chief was satisfied there was no hazard.

Alderman Howes stated that he had no grounds for turning down the request per se, but he did not believe this facility to be the proper use for the 100 block of Franklin Street. Mayor Wallace agreed with Alderman Howes and suggested that a public hearing might give citizens a chance to comment on this type of facility on Franklin Street. Alderman Cohen objected in that he thought it inaccurate for the town to regulate what type of business the owner could set up. Alderman Vickery agreed with Alderman Cohen in that the public expected the Board to exercise their judgment as to what matters required a public meeting, and that the type of enterprise which was to be opened was not a matter for a public meeting. ALDERMAN HOWES MOVED THAT THE MATTER BE TABLED TO THE NEXT MEETING, AS IT WAS NOT ON THE PUBLISHED AGENDA FOR THIS MEETING. This would give citizens a chance to attend the meeting at which the matter was discussed. ALDERMAN GARDNER SECONDED THE MOTION. THE MOTION WAS PASSED BY A VOTE OF FIVE TO TWO WITH ALDERMEN COHEN, EPTING, GARDNER, HOWES AND SMITH SUPPORTING AND ALDERMEN MARSHALL AND VICKERY OPPOSING.

Although the Participatory Planning Study was next on the agenda, Mayor Wallace suggested the Board consider other items while Dr. Godschalk set up his presentation.

#### Certification of Firemen

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN EPTING, THAT THE FOLLOWING RESOLUTION AUTHORIZING THE CERTIFICATION OF FIREMEN BE ADOPTED.

#### A RESOLUTION AUTHORIZING CERTIFICATION OF FIREMEN

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that Mayor James C. Wallace is hereby authorized to certify to the N C. Firemen's Pension Fund the attached roster of firemen and public safety officers employed by the Town of Chapel Hill on June 30, 1976.

This the 12th day of July, 1976.



## Roster of Active firemen of the Chapel Hill Fire Department, paid, call, and Public Safety Officers.

Name	Status
Kelly N. Adams	Paid Fireman
Lewis Atwater, Jr.	Paid Fireman
Chesley T. Austin	P.S.O.
Ronald R. Bivins	P.S.O.
Joseph L. Blackwell	P.S.O.
Ronald W. Bradley	P.S.O.
Billy J. Breeden, Jr.	Paid Fireman
Albert Brinkley	Call Fireman
Grover C. Brinkley	Paid Fireman
DeLeon Bynum	Paid Fireman
Vernon Burch	Call Fireman
Jimmy Carver	Paid Fireman
Ray Crabtree	Paid Fireman
Archie Creef	Call Fireman
Jennings R. Dail	Paid Fireman
Ronald R. Downey	P.S.O.
C. M. Durham	Call Fireman
Lamont R. Durham	Paid Fireman
Randy Easter	Paid Fireman
Mike Elliott	Paid Fireman
Bernard Farrington	Paid Fireman
Arnold Fletcher	Paid Fireman
Howard L. Garner, Jr.	P.S.O.
Jerry D. Harris	P.S.O.
Lemuel W. Henderson	Paid Fireman
James C. Hester	P.S.O.
Odell Hewett	Paid Fireman
James Hollowell	Paid Fireman
Larry D. Honeycutt	Paid Fireman
Charles H. Horne, Jr.	Paid Fireman
Norman Jackson	Call Fireman
Gregg E. Jarvis	P.S.O.
Larry Johnson	Paid Fireman
J. J. Keller	Call Fireman
Don Knight	Paid Fireman
Michael L. Lane	P.S.O.
David M. Lewis	Paid Fireman
Everette L. Lloyd	Paid Fireman
Currie M. Maynor	Paid Fireman
Frederick W. Merricks	Paid Fireman
Andrew Minor	Paid Fireman
Jerry Morris	Paid Fireman
Marvin C. Morris	Paid Fireman
Rodney W. Murray	Paid Fireman

Name	Status
E. Claude Nevill	Paid Fireman
Bobby R. Pendergast	Paid Fireman
Samuel E. Price, Jr.	Paid Fireman
William D. Price	Paid Fireman
C. A. Roberson	Call Fireman
Joseph H. Robertson, Jr.	Paid Fireman
William E. Rounds	P.S.O.
Bobby L. Smith	P.S.O.
William M. Smith	Paid Fireman
Brady T. Stainback, Jr.	P.S.O.
Dale Swiggett	Paid Fireman
Jimmy N. Tapp	Paid Fireman
Michael Tapp	Paid Fireman
Larry A. Taylor	P.S.O.
Billy G. Terry	Paid Fireman
Phil J. Thomas, Jr.	Paid Fireman
Billy F. Thompson	Paid Fireman
James R. Whitfield	Paid Fireman
Albert S. Williams	Paid Fireman
Carney E. Williams, Jr.	Paid Fireman
Robert B. Williams	Paid Fireman
Wayne D. Williamson	Paid Fireman
David W. Woody	P.S.O.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Tax Releases

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN EPTING, THAT THE FOLLOWING RESOLUTION RELEASING TAXES LISTED ERRONEOUSLY.



## RESOLUTION - TAX RELEASES

WHEREAS, taxes listed below were erroneously levied through clerical errors on properties belonging to the following:

<u>Name</u>	<u>Rec. #</u>	<u>Amount</u>	<u>Reason</u>
Pine Gate Limited	8463	\$14,115.06	County reduced valuation from 3,523.700 to 2,061.000. Property was put on for full value only partially finished.
University Garden Apts	8703	55.97	Property was listed in wrong name. Should be divided into two lots.

WHEREAS, the above listed persons have made application for release of said taxes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it finds the taxes of the above listed persons were levied through clerical error, and in the descretion of the Board should be released to the taxpayer;

It BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

This the 12th day of July, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Agenda Items

Alderman Vickery asked that a resolution to reconsider the assessment of Ward, Weiner and Coker Streets be placed on the agenda at the next meeting. Alderman Marshall objected because she said the Board had already disposed of the matter. As there was a problem as to whether or not a public hearing would be needed for lowering the assessment, Mr. Drake was asked to discuss the matter with Mr. Denny and determine whether a public hearing would be needed. However, since Alderman Marshall and Alderman Silver will not be at the meeting on July 26, reconsideration of the street improvements resolution will be on the agenda of the September 12 meeting.

Alderman Vickery asked that the subject of bus advertising be on the agenda of July 26. At that time a presentation of the proposed advertising will be made.

Mr. Jenne announced that a short special meeting of the Board would be needed in August to pass resolutions for the fall bond referendum. Alderman Marshall suggested electon day as the best time for the meeting as most people would be in town then.

#### Participatory Planning Study

Dr. Godschalk announced that two of the students who had worked on the study, Ms. Soble and Ms. Christopher, would make the presentation to the Board. The students addressed the concept of decentralized decision-making in Chapel Hill. They found three modes of participation in Chapel Hill, that of public hearing, survey research and workshop. The criticisms of the public hearing were that it is issue-oriented; only those citizens directly affected by an issue would attend a public hearing; and such hearings are likely to be conducted in a highly emotional environment. Citizens frequently did not have enough information on which to base a rational argument at a public hearing. The survey research method was also felt to be issue-oriented. This is also an information gathering tool rather than a working tool for citizen groups, as well as being possibly biased because of poor design. The workshop had the same problem of the public hearing in that it usually attracted only those people who were directly affected. The students had concluded that a process of information dissemination would remedy many of these problems and create more interest in local government. Excerpts from a slide show on the thoroughfare plan were presented as an example of information dissemination to better inform and interest citizens in local issues. The goal of the study was to provide a form of structured participation which would provide easy access to local government. The conclusion was to

divide the whole community into smaller neighborhood associations through which the citizens would work. These associations would report to a Council of Neighborhoods which would be composed of one representative from each neighborhood. On any particular issue the Council of Neighborhoods could disseminate information to the community as a whole and provide leadership and unification for these smaller associations. A more comprehensive public relations effort would also increase interest in local issues.

(Alderman Cohen left the meeting)

Sale of \$450,000 in bonds

Alderman Smith introduced the following resolution and moved that it be adopted:

WHEREAS, the bond orders hereinafter described have taken effect and the Board of Aldermen desires to make provision for the issuance of the bonds authorized thereby: NOW, THEREFORE,

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

- (1) The Town of Chapel Hill (hereinafter referred to as "Town") shall issue its bonds of the aggregate principal amount of \$250,000, pursuant to and in accordance with a bond order authorizing the issuance of \$275,000 Sanitary Sewer Bonds adopted by the Board of Aldermen on September 15, 1975. Each of said bonds shall be designated "Sanitary Sewer Bond". The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from June 1, 1976.
- (2) The Town shall issue its bonds of the aggregate principal amount of \$200,000 pursuant to and in accordance with a bond order authorizing the issuance of \$250,000 Street Improvement Bonds adopted by the Board of Aldermen on September 15, 1975. Each of said bonds shall be designated "Street Bond". The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of twenty years, computed from June 1, 1976.
- (3) Said Sanitary Sewer Bonds shall be of the denomination of \$5,000 each, shall be numbered from 1 upwards in the order of their maturity and shall be payable in annual installments on June 1 in each year as follows, viz.: \$10,000 in each of the years 1978 to 1987, inclusive, and \$25,000 in each of the years 1988 to 1993, inclusive.
- (4) Said Street Bonds shall be of the denomination of \$5,000 each, shall be numbered from 1 upwards in the order of their maturity and shall be payable in annual installments on June 1 in each year as follows, viz.: \$25,000 in the year 1977, \$15,000 in each of the years 1978 to 1980, inclusive, \$25,000 in the year 1981, \$30,000 in the year 1982 and \$15,000 in each of the years 1983 to 1987, inclusive.
- (5) All the bonds shall be dated June 1, 1976 and shall bear interest from their date at a rate or rates which shall be hereafter determined upon the public sale thereof. Such interest shall be payable semi-annually on June 1 and December 1.
- (6) All the bonds shall be coupon bonds, registrable as to principal only, and shall bear the facsimile signatures of the Mayor and Town Clerk of the Town. A facsimile of the corporate seal of the Town shall be imprinted upon each of the bonds. Each of the interest coupons to be attached to the bonds shall be authenticated by the facsimile signature of said Town Clerk. Both principal of and interest on the bonds shall be payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered

owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

- (7) The bonds and the interest coupons representing the interest payable thereon and the provisions for the registration of the bonds and for the approval of the bonds by the Secretary of the Local Government Commission to be endorsed thereon, shall be in substantially the following form:

(Form of Bond)

No. \_\_\_\_\_

No. \_\_\_\_\_

UNITED STATES OF AMERICA

STATE OF NORTH CAROLINA

TOWN OF CHAPEL HILL

\_\_\_\_\_ BOND

\$5,000

\$5,000

The TOWN OF CHAPEL HILL (hereinafter referred to as "Town"), a municipal corporation of the State of North Carolina, for value received hereby promises to pay to the bearer of this bond, or, if it be registered, to the registered holder, the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on June 1, 19\_\_\_\_, and to pay interest thereon from the date of this bond until it shall mature at the rate of \_\_\_\_\_ per centum (\_\_\_\_%) per annum, payable semi-annually on June 1 and December 1 in each year, upon presentation and surrender of the coupons therefor attached hereto, as they severally mature. Both principal of and interest on this bond are payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in any coin or currency of the United States of America which at the time of payment shall be legal tender for the payment of public and private debts.

This bond may be registered as to principal only by the holder in his name on the bond register of the Town kept in the office of the Bond Registrar of the Town, and such registration shall be noted hereon by said Bond Registrar. If so registered, this bond may be transferred on said bond register by the registered holder in person or by attorney upon presentation of this bond to the Bond Registrar with a written instrument of transfer in a form approved by said Bond Registrar and executed by said registered holder. If this bond be so registered, the principal thereafter shall be payable only to the person in whose name it is registered, unless this bond shall be discharged from registry by being registered as payable to bearer. Such registration shall not affect the negotiability of the coupons which shall continue to pass by delivery.

(Paragraph to appear only in Sanitary Sewer Bond)

This bond is issued pursuant to Subchapter IV of The Local Government Finance Act and a bond order duly adopted by the Board of Aldermen of the Town on September 15, 1975, to pay the capital costs of providing and improving facilities for the collection, treatment and disposal of sewage. The issuance of this bond and the contracting of the indebtedness evidenced thereby were approved by a majority of the qualified voters of the Town voting at an election held on November 4, 1975.

(Paragraph to appear only in Street Bond)

This bond is issued pursuant to Subchapter IV of The Local Government Finance Act and a bond order duly adopted by the Board of Aldermen of the Town on September 15, 1975, to pay the capital costs of providing

and improving streets and sidewalks. The issuance of this bond and the contracting of the indebtedness evidenced thereby were approved by a majority of the qualified voters of the Town voting at an election held on November 4, 1975.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, to have happened and to have been performed, precedent to or in the issuance of this bond, exist, have happened and have been performed, and that the amount of this bond, together with all other indebtedness of the Town is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, the Town has caused this bond to bear the facsimile signatures of its Mayor and Town Clerk, and a facsimile of the corporate seal of the Town to be imprinted hereon, and the annexed coupons to bear the facsimile signature of said Town Clerk, and this bond to be dated June 1, 1976.

(facsimile signature)  
Mayor

(facsimile signature)  
Town Clerk

(Form of Coupon)

No. \_\_\_\_\_ \$ \_\_\_\_\_

On the first day of June/December, 19\_\_\_\_, the Town of Chapel Hill, a municipal corporation of the State of North Carolina, will pay to bearer

\_\_\_\_\_ DOLLARS (\$ \_\_\_\_\_)

at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in any coin or currency of the United States of America which at the time of payment shall be legal tender for the payment of public and private debts, being the semi-annual interest then due on its \_\_\_\_\_ Bond, dated June 1, 1976, NO. \_\_\_\_\_.

(facsimile signature)  
Town Clerk

(Endorsement on Bonds)

The within bond has been registered as to principal only, as follows:

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:

The issue hereof has been approved under the provisions of The Local Government Bond Act.

H. E. BOYLES

Secretary of the Local Government Commission

By: \_\_\_\_\_  
Designated Assistant

- (8) The Town Finance Officer is hereby authorized and directed to provide a suitable bond register for the registration of said bonds and to act as Bond Registrar in registering said bonds and to carry out the provisions set forth in the bonds for the conversion of the bonds into registered bonds and for the transfer thereof.
- (9) The Local Government Commission of North Carolina is hereby requested to sell said \$250,000 Sanitary Sewer Bonds and \$200,000 Street Bonds and to state in the Notice of Sale of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission.
- (10) The Mayor and the Town Clerk are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute said bonds and to turn said bonds over to the purchaser or purchasers to whom they may be sold by said Local Government Commission.
- (11) The brochure setting forth financial and statistical data in connection with the said bonds, which was circulated with the Notice of Sale thereof, is hereby approved. In connection with this approval, the Board of Aldermen has examined copies of said brochure and has, to the extent and in the manner it has deemed necessary, discussed the contents thereof with officers of the Town Administration. The Board of Aldermen does hereby recite that, upon its examination and discussions, nothing has come to its attention which would lead it to believe that said brochure contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

The motion having been duly seconded by Alderman Marshall, and the resolution having been considered, it was adopted. The vote on the adoption of the resolution was as follows:

AYES: Aldermen Cohen, Epting, Gardner, Howes, Marshall, Smith and Vickery

NAYS: None

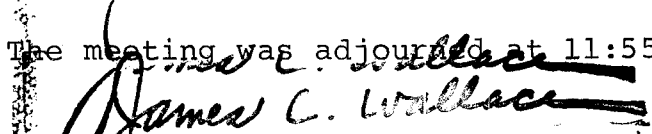
#### 201 Status Report


Alderman Howes reported that he, Mayor Wallace and several members of the Authority had met with the engineers in the afternoon of July 12 to discuss the position of the town at the meeting with Durham to be held on the 13th.

The engineers agreed that the cost differences between the alternatives being considered were not significant. Implementability may be a problem. There must be agreement with Durham as to the plan to be followed. Mayor Wallace stated that September 30 was the deadline. John McAdams is working on an environmental report on Land and Wildlife Habitat. The 201 summary indicated there were no differences in the secondary effects as between any of the three plans and no differences in the management aspects. Mayor Cavin is eager to get on with the 21 million gallon facility. Many of Chapel Hill's members prefer the 9-12 million gallon facilities because of the piping and the management contract which would be required for the 21 million gallon facility. If the environmental material is not sufficient to satisfy both Raleigh and Atlanta, a negative declaration will not be given and everything will come to a stop while the environmental impact statement is prepared. The meeting will be at 7:30 P.M. on July 13, and the engineers and Mayor Cavin are to present the information on the environment.

Alderman Howes announced that Carrboro had not yet signed the Agreement of Sale and Purchase for the Authority. The Council of State was to pick up the documents on August 13.

The meeting was adjourned at 11:55 P.M.

  
Mayor James C. Wallace

  
Town Clerk, David B. Roberts