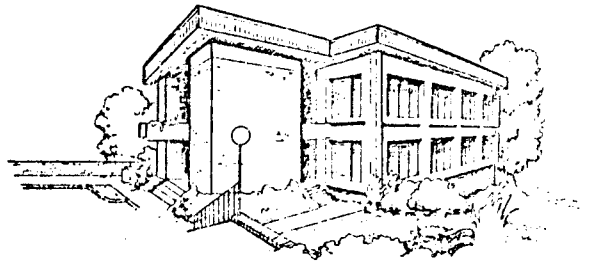


TOWN OF CHAPEL HILL

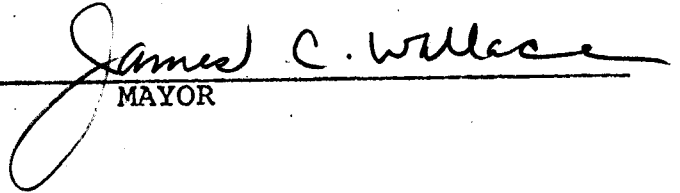
306 NORTH COLUMBIA ST.
CHAPEL HILL, N.C., 27514
(919) 929-1111



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

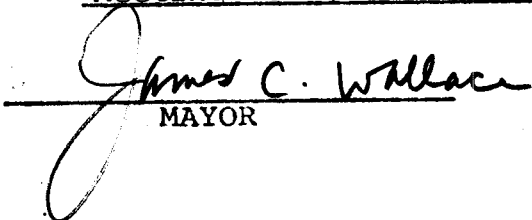
TO: Gerald Cohen
Robert Epting
Thomas Gardner
Jonathan Howes
Shirley Marshall
Marvin Silver
R. D. Smith
Edward Vickery


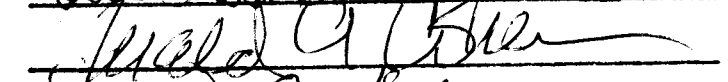


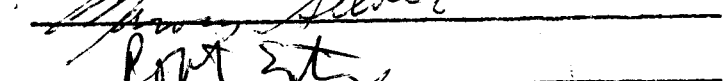
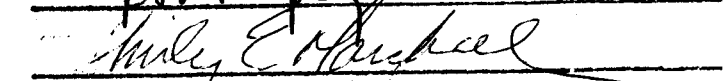
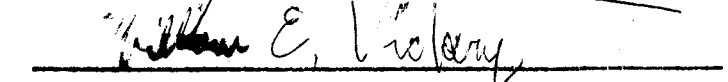

You, and each of you, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Meeting Room, at 7:30 P.M. on August 16, 1976, to consider the adoption of the bond order for the November, 1976 bond referendum, and to hear reports on the 201 Facilities Plan Study, and on the sewer tap-on policy.


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, at 7:30 p.m., August 16, 1976.


MAYOR

AGENDA

SPECIAL MEETING
BOARD OF ALDERMEN
TOWN OF CHAPEL HILL

7:30 p.m.

August 16, 1976

Meeting Room

1. RESOLUTIONS and BOND ORDERS for the November, 1976 referendum. Manager recommends adoption. (Attached)
2. A RESOLUTION TO AUTHORIZE THE MANAGER TO FILE AN APPLICATION FOR LEAA GRANT (Records Equipment). Manager Recommends Adoption. (Attached)
3. A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR DUCTILE IRON PIPE AND FITTINGS. (Treatment Plant) Manager recommends adoption. (Attached)
4. A RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM BY SUE R. ANDERSON, ET.AL. Manager recommends adoption. (Attached)
5. Report and recommendations concerning action by the Town to provide additional interim wastewater treatment capacity and to provide for continued construction activities in the community. Manager.
6. A discussion regarding strategies in preparation for the November, 1976 Bond Referendum. (Attached)

AGENDA

SPECIAL MEETING
BOARD OF ALDERMEN
TOWN OF CHAPEL HILL

7:30 p.m.

August 16, 1976

Meeting Room

1. RESOLUTIONS and BOND ORDERS for the November, 1976 referendum. Manager recommends adoption. (Attached)
2. A RESOLUTION TO AUTHORIZE THE MANAGER TO FILE AN APPLICATION FOR LEAA GRANT (Records Equipment). Manager Recommends Adoption. (Attached)
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5. Report and recommendations concerning action by the Town to provide additional interim wastewater treatment capacity and to provide for continued construction activities in the community. Manager.
6. A discussion regarding strategies in preparation for the November, 1976 Bond Referendum. (Attached)

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, AUGUST 16, 1976, 7:30 P.M.

Mayor Wallace called the Special Meeting to order at 7:40 p.m. Present were:

- Gerald Cohen
- Robert Epting
- Thomas Gardner
- Jonathan Howes
- Shirley Marshall
- Marvin Silver
- R. D. Smith
- Edward Vickery

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

Mayor Wallace announced that before the meeting began, the Board would like to pay tribute to two of Chapel Hill's citizens who had died since the Board's last meeting, William Muirhead and George Spransy. He expressed appreciation for the individual contributions made to the public interest and community development. Mr. Muirhead constructed the first shopping center and apartment complex in Chapel Hill, built a soccer field, and helped build Finley Golf Course. Mr. Spransy served on the Board of Adjustment, the Planning Board and was an active member of his church and community for a number of years.

Alderman Cohen acknowledged the tenth anniversary of Alderman Smith's service on the Board of Aldermen and Mayor Wallace asked for a round of applause for Alderman Smith.

November Bond Referendum - Resolutions and Bond Orders

Mayor Wallace announced that the first item on the agenda was the consideration of bond orders and resolutions, the technical reason for calling the special meeting.

Howes introduced the following bond order which was read at length:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000 LAND ACQUISITION BONDS OF THE TOWN OF CHAPEL HILL"

WHEREAS, the Board of Aldermen of the Town of Chapel Hill deems it advisable to acquire land for the corporate purposes of the Town; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government

Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission:
NOW THEREFORE,

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

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to acquire land for the corporate purposes of the Town and to pay the capital costs of such land.

Section 2. In order to raise the money required to pay the capital costs of acquiring land as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$300,000.

Section 3. A tax sufficient to pay the principal and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town of Chapel Hill at an election.

Alderman Marshall introduced the following bond order which was read at length:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,750,000 STREET IMPROVEMENT BONDS OF THE TOWN OF CHAPEL HILL"

WHEREAS, the Board of Aldermen of the Town of Chapel Hill deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission: NOW, THEREFORE

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

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to provide and improve streets, sidewalks and bicycle paths, including without limitation paving, grading resurfacing, widening and reconstruction of streets, construction and reconstruction of sidewalks and bicycle paths and including the acquisition of the necessary land or rights-in-land, and to pay the capital costs of such improvements.

Section 2. In order to raise the money required to pay the capital costs of providing and improving streets, sidewalks and bicycle paths as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$1,750,000.

Section 3. A tax sufficient to pay the principal and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town of Chapel Hill.

Alderman Cohen introduced the following bond order which was read at length:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$2,650,000 RECREATION BONDS OF THE TOWN OF CHAPEL HILL"

WHEREAS, the Board of Aldermen of the Town of Chapel Hill deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission: NOW, THEREFORE,

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

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to provide and improve recreation facilities, including without limitation construction

of a new community center building and swimming pool, reconstruction and renovation of the existing community center building and the construction of athletic fields and other facilities and the acquisition and installation of the equipment and furnishings required therefor, and to pay the capital costs of such improvements.

Section 2. In order to raise the money required to pay the capital costs of providing and improving recreation facilities as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$2,650,000.

Section 3. A tax sufficient to pay the principal and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town of Chapel Hill at an election.

Alderman Vickery introduced the following bond order which was read at length.

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,400,000 LAW ENFORCEMENT AND COURTROOM BUILDING BONDS OF THE TOWN OF CHAPEL HILL"

WHEREAS, the Board of Aldermen of the Town of Chapel Hill deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission: NOW, THEREFORE,

BE IT ORDERED by the Board of Aldermen of the Town of Chapel Hill as follows

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to construct, reconstruct and renovate a law enforcement and courtroom facilities building complex and parking facilities therefor, including the acquisition and installation of the equipment and furnishings required therefor and the acquisition of the necessary land or rights-in-land, and to pay the capital costs of such improvements.

Section 2. In order to raise the money required to pay the capital costs of construction, reconstruction and renovation of a law enforcement and courtroom facilities building complex as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$1,400,000.

Section 3. A tax sufficient to pay the principal and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town of Chapel Hill at an election.

Alderman Silver introduced the following bond order which was read at length:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$150,000 FIRE PREVENTION BONDS OF THE TOWN OF CHAPEL HILL"

WHEREAS, the Board of Aldermen of the Town of Chapel Hill deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission: NOW, THEREFORE,

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

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to provide facilities for fire fighting and prevention, including without limitation the construction of a training center and the acquisition and installation of the equipment and furnishings required therefor and the acquisition of land for a fire station, and to pay the capital costs of such improvements.

Section 2. In order to raise the money required to pay the capital costs of providing facilities for fire fighting and prevention as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$150,000.

Section 3. A tax sufficient to pay the principal and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town of Chapel Hill at an election.

Alderman Gardner introduced the following bond order which was read at length:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$600,000 PUBLIC WORKS BUILDING BONDS OF THE TOWN OF CHAPEL HILL"

WHEREAS, the Board of Aldermen of the Town of Chapel Hill deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission: NOW, THEREFORE,

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

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to construct, reconstruct and relocate public works buildings and facilities, including without limitation municipal garage, shop and storage facilities and the acquisition and installation of the equipment and furnishings required therefor, and to pay the capital costs of such improvements.

Section 2. In order to raise the money required to pay the capital costs of constructing, reconstructing and relocating public works buildings and facilities as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds

of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$600,000.

Section 3. A tax sufficient to pay the principal and interest on said bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town of Chapel Hill at an election.

Alderman Epting introduced the following bond order which was read at length:

"BOND ORDER AUTHORIZING THE ISSUANCE OF \$3,625,000 SANITARY SEWER BONDS OF THE TOWN OF CHAPEL HILL"

WHEREAS, the Board of Aldermen of the Town of Chapel Hill deems it advisable to make the improvements hereinafter described; and

WHEREAS, the Board has caused to be filed with the Secretary of the Local Government Commission of North Carolina an application for Commission approval of the bonds hereinafter described as required by The Local Government Finance Act, and the Secretary of the Local Government Commission has notified the Board that the application has been filed and accepted for submission to the Local Government Commission: NOW, THEREFORE,

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

Section 1. The Board of Aldermen of the Town of Chapel Hill has ascertained and hereby determines that it is necessary to provide and improve facilities for the collection, treatment and disposal of sewage, including without limitation sewer lines and a treatment plant and the acquisition and installation of the equipment and machinery required therefor and the acquisition of the necessary land or rights-in-land, and to pay the capital costs of such improvements.

Section 2. In order to raise the money required to pay the capital costs of providing and improving facilities for the collection, treatment and disposal of sewage as set forth above, in addition to any funds which may be made available for such purpose from any other source, bonds of the Town of Chapel Hill are hereby authorized and shall be issued pursuant to The Local Government Finance Act of North Carolina. The maximum aggregate principal amount of said bonds authorized by this bond order shall be \$3,625,000.

Section 3. A tax sufficient to pay the principal and interest on said bonds when due shall be annually levied and collected. The revenues of the facilities hereinbefore described may be pledged to the payment of the interest on and principal of said bonds if and to the extent that the Board shall hereafter determine by resolution prior to the issuance of said bonds. In such event, the tax to pay the principal of and interest on said bonds may be reduced by the amount of such revenues available for the payment of such principal and interest.

Section 4. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 5. This bond order shall take effect when approved by the voters of the Town of Chapel Hill at an election.

A RESOLUTION ESTABLISHING DATE FOR PUBLIC HEARING ON BOND REFERENDUM

Alderman Smith moved that the following resolution be adopted:

WHEREAS, the Bond Orders entitled "BOND ORDER AUTHORIZING THE ISSUANCE OF \$300,000 LAND ACQUISITION BONDS OF THE TOWN OF CHAPEL HILL": "BOND ORDER

AUTHORIZING THE ISSUANCE OF \$1,750,000 STREET IMPROVEMENT BONDS OF THE TOWN OF CHAPEL HILL"; "BOND ORDER AUTHORIZING THE ISSUANCE OF \$2,650,000 RECREATION BONDS OF THE TOWN OF CHAPEL HILL"; "BOND ORDER AUTHORIZING THE ISSUANCE OF \$1,400,000 LAW ENFORCEMENT AND COURTROOM BUILDING BONDS OF THE TOWN OF CHAPEL HILL"; "BOND ORDER AUTHORIZING THE ISSUANCE OF \$150,000 FIRE PREVENTION BONDS OF THE TOWN OF CHAPEL HILL"; "BOND ORDER AUTHORIZING THE ISSUANCE OF \$600,000 PUBLIC WORKS BUILDING BONDS OF THE TOWN OF CHAPEL HILL" and "BOND ORDER AUTHORIZING THE ISSUANCE OF \$3,625,000 SANITARY SEWER BONDS OF THE TOWN OF CHAPEL HILL", have been introduced at the meeting of the Board of Aldermen held on August 16, 1976, and the Board desires to provide for the holding of a public hearing thereon and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act: NOW, THEREFORE,

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

- (1) The public hearing upon said bond orders shall be held on the 13th day of September, 1976, at 7:30 o'clock, p.m., at Municipal Building, in Chapel Hill, North Carolina.
- (2) The Town Clerk is hereby directed to cause a copy of each of said bond orders to be published with a notice of such hearing in the form prescribed by law at least six days prior to such hearing.
- (3) The Town's Finance Officer is hereby directed to file with the Town Clerk, prior to publication of said bond orders with the notices of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the Town and the net debt of the Town.

The motion having been seconded by Alderman Howes it was adopted by the following vote:

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

NAYS: None

A RATIFICATION OF ACKNOWLEDGMENT OF FILING OF APPLICATION FOR APPROVAL OF 10 475 000 BOND ISSUE

Alderman Marshall moved that the following resolution be adopted:

WHEREAS, an application has been filed with the Secretary of the Local Government Commission requesting Commission approval of the bonds hereinbefore described and notice of intention to make such application was published on July 28, 1976 in the manner required by law: NOW, THEREFORE,

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

The action of the Mayor and Town Clerk is causing notice of intention to apply to the Local Government Commission for approval of the \$10,475,000 Bonds hereinbefore described to be published and in filing application for approval of such bonds with the Secretary of the Local Government Commission is hereby ratified and confirmed.

The motion having been seconded by Alderman Cohen it was adopted by the following vote:

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

NAYS: None

Application for LEAA Grant - Resolution

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION TO AUTHORIZE THE MANAGER TO FILE AN APPLICATION FOR LEAA GRANT RECORDS EQUIPMENT

WHEREAS, the Chapel Hill Board of Aldermen herein called the "Applicant" has thoroughly considered the problem addressed in the subgrant application entitled Records Equipment and has reviewed the project described in the application; and

WHEREAS, under the terms of Public Law 90-351 as amended, the United States of America has authorized the Law Enforcement Assistance Administration, through the North Carolina Division of Law and Order to make federal grants to assist local governments in the improvement of the criminal justice system,

NOW, THEREFORE BE IT RESOLVED by the Chapel Hill Board of Aldermen in open meeting assembled in the City of Chapel Hill, North Carolina, this 16th day of August, 1976, as follows:

1. That the project referenced above is in the best interest of the Applicant and the general public.
2. That Sidney M. Hilliard, Chief of Police be authorized to file, in behalf of the Applicant, an application in the form prescribed by the Division of Law and Order for a subgrant in the amount of \$20,000.00 and \$1,110.00 State Buy-in to be made to the Applicant to assist in defraying the cost of the project described in the application. This individual shall act as the authorized representative of the Applicant in connection with all aspects of the application process.
3. That if the subgrant is made and accepted, the Applicant shall provide or make arrangements to provide, a local cash matching contribution in the amount of \$1,110.00 and a local in-kind matching contribution valued under LEAA guidelines at N/A (or proportionately reduced local matching contributions if the subgrant amount is reduced) as required by the Act to defray the cost of the project.
4. That the Project Director designated in the application form shall furnish such information, data, documents and reports pertaining to the project, if approved, as may be required by the Division of Law and Order.
5. That certified copies of this resolution be included as part of the application referenced above.
6. That this resolution shall take effect immediately upon its adoption.

This the 16th day of August, 1976.

Alderman Epting asked if the equipment received would be a circular filing system. Mr. Jenne answered that he did not know what the configuration was; the grant included in the budget was a system which would reduce space requirements. Alderman Howes asked if this item was before the Board now because of a time requirement. Mr. Jenne explained that the deadline for filing the application was September 1. THE MOTION WAS CARRIED UNANIMOUSLY.

Bids for Ductile Iron Pipe and Fittings - Resolution

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR DUCTILE IRON PIPE AND FITTINGS

WHEREAS the Town of Chapel Hill has solicited formal bids on ductile iron pipe and fittings, and the following bids have been received:

<u>Bidder</u>	<u>90'-24" Pipe</u>	<u>Bid</u>		<u>Delivery</u>
		<u>54'-18" Pipe</u>	<u>1-24" 90° Bend</u>	
Gann Industrial Supplies, Durham, North Carolina	\$2,245.50	\$1,012.50	\$633.14	Bend-immediate Pipe-2 weeks
Glamorgan Pipe & Foundry Co., Lynchburg, Virginia	\$2,113.20	\$ 886.14	\$887.19	4-6 weeks
Lynchburg Foundry, Lynchburg, Virginia	\$2,052.90	\$ 860.76	\$1,112.15	2-3 weeks

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Lynchburg Foundry for the pipe and the bid of Gann Industrial Supplies for the 90° bend pipe.

This the 16th day of August, 1976.

Mr. Jenne stated these were a part of the regular budget which the administration did not think would be large enough to put out for bids. When the actual specifications were considered it was determined they were of sufficient size for bidding, and in order to keep work going, it was before the Board for approval. THE MOTION WAS CARRIED UNANIMOUSLY.

Claim for Damage by Sue R. Anderson - Resolution

Mr. Jenne Stated this matter was before the Board in executive session at the last meeting, and the Board had authorized the Town Attorney to try to settle the claim. The settlement was now before the Board for approval. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION AUTHORIZING SETTLEMENT OF A CLAIM BY SUE R. ANDERSON, ET. AL.

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager and the Finance Director be and the same hereby are authorized to settle the damage claim of Sue R. Anderson for the sum of \$1,064.00 upon receipt by the Town of a full and complete release.

This authorization is made without prejudice and does not constitute admission of liability, but is made in compromise and settlement of a disputed claim.

This the 16th day of August, 1976.

Alderman Smith asked if the Town was possibly setting a precedent by settling this claim, should similar problems be encountered in the street improvements which had just been authorized. Mr. Jenne stated that it was possible that the Town would have similar problems. Street work in Chapel Hill is difficult because of grading, alignment and subsoil conditions. However, precautions are taken to avoid these types of problems. Alderman Smith asked how much fill was used to cause problems of this type. Mr. Jenne answered no fill was used on this particular job, the grading of the road was not changed. Mr. Denny added that three elements were involved in the claim: (1) the actual taking of the private property to construct a road, (2) a slope easement or construction easement and (3) the driveway. Being dirt, the road washed over, and when the road was built, up to the maximum right-of-way, it was necessary that dirt be filled on the Anderson property in order to prevent undermining of the road. When driveway entrances are changed by paving, the Town bears some responsibility for changing the grading. THE MOTION WAS CARRIED UNANIMOUSLY.

Wastewater Treatment Plant Capacity and Construction - Report

Mr. Jenne reported on his actions since the July 29th meeting when the Board had directed him to explore available means of maintaining adequate wastewater treatment capability for the community. Information was collected and examined to determine the anticipated additional loadings on the system from Chapel Hill, Carrboro, and the University over the next several years. Engineers were engaged to examine all feasible means by which plant capacity might be expanded in a manner which would meet current and future discharge permit limitations and to recommend a most effective solution, its costs, and its possible scheduling. Mr. Jenne presented a listing of additional wastewater loadings which might be expected from known and anticipated construction in the community from 1976 to 1982+. The total loading addition is anticipated to be almost 1 MGD through 1982. Even if the existing treatment plant was operating at rated capacity of 4.5 MGD, the anticipated loadings would exceed that capacity by about 1977 or 1978, and would, in the end, exceed it by at least 1/2 MGD. The engineer reviewed a range of treatment methodologies and physical configurations which might yield additional treatment capacity. Use was made of chemical experimentation conducted over the past few months.

Improvements for the Mason Farm Plant were re-examined and possible alternatives for the 201 program were taken into account. The engineer is recommending a two-phase improvement to the Mason Farm plant which is estimated to yield a capacity of 5.5 MGD. Full implementation of these improvements could be expected to be accomplished in about eleven months at an estimated cost of \$1,070,000. Phase I improvements constitute a refinement of current efforts to increase the effectiveness of the existing treatment process, and could be made in 90 days at an estimated cost of \$33,000. The Phase I improvements would be expected to enable compliance with current permit limits at the plant's rated capacity of 4.5 MGD with the exception of the fecal coliform limit. It is believed that this limit would be waived by the State until completion of Phase II.

Phase II improvements constitute both an expansion of the plant's hydraulic capacity and improvements to its process to meet the more stringent final permit limitations expected in July 1977. They would require about eleven months for completion, two for design and nine for construction, at an estimated cost of \$1,037,000. The Phase II improvements would be expected to enable compliance with the July 1977 permit limits at 5.5 MGD by about August 1977. It is the opinion of the consulting engineering firm that the recommended solution is the most expeditious, and cost-effective for this interim period. The State DEM has concurred in these conclusions. To accomplish Phase II of the improvements would require additional land at the Mason Farm site. If this point proceeds, the University Administration has tentatively agreed to recommend transfer of the land when the Board of Trustees next meets on September 3, pending final delineation of the site.

The cost of Phase I improvements are appropriately provided for in the current Wastewater Treatment budget; the cost of Phase II improvements cannot be accommodated in the current budget. If the project is to proceed, a commitment and an appropriation of \$82,000 will be necessary to contract immediately for engineering in order to let a construction contract by early November. At that time a commitment and an appropriation of \$955,000 would be necessary to let the construction contract.

Mr. Jenne suggested four feasible alternatives for the funding assuming the transfer of the water and sewer to the Orange Water and Sewer Authority on or about January 1, 1977. One is to secure a commitment from the State to advance whatever funds are necessary to meet the project costs which are incurred prior to the Authority having funds available from its initial issue of bond. In the event closing occurs as scheduled, it is anticipated that the amount actually advanced would not exceed \$250,000; however, in order to award contracts the full amount would have to be committed. Two, the Town could execute a contractual commitment based on a written agreement with the Authority to repay the Town whatever funds have been expended by the Town prior to closing, and upon closing, to take over all of the responsibility under the contract. Third is to fund the project out of bond proceeds, provided the Town's sewer bond question is passed on November 2. This can be done only after the bond election. The Town could complete the project using these bond proceeds with the improvements being transferred to the Authority under the current contractual arrangements whereby the Authority would pay the Town such sums as will be necessary to meet the debt service payments. Fourth would be a combination of a commitment from the State and a commitment from the Town. The University Administration has advised Mr. Jenne that it believes that the State Advisory Budget Commission would be willing to advance the funds required for this purpose under an agreement that the State would be repaid upon closing and as soon as funds were available to the Authority from its own bonds. It has also advised that the State would not likely be willing to permanently fund such improvements except to the extent as might be required and recovered from increased rates due to these additional costs.

Mr. Jenne recommended the following course of action: (1) that the Town proceed with both phases of improvements recommended by the consulting engineers upon the necessary agreement from the State and the Orange Water and Sewer Authority; (2) that the Phase I improvements be financed wholly out of the Town's Wastewater Fund; (3) that the Phase II engineering design be financed by the Town and State, each committing an advance of up to one-half of the total estimated cost of \$82,000, upon written agreement by the Authority to repay each; (4) that the Phase II construction be financed by the State committing an advance of up to the total estimated cost of \$955,000, upon written agreement by the Authority to repay the State; and (5) that there be established for the community an annual allocation of remaining plant capacity up to the estimated completion date of the 201 project in order to insure continued treatment capability until that time. Mr. Jenne added that Mr. Pridgen, the primary engineer for the project, was at the meeting to answer any technical questions the Board might have.

Alderman Vickery asked if persons in the environmental sciences had been asked for their opinion on the project. Mr. Jenne stated the work followed from the pre-budget discussions on long-term improvements for the capability. Alderman Vickery stated he had taken a copy of Mr. Jenne's report to Dr. Lamb of the Environmental Sciences Department at the University. Dr. Lamb did not believe the solution proposed in Mr. Jenne's report was the best one and Alderman Vickery asked Dr. Lamb to relate his feelings to the Board. Dr. Lamb stated Mr. Pridgen's approach was plausible but not the one he would have taken. The results of data collection over several years at the experimental station would have led him to a different conclusion, use of chemical post treatment. He explained this was because of the settleability of sludge. Alderman Cohen asked the manager if the Board was being asked to approve just the advancement of funds, not the exact method of treatment. Mr. Jenne stated

that Phase I consisted of installations of equipment and the introduction of caustic in the system. Alderman Howes asked if Dr. Lamb's approach had been considered by the engineers. Mr. Pridgen answered yes, that he was familiar with Dr. Lamb's memoranda. One of the reasons for his proposals was that more ammonia could be removed by the aeraton system. Alderman Marshall asked how much within the deliberations and conclusions Mr. Hazan, the Authority engineer, had been involved. Mr. Pridgen replied that they had not been able to meet with Mr. Hazan, that they had tried to work with DNER and there had not been time to meet with everyone. Alderman Marshall stated that although the Town held the permit now, the Authority would hold it when the agreements had been signed. It was important that they be involved in the recommendations since they would be carrying them out. She stated that although she might approve the recommendations as a member of the Board of Aldermen, she might have to vote against them as a member of the Authority. The preliminary financing of the Authority would be tight, and adding \$1,000,000 might take a difference as to whether they could do the initial financing. She could not commit herself to vote for this proposal after it had been discussed at the Authority. Mayor Wallace stated the Town was running the risk of losing the \$41,000 which it would put in to begin with. They would also run the risk of committing themselves to raising \$937,000 if the Authority did not come into being. He added that the money might have an effect on the cost effectiveness of the 9-12 million gallon facilities. Even though the Town would be taking a risk for a short period of time, he did not believe it beyond their capability. Even if the bond issue failed in November, they could still indicate to the citizens the gravity of the situation, prepare another bond issue and raise the money. Alderman Marshall stated the Board's action was contingent on the Authority repaying the money. Since the Authority might not have the financing on closing, she did not believe the Board's action should be contingent on the Authority repaying the money. Mr. Denny clarified what action the Board was considering. There were two resolutions and two ordinances. The first resolution was concerned with Phase I which is not conditioned on the Authority. The second resolution concerned Phase II which was conditioned both on approval by the State and repayment by the Authority. The first ordinance was a budget amendment which was conditioned on approval of the second resolution. The second ordinance and resolution was a slightly modified moratorium not conditioned on anything. Alderman Cohen stated the money was not lost; the improvements must be made, and the only question was who would fund them. Alderman Smith suggested the controls be extended for a 90 day period through the Phase I improvements. If at the end of Phase I the Town was meeting state standards, perhaps the State would allow some tap-ons before Phase II began. He then asked Mr. Jenne if there would be any additional capacity in the plant at the end of the 90 days. Mr. Jenne stated the plant's present capacity was 4.1 MGD, but by the end of Phase I they hoped to be at the rated capacity of 4.5 MGD. Phase II would increase the capacity to 5.5 MGD and enable the Town to meet the 1977 permit limitations which will be more stringent. Alderman Smith stated the moratorium should be extended to the end of Phase I and then any extra capacity of the plant allocated. Alderman Silver named three issues he thought were prevalent: (1) limitations placed on the Town by EPA and how sensible they were; (2) was the Town going along with the remedial actions; and (3) how far the Town should proceed with the moratorium and equitable allocations. He proposed the Mayor head a committee, consisting of representatives of Chapel Hill, Carrboro, the County, various developers, and the University, to examine the recommendations of the Manager, and give the Board a report on September 27 on a set of recommendations for equitable allocation. Mayor Wallace asked if the Board adopted the resolutions and ordinances before it at present, would this mean that no new permits would be issued for 90 days. Mr. Jenne answered no, that attached to the resolutions was a list of exempted valid permits, as well as a list of permits for buildings under construction. Many of the buildings would not tap-on before the 90 day period, but the Town did not wish to stop all construction. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION TO AUTHORIZE THE MANAGER TO IMPLEMENT PHASE ONE, IMPROVEMENTS TO THE SEWER TREATMENT PLANT AT MASON FARM

WHEREAS, the Town Engineers, Rose, Pridgen and Freemon, have recommended improvements to the sewage treatment plant located at Mason Farm to alleviate the lack of capacity at said plant to meet current and projected demands, and

WHEREAS, said recommendation consists of Phase One and Phase Two improvements, and

WHEREAS, Phase One improvements can be implemented immediately at a cost of \$33,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that the Town Manager of the Town of Chapel Hill, is authorized and directed to immediately take such steps as may be necessary to carry out Phase One improvements in the Rose, Pridgen, Freemon Report, and to expend therefor the sum of \$33,000.00 currently appropriated by the Town.

This the 16th day of August, 1976.

Alderman Gardner asked if the land from the University would be enough for the 9 MGD plant. Mr. Jenne stated he though this would be enough for the 9 MGD. THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A CONTRACT FOR THE DESIGN OF SEWER FACILITIES

WHEREAS, it is necessary that the Town of Chapel Hill undertake certain improvements to the sewer plant situated at Morgan Creek in order to meet the imposed effluent limitations and to provide the necessary capacity until the 201 facilities are constructed and ready to use, and

WHEREAS, Town Engineers, Rose, Pridgen and Freemon, have made a report and recommendation of work necessary to accomplish said purpose, and

WHEREAS, said report and recommendation have been reviewed by the Department of Environmental Management which has concurred in such recommendations, and granted the Town permission to proceed therewith, and

WHEREAS, it is necessary that the engineering design for such improvements and additions be commenced immediately, and

WHEREAS, the University of North Carolina at Chapel Hill, through the State of North Carolina, has agreed to contribute one-half of the engineering costs for such design in the estimated amount of \$41,000.00, and

WHEREAS, the Town of Chapel Hill has agreed to contribute the remaining one-half of said costs in the estimated amount of \$41,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that the Town Manager be, and he is authorized and directed to enter into an engineering and design contract with Rose, Pridgen and Freemon in the approximate amount of \$82,000.00 conditioned upon:

1. A contribution by the State of North Carolina through the University of North Carolina at Chapel Hill, the sum of approximately \$41,000.00.

This the 16th day of August, 1976.

Alderman Howes stated that he had not included the language for the repayment of loans by the Authority because of Alderman Marshall's remarks, that is, the financing was very close, and the impact of the \$1,000,000 could not be evaluated. Alderman Cohen asked Mr. Denny if the Authority could repay the Town at a later date if the original obligation was not in the contract at the outset. Mr. Denny stated that the debt obligation must be in the contract, and that if it were not, the paragraph of the resolution where the state agrees to contribute one-half of the engineering and design costs because the University would give the money without agreement by the Authority to repay it. Therefore, the Town would have to advance the total \$82,000.00. Alderman Cohen said the advance was conditioned upon repayment through bond financing, so that if the Authority could finance it, there would not be an obligation to repay. Therefore, he did not think the Authority would be taking a risk in agreeing to repay the Town and University. Alderman Marshall stated a rate study could not be done for raising the rates until after the Authority was constituted, and they would have to do the initial financing before they were constituted. Alderman Howes stated the Authority's financing was so close that it might be necessary to ask the Town of Chapel Hill to bring the sewer plant service up by incurring general obligation bonds not to be repaid by the Authority. These would in effect be a gift from the Town to the Authority. Alderman Marshall stated the rates charged by the Authority may now be at a ceiling until the Authority takes over. There ensued a discussion among Alderman

Marshall, Howes, Cohen and Vickery as to whether the rates could be set higher in order for the Authority to repay the \$82,000, and later the \$1,000,000. Alderman Smith suggested the Town finance the study for \$82,000 and give it to the Authority, then when the Authority took over, it could finance the \$1,000,000 in its own way. Alderman Vickery did not believe the Board should proceed on this matter immediately, for two reasons. One was they needed a statement from the Authority as to whether it would obligate itself to repay the advance, and the other was to give the manager and engineer time to obtain the input of Dr. Brown and Dr. Lamb on the plant improvements. Alderman Cohen suggested the Town not require repayment if the University would not require repayment. Mr. Jenne explained that the University had stated it would require repayment. He added that the money was not for a study, but for blueprints and drawings and contract documents to be put out for bid. Alderman Vickery stated the resolution as worded seemed harmless, because the Authority might be able to repay the contribution, and there was the loophole in the contract that might require the Authority to repay it. Mayor Wallace added that the resolution did not specify the manner of repayment or the time. Alderman Cohen suggested the Board pass the resolution as was, and if the Authority could not obligate itself, then it would have to come back to the Board for financing. He added that the correct way would be for the Authority to repay the Town and University, and if it could not, then they would try another way. ALDERMAN HOWES MOVED TO AMEND THE RESOLUTION TO READ AS FOLLOWS:

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A CONTRACT FOR THE DESIGN OF SEWER FACILITIES

WHEREAS, it is necessary that the Town of Chapel Hill undertake certain improvements to the sewer plant situated at Morgan Creek in order to meet the imposed effluent limitations and to provide the necessary capacity until the 201 facilities are constructed and ready for use, and

WHEREAS, Town Engineers, Rose, Pridgen and Freemon, have made a report and recommendation of work necessary to accomplish said purpose, and

WHEREAS, said report and recommendation have been reviewed by the Department of Environmental Management which has concurred in such recommendations, and granted the Town permission to proceed therewith, and

WHEREAS, it is necessary that the engineering design for such improvements and additions be commenced immediately, and

WHEREAS, the University of North Carolina at Chapel Hill, through the State of North Carolina, has agreed to contribute one-half of the engineering costs for such design in the estimated amount of \$41,000.00, and

WHEREAS, the Town of Chapel Hill has agreed to contribute the remaining one-half of said costs in the estimated amount of \$41,000.00 both such commitments being conditioned upon a written amount of said contributions upon the acquisition of the water and sewer facilities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that the Town Manager be, and he is authorized and directed to enter into a engineering and design contract with Rose, Pridgen and Freemon in the approximate amount of \$82,000.00 conditioned upon:

1. A contribution by the State of North Carolina through the University of North Carolina at Chapel Hill, the sum of approximately \$41,000.00, and
2. A written agreement by the Orange Water and Sewer Authority to repay to the Town and to the State the full amount of all contributions made pursuant to said engineering and design contract.

This the 16th day of August, 1976.

ALDERMAN MARSHALL SECONDED. Alderman Vickery asked if there were sufficient funds in the \$82,000 to employ Dr. Brown as a consultant. Alderman Gardner stated that the Manager and staff had worked hard to bring this report to the Board, and he believed they should be allowed to continue to work, getting all input they believed necessary without having a citizen's committee which might impede speedy progress. ALDERMAN VICKERY MOVED TO AMEND THE RESOLUTION TO INCREASE THE AMOUNT FROM \$82,000 TO \$86,000 TO PROVIDE FUNDS FOR ADDITIONAL INPUTS FROM THE MEMBERS OF THE ENVIRONMENTAL SCIENCES OR OTHER CONSULTANTS AS NECESSARY TO AUGMENT THE SKILLS OF ROSE, PRIDGEN AND FREEMON. ALDERMAN GARDNER SECONDED. Alderman Smith stated he thought the \$82,000 enough for the

costs because the University would give the money without agreement by the Authority to repay it. Therefore, the town would have to advance the total \$82,000.00. Alderman Cohen said the advance was conditioned upon repayment through bond financing, so that if the Authority could finance it, there would not be an obligation to repay. Therefore, he did not think the Authority would be taking a risk in agreeing to repay the town and University. Alderman Marshall stated a rate study could not be done for raising the rates until after the Authority was constituted, and they would ~~not~~ have to do the initial financing before they were constituted. Alderman Howes stated the Authority's financing was so close that it might be necessary to ask the town of Chapel Hill to bring the sewer plant service up by incurring general obligation bonds not to be repaid by the Authority. These would in effect be a gift from the town to the Authority.

Alderman Marshall stated the rates ~~for~~ ~~for~~ ^{charged by} the Authority may now be at a ceiling until the Authority takes over. There ensued a discussion ~~now~~ among Aldermen/ Marshall, Howes, Cohen and Vickery as to whether the rates could be set higher in order for the Authority to repay the \$82,000, and later the \$1,000,000. Alderman Smith suggested the town finance the study for \$82,000 and give it to the Authority, then when ~~they~~ ^{the Authority} took over, ~~they~~ it could finance the \$1,000,000 in its own way. Alderman Vickery did not believe the Board should proceed on this matter immediately, for two reasons. One was they needed a statement from the Authority as to whether ~~they~~ it would obligate itself to repay the advance, and the other was to give the manager and engineer time to obtain the input of Dr. Brown and Dr. Lamb on the plant improvements. Alderman Cohen suggested the Town not require repayment if the University would not require repayment. Mr. Jenne explained that the University had stated it would require repayment. He added that the money was not for a study, but for blueprints and

drawings and contract documents to be put out for bid. Alderman Vickery stated the resolution as presently worded seemed harmless, ~~xxx~~ because the Authority might be able to repay the contribution, and there was the loophole in the contract that might require the ~~xxxx~~ Authority to repay it. Mayor Wallace added that the resolution does not specify the manner of repayment or the time. *Ald. to minutes* Alderman Silver ~~xxxxxxx~~ corrected Mayor Wallace in that the resolution did specify ~~xxxxxxx~~ repayment through bond financing. Alderman Cohen suggested the Board pass the resolution as was, and if the Authority could not obligate itself, then it would have to come back to the Board for financing. He added that the correct way would be for the Authority to repay the town and University, and if it could not, then they would try another way. Alderman Howes ~~xxxxxxx~~ moved to amend the resolution to read as follows: (See insert F)/ Alderman Marshall seconded. Alderman Vickery ^{were} asked if there ~~xxx~~ sufficient funds in the \$82,000 to employ Dr. Brown as a consultant. Alderman Gardner stated that the manager and staff had worked hard to bring this report to the Board, and he believed they should be allowed to continue to work, getting all input they believed necessary without having a citizen's committee which might impede speedy progress. Alderman Vickery moved to amend the resolution to increase the amount from \$82,000 to \$86,000 to ~~xxxxxxx~~ provide funds for additional inputs ~~xxx~~ from the members of the environmental sciences or other consultants as necessary to augment the skills of Rose, Pridgen and Freeman. Alderman Gardner seconded. Alderman Smith stated he thought the \$82,000 enough for the engineer to bring in a consultant if he wished. Mr. Jenne said the \$82,000 was based on the standard engineering percentage of the project cost. The amendment ~~xxxxxxx~~ was not passed for lack of support.

F

A RESOLUTION TO AUTHORIZE THE EXECUTION OF
A CONTRACT FOR THE DESIGN OF SEWER FACILITIES

WHEREAS, it is necessary that the Town of Chapel Hill undertake certain improvements to the sewer plant situated at Morgan Creek in order to meet the imposed effluent limitations and to provide the necessary capacity until the 201 facilities are constructed and ready for use, and

WHEREAS, Town Engineers, Rose, Pridgen and Freeman, have made a report and recommendation of work necessary to accomplish said purpose, and

WHEREAS, said report and recommendation have been reviewed by the Department of Environmental Management which has concurred in such recommendations, and granted the Town permission to proceed therewith, and

WHEREAS, it is necessary that the engineering design for such improvements and additions be commenced immediately, and

WHEREAS, the University of North Carolina at Chapel Hill, through the State of North Carolina, has agreed to contribute one-half of the engineering costs for such design in the estimated amount of \$41,000.00, and

WHEREAS, the Town of Chapel Hill has agreed to contribute the remaining one-half of said costs in the estimated amount of \$41,000.00, both such commitments being conditioned upon a written [agreement by the Orange Water and Sewer Authority to repay the full] amount of said contributions (through ^{leave out} bond financing,) upon the acquisition of the water and sewer facilities..

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that the Town Manager be, and he is authorized and directed to enter into a engineering and design contract with Rose, Pridgen and Freeman in the approximate amount of \$82,000.00 conditioned upon:

1. A contribution by the State of North Carolina through the University of North Carolina at Chapel Hill, the sum of approximately \$41,000.00, and
- 2.) A written agreement by the Orange Water and Sewer Authority to repay to the Town and to the State the full amount of all contributions made pursuant to said engineering and design contract.

This the 16th day of August, 1976.

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engineer to bring in a consultant if he wished. Mr. Jenne said the \$82,000 was based on the standard engineering percentage of the project cost. The amendment was not passed for lack of support.

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION AND ORDINANCE WITH RESPECT TO THE ISSUANCE OF BUILDING OR SEWER CONNECTION PERMITS WHILE THE CURRENT STATE NPDES PERMIT IS IN EFFECT, FOR A LIMITED PERIOD THROUGH SEPTEMBER 27, 1976

WHEREAS, the Town of Chapel Hill is the operator of a wastewater treatment plant facility pursuant to the provisions of NPDES Permit #NC-0025241 issued pursuant to the provisions of North Carolina General Statutes Section 143-215.1, and

WHEREAS, while the effluent limitations and monitoring requirements as contained in said permit are attached hereto as Exhibit A, and the final effluent limitations and monitoring requirements contained in said permit are attached hereto as Exhibit B, and

WHEREAS, the Town of Chapel Hill in the operation of said plant is unable at this time to meet either the initial or final effluent limitations as contained in said permit as set forth in the charter attached as Exhibit C, and

WHEREAS, the current volume of flow entering the wastewater treatment plant for processing is greater than the present treatment capability of said plant in its present condition, and

WHEREAS, the addition of additional volume of raw sewage for treatment to said plant at the present time will be likely to further increase the inability of the Town to meet its permit limitations, and

WHEREAS, the Town has been periodically advised by the Environmental Protection Agency that it is in violation of its permit limitations, and is subject to prosecution therefor, and

WHEREAS, the permit above referred to places additional limitations and conditions on the Town of Chapel Hill with respect to the addition of sewer connections until such time as the final effluent limitations have been met, and the permit revised to remove said special condition, and

WHEREAS, it has not been possible to determine the current load on said sewer facility due to the restrictive use of water caused by a shortage in the public water supply, and the number of students at the University has been substantially less than will occur within the next few weeks, and

WHEREAS, the Town has directed the implementation of interim improvements to the facilities at said plant, which can be accomplished within the next few weeks, and

WHEREAS, it is desirable that there be a minimum further burden placed upon said plant until such time as interim corrective measures can be implemented, and their effect determined.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Aldermen of the Town of Chapel Hill, that it make the following findings of fact based upon the foregoing, and the permit requirements, operating conditions of the plant, its operating capability, and the appropriate federal and state regulations and guidelines applicable thereto:

1. Town of Chapel Hill is the operator of the wastewater treatment plant facility pursuant to the provisions of NPDES Permit #NC-0025241 issued pursuant to the provisions of North Carolina General Statutes Section 143-215.1;
2. That the current volume of flow entering the wastewater treatment plant for processing is greater than the present treatment capability of said plant in its present conditions;
3. That the addition of additional volume of raw sewage for treatment to said plant at the present time will be likely to further increase the inability of the Town to meet its permit limitations;
4. The Town has been periodically advised by the Environmental Protection Agency that it is in violation of its permit limitations,

and is subject to prosecution therefor;

5. The permit issued by the Division of Departmental Environmental Management provides that nothing in the permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance pursuant to N.C. General Statutes Section 143-215.6 or Section 309 of the Federal Act;
6. The permit above referred to places additional limitations and conditions on the Town of Chapel Hill with respect to the addition of sewer connections until such time as the final effluent limitations have been met, and the permit revised to remove said special conditions;
7. That the conditions imposed on the Town by said permit result in inequitable and unfair treatment of property owners of the Town;
8. It is necessary that the Town proceed with the utmost haste to determine by what processes and procedures, and within what time span it can improve the treatment capabilities of said plant;
9. It is desirable that there be a minimum further burden placed upon said plant until such time as possible corrective or alternative methods can be implemented;
10. There are outstanding permits of sanitary sewer connections issued by the Town of Chapel Hill as set forth Exhibit D1 attached hereto, outstanding permits for single family residences, which are under construction pursuant to a building permit, but without a current sewer connection permit as set forth on Exhibit D2 attached hereto, outstanding building permits for single family residences which are not yet under construction, and which will require a sewer connection permit upon their completion as set forth on Exhibit D3 attached hereto, and outstanding building permits for commercial structures which will require a sewer connection permit and approval by the State as set forth on Exhibit D4 attached hereto.
11. There should be a moratorium of further building permits which would ultimately require sewer connections, and on permits for sewer connections to the sanitary sewer system being processed in said plant until it can be determined what the effective operating capacity and limits of said plant are under normal demand conditions, and what the effect of the immediate improvements designed to increase the operating efficiency of said plant are.

NOW THEREFORE, BE IT RESOLVED AND ORDAINED by the Board of Aldermen of the Town of Chapel Hill, based upon the foregoing findings of fact, that from and after the effective date of this Resolution the appropriate officials of the Town of Chapel Hill are hereby directed that no building permits which would ultimately require sewer connections and no further permits for sewer connections to the sanitary sewer system to be processed in said plant may be made excepting those for which a building permit has been issued by the Town of Chapel Hill as set forth in Exhibits D(1) through (4), and

BE IT FURTHER RESOLVED that this Resolution and Ordinance shall be and remain in effect for the period from its adoption through September 27, 1976.

Effective, this the 16th day of August, 1976.

EXHIBIT A

A. (1). EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Initial

During the period beginning the effective date and lasting until June 30, 1977 - the permittee is authorized to discharge from outfall(s) serial number(s). 001 Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics	Discharge Limitations		Other Units (Specify)		Monitoring Requirements		
	kg/day (lbs/day)	Monthly Avg.	Monthly Avg.	Weekly Avg.	Measurement Frequency	Sample Type	Sample Location
Flow, M ³ /day (MGD)			17,076 (4.5)	20,834 (5.5)	Continuous		I or E
BOD ₅	341 (751)	625 (1376)	20 mg/l	30 mg/l	Daily	Composite	I, E, U, D
TSS	512 (1126)	938 (2064)	30 mg/l	45 mg/l	Weekly	Composite	I, E
Fecal Coliform			200/100 ml	400/100 ml	Daily	Grab	E, U, D
Settleable Matter					Daily	Grab	E
Temperature					Daily	Grab	E, U, D
Dissolved Oxygen					Daily	Grab	U, D
COD					Weekly	Grab	E, U, D
Total Residue					Weekly	Composite	I, E
Amly-N					Weekly	Composite	I, E
pH					Daily	Grab	E, U, D

*Sample Location: I-Influent, E-Effluent, U-Upstream, D-Downstream

**All upstream and downstream samples shall be grab samples

***Daily stream sampling frequency may be reduced at each sampling station to one (1) time per week except during the months of June, July, August and September, when the frequency must be no less than three (3) times per week at each sampling station.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored as noted above.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

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A. (2). EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - Final

During the period beginning July 1, 1997 and lasting until the date of expiration the permittee is authorized to discharge from outfall(s) serial number(s) 001 Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristics	Discharge Limitations		Other Units (Specify)		Monitoring Requirements
	Monthly Avg.	Weekly Avg.	Monthly Avg.	Weekly Avg.	
Flow, M ³ /day (MCD)					Measurement*** Frequency
ROD ₅	171 (375)	313 (688)	17,046 (4.5)	20,834 (5.5)	Continuous
TSS	512 (1126)	938 (2064)	10 mg/l	15 mg/l	Daily
Fecal Coliform			30 mg/l	45 mg/l	Composite
MLg-H	128 (281)	235 (516)	200/100 ml	400/100 ml	Weekly
Settleable Matter			7.5 mg/l	11.25 mg/l	Daily
Temperature					Composite
Dissolved Oxygen					Daily
COD			5.0 mg/l		Daily
Total Residue					Grab
pH					Weekly

*Sample location: I-Influent, E-Effluent, U-Upstream, D-Downstream
 **All upstream and downstream samples shall be grab samples
 ***Daily stream sampling frequency may be reduced at each sampling station to one (1) time per week except during the months of June, July, August and September, when the frequency must be no less than three (3) times per week at each sampling station.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored as noted above
 There shall be no discharge of floating solids or visible foam in other than trace amounts.

EXHIBIT C
 RECORD OF OPERATION
 MORGAN CREEK WASTEWATER TREATMENT PLANT
 CHAPEL HILL, NORTH CAROLINA

MONTH	VOLUME TREATED			EFFLUENT QUALITY			EFFLUENT QUALITY		
	Monthly Average (MGD)	High Week (MGD)	High Day (MGD)	BOD ₅			TSS		
				Monthly Average (PPM)	High Week (PPM)	High Day (PPM)	Monthly Average (PPM)	High Week (PPM)	High Day (PPM)
1975 Permit	4.5	-	5.5	30	-	50	30	-	50
June, 75	3.1	3.3	3.7	34	42.8	55	44	73	112
July, 75	3.6	5.2	6.6	24	34.7	50	43	54.5	96
August, 75	3.1	3.9	4.2	23	25	34	33	42	59
*Sept., 75	4.1	5.1	7.1	16	30	42	28	36.8	49
Oct., 75	4.1	4.2	4.4	12	16	34	29	33	49
Nov., 75	4.0	4.5	5.8	16	20	23	26	29	36
Dec., 75	3.8	4.4	5.3	9	10	11	29	29	38
**Jan., 76	4.4	5.0	6.6	24	62	66	44	83	92
Feb., 76	4.3	4.8	5.2	78	79	84	81	99	127
March, 76	4.1	4.6	5.3	70	82	85	65	73	87
**April, 76	4.1	4.4	4.8	54	64	68	57	67	92
May, 76	3.3	3.4	4.8	45	49	56	40	44	68
***June, 76	3.6	3.7	4.5	36	42	58	40	55	61
1976 Permit	4.5	5.5	-	20	30	-	30	45	-

* Alum Feed Started
 ** Centrifuge Breakdown - Alum Feed Stopped
 *** Full-Time Plant Superintendent
 **** Partial Series Operation Started

EXHIBIT D1

LIST OF VALID SEWER CONNECTION
PERMITS OUTSTANDING
AS OF JULY 29, 1976

(Listed by Building Permit Number)

- | | |
|--------|--------|
| 7125-B | 6865-B |
| 6999-B | 6630-B |
| 6799-B | 5934-B |
| 5017-B | 5002-B |
| 7063-B | 6239-B |
| 7132-B | 6880-B |
| 7062-B | 6949-B |
| 7025-B | 7078-B |
| 6891-B | |
| 7016-B | |
| 7033-B | |
| 6654-B | |
| 6973-B | |
| 6549-B | |
| 7091-B | |
| 7031-B | |
| 7090-B | |
| 7043-B | |
| 7029-B | |
| 7003-B | |
| 7002-B | |
| 6933-B | |
| 6910-B | |
| 6909-B | |
| 7119-B | |
| 7072-B | |
| 7065-B | |
| 7052-B | |
| 7061-B | |
| 7026-B | |

EXHIBIT D2

Listed by Building Permit Number

7179-B	7229-B	7088-B
7249-B	7228-B	7210-B
7260-B	7241-B	7233-B
7093-B	7154-B	7169-B
7094-B	7089-B	7142-B
7053-B	7030-B	7283-B

EXHIBIT D3

Listed by Building Permit Number

7278-B	7290-B	7219-B
7279-B	7287-B	7212-B
7280-B	7284-B	7080-B
7281-B	7291-B	7033-B
7282-B	7288-B	7211-B
7262-B	7289-B	7041-B
7285-B	7272-B	7076-B
7286-B	7273-B	

EXHIBIT D4

Listed by Building Permit Number

7187-B	7047-B
7155-B	7048-B
7186-B	7049-B
7218-B	7050-B
7217-B	7304-B
7046-B	

Mr. Jenne stated that with regard to forming a citizen's committee to consider allocation, they would have to meet and prepare a report for the Board, which would cut short the time the staff had anticipated it would have to work in by about a week. Alderman Silver believed input was needed from others in the community, and that if the Manager needed more time in order to have this, the Board should allow him more time. Alderman Silver suggested the moratorium and the date for a report to the Board be extended to October 11. Mr. Jenne said it would be difficult to estimate how long such a committee and his staff would need to sort through all recommendations and bring a report to the Board that would minimize confusion. He was not sure that two more weeks would be enough. ALDERMAN VICKERY MOVED THAT THE MAYOR APPOINT A TASK FORCE OF CITIZENS WHO HAVE DEALT WITH SIMILAR MATTERS IN THE PAST, AND THAT THEY BE CHARGED WITH THE TASK OF BRINGING A DRAFT RECOMMENDATION TO THE BOARD BY SEPTEMBER 27, AND THAT THE MORATORIUM BE CONTINUED UNTIL OCTOBER 11. ALDERMAN GARDNER SECONDED. Alderman Cohen stated he thought this would be a lengthy process, and that the Board should be the ones to ask people for their recommendations and encourage input from citizens. Alderman Howes suggested a public hearing would be a better procedure for getting a large number of opinions in a short time. Alderman Vickery argued that the time to bring in citizen viewpoints would be to a committee before any recommendations had been made, then if the Manager thought it necessary, submit the final recommendations to a public hearing. Alderman Silver stated he thought the decision of allocation was a political issue rather than a technical one, and needed a wide variety of input. Mr. Jenne stated it was both a political and a technical issue and would involve elements of both. Alderman Howes asked if the staff could draft a recommendation and then circulate it to every business and non-business who had an interest, to which they could respond in writing. Alderman Cohen moved the question, seconded by Alderman Marshall. By unanimous decision the discussion was closed. THE AMENDMENT WAS DEFEATED BY A VOTE OF SIX TO TWO WITH ALDERMAN SILVER AND VICKERY SUPPORTING AND ALDERMEN COHEN, EPTING, GARDNER, HOWES, MARSHALL AND SMITH OPPOSING. ALDERMAN SMITH MOVED TO AMEND THE RESOLUTION BY HAVING THE FINAL REPORT DUE ON OCTOBER 25. The motion died for lack of a second. Alderman Epting suggested the Manager bring his report to the Board on September 27, the Board set a public hearing for the following week, and the Board act on the recommendation at its meeting on October 11. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN COHEN, EPTING, GARDNER, HOWES, MARSHALL, SILVER, AND VICKERY SUPPORTING AND ALDERMAN SMITH OPPOSING.

Limitation of the Use of Water During an Emergency - Ordinance

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1976.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the budget ordinance of the Town of Chapel Hill entitled "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1976" as duly adopted on June 14, 1976 be and the same is hereby amended as follows:

Article I

Other Funds - Expenditure

	Adopted	Increase (Decrease)	Revised
Wastewater Plant Improvements	-0-		82 000
Wastewater Fund Total	1 016 710	82 000	1 098 710

Article II

Other Fund - Revenue

Wastewater Fund	1 016 710	82 000	1 098 710
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All ordinances and portions of ordinances in conflict herewith are hereby repealed. This ordinance shall be effective when the conditions stated in the resolution concerning the same subject matter shall have been met.

This the 16th day of August, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING THE ORDINANCE TO LIMIT THE USE OF WATER DURING AN EMERGENCY ADOPTED JULY 28, 1976

WHEREAS, there exist a critical shortage of water for the Town of Chapel Hill, which has resulted in a substantial reduction in the reserve supply, and

WHEREAS, such supply has been reduced to a point that a crisis may exist in the near future threatening the health and safety of the residents of the Town, and the properties in the Town, and

WHEREAS, in such event it is essential for the protection of the health and safety that more restrictive measures be imposed upon the use of water supplied within the Town, and the surrounding territories through the facilities of University of North Carolina at Chapel Hill.

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

Section I

That Section I of the Ordinance Limiting the Use of Water During an Emergency adopted July 28, 1976 be amended by adding the following:

- D. A state of crisis shall be deemed to exist when the reserve supply of water available through the facilities of the University of North Carolina at Chapel Hill shall have reached the point where the reserve supply of water has been so reduced that the continued current demand on such supply may result in such reserve supply becoming exhausted, or reduced to the point where it can no longer be effectively treated or the citizens supplied with water to protect their health and safety and adequate reserves maintained to protect properties in the event of fire without more substantially curtailing the water demand.
- E. In the event of an existing or threatened water crisis in the Town water supply threatening the health and safety of the citizens of the Town, the Mayor of the Town of Chapel Hill is authorized and empowered to issue a public proclamation declaring to all persons the existence of such crisis, and in order to more effectively protect the health and safety of the people within the Town of Chapel Hill to place in effect the more restrictive provisions hereinafter authorized.
- F. In the event the Mayor issues such public proclamation described in Paragraph I., then and in that event it shall be unlawful for and person, firm, or corporation to use or to permit the use of water from the water system within the Town of Chapel Hill supplied through the University of North Carolina at Chapel Hill facilities for any of the following purposes until such time as the Mayor, by public proclamation, has declared this provision no longer in effect.
 1. To water or sprinkle any lawns, shrubs, yards, gardens (vegetable or flower) or to wash any streets, drives, sidewalks, or to use water for other similar purpose.
 2. To use water outside a structure for any other use than an emergency involving fire.
 3. To wash any motor vehicle including washing by hire.
 4. To use any swimming, wading, or bathing pool or to introduce water into any swimming, wading, or bathing pool.
 5. To use or to introduce water into any decorative fountain, pool or pond.
 6. To serve water in a public restaurant except upon request.
 7. To operate any air conditioning system which does not recover

and reuse the water in connection therewith, provided this restriction shall not apply to the use of water in connection with refrigeration for the preservation of perishable foods.

- 8. To use water for any unnecessary purpose or to intentionally waste water.

- G. In the event the Mayor issues a public proclamation under paragraphs B or E it is recommended that the citizens of the Town and the surrounding area observe all water conservation measures possible including the following:
 - 1. Wash dishes with minimum water. Dishwashers should be run with full loads only. Whenever possible, use disposable plates, cups and utensils.
 - 2. Use household wastewater for flowers, shrubs and gardens.
 - 3. Do not allow leaks in plumbing.
 - 4. Regulate toilets to use less water by adjustment or by placing space-filling objects in the tank.
 - 5. Where possible use shower instead of tub baths and make showers as short and infrequent as possible.
 - 6. Limit clothes washing to the barest minimum and only with full loads.

Section II

Except as amended herein, the provisions of the Ordinance adopted July 28, 1976 shall remain in full force and effect.

This the 16th day of August, 1976.

Mayor Wallace stated the Town was rapidly moving from a shortage of water to a crisis. He added that the University was taking measures to severely cut down on the use of water, such as using paper utensils. Alderman Cohen suggested the Town make instructions available to residents concerning how to restrict the use of water in toilet bowls. Alderman Silver did not believe the use of swimming pools should be restricted because some of the pools are self-contained and do not require a constant addition of water. ALDERMAN COHEN MOVED TO STRICT THE LANGUAGE RESTRICTING THE USE OF SWIMMING POOLS FROM THE ORDINANCE. ALDERMAN HOWES SECONDED. Mr. Denny explained that the concern was the problem of enforcement, of how to tell which pools were self-contained. Alderman Cohen withdrew his amendment. Mr. Denny was asked when the ordinance could be put into effect. He stated that Carrboro would have a special meeting on the 17th, and then Mayor Wallace and Mayor West would have to communicate with each other so that the proclamations were issued at the same time. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. Watts Hill asked if the Board was going to take a stand on the standards imposed by EPA, or was going to send a representative to the River Basin public hearing. Mayor Wallace stated that the Town was in a difficult position of having to get a permit from DEM because they could not meet the present standards, and yet trying to prevent the standards from being lowered. Alderman Marshall stated she thought the Board of Aldermen was on record as being against unreasonable standards, but this had been done by a previous Board. Dr. Lamb stated if the standards were not opposed at the public hearing, the Town would foreclose its right to oppose at a later date. Alderman Silver stated he believed a representative from the Board should attend the public hearing. Mayor Wallace said he would see that someone from the Town attend.

The meeting was adjourned at 11:35 p.m.

James C. Wallace

James C. Wallace, Mayor

David B. Roberts

David Roberts, Town Clerk