

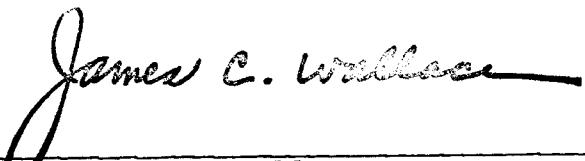
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4:00 p.m. and Alderman Howes stated the members of the Authority would also give a report at that meeting.

Improper Equipment on Vehicles

Alderman Smith stated it was his understanding that state laws prohibited certain types of equipment on autos when they emitted certain types of noise. He had received complaints from residents of Chapel Hill that the state statutes were not being enforced. Some cars were without tailpipes and some had two loud mufflers. He asked that the attorney explain the statutes dealing with this matter; the Board would determine if they were being carried out; and if they were not being carried out, then the Board would direct the Manager to have the staff carry out the statutes. He suggested that individuals in the automobiles did not hear the noise with their windows up, and perhaps the police did not hear it either. Mr. Denny stated the general statutes did provide that all autos must be equipped with standard mufflers in working order. It would be in order for the Board to advise the Town Manager that they had received complaints, and to advise the police department to keep a closer watch. Alderman Gardner said he would also like the manager to publicize the town leash laws and the ordinances governing garbage pick-up and public consumption. Alderman Silver stated the noise ordinance had no teeth, that the town needed devices whereby noise could be monitored. Alderman Epting advised the public and Alderman Smith to take the license numbers of the cars and a description of the driver and call the police with this information. ALDERMAN SMITH MOVED THAT THE BOARD DIRECT THE TOWN MANAGER TO INSTRUCT THE POLICE DEPARTMENT TO ENFORCE THE STATE STATUTES WITH REGARD TO IMPROPER EQUIPMENT. ALDERMAN VICKERY SECONDED, AND THE MOTION WAS CARRIED UNANIMOUSLY.

There being no further business before the Board, the meeting was adjourned at 11:00 p.m.



Mayor James C. Wallace



Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND A REGULAR MEETING OF THE MAYOR
AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, SEPTEMBER 27, 1976

Mayor Wallace called the meeting to order at 7:30 p.m. Present were:

Robert Epting
Thomas Gardner
Jonathan Howes
Shirley Marshall
Marvin Silver
R. D. Smith

Also present were Acting Town Manager A. Hooper, Town Attorney E. Denny, and Town Clerk D. Roberts. Aldermen Cohen and Vickery were excused.

Presentation of Certificate of Appreciation:

Mayor Wallace asked Mrs. Richmond Bond to come forward. He then read the following certificate of appreciation from the Town to Mrs. Bond.

I N A P P R E C I A T I O N

MAJORIE NIX BOND, with the aid and support of the Library staff, trustees, and friends, you have brought the Chapel Hill Public Library from its beginning as a few books in makeshift rooms in an old dwelling house to its present distinction as a modern library with a wide range of services housed in a bright and beautiful building which, after the manner of libraries, already crowds itself for room.

WE ARE APPRECIATIVE OF your public service as officer of the local and state League of Women Voters, as officer of the North Carolina Conference and Council on World Affairs, as Vice-Chairman of the Governor's Commission on Library Resources; but mostly and now we are appreciative of your nearly twenty years of farsighted devotion to our public library as Chairman of The Community Council's Study Committee on a Public Library, 1958, and as Chairman of the Board of Trustees of the Chapel Hill Public Library, 1958 - 1976.

STUDENT, AUTHOR, BIBLIOGRAPHER, bibliophile, humanist, your range of interests spans the subject headings of a library catalogue. Your studies and publications reveal a lively interest in history, geography, arts and crafts, gardening, and bookmaking from the eighteenth century abroad to the twentieth century in North Carolina, with special interest in the printed page from the artistry of its typography to the wonder it brings to a child who finds a book and a new world in the bookmobile on our streets.

ON BEHALF OF THE CITIZENS OF THE TOWN OF CHAPEL HILL, I, James C. Wallace, Mayor, present to you this expression of gratitude on this the 27th day of September, 1976.

GIVEN UNDER MY HAND AND THE GREAT SEAL
OF CHAPEL HILL, NORTH CAROLINA.

Mayor

Town Clerk

Mrs. Bond then thanked the Town for its words and support through the years.

Public Hearing - Request for a Unified Business Development Special Use Permit by B. B. Sparrow:

Mayor Wallace announced that the public hearing was to hear a request for a Unified housing development special use permit to convert an existing single-family residence to four apartments. Mayor Wallace then asked for anyone wishing to give evidence to come forward and be sworn.

After being sworn in, Mr. Jennings gave a presentation. He first passed pictures of the structure to the Aldermen. The property is located on Old Lystra Road approximately 1 mile south of town. It is identified as Map 128, Block B, Lot 7, consisting of approximately 3.2 acres. Part of the property is in the Orange County Planning District, but the structure is in the Chapel Hill Planning District. Part of the property is zoned R-20 and part agricultural. Access to the property is by Old Lystra Road; access to the structure is by a 60-foot easement. An addition was made under a county permit in March 1975, which was erroneously issued under the assumption that the property was in the Orange County Planning District. There are no public utilities; water will be by well and sewage disposal by septic tank. There is no fire protection available.

The applicant was not present to make a statement. No others spoke for the request.

Mr. William Locke (sworn) stated that he and some of his neighbors had signed a petition which he then read into the record.

We, the undersigned property owners petition against the issuance of a special use permit to Mr. B. B. Sparrow for a unified housing development project on Old Lystra Road on property identified as Chapel Hill Township Map 128, Lot 7. It is our understanding that plans are on file in the office of the Chapel Hill Planning Department for a four apartment building to be converted from what is now called an existing residential structure. It is common knowledge throughout the neighborhood that Mr. Vernon Sparrow converted a small frame two or three bedroom, 1 bath residence which was in the neighborhood of 1200 (twelve hundred) square feet in size to a gigantic brick veneer structure of we don't know

how many rooms, but rumored to have ten bath rooms. All of this conversion was done with a \$20,000 county permit. Mr. Vernon Sparrow informed some of the neighbors that the reason for the hugh structure was to have a place big enough to accommodate all of his family at one time when they visited. Then the story changed to have room for his grandchildren to go to school. Now that this project has evidently been completed, Mr. B. B. Sparrow is now applying to have the building divided into four apartments. It appears that these parties have gone about building this structure and obtaining the special use permit required for a four apartment building in a devious manner.

We, the undersigned object strongly to the apartment structure for the following reasons:

- 1. This entire community, or at least this portion of which is in the City Planning Zone is composed of single family dwellings ranging to \$80,000. We want it to remain this way.
- 2. The apartment building will attract transcient type families, some certainly undesireable that would spoil the quiet, peaceful neighborhood that we now enjoy. There is already a new tenant in the building who plays loud, blaring music until three o'clock in the morning disturbing the nearest neighbors.
- 3. It does not seem practical to we the undersigned that sewage disposal can be adequately provided for such a project without City sewage which is certainly not available in this area. It is not a requirement at this time that there be one acre for each single family unit using septic tanks for sewage disposal? Approximately 500 (five hundred) feet of drainage is necessary for sewage disposal from one septic tank for a single family dwelling. Do the Sparrows plan to have four septic systems with approximately 500 feet of drainage for each system making a total of 2,000 (Two Thousand) feet drainage spread over four acres? If not, it does not seem possible to have adequate disposal.

We trust that the Planning Board will protect the interest of the property owners in this area as we are vitally concerned about the proper development of this community.

Alderman Silver asked who was responsible for determining whether the waste disposal was adequate. Mr. Jennings answered that the County Health Department was responsible but that to his knowledge no determination had been made, at this time.

Mr. Ralph Hemmig stated he was the resident who had complained about the noise from tenants close to the property. He did not want an apartment house to change the character of the neighborhood by being noisy.

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SMITH, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. The public hearing was adjourned.

Public Hearing - Request by Delta Delta Delta Sorority for a Special Use Permit:

Mayor Wallace called to order a public hearing to hear a request by Delta Delta Delta for a special use permit to convert existing residential structures located at 407 E. Franklin Street to a sorority residence, and to add 3,000 feet to the main structure. Mr. Jennings stated the property was identified as lots 2, 3 and 16, Block A, Map 74. He then pointed out the location and buildings on the map. The property consists of approximately 1.33 acres, and is zoned R-10A. Property to the north and west is zoned R-10A, and to the east R-10, with University A to the South. All public utilities are available to the site. None of the property is in the flood plain. Parking as proposed will utilize section 6-B-2-K of the Zoning Ordinance which allows such uses to provide parking in the ratio of 3 spaces for every ten members. Fourteen spaces would be required, the applicant proposed 31 spaces. Under the normal zoning requirements for fraternities and sororities, that is those which were built after 1962 or remodeled to more than 60% of their value, 44 spaces would be required for the 44 residents. There is a sidewalk along Franklin Street and one along East Rosemary Street, both adjacent to the property. There is a significant grade difference between the road and the property, and

grading would have to be done to put a sidewalk along the east side of Hillsborough Street. There is a bus stop on Hillsborough which is not presently used. The Transportation Department has indicated this should be improved should bus service be returned to this stop. Both Rosemary and Franklin Streets are on the adopted and proposed thoroughfare plan, and Hillsborough Street is on the proposed thoroughfare plan as a major thoroughfare through the Town. Traffic counts for 1975 on Franklin Street ranged from 14,600 to 19,100 vehicles per day. Access would be available from East Rosemary through the proposed parking lot and through the alleyway which connects East Rosemary and Franklin Streets. The primary structure, 407 E. Franklin Street is on the national historic register. There are two garages on the property presently.

Alderman Marshall asked if the sidewalks are Chapel Hill gravel sidewalks. Mr. Jennings replied that they were all Chapel Hill sidewalks.

Mr. Giles, an architect, stated that he had assisted Alpha Sigma Chapter in this request. Mr. Giles explained that the current owner rents the structures as single rooms, efficiency apartments, and apartments with several rooms. From 1935 to 1946, the house was used as a residence for Chi Omega Sorority. The house identified as 407-A has been partitioned for multiple occupancy for a number of years. The third house, 407-B, contains a four-room apartment at the ground level, and a two-room apartment on the second level. The sorority proposes to use the structures to house 44 members, with the first floor of the main house to be used in common for studying and living space with the addition to be the kitchen and dining room to provide for the service of meals to the membership. The first of the four findings of fact is that the use will not materially endanger health, or safety of the public. Under the provisions of the Town parking ordinances, a structure existing prior to 1963 may limit parking to three spaces for every ten occupants if capital improvements to the property do not exceed 60% of the assessed value. Otherwise, the requirement is one space per resident, which is in excess of sorority needs. Additional parking would also necessitate additional clearing of the site. All residents do not have cars. Spaces are filled by assignment and there is a violation to any double parking. Once a car owner is warned, the house enforces by towing. The plan for vehicular circulation includes an extended drive with turning space so that delivery and garbage pick-up will be convenient to the kitchen. The existing curb cut will be widened to allow 2 lane traffic. The sorority proposes landscaping of the parking site, including a deep set-back at the corner of Hillsborough and Rosemary St. in order to provide an unobstructed sight line. Since residential population will be limited to students, peak hour traffic will not be increased. Access to campus and downtown is within easy walking distance. The students do not depend heavily upon cars. The staff employed by the sorority is small and their hours do not correspond to peak hours. Delivery by service vehicles would be in mid-morning or early in the morning before peak hours. The proposed use of the sorority residence is in compliance with the current zoning. All city services and utilities are provided, and the property has existing sewer taps. The ten existing baths are adequate, although future modernization of plumbing fixtures may be desirable. The kitchen staff toilet facility will be the only new fixture required. New wiring and more fire exits are planned to meet and upgrade general code requirements. The use meets all required specifications and conditions.

Mr. John Foushee stated that the property was surrounded by property owned by the University of North Carolina, the Hausler residence, the Brecht property, and by property owned by Mrs. Coenen. There was to be no change on the front of the property, and the veranda would remain the same, and it was his opinion that the use would not injure adjoining property values.

Mr. Giles concluded that the location and character were in harmony and in conformity with the plan of Chapel Hill. The sorority had met with the Chapel Hill preservation society to gain insight into issues concerning the neighborhood character.

Alderman Silver asked if a survey had been conducted of the ingress and egress of traffic on to Rosemary Street. Mr. Giles stated that no survey had been conducted, that he had received his information by questioning the sorority girls on their use of cars. Alderman Gardner asked if the addition would follow the same architectural design as the existing structures. Mr. Giles explained that the smaller structures were additions with no significant style, but the new addition would attempt to follow the characteristics of the main structure. Alderman Gardner then requested Mr. Giles and the applicant to give thought to having the entrance to the parking lot off Hillsborough Street instead of Rosemary Street because of less

traffic. Mr. Giles stated that a lot of clearing would have to be done to cut an entrance from Hillsborough Street. Alderman Howes asked if the parking lot would be paved. Mr. Giles replied that the applicant preferred gravel, not only because it would be less expensive, but because water runoff would be slower. He added that they would like to stage it if paving was a stipulation. The lot would be marked with pressure treated cross ties. Alderman Epting asked if the parking lot presently loaded and unloaded at peak hours. Mr. Giles believed that the parking lot was used by current tenants, who were also primarily students, so that the traffic flow would be similar to that of the applicant. Alderman Smith asked for the distance from the curb cut of the parking lot to the corner of Hillsborough and Rosemary Streets. Mr. Giles answered that it was 72 feet. Alderman Smith also questioned whether any other fraternities or sororities were using more than one building and if the sorority had any plans for connecting the three buildings. Mr. Giles answered that no others had separate buildings to his knowledge, and that no connection was planned, and that any connection would be one for protection. Alderman Smith then asked if the sorority could qualify for the smaller number of spaces. Mr. Jennings answered that he understood they could if the remodeling were less than 60% of the assessed value of the building. Mayor Wallace said the Board would hear comments from the public.

Mrs. Patricia Moss stated that she owned property in the neighborhood, and that the other sororities were very quiet. She favored allowing the sorority in the neighborhood. She added that the other sororities had renovated houses and made them lovely. She believed the sorority would be good for preservation of the house, rather than allowing it to become run-down.

Mr. E. A. Brecht said he would be surrounded on two sides by the proposed sorority property. He wanted a favorable response to the permit because the two sororities already close to him were very good neighbors.

Mrs. Polly Warner, of Ridgecrest Drive, spoke on behalf of the Chapel Hill Preservation Society. The Preservation Society had worked for a comprehensive development plan and for the historic conservation district ordinance. With these guidelines, she did not believe there would be many questions about the sorority. She asked that the permit for the sorority not be granted until the historic district ordinance had been passed. Alderman Epting asked if the Society was objecting to the sorority. Mrs. Warner answered that the society would prefer single family residences in this area, but they were not specifically objecting to the sorority. The sorority had been considerate and consulted the society about their plans. The Society wanted the ordinance passed so that there would be guidelines for the architectural design. Alderman Epting then asked if the sorority was changing the historic qualities of the building. Mrs. Warner answered not in her opinion. Alderman Howes explained that the historic district ordinance would not preclude the sorority from the neighborhood.

Mr. Werner Hausler of 513 E. Rosemary Street stated he was against giving the sorority the permit. The aldermen had been elected on the basis of neighborhood concerns. Now the Board was refusing to act on an issue of great concern, that of the historic district ordinance. The residents felt they were going to lose a viable residential neighborhood. This area would become a fraternity and sorority row. The Board was being asked to act on a difficult question. Mr. Hausler refuted the statements regarding public safety in the area. There were many children; the neighborhood turned over frequently with young families. The impact of traffic on Rosemary Street would be great. The neighborhood had already petitioned for a traffic study on Rosemary Street. They were requesting that no action be taken on the permit until the historic district ordinance had been passed, and a traffic study had been done on Rosemary Street. With current regulations, there was no guarantee that major changes would not take place to the historic buildings.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, TO REFER THE MATTER TO THE PLANNING BOARD OF CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. Mayor Wallace announced that the public hearing was adjourned.

Mayor Wallace then announced that Mr. Sparrow had arrived, however, the others who had come to speak on his request for a special use permit had gone home. Mr. Denny had conferred with Mr. Sparrow on appropriate action to be taken which would result in fairness to all concerned. They had

decided if the Board would move to reconsider the motion to refer the matter to the Planning Board, Mr. Sparrow would withdraw his application without prejudice, which would then allow him to reapply to the town for a special use permit. ALDERMAN MARSHALL MOVED TO RECONSIDER THE MOTION TO REFER THE MATTER TO THE PLANNING BOARD. ALDERMAN GARDNER SECONDED THE MOTION. THE MOTION WAS CARRIED UNANIMOUSLY. Mr. Sparrow then withdrew his application for a special use permit. Mr. Denny stated the question now became moot and the Board need take no further action.

Public Hearing - Consideration of Street Naming or Renaming

Mayor Wallace called the public hearing to order. Mr. Drake explained that at the September 13 meeting the Board of Alderman had voted to set the policy for street naming and had called a public hearing to consider matters then before the staff. One was for an unnumbered road parallel to 15-501, which presently had rural route mailing address out of Durham. The residents wished the road named as the first step in getting a Chapel Hill address. The residents had asked that the road be named Dobbins Drive. The second matter was that of School Lane. Mr. Caldwell had informed the staff that the street had never been officially named "School Lane", and he would like it renamed to Caldwell Street Extension. The third was a gravel street off of Village Drive. The public works department and police department would like the street named. Jay Street was the suggested name.

Mayor Wallace asked for comments from the public. Mr. John Mainwearing stated he was a resident on the road to be named Dobbins Drive. The residents there had passed a petition requesting that since the road was within Chapel Hill, it be named. They had thought Dobbins Drive was a simple and suitable name.

Alderman Smith stated that a matter concerning Caldwell Street Extension had come to his attention. No parking ordinance had been passed concerning this street, but there were signs for "no parking" there. This made parking inconvenient for the residents who lived on the corner. He would like the Town Manager to check into this matter. Mr. John Burnett stated he had no objection to the street name being changed to Caldwell Street Extension, but he would like a driveway cut out of the brickwall at the corner, or parking permitted on one side, so that he would have somewhere to park. Alderman Smith then questioned whether the town was responsible for maintenance of the street. Mr. Denny stated that only part of Caldwell Street Extension was a street, the rest was the property of the City Board of Education. He suggested that perhaps there was some agreement regarding maintenance. Alderman Howes asked who regulated the parking in this area. Mr. Denny did not know. Alderman Silver stated the number of cars there was great enough to warrant serious consideration by the town. Mayor Wallace announced that the Town Manager would look into the situation and that the public hearing was now closed.

Minutes

On motion by Alderman Smith, seconded by Alderman Howes, the minutes of the special meeting of September 7 were approved as corrected. On motion by Alderman Silver, seconded by Alderman Epting, the minutes of the meeting of September 13 were approved.

Petitions and Requests

Mrs. Parker, Chairman of the Planning Board gave the Alderman copies of the draft of Phase I of the Comprehensive Plan and requested the Board to consider the draft at the October 11 meeting.

Alderman Marshall reported that she and others had received an invitation from the Orange County Soil and Water Conservation District Board of Supervisors and the Triangle J Council of Governments to a workshop on areawide water quality management planning in Orange County and the 208 project. The objectives of the meeting were to discuss the findings of the 208 project and water quality in region J and Orange County; to discuss what can be done to improve water quality; to discuss how water quality programs in Orange County and Region J should be managed. The workshop was scheduled for September 27, at the same time as the Aldermen's meeting. These subjects were of prime concern to the Board. The letter of invitation had stated that the decision made at the workshop would provide input for development of a final report due in October which would establish water quality goals for the area and recommend ways for achieving them. Consistently, there had been other meetings scheduled at the same time as the Aldermen's regularly scheduled meeting. Alderman Marshall had

said that she did not feel it fair because Chapel Hill would have no opportunity for input. She then received a letter apologizing for Chapel Hill's exclusion and scheduling a workshop for Chapel Hill on Wednesday, September 29, at 1:00 p.m. She added that the staff of Triangle J was not taking into account that members had other regularly scheduled meetings. Therefore, she was petitioning the Board of Aldermen to pass a resolution requesting all member governments of Triangle J Council of Governments to direct the staff of those member governments at Triangle J COG to at no time schedule a meeting of general interest at the same time that any member government was holding a regularly scheduled meeting of the Board or Commissioners. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE BOARD ACCEPT THE PETITION AND ADOPT THE FOLLOWING RESOLUTION.

WHEREAS, the interchange of views and ideas among the delegates of the Triangle J Council of Governments is a major purpose of the organization; and

WHEREAS, for the Triangle J Council of Governments to function effectively, delegates to its must fully involved with the business of their own member governments;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill requests the staff of the Triangle J Council of Governments not to schedule meetings and workshops of general interest at the same time as regular meetings of one or more of the member governments comprising the Council, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the governing boards of the other member governments in hopes that they will join with the Town of Chapel Hill in this request.

This the 27th day of September, 1976.

Alderman Silver did not believe the resolution went far enough and suggested the Board send a letter of protest to the staff of Triangle J. He added that he could not attend the meeting on the 29th and would like to be consulted by Triangle J staff as to times when he would be available for meetings. THE MOTION WAS CARRIED UNANIMOUSLY. Mayor Wallace then explained that Ms. Taylor, of Triangle J, had called him when she discovered the oversight. She had said that the meeting could not be changed from September 27, but that she would come to Chapel Hill and discuss the workshop. The meeting Wednesday was the time that Ms. Taylor had set. He suggested that since most of the Aldermen could not attend, the Wednesday meeting be cancelled. The Aldermen agreed that the meeting should be cancelled. Alderman Silver requested that copies of the letter of protest accompany copies of the resolution to be sent to the member governments of Triangle J. Mayor Wallace said this would be done.

Naming or Renaming of Certain Streets

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN EPTING, THAT THE BOARD ADOPT THE FOLLOWING RESOLUTION.

A RESOLUTION NAMING OR RENAMING CERTAIN STREETS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the following public streets within the corporate limits of the Town of Chapel Hill henceforth be named as follows:

1. Dobbins Dr., being the north frontage road paralleling US 15-501 (Chapel Hill - Durham Blvd.), running west from Henderson St. across Mt. Moriah Church Road to its dead end.
2. Caldwell Street extension, being the street presently known as School Lane and running west from Church Street.
3. Jay Street, being the road south from Village Drive, passing the Old North Chapel Hill Cemetery.

BE IT FURTHER RESOLVED that the Town Manager is directed to have erected at suitable locations signage reflecting the above street names.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas

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

An ordinance amending the "Ordinance providing for the Zoning of Chapel Hill and Surrounding Areas"

Be it ordained by the Board of Aldermen of the Town of Chapel Hill that the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" is hereby amended as follows:

SECTION I .

REVISE DEFINITION "Home Occupation" in Section 13 to read:

HOME OCCUPATION

Intent. This section is designed to permit residents the opportunity to pursue their occupation at their place of residence while ensuring that such uses will not adversely affect the character of the residential areas in which they are located. The sale of goods which are the product of the home occupation is permitted, provided that the other provisions of this section are not violated. The on-premise sale and delivery of goods which are not the products of the home occupation is expressly prohibited.

Uses. A home occupation is any use customarily conducted entirely within a dwelling unit or accessory building thereof, which is carried on solely by the inhabitants of the dwelling unit. Included are such customary home occupations as dress making, baking, and millinery, and similar occupations. Also included are such professional uses as the office, studio, or occupational room of a doctor, architect, artist, musician, instructor in arts and crafts, professional engineer, or land surveyor, lawyer, real estate or insurance salesperson. Certain occupations are clearly incompatible with residential areas and are prohibited. These uses include hospitals, restaurants, animal hospitals or any similar use, or any use in which the on-premise sale and delivery of goods are made other than those which are the product of the home occupation.

Other Provisions.

1. The use must be clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
2. No show window, salesroom, or display visible from outside the building other than an identification sign conforming with the provisions of Section 7 of this Ordinance is allowed.
3. The use may occupy no more than 500 square feet of the dwelling units plus accessory buildings. No more than 35% of the dwelling may be used for the Home Occupation.
4. No equipment or process shall be used which creates vibration, glare, fumes, noise, visual clutter, or odors detectable to the normal senses, off the lot in the case of a single family detached dwelling units, and outside the unit in the case of other types of dwelling units.
5. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers or causes fluctuations in line voltage off the premises.

SECTION II

ADD to Section 13 the following definition:

Greenhouse, Public. A structure for the cultivation or protection of tender plants which exceed 500 square feet in area on a lot of one acre or less, or which exceeds 1.2% of the lot area on a lot greater than one acre.

SECTION III

ADD to Section 4-C-5(a) the words "University A, University B" to follow the words "shall not be used to provide additional parking or automobile storage area within."

SECTION IV

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

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

A Modification to the Horace Williams House Special Use Permit

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

A RESOLUTION GRANTING A MODIFICATION TO THE HORACE WILLIAMS HOUSE SPECIAL USE PERMIT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit for the Horace Williams House granted September 11, 1973, is hereby modified to add approximately 10,500 feet of newly-acquired property to the site to enlarge the parking area in accordance with the plans as submitted with the request for modification, and that as so modified the use continues to meet the four required findings and specifications as set forth in the special use permit.

This the 27th day of September, 1976.

Alderman Smith stated that some residents in the area were concerned about parking lots, and asked if anyone had complained about the enlargement of the parking lot. Mr. Jennings answered that no comments had been made. The permit actually required 25 spaces, and the additional land made the placing of the spaces more appropriate. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution of Governing Body of Applicant for Step II Funding--201 Facilities

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

A RESOLUTION OF GOVERNING BODY OF APPLICANT FOR STEP II FUNDING--201 FACILITIES

WHEREAS, the North Carolina Clean Water Bond Act of 1971 has authorized the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and

WHEREAS, Resolution 74-31 of the North Carolina Board of Water and Air Resources established a policy for approving State grants from the Pollution Control Account of the Clean Water Fund for Step grants for wastewater treatment works projects, and

WHEREAS, Title II of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500 U.S.C. 1251 et. seg.) authorized the award of step Federal Construction Grants for waste treatment works, and

WHEREAS, the Town of Chapel Hill intends to request State and Federal grant assistance to aid in Step II as set forth in the "Section 201 Facilities Plan";

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

That the Town of Chapel Hill will arrange financing for all remaining costs of the project if approved for State and Federal grant awards.

That the Town of Chapel Hill will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system.

That the Town of Chapel Hill will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Kurt J. Jenne, Town Manager, and successors so titled, is hereby authorized to execute and file Step II & III applications on behalf of the Town of Chapel Hill with the Environmental Protection Agency and the State of North Carolina for grants to aid in the construction of the projects described above.

That KurtJ. Jenne, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate Federal or State agencies may request in connection with such applications or the project; to make the assurances as contained above, and to execute such other documents as may be required in connection with the applications.

That the Town of Chapel Hill has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto; and hereby authorized the above designated representative to execute an affidavit so stating.

Adopted this the 27th day of September, 1976 at Chapel Hill, North Carolina.

THE MOTION WAS UNANIMOUSLY CARRIED.

Ordinance to Amend "Ordinance Concerning Appropriations and the Raising of Revenue for the Raising of Revenue for FY 1976-77"

Mayor Wallace stated that the Manager had recommended appropriating funds from the contingency fund, for use in the education of the public on the bond issue. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND "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:

GENERAL FUND

Department	Current Budget	Increase	Decrease	Revised
Mayor and Board of Aldermen	66 465	12 000		78 465
Contingency	41 470		12 000	29 470

This the 27th day of September, 1976.

Alderman Epting was concerned that the image raised from the appropriation of the funds would be that the town using the taxpayers' money to finance a campaign for passage of the bond issue. Although he was supporting the bond issue, he believed that opponents could contend that the town should also give them \$12,000 to oppose the referendum. Alderman Marshall said that Alderman Epting had brought up a good point. However, the Board was

in the position of not having any way of getting the view of the board out to the public, the way the bond issue was prepared, and the way the Board was thinking about the issue. Some towns employ public information officers for such a purpose. The staff was looking at this as hiring a consultant to help educate the public on an issue, not as a campaign issue. They had discussed this carefully over several days to be sure that the media used and the way the issue was approached would be an educational effort. The town manager had inquired in other towns throughout the state and found that other towns had used this method of getting the public the history of what they had been doing over the years to lead up to a bond issue, of defining the needs of the town. Alderman Silver added that the League of Women Voters had just made a study collecting questions regarding the issues on the referendum. The lack of understanding by the public was very wide spread. Alderman Gardner believed the appropriation of funds to be valid, however he did not feel that \$12,000 was needed to explain bond issues. The staff was capable of putting together background information for the 7 issues so that only a small printing cost would be needed.

Mr. Carmichael is an advertising agent, not a consultant. He added that Chapel Hill is not generally an uninformed community. Mr. Hooper stated his understanding was that most of the expenditure would be for the purchase of advertising space, or radio time, to get before the public what the issues are to vote on. Only a small amount would be for the consultant time and preparing information. The staff would actually be preparing the information, but a means of dissemination was needed. Mayor Wallace commented that he had thought a consensus of opinion had been reached at the workshop of the Board. Alderman Epting replied that he had not been at the workshop because of illness. Mayor Wallace said that although Alderman Epting had a valid point, there was not much time left to get information to the public on the bond issue. Alderman Epting proposed that the Board rely on the press to get information to the public in the traditional ways. Mayor Wallace stated that because of other fund raising efforts going in at this time, it would be difficult to raise private funds for this purpose. Alderman Howes moved, to table the matter until the next meeting when all of the Aldermen would be present. Alderman Silver suggested holding a meeting on October 4, when Alderman Wickery and Cohen could be present, and the matter would not be put off for too long. Mayor Wallace stated that Mr. Carmichael was ready to go to work, that waiting for two weeks would not leave enough time to do the advertising. Alderman Smith said the public hearings on the CIP had not produced enough people to believe that the public understood the bond issues. The Board owed it to the public to disseminate information. Alderman Howes motion died for lack of a second. Alderman Marshall said it was not the citizen's responsibility but the town's responsibility of telling citizens what the bond issue is about. Alderman Cohen had been concerned that the advertising would be spread among all newspapers in the area and all radios, and had agreed to be sure that this was done fairly and equitably. Alderman Marshall then read a list of duties for staff and group leaders which would be undertaken if the resolution was passed. Alderman Epting stated he believed the bond issue was a political decision and could not vote for a campaign to support it. Alderman Howes believed that town funds could be legitimately spent to educate the public, but that they should not be spent to promote the bond issue. Alderman Silver was concerned that private funds might have strings attached to them. Alderman Smith questioned the \$12,000 and suggested spending less. Alderman Gardner was not convinced that \$12,200 would be needed for educating the public, and moved to amend the ordinance to appropriate \$6,000. ALDERMAN SMITH SECONDED THE MOTION. Alderman Silver stated that the \$12,000 had come from an expert in the field who could back up his estimate, but Alderman Gardner's amount of \$6,000 had no information to support it. ALDERMAN SMITH MOVED TO AMEND THE AMOUNT TO \$9,000. ALDERMAN MARSHALL SECONDED. The motion to amend the amendment was defeated by a vote of three to three with Aldermen Marshall, Smith and Gardner supporting and Aldermen Epting, Silver and Howes opposing. The motion to amend the amount to \$6,000 was defeated by a vote of five to one with Alderman Gardner supporting and Aldermen Epting, Howes, Marshall, Silver and Smith opposing. The motion to adopt the ordinance was then defeated by a vote of three to three with Aldermen Howes, Marshall and Silver supporting and Aldermen Smith, Gardner and Epting opposing. Aldermen Epting suggested that he might be able to support a resolution for the development of information and dissemination of that information to the public, language concerning promotion to be noticeably absent from such a resolution. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION.

RESOLUTION FOR THE EXPENDITURE OF FUNDS FOR THE DEVFLOPMENT AND DISSEMINATION OF INFORMATION REGARDING THE PROPOSED BOND SALES.

BE IT RESOLVED, by the Board of Aldermen of the Town of Chapel Hill that the Town Manager is hereby authorized to expend sums, not to exceed \$12,000, for the development and dissemination, in conjunction with the town staff, or information regarding the capital improvement needs of Chapel Hill, and regarding the expenditure proposed from funds to be raised by the proposed bond sales.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY. ALDERMAN GARDNER THEN MOVED TO RECONSIDER THE MOTION TO ADOPT THE ORDINANCE REGARDING THE APPROPRIATION OF FUNDS. ALDERMAN SMITH SECONDED. THE MOTION TO RECONSIDER WAS CARRIED UNANIMOUSLY. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE ORDINANCE CONCERNING APPROPRIATIONS. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting a Public Hearing on Wastewater Treatment Allocations Policy

Mr. Hooper explained that the moratorium on sewer permits had been adopted on September 16, with a report on an allocations policy scheduled for this night. He introduced a resolution calling for a public meeting on October 4, 1976, to discuss the allocations policy. Alderman Howes pointed out that the moratorium lapsed at 12 midnight and asked what would be done regarding permits. Mayor Wallace explained that building permits and sewer permits would be processed as usual, with approval from Raleigh required for a sewer tap-on, except in the case of single-family residences in an already sewerred area. ALDERMAN HOWES MOVED ADOPTION OF THE FOLLOWING RESOLUTION, SECONDED BY ALDERMAN GARDNER.

A RESOLUTION SETTING A PUBLIC HEARING ON WASTEWATER TREATMENT ALLOCATIONS POLICY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board will hold a public meeting at 7:30 PM, October 4, 1976, in the Meeting Room of the Chapel Hill Municipal Building, 306 N. Columbia Street, Chapel Hill to consider proposed policies for allocating Wastewater Treatment capacity.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Motion Authorizing the Attorney to File Rejoinder to Motion by U. S. Army Corps of Engineers to Impound Waters

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SILVER, THAT THE ATTORNEY BE AND IS HEREBY AUTHORIZED AND DIRECTED TO FILE REJOINDER TO THE MOTION BY THE U. S. ARMY CORPS OF ENGINEERS TO IMPOUND WATERS IN THE B. EVERETT JORDAN RESERVOIR. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution of Support of a Student Government Recycling Project

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

A RESOLUTION OF SUPPORT OF A STUDENT GOVERNMENT RECYCLING PROJECT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill supports the glass and aluminum recycling proposals of the UNC Student Government and urges cooperation between the Student Government and the Scouts currently carrying out a similar program, at the Plant Road site; and

BE IT FURTHER RESOLVED that the Town shall make available to the Student Government in cooperation with the Scouts the portion of the Plant Road site currently allocated to recycling, and shall authorize the Manager to expend up to \$150 for the purchase and preparation of 100 metal 55-gallon drums; and

BE IT FURTHER RESOLVED that the Town strongly encourages the support and participation of all area residents in this effort.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Report Regarding Franklin Street Post Office

Mayor Wallace reported that a portion of the Franklin Street Post Office was being sought by the First Union Bank as a facility. Their proposal was to move the postal service to the eastern side and put the bank on the western side of the building. The service was desirous was having air conditioning installed and new wiring done. They needed major improvements to the building, or they were going to move. The town discovered that the bank and post office were having discussions and through the intervention of Congressman Fountain delayed action by the bank for a time. The bank and post office were not waiting for the town to decide whether they were interested in buying or leasing or using the building, and advising the other parties. The Mayor had formed a citizen's committee to discuss the proposal of the bank and postal service. They were to hold a meeting on September 28. The committee would then make some proposals to the postal service to get their reaction, and afterwards report to the Board of Aldermen on what could be done with the building. Mayor Wallace was hopeful that the report to the Board would be at the next regular meeting of the Board.

Leave for Captain Albert Pendergrass to Attend the FBI Academy

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

A RESOLUTION AUTHORIZING EDUCATIONAL LEAVE FOR CAPTAIN ALBERT PENDERGRASS TO ATTEND THE FBI ACADEMY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that Captain Albert Pendergrass is hereby granted educational leave from October 3, 1976, through December 16, 1976, under the provisions of Section 14-88 of the Code of Ordinances, Town of Chapel Hill, in order to attend the FBI Academy.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for I-2 Asphaltic Concrete and H-B Asphalt

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR I-2 ASPHALTIC CONCRETE AND H-B ASPHALT

WHEREAS the Town of Chapel has solicited formal bids on I-2 Asphaltic Concrete and H-B Asphalt and the following bids have been received:

<u>Bidders</u>	<u>Bid Unit/Ton</u>	<u>Totals</u>
C.C. Mangum, Inc., Raleigh, N.C.	I-2 - \$13.25	\$19,875.00
	H-B - \$12.25	2,450.00
Nello L. Teer Co., Durham, N.C.	I-2 - \$13.00	\$19,500.00
	H-B - \$11.50	2,300.00
Wm. Muirhead Construction Co., Durham, N.C.	I-2 - \$12.50	\$18,750.00
	H-B - \$11.75	2,350.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of William Muirhead Construction Company for the amount of \$21,100 and that it be awarded the contract.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for Steel-Toed Safety Shoes

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR STEEL-TOED SAFETY SHOES.

WHEREAS the Town of Chapel Hill has solicited formal bids on steel-toed safety shoes and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>			<u>Total</u>
	<u>Style 1</u> (35 pr.)	<u>Style 2</u> (80 pr.)	<u>Style 3</u> (61 pr.)	
Burroughs Company, Charlotte, North Carolina	\$20.00 ea.	\$20.00 ea.	*\$26.50 ea.	\$3,916.50
Conray, Asheboro, North Carolina	\$18.00 ea.	\$19.00 ea.	\$19.00 ea.	\$3,309.00

* The shoe bid is a substitute for the style desired.

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Conray for the amount of \$3,309 and that it be awarded the contract.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for Petroleum Products, Automotive and Heating

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR PETROLEUM PRODUCTS, AUTOMOTIVE AND HEATING

WHEREAS the Town of Chapel Hill has solicited formal bids on petroleum products, automotive and heating and the following bids have been received:

<u>Bidder</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total</u>
Couch Oil Co.	2,640 gal. lubricating oil	\$1.27	\$ 3,352.80
Durham, N.C.	1,265 gal. transmission fluid	1.84	2,327.60
Texaco, Inc.	85,000 gal. regular leaded gasoline	.356	30,260.00
Apex, N.C.	85,000 gal. premium leaded gasoline	.386	32,810.00
	100,000 gal. lead-free gasoline	.376	37,600.00
	172,300 gal. #1 diesel fuel	.3391	58,426.93
	2,640 gal. lubricating oil	1.00	2,640.00
	1,265 gal. transmission fluid	1.78	2,251.70

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Texaco, Inc. for premium leaded gasoline, unleaded gasoline, #1 diesel fuel, lubricating oil and transmission fluid, and that it be awarded the contract.

This the 27th day of September, 1976.

Alderman Smith asked why the public works department was using premium gasoline. Mr. Hooper explained that the Town had used premium, but had tried regular gasoline as an experiment. They had found that maintenance costs were much higher with regular gasoline and had decided to return to premium. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Declaring a 1967 Chevrolet Garbage Truck Surplus Property and Authorizing the Sale of Said Property by Public Auction

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

A RESOLUTION DECLARING A 1967 CHEVROLET GARBAGE TRUCK SURPLUS PROPERTY AND AUTHORIZING THE SALE OF SAID PROPERTY BY PUBLIC AUCTION

WHEREAS, Article 12 of General Statutes 160A and Section 4.144 of the Charter of the Town of Chapel Hill authorize the Town to dispose of surplus personal property, and

WHEREAS, the Town desires to dispose of said article of personal property no longer needed for Town purposes, NOW THEREFORE

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

Section I

That the 1967 Chevrolet garbage truck is hereby declared surplus property to be sold at a minimum acceptable price of \$4,000.

Section II

Be it further resolved that the four Courier truck beds declared surplus property on April 24, 1976 be sold at a minimum acceptable price of \$150 each.

Section III

That the Town Purchasing Agent be, and is hereby authorized to dispose of any and all articles according to the applicable procedures by Public Auction thereof, with sales made to the highest bidder and designated final on the day of the auction if the bid price equals or exceeds the minimum acceptable amount specified for each item in Sections I and II.

This the 27th day of September, 1976.

Alderman Gardner asked what the cost of taking the truck to Greensboro would be. Mr. Hooper answered that a public works driver would drive the truck there and someone else would follow in a car to bring the driver back. The second person would have to be reimbursed for mileage, and there would be a charge for the auctioneer. Alderman Gardner thought the truck should be sold at auction in Chapel Hill; but Mr. Hooper explained that Chapel Hill would possibly not have enough surplus property for a spring auction. The truck beds not sold at the last auction in Chapel Hill were also being taken to the auction. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO ONE WITH ALDERMEN EPTING, HOWES, MARSHALL, SILVER AND SMITH SUPPORTING AND ALDERMAN GARDNER OPPOSING.

Resolution Authorizing the Manager, Finance Director, and Town Clerk to Represent the Town in Financial Transactions

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

Town of Chapel Hill
Name of Corporation

I, the undersigned hereby certify to North Carolina National Bank, Chapel Hill, North Carolina, that I am the Town Clerk Secretary of Town of Chapel Hill a corporation duly organized and existing under the laws of the State of North Carolina; that the following is a true copy of resolutions duly adopted by the Board of Directors of said Corporation at a meeting duly held on the 27th day of September, 1976, at which a quorum was present; and acted throughout; and that such resolutions are in full force and effect and have not been amended or rescinded.

1. RESOLVED, that North Carolina National Bank, Chapel Hill, N. C., is hereby designated as a depository of the Corporation and that a deposit account and/or certificates of deposit be opened and maintained in the name of this Corporation with said Bank in accordance with the applicable rules and regulations for such an account; that any two of the following officers or employees of this Corporation:

Kurt J. Jenne, Town Manager
Anthony I. Hooper, Finance Director
David B. Roberts, Town Clerk

is/are hereby authorized, on behalf of this corporation, and in its name to sign checks, drafts, notes, bills of exchange, acceptances, certificates of deposit or other orders for the payment of money; to endorse checks, notes, bills, certificates of deposit, or other instruments, owned or held by this Corporation for deposit with said Bank or for collection or discount by said Bank; to accept drafts, acceptances, and other instruments payable at said Bank; to place orders with said Bank for the purchase and sale of foreign currencies on behalf of this corporation; to waive presentment, demand, protest, and notice of protest, or dishonor of any check, note, bill, draft, or other instrument made, drawn, or endorsed by this Corporation; and,

2. FURTHER RESOLVED, that North Carolina National Bank be and it hereby is authorized to honor, receive, certify, or pay all instruments signed in accordance with foregoing resolution even though drawn or endorsed to the order of any officer or employee signing the same or tendered by him for cashing, or in payment of the individual obligation of such officer or employee, or for deposit to his personal account, and said Bank shall not be required or be under any obligation to inquire as to the circumstances of the issuance or use of any instrument signed in accordance with the foregoing resolution, or the application or disposition of such instrument or the proceeds thereof; and,

3. FURTHER RESOLVED, that North Carolina National Bank be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in this Corporation's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature(s) of the specified number of the foregoing officers or employees of this Corporation and North Carolina National Bank shall be entitled to honor and to charge this Corporation for such checks, drafts or other orders, regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with North Carolina National Bank by the Secretary or Assistant Secretary or other officer of this Corporation; and,

4. FURTHER RESOLVED, that the Secretary or Assistant Secretary of this Corporation shall certify to said Bank the names of the persons who are at present authorized to act on behalf of this Corporation under the foregoing resolutions and shall from time to time hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified; and,

(over)

NCNB 2175 Rev. 1-76

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Designating Wachovia as Depository

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

DESIGNATION OF WACHOVIA AS DEPOSITORY

I, David Roberts, Secretary of Town of Chapel Hill a corporation organized and existing under the laws of the State of North Carolina, do hereby certify that, at a meeting of the Board of Directors of said corporation duly held on the 20 day of September, 1976, at which a quorum was present and acting throughout, the following resolutions were duly adopted and are now in full force and effect and that said resolutions are not in conflict with any provisions of the charter or by-laws of said corporation:

RESOLVED that Wachovia Bank and Trust Company, N.A. Chapel Hill, N.C. (hereinafter called Wachovia) be and hereby is designated a depository for the funds of this corporation, and Wachovia is hereby authorized and requested to honor and to charge to this corporation checks, drafts, and other orders for the payment of money drawn in the name of this corporation against funds of the corporation on deposit with Wachovia bearing the signature (s) of any 2 of the following:

Name	Title
David Roberts	Town Clerk
Anthony Hooper	Finance Director
Kurt J. Jenne	Town Manager

RESOLVED further that the provisions of this resolution shall remain in full force and effect until specifically rescinded or modified by resolution of the Board of Directors of this corporation and a certified copy of such resolutions has been filed with Wachovia Bank and Trust Company, N.A.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said corporation this 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Tax Releases

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

RESOLUTION - TAX RELEASES

WHEREAS taxes listed were erroneously levied through clerical error on properties belonging to the following:

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
William B. Blythe	636	\$ 6.30	Personal Property was 8,775. Should be 8,175, listed a 73 Ford, owned 72.
Pinkney J. Moses	5109	19.92	Living in Cumberland Co. on 1-1-76. Listed in error.
William N. Burnette	962	42.53	Personal property was 4200, should have been \$150. Clerical error.
M Burnham	964	10.50	Personal property was 5,160, should be 4,160. Listed 72 Chev. and owned 71, listed 72 Ford, owned 71.
Kenneth Winter	7745	56.91	Listed in error. In North Forrest Hills
Charles B. Wills	7698	91.20	Sewer was double listed. Charged to personal property and real property.
Thomas L. Merritt	4853 (1975)	28.67	Lived in trailer at Rocky Brook Trailer Park, but used Fathers mailing address, 709 Church Street.
Emma E. Pullen	5830	11.29	Was living in Washington on 1-1-76. Listed in error.

Clara Ann Miller	4906	48.30	Personal property listed at 5,015, should have been \$415. Clerical error per county.
Alexander Kaplan Restaurant	7914	35.44	Valuation reduced from 13,815 to 10,440. Truck double listed.
Property Investors	8482	45.60	Should be 5 apts. instead of the 6th we billed for.
Laura W. Mayer	4787	52.50	Mrs. Mayer should have gotten the \$5,000 Homestead Exemption.
John W. Coffey	1356	46.20	Coded in error due to inside address. Real estate outside corporate limits.

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
Jeanne B. Haire	2828	34.44	Keypunched in error located on Taylor Street.
Elizabeth S. Rowe	6180	9.03	Keypunched in error. Belongs to Carrboro.
Bryant B. Roberts	6057	24.15	Keypunched in error. Off Rogers Road.
Little Giant Food Market	8359	444.73	Keypunched in error. Belongs to Carrboro.
Webb Development Inc.	8713	30.45	Keypunched in error. Belongs to Carrboro.
Roy Weaver	7453	45.60	Was charged for 2 units for sewer. Only one house.
Carolyn E. Peele (Sewer Assessment)		1,346.19	Purefoy Road sewer assessment. Question on buildable lot. Combined into 1 lot, and recorded Book 23 Page 107.
Jack Leroy Cates	1163	6.04	Listed 1969 Buick, owned 1968.

WHEREAS, the above list of persons have made application for release of said taxes:

TOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it finds the taxes on the above listed persons were levied through clerical error, and in the discretion 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.

THE MOTION WAS CARRIED UNANIMOUSLY.

There being no further business before the Board, the meeting was adjourned at 10:50 P.M.

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

An ordinance amending section 4-C-21-d of the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas"

Be it ordained by the Board of Aldermen of the Town of Chapel Hill that Section 4-C-21-d of the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas" is hereby amended by the addition of a new third paragraph to read as follows:

The off-street parking requirement may be reduced by up to 50% provided (1) the Board of Aldermen find that such a reduction is justified on the basis of the type of use or characteristics of the structure which will affect the demand for parking generated thereby and (2) that such reduction will not adversely affect the development by causing traffic congestion or other safety hazards, and (3) that the area derived by the application of this provision (i.e. the area which represents the difference between the amount of land area which would be developed for parking by strict application of the normally required ratio, and the land area proposed to be used for parking) be used for the provision of additional landscaping, which shall be located either within or contiguous to the parking area.

This the 27th day of September, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

James C. Wallace

Mayor, James C. Wallace

David B. Roberts

Town Clerk, David B. Roberts

MINUTES OF A SPECIAL PUBLIC MEETING OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY OCTOBER 5, 1976, 7:30 P.M.

Mayor Pro Tem Shirley Marshall called the meeting to order. Present were:

- Gerald Cohen
- Robert Epting
- Thomas Gardner
- Jonathan Howes
- Marvin Silver
- Edward Vickery

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

Mayor Pro Tem Marshall expressed the regret of Mayor Wallace at not being able to attend the meeting, because of a prior speaking engagement scheduled before the meeting. She announced that Mr. Denny had requested the Board to meet in Executive Session at the end of the meeting. Mayor Pro Tem Marshall also reminded the Aldermen that if anyone wished to question the auditors about the audit or discuss it with them, a time for a workshop session should be set.

Public Meeting on Wastewater Allocation Policy

Mayor Pro Tem Marshall then announced that the special public meeting had been called to hear comments from the public and discuss a method of allocating capacity for the wastewater treatment facility. The order for the meeting would be a presentation by the Town Manager, questions from the Board of Aldermen to the Town Manager, questions from citizens to the Town Manager, and then the floor would be open for comments from citizens. She added that the Chairman of the Orange Water and Sewer Authority, Mr. Morris, was in attendance at the meeting.

Mr. Jenne gave the following report: