

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, OCTOBER 25,
1976 7:30 P.M.

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

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

Also present were Acting Town Manager E. Shipman, Town Attorney E. Denny, and Town Clerk D. Roberts. Alderman Epting was excused.

Petitions and Requests

Mayor Wallace asked for any petitions from the audience or Aldermen. Mrs. Margaret Taylor, of Kings Mill Road, requested the Board to reconsider the assessment for Ward and Weiner Streets. She stated Kings Mill Road was a part of the package of streets to be paved. The residents of Kings Mill Road had petitioned the town for paving because of the dust and heavy usage by the bus. The residents were willing to pay their share for the paving, but they felt it inequitable for the property owners on Ward and Weiner Streets not to be assessed too. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, TO RECEIVE THE PETITION AND REFER IT TO MR. DENNY FOR CONSIDERATION AND REPORT BACK TO THE BOARD. THE MOTION WAS CARRIED UNANIMOUSLY.

Mrs. Carolista Baum requested the Board to accept the following petition signed by several residents of East Rosemary Street.

As residents of East Rosemary Street, we petition the Board of Aldermen to help protect the public safety, health, and welfare by:

Erecting a stop sign on the southwest corner of Rosemary Street and Boundary Streets, thereby creating a 4-way STOP intersection.

Enforcing the No Through Trucks sign by police ticketing the large trucks who use Rosemary Street.

Prohibiting passing on Rosemary from Henderson Street to Glenburnie Street by using a solid yellow line.

Requiring parking areas (lots) to comply with existing Town ordinances and special use permits that were granted when renovations were done. (Screen parking and limit curb cuts).

Requiring existing parking areas to either have ample turning room within the parking lot or have an entrance and exit from the street to the parking lot so that vehicles can enter and leave the lot without having to back into the street (in order to leave the parking lot).

Prohibit any future development in the immediate area until such time as traffic congestion can be reduced to a level that will not damage or threaten the public safety, health, and welfare.

Mrs. Baum had counted cars in this section and at times had noted as many as 900 cars parked here. There are several pieces of property on the market in this area, and she was distressed that if the Board did not take action, the character of the neighborhood would be changed when these were sold. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, TO REFER THE FIRST THREE ITEMS ON THE PETITION TO THE STREETS COMMITTEE, AND THE LAST THREE ITEMS TO THE PLANNING BOARD. Mrs. Baum asked to be notified when these items were discussed by the Board, either at a meeting or in a work session. THE MOTION WAS CARRIED UNANIMOUSLY.

Dr. Charles Smith, of South Lakeshore Drive and Rolling Road requested the Board to consider imposing restrictions on the expenditure of funds to be received from the bond referendum, if approved, for streets, sidewalks, and bike paths. He explained that Mr. George Coxhead, one of his neighbors, was joining him in this petition. He stated the main justification for the streets bonds issue was to repair and reconstruct residential streets to

support the heavy usage by the bus. As he believed the need for the bus system was doubtful, he asked the Board of Aldermen to restrict the use of funds from the streets bond issue to be sure that they were not used to reconstruct the streets for bus use only. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, TO RECEIVE THE PETITION AND REFER IT TO THE TOWN MANAGER FOR CONSIDERATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Wallace stated he had received a petition from Mr. Scott Gardner, owner of a car wash at the end of Franklin Street in Carrboro, requesting the Board of Aldermen to delete the prohibition of washing cars from the water ordinance. Alderman Cohen stated the property was in Carrboro and not under Chapel Hill's ordinance. Mayor Wallace said Chapel Hill had four car washes, and he did not think the business should be included in the ordinance now. The amount of water involved would be limited. Alderman Smith stated the town was not out of the crisis yet, and he believed the town should discuss the matter with the University Service Plants and the manager before deleting anything from the ordinance. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN MARSHALL, TO PLACE THE PETITION ON THE AGENDA AS ITEM 34A. ALDERMEN COHEN, SMITH AND SILVER OBJECTED TO CONSIDERING THE MATTER. Mr. Denny explained that under the rules of the Board, if any one Alderman objected to the discussion of a topic not on the agenda, it could not be discussed. ALDERMAN SILVER OFFERED A SUBSTITUTE MOTION TO REFER THE MATTER TO THE TOWN MANAGER FOR CONSIDERATION. ALDERMAN SMITH SECONDED. THE MOTION TO SUBSTITUTE WAS CARRIED UNANIMOUSLY. THE MOTION TO REFER TO THE TOWN MANAGER WAS CARRIED UNANIMOUSLY.

Mr. Shipman stated he had an oral report on the petition from Cameron Court residents which had been received by the Board at its last meeting and referred to the Streets Committee. ALDERMAN COHEN, MOVED SECONDED BY ALDERMAN GARDNER, TO PLACE THE REPORT ON THE AGENDA AS ITEM 18A. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Alderman Howes, seconded by Alderman Vickery, the minutes of the special meeting of October 5, 1976 were approved unanimously. On motion by Alderman Gardner, seconded by Alderman Smith, the minutes of the meeting of October 11, 1976, were approved as corrected.

Resolution to Authorize the Execution of an Agreement With Respect to Phase II, Sanitary Sewer Improvements

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

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH RESPECT TO PHASE II, SANITARY SEWER IMPROVEMENTS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the proposed agreement between the University of North Carolina at Chapel Hill, the Orange Water and Sewer Authority, and the Town of Chapel Hill with respect to the Phase II, Sanitary Sewer Improvements is hereby approved, and the Mayor and Town Clerk are authorized and directed to execute said Agreement.

This the 25th day of October, 1976.

STATE OF NORTH CAROLINA

A G R E E M E N T

COUNTY OF ORANGE

THIS AGREEMENT, made and entered into this the _____ day of October, 1976, by and between THE ORANGE WATER AND SEWER AUTHORITY, hereinafter referred to as the "Authority", the TOWN OF CHAPEL HILL, hereinafter referred to as "TOWN," and THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, hereinafter referred to as "University";

WITNESSETH:

THAT WHEREAS, the Town and University are the owners of a sanitary sewer treatment plant located on Morgan Creek, which said plant has a rated daily capacity of 4.5 million gallons, and

WHEREAS, the University and Town have contracted and agreed with the Authority to transfer the ownership and operation of said plant to it, to be consummated on or about January 1, 1977, and

WHEREAS, said plant is now operating at or near its capacity, and

WHEREAS, alternate long range facilities to be provided through the 201 Plan of Public Law 92-500 are not expected to be completed prior to 1981, and

WHEREAS, it is necessary that the treatment capacity of said plant be enlarged to meet the interim demand of the community, and

WHEREAS, all parties have agreed upon the nature and approximate costs of the facilities, which will be needed to increase the capacity of said plant to 5.5 million gallons per day at an estimated cost of \$1,037,000.00, and

WHEREAS, it is desirable that the final engineering design and the construction of said enlarged facilities begin at the earliest date possible, and

WHEREAS, the Town of Chapel Hill, the University, and the Authority have agreed upon a procedure to accomplish this purpose whereunder the Town of Chapel Hill will execute the necessary contracts, and undertake the project to be funded jointly by the Town and the University. Upon the agreement of the Authority to repay all such funds expended by the Town and University upon its acquisition of the facilities, and upon the further agreement by the Authority to complete said improvements.

NOW, THEREFORE, in consideration of the aforesaid and the mutual covenants and conditions hereinafter set out, the Parties do agree as follows:

1. The Authority shall be given the opportunity to participate in the planning, approval, and letting of the construction contract as well as plans and specifications and any subcontracts, and shall likewise have the right to participate in the evaluation of bids and the selection of the successful bidder before the contract is awarded.
2. Town agrees that it will execute all documents necessary, engineering, and construction, for the improvements at Morgan Creek Sanitary Treatment Plant, which are designed and intended to increase the capacity of said plant to 5.5 million per day, with construction being started as soon as possible.
3. Town and University each agree to pay one-half of the costs of engineering and construction contracts for said project, which will become due and payable prior to the acquisition of the sanitary treatment plant by the Authority, upon the agreement of the Authority to repay all such funds so expended on such engineering and construction contracts as soon as practical after closing of the transfer and acquisition by the Authority of such sewer facilities, which said payment shall be from the proceeds of the Authority's initial revenue bond financing, without interest.
4. Upon closing of the transfer of the sanitary treatment plant to the Authority, Town agrees that it will assign all contracts theretofore executed by it in connection with the facility, engineering, and construction to the Authority, and Authority agrees that it will accept the transfer of and assume all further obligations and responsibilities pursuant to said contracts, and to complete the improvements referred to herein, and to relieve the Town and hold it harmless from all claims, demands, liabilities, actions or causes of actions pursuant to said contracts.

IN WITNESS WHEREOF, the respective parties have caused this instrument to be executed in their respective names by their appropriate officials, and their official seals to be affixed, all by authority duly granted, as of the day and year first above written.

ORANGE WATER & SEWER AUTHORITY

By _____
Chairman

ATTEST:

Secretary

TOWN OF CHAPEL HILL

By _____
Mayor

ATTEST:

Clerk

UNIVERSITY OF NORTH CAROLINA
AT CHAPEL HILL

By _____
Vice Chancellor

ATTEST:

Alderman Cohen questioned when sewer billing would begin after the transfer to the Authority takes place. Mr. Denny explained that sewer billings are computed on the calendar year basis, but billed on the fiscal year basis. The contract between the town and the Authority provides for immediate billing by the Authority. The Authority will receive a credit from the town, on a pro rata share, for those tax bills which have already been paid. The Authority will bill the holder of the water meter permit for sewer. Alderman Cohen desired a discussion of this subject at some time. Alderman Howes suggested the billing procedure and other Authority matters be discussed at a work session. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting A Modification to the First-Citizens Bank, Elliot Road Special Use Permit

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

A RESOLUTION GRANTING A MODIFICATION TO THE FIRST-CITIZENS BANK, ELLIOTT ROAD, SPECIAL USE PERMIT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to First-Citizens Bank on June 12, 1972, and subsequently modified on March 4, 1974, and June 9, 1975, be further modified so that Stipulation #5 shall read:

- #5. That construction of the bank building start within one year and be completed within two years, and that construction of the office building start by November 30, 1977 and be completed by May 31, 1979.

AND BE IT FURTHER RESOLVED that the use, as so modified and subject to all previous stipulations not in conflict therewith, continues to meet the four required findings made on June 12, 1972.

This the 25th day of October, 1976.

Alderman Vickery asked if this resolution was consistent with the first-in, first-on policy. Mr. Shipman stated this project was already on the list of sewer allocations. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting Modifications to the Northwestern Bank Special Use Permit

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

A RESOLUTION GRANTING MODIFICATIONS TO THE NORTHWESTERN BANK SPECIAL USE PERMIT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit granted to Northwestern Bank on October 9, 1972, be modified by the following stipulations:

- #6. That the construction for Phase I begin within 18 months and be completed within 36 months, and construction in Phase II start within five years and be completed within six years.
- #7. That the total floor area for the unified business development be increased to 12,500 square feet, and that the required number of parking spaces be increased to 63 spaces.
- #8. That the site plan be reviewed by the Appearance Commission prior to issuance of a building permit.

AND BE IT FURTHER RESOLVED that the use as so modified and subject to all previous stipulations not in conflict therewith continues to meet the four required findings made on October 9, 1972.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Special Use Permit for the Legion Road Office Park

The applicant had requested a unified business special use permit to build an office park on the north side of Legion Road across from the American Legion hut. The area to the north of this property is undeveloped. Mr. Jennings stated this project had first been proposed with a septic tank; however because of poor soils suitability, the requirement of the ordinance that a building within 200 feet of a sewer line be connected to that line, and the availability of sewer service through the allocation system, the staff was recommending that the project be approved only with sewer connection. At the public hearing, testimony was submitted to the effect that the traffic increase on 15-501 would be insignificant, and although the traffic on Legion Road would be doubled, Legion Road would still have access capacity. The application complies with all requirements and standards. There was testimony that the project would not devalue adjoining property values. The applicant contends the project as a whole is in conformance with the surrounding area. The Planning Board has recommended the Board of Aldermen make the four positive findings and approve the special use request with several stipulations. Mr. Jennings explained that the project did not abut a major thoroughfare, and because of the ordinance requiring access to a major thoroughfare, the applicant is building a connection to 15-501. The Planning Board has recommended the access road be directly opposite Mt. Moriah Church Road and perpendicular to the 15-501 frontage road, but not connected to 15-501 until this interchange is signalized. This was suggested by a traffic consultant employed by the applicant. The Planning Board had requested the access road be built to the town's collector standards with a 33' cross section. It is believed the development of this land will set a pattern for the surrounding land, and a collector road will be needed. It was suggested by the Planning Board that the applicant take advantage of the new parking ordinance and eliminate 61 spaces. The Planning Board has also recommended the applicant dedicate an additional five feet of public right-of-way, along Legion Rd. recognizing that this would change the status of Legion Road from a local road to a collector road. Mayor Wallace asked if the full length of the access road would be paved with curb and gutter. Mr. Jennings answered that the access road had to be provided for the project to comply with the ordinance requirements. Town standards would exceed the standards of the state, and if the property were annexed by the town before other surrounding properties were developed, the town would have to upgrade and reconstruct the road, should it not be built to town standards. Alderman Cohen disagreed in that the developer should only have to bear the cost of paving to collector standards along his property frontage, and the cost of paving without curb and gutter on the rest of the road. Mayor Wallace stated the developer was not proposing the road to be maintained by the town, but by himself. Mr. Jennings stated the subject had been discussed at the Planning Board meeting, and it was felt the safe way for the town was to have the access road paved to collector standards. Alderman Marshall said there had been problems in other areas of the town when there was a great deal of development. She was concerned that the access road was not being required until the completion of Phase II of the project. She suggested a date be stipulated in the event that Phase II was delayed. Alderman Silver questioned the logic of diverting the traffic from the access road from the intersection of Mt. Moriah Church Road until this was signalized. Mr. Jennings explained

that traffic would be coming from Mt. Moriah Church Road across 15-501 to Legion Road once the connector was built. Alderman Gardner argued that the access road as proposed would be creating problems. Alderman Howes said he did not think the Board could approve the project without the stipulations and still meet the requirements they had set for permits. Alderman Smith asked whose responsibility it would be to extend the access road to 15-501 when it was signalized. Mr. Jennings replied it would be the responsibility of either the town or the state. Alderman Smith asked why the access road could not be connected now, and be blocked off while the town tried to obtain signalization. The connection would not be needed until 1982 when Phase II was complete. Alderman Vickery asked how the project would be affected if the zoning were changed. Mr. Jennings answered that if the project had two buildings, it would still have to have a unified business special use permit; however, if the property was zoned regional-commercial, and the project were changed to only one building, they would not need any approval by the town. He did not recommend this, because the town would then have no control over the development. Alderman Marshall and Alderman Vickery thought it might be better to consider spot zoning for this project. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE LEGION ROAD OFFICE PARK

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board finds that, subject to certain stipulations, the Legion Road Office Park request meets the following conditions:

1. the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
2. the use meets all required conditions and specifications,
3. the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and
4. the location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and Its Environs.

AND BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby grants the request as submitted for a Special Use Permit for the Legion Road Office Park subject to the following stipulations:

1. That sewer service for both office structures shall be provided by connection to the Town's wastewater collection and treatment system and shall not be by the use of a septic tank as proposed.
2. That the access drive between Legion Road and U.S. 15-501 shall be a public road constructed to Town of Chapel Hill standards for a collector street, and that construction of the access road for its length from Legion Road to the U.S. 15-501 frontage road shall be completed prior to issuance of a certificate of occupancy for the second building or by November 30, 1982, whichever comes sooner.
3. That the alignment of the access drive to be constructed between Legion Road and the U.S. 15-501 frontage road shall be as shown on Figure 2 of the traffic report prepared by Kimley-Horn and Associates for H and H Associates. Such alignment to be directly opposite Mt. Moriah Church Road and perpendicular to the U.S. 15-501 frontage road, but not connected to U.S. 15-501. The extension of the frontage road shall be to the standards of the Town of Chapel Hill for collector streets.
4. That a 30 foot wide sanitary sewer easement be dedicated along the 8" sewer line serving phases one and two.
5. That the location of bulk trash containers be approved by the Town Manager.

6. That the site plan be revised, using the recently adopted parking provisions for unified business developments, to reduce the number of required parking spaces by 61 spaces to create two additional landscaped areas within the project. The first such area shall be the elimination of the 23 parking spaces located on the north side of the phase one office building and the second area shall be the elimination of 38 parking spaces located between the two office buildings and consisting of the first two rows of parking located west of the phasing line defining phases one and two.
7. That a landscape plan and architectural elevations be submitted to and approved by the Appearance Commission prior to issuance of the building permit, and that such plan show screening for bulk trash containers and mechanical equipment, trees and other natural features that will be saved and temporary fencing or other measures to protect them during construction, hose bibbs or other system or irrigation, exterior lighting, and signs.
8. That any and all planting which dies during the life of the Special Use Permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
9. That the parking area be screened from Legion Road by a solid evergreen hedge a minimum of three feet high.
10. That an additional five feet of public right-of-way be dedicated along the entire length of the project's frontage with Legion Road to comply with the Town's standards for collector streets. The right-of-way width for collector streets is 70 feet.
11. That construction of Phase I begin by November 30, 1977 and be completed by November 30, 1979, and that construction of Phase II begin by November 30, 1980 and be completed by November 30, 1982.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED FOUR TO THREE WITH ALDERMEN MARSHALL, HOWES, VICKERY AND GARDNER SUPPORTING AND ALDERMEN COHEN, SILVER AND SMITH OPPOSING.

Resolution Approving the Preliminary Sketch for the J.A. Sparrow Subdivision

Mr. Jennings stated the project is a 25 acre subdivision to be subdivided into 8 lots, each 2 acres of greater. The property is located on the west side of Old Lystra Road and zoned agriculture. Although parts of two lots are within the jurisdiction of the Orange County Planning Department, Orange County has given Chapel Hill sole authority for approval of the subdivision. Access is by private road connecting to Old Lystra Road. The main point of contention for this project is the private road which the Planning Department has requested be paved. The State DOT will not maintain any unpaved road which is not connected by a paved road to a state maintained road. If the 1300' of road within the property was paved, it could not be maintained by the town and would not be maintained by the state. Therefore, the Planning Board has recommended paving to state standards, of the road within the property as well as the rest of the road connecting to Old Lystra Road, to insure that the state will maintain the road and the town does not in the future have to bear the cost of paving when this property is annexed. Mr. Sparrow said the applicants were not developers. The property has been left them by their father in a will. Indebtedness of some of the heirs makes the subdivision necessary. The owners desire a private road. The expenditures necessary for the road, would mean the property would have to be subdivided into more than 8 lots.

There are no drainage problems on the existing dirt road, and the owners want the area to remain rural. Most of the other homes in this area presently have dirt roads. Alderman Vickery said he did not think the town should force citizens to pay for a road which they did not desire. Alderman Cohen stated he thought people should have the right to chose whether they wanted to buy property on a gravel road or on a paved road. Alderman Marshall asked the Planning Board Chairman to comment on the subdivision. Ms. Parker stated she had been opposed to the requirement for paving and to exempting the open space requirement. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR THE J. A. SPARROW SUBDIVISION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for the J. A. Sparrow Subdivision subject to the following conditions:

- 1. That the access road be named prior to submission of the final plat, such name not to repeat or resemble names of existing streets in the Chapel Hill-Carrboro area.
- 2. That a storm water drainage plan be approved by the Town Manager prior to approval of the final plat and start of construction of improvements.
- 3. That the access road, from Old Lystra Road in the east to the western boundary of the subdivision, be dedicated as a 60-foot wide public right-of-way and that a temporary cul-de-sac be constructed at the end of the road.

This the 25th day of October, 1976.

Mr. Denny advised the Board that if the road was dedicated as a public road, the town could not now maintain it. However, if it remained private, a covenant could be entered in which each owner of a lot would have to pay a share to maintain the road. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SILVER, TO AMEND THE RESOLUTION BY CHANGING PARAGRAPH 3 TO READ:

"3. That the access road, from Old Lystra Road in the east to the western boundary of the subdivision, be dedicated as a 60-foot wide private right-of-way, that a temporary cul-de-sac be constructed at the end of the road, and that a covenant be executed and recorded providing for the permanent maintenance, by the owners, of the 60-foot roadway into the project property and the roadway in the property."

THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE.

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR THE J. A. SPARROW SUBDIVISION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for the J. A. Sparrow Subdivision subject to the following conditions:

- 1. That the access road be named prior to submission of the final plat, such name not to repeat or resemble names of existing streets in the Chapel Hill-Carrboro area.
- 2. That a storm water drainage plan be approved by the Town Manager prior to approval of the final plat and start of construction of improvements.
- 3. That the access road, from Old Lystra Road in the east to the western boundary of the subdivision, be dedicated as a 60-foot wide public right-of-way and that a temporary cul-de-sac be constructed at the end of the road.

This the 25th day of October, 1976.

Resolution Approving the Preliminary Sketch for Brookview Subdivision

Alderman Howes stated he was concerned about the length of the cul-de-sac leading into the property, and the grade which greatly exceeded the town standards. He asked Mr. Jennings to comment on both. The project is located at the extension of Brookview Drive. On the adopted thoroughfare plan Brookview was to be extended through to Piney Mountain Road. However, on the proposed thoroughfare plan it has been deleted. The applicant has requested that this extension of Brookview Road be a 20-foot private road. The normal requirement for a local road is 33-feet back-to-back with curb. However, in considering the terrain, the staff realized it would be difficult to build a 33-foot road, and consulted with the Public Works Department before deciding on the requirement of a 27-foot road with curb. This is the minimum width the Public Works Department believed necessary for trucks to use the road. The cul-de-sac from the intersection of Brookview and Kenmore will actually be 2100 foot, 1300 feet of it within the project.

The normal requirement is 400 feet. In order to least disturb the land the applicant has proposed grading to exceed the town standards. Alderman Howes asked if the exemptions from town standards would be necessary if the access road was from Piney Mountain Road. Mr. McAdams, representing Goforth Properties, stated the land to the west of the project is owned by George Tate who does not with a road across his property. The other consideration is marketing. Coming into the project from Lake Forest makes the project more marketable. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN MARSHALL, TO RETURN THE SUBJECT TO THE PLANNING BOARD FOR FURTHER STUDY ON THE ACCESS AND THE CUL-DE-SAC. Alderman Smith thought it time to realize some land in Chapel Hill is not developable. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for the A.D. Fowler Subdivision

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR THE AD FOWLER SUBDIVISION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for the AD Fowler Subdivision, subject to the following condition:

- 1. That an additional 15 feet of public right-of-way be dedicated along the subdivision's frontage with Old Lystra Road to bring this portion of the road into compliance with the right-of-way standard of 90 feet for major thoroughfares.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch of the Lester Hill Subdivision

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH OF THE LESTER HILL SUBDIVISION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for the Lester Hill Subdivision.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Time Limits at Public Hearings

The Planning Board had become concerned about the length of public hearings and suggested the Board of Aldermen set a limit on the amount of time for each speaker. Alderman Cohen stated some issues are controversial, and set limits should be considered when each issue is advertised. Alderman Marshall suggested having more frequent public hearings rather than setting time limits. Alderman Howes thought the problem was not the time each person spoke, but that there were many speakers at public hearings. Mayor Wallace agreed with Alderman Cohen that the time should be limited when the public hearings is advertised. The Board could set an overall time limit for a project as well as a limit for each speaker. Alderman Smith said the purpose of a public hearing is to hear the public, and perhaps the Board should have no other items to discuss when the public hearings are held. Alderman Cohen suggested scheduling each public hearing at a different time for the night, so that speakers would not have to wait through hearings other than the one in which they are interested. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SILVER, TO REFER THE MATTER TO THE COMMITTEE ON BOARDS AND COMMISSIONS. ALDERMAN SMITH OFFERED A SUBSTITUTE MOTION TO DISCUSS THE MATTER IN A WORK SESSION. ALDERMAN COHEN SECONDED. THE MOTION TO SUBSTITUTE WAS CARRIED UNANIMOUSLY. THE MOTION AS SUBSTITUTED WAS CARRIED UNANIMOUSLY.

Resolution Extending the Review Period for Tri-Delta Sorority and Laketree Development

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

A RESOLUTION EXTENDING THE REVIEW PERIOD FOR TRI-DELTA SORORITY AND LAKETREE DEVELOPMENT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the request by the Chapel Hill Planning Board for the review period for the Delta Delta Delta Sorority Special Use Request and the Laketree Zoning Map amendment and Special Use Requests to be extended to the Planning Board's November 4, 1976, meeting is hereby granted.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

An Ordinance to Amend Section 21-27, "No Parking as to Particular Streets"

Alderman Cohen stated that parking on Manning Drive had become so heavy as to make for hazardous conditions for residents, whether driving, walking or bicycling. He had had several complaints from citizens on Kings Mill Road also. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND SECTION 21-27, "NO PARKING AS TO PARTICULAR STREETS"

Be it ordained by the Board of Aldermen of the Town of Chapel Hill that Section 21-27 of the Code of Ordinances of the Town of Chapel Hill is hereby amended by the addition of the following streets:

STREET	SIDE	FROM	TO
Cottage Lane	Both	Full Length	
Friendly Lane	Both	Full Length	
Manning Drive	Both	Driveway, Hinton James Dorm	US 15-501 Bypass
Mason Farm Road	Both	Daniels Road	US 15-501 Bypass

Said Amendment effective this date.

SECTION II

This ordinance shall be effective December 19, 1976.

SECTION III

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

This the 25th day of October, 1976.

Alderman Cohen also suggested advertising be done in the paper, and signs be posted in the area to warn people the area will be a no parking area as of December 19, 1976. Alderman Vickery added the Transportation Board had recommended this type of action for long term parking. THE MOTION WAS CARRIED UNANIMOUSLY.

An Ordinance Amending Section 21.21.1 "Tow Zones"

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 21-21.1 "TOW ZONES"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-21.1 of the Code of Ordinances, Town of Chapel Hill be amended by adding the following:

SECTION I

STREET	SIDE	FROM	TO
Pritchard Ave.	East	Rosemary Street	Noble Street

SECTION II

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

This the 25th day of October, 1976.

Alderman Gardner questioned where the vehicles would be stored, whether it would be the lot below the police department. Mr. Shipman stated the police chief did not think the lot below the department a good place because of the possibility of damage to the cars at night. He added the police chief was studying the possibility of contracting with one company to do the towing. This would be bid as most contracts are. The chief would have his recommendation by the November 8 meeting.

THE MOTION WAS CARRIED UNANIMOUSLY.

An Ordinance Amending Section 21.21, "Impounding Improperly Parked Vehicles"

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SILVER, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 21-21, "IMPOUNDING IMPROPERLY PARKED VEHICLES"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-21 of the Code of Ordinances, Town of Chapel Hill be amended to read as follows:

Section 21-21: Impounding improperly parked vehicles

The Police Department of the Town of Chapel Hill is hereby authorized to remove, tow in, and impound any motor vehicle which is parked or left standing or allowed to be parked or left standing in the public streets, sidewalks or alleys of the Town in violation of any ordinance of the Town or any ordinance of the Town or state law relating to the parking or non-parking of such vehicles, the owner shall be responsible for and pay storage and moving costs for any vehicle removed pursuant to the provisions of this section.

Section II

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

This the 25th day of October, 1976.

Ordinance Amending Section 21-8, "Traffic Control Signals"

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SILVER, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE AMENDING SECTION 21-8, "TRAFFIC CONTROL SIGNALS"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-8 (B) of the Code of Ordinances, Town of Chapel Hill, be amended by adding the following intersection:

Rosemary Street and Roberson Street

SECTION II

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

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Establishing Loading Zones on West Rosemary Street

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

AN ORDINANCE ESTABLISHING LOADING ZONES ON WEST ROSEMARY STREET

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-35, "Loading and Unloading of Delivery Vehicles," of the Code of Ordinances of the Town of Chapel Hill be amended by the addition of a new subsection (n) to read as follows:

- (n) The spaces on the north side of West Rosemary Street from a point 148 ft. west of Columbia Street to a point 188 ft. west of Columbia Street, and from 221 feet west of Columbia Street to a point 257 feet west of Columbia Street, shall be reserved from 10 AM to 3 PM daily as loading zones, with no parking allowed except for the loading and unloading of vehicles.

SECTION II

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

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend Section 21-11, "Speed Regulations"

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND SECTION 21-11, "SPEED REGULATIONS"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 21-11 of the Code of Ordinances, Town of Chapel Hill, be amended by:

SECTION I

DELETING from subsection (A) (2):

- (b) Manning Dr. (SR 1902) from Columbia St. (NC 86) to a point 0.35 mile east of NC 86

DELETING from subsection (A) (3):

- (o) Manning Dr. (SR 1902) from a point 0.85 mile east of NC 86 to US 15-501 Bypass.

ADDING to subsection (A) (2) a new subsection:

- (b) Manning Dr. (SR 1902) from Columbia St. (NC 86) to US 15-501 Bypass.

SECTION II

DELETING from subsection (A) (4):

- (d) US 15-501 Bypass from the northern corporate limit line about 200 ft. north of Ephesus Church Rd. to the southern corporate limit line approximately 1000 ft. east of 15-501 Business.

ADDING to subsection (A) (4) a new subsection

- (d) US 15-501 Bypass/Durham-Chapel Hill Boulevard from Pittsboro Rd. (S. Columbia St) to a point 0.2 miles east of Eastowne Drive

SECTION III

DELETING from subsection (A) (4):

- (h) Estes Dr. Extension from Airport Rd. to the western corporate limits.

ADDING to subsection (A) (4) a new subsection:

(h) Estes Dr. Extension from Airport Rd. to the Southern Railway Line right-of-way.

SECTION IV

ADDING to subsection (A) (2) a new subsection:
(c) Mason Farm Rd. from Daniels Rd. to US 15-501 Bypass.

SECTION V

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

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Report on Petition from Cameron Court Residents

Mr. Shipman stated the town had received a petition from the residents on Cameron Court requesting that parking be denied on Cameron Court from 7:00 a.m. to 1:00 p.m. and the speed limit be restricted to 15 mph, and the police department enforce the restrictions. The administration had considered the matter and believed that no further action was needed except strict enforcement of the regulations. The police department had installed additional no parking signs all along the west side of Cameron Court, and with the ordinance just passed by the Board making all no parking areas subject to towing. Mr. Shipman felt the problem could be handled. If the situation did not improve, he stated the administration would then come back to the Board with a recommendation for further action.

Resolution Supporting Compliance with Title IX

ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN SILVER, ADOPTON OF THE FOLLOWING RESOLUTION.

A RESOLUTION SUPPORTING COMPLIANCE WITH TITLE IX

WHEREAS Title IX of the Education Amendments of 1972, prohibiting discrimination on the basis of sex in Federally-assisted education programs, applies also to the programs of other entities using Federally-assisted facilities; and

WHEREAS the Town of Chapel Hill uses by agreement for portions of its recreation program Federally-assisted facilities of the Chapel Hill-Carrboro School District;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that it is the policy of the Town of Chapel Hill to be in full compliance with the guidelines set up to administer Title IX of the Education Amendments of 1972, and to this end direct that plan of action be established to implement this policy.

This the 25th day of October, 1976.

Alderman Silver stated he thought the wording weak and moved to amend the resolution by changing the third paragraph to read: "NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the policy of th Town of Chapel Hill shall be not to discriminate in its recreation programs with regard to race, creed, sex or national orgin, thereby being in compliance with the guidelines set up to administer Title IX of the Education Amendments of 1972."

"NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that it is the policy of the Town of Chapel Hill to be in full compliance with the guidelines set up to administer Title IX of the Education Amendments of 1972."

ALDERMAN SMITH MOVED TO AMEND THE RESOLUTION BY ADDING TO THE THIRD PARAGRAPH: "AND TO THIS END DIRECT THAT A PLAN OF ACTION BE ESTABLISHED TO IMPLEMENT THIS POLICY." THE MOVER AND SECONDER ACCEPTED THE AMENDMENTS. THE FOLLOWING RESOLUTION WAS ADOPTED UNANIMOUSLY.

Ordinance to Amend and Rewrite Section 14-77, 14-78, and 14-91, Code of Ordinances, Town of Chapel Hill, With Respect to Leave

Alderman Gardner suggested that the section of the ordinance dealing with special leave be abolished, and sick leave be liberalized to include funeral leave, and sickness of family members. Mr. Shipman stated he did not think Alderman Gardner's suggestion would solve the problems which had resulted from the wording of the special leave section. The administration wanted to liberalize the sick leave policy to include the immediate family, but they also wanted to set a limit of time to clarify for department heads whether sick leave was being abused. They also wanted to establish funeral leave for specificity and delete special leave. Having these changes go into effect November 1, 1976, would give the administration a point to move forward from. Alderman Marshall said the special leave was adopted with a discretionary element, feeling that good management practices would prevent abuse. She objected to changing portions of the personnel ordinance without discussing it first. Alderman Silver agreed and suggested discussing the matter in a work session. He thought the policy should start with a new calendar year. Mr. Shipman said the November 1 starting date has been chosen because some employees have been put on notice that they may be terminated for any more absense. This starting date would give these employees a five day grace period. Alderman Smith suggested a policy book be developed and sent to department heads. Mr. Denny explained that the Personnel Ordinance is the policy of the town. It permits department heads to adopt rules and regulatons not inconsistent with the policy. The Board should express its decisions with regard to policy in the ordinance and leave to the Town Manager to implement the policy. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEM, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND AND REWRITE SECTION 14-77, 14-78, AND 14-91, CODE OF ORDINANCES, TOWN OF CHAPEL HILL, WITH RESPECT TO LEAVE

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

SECTION I

That Section 14-77, Code of Ordinances, Town of Chapel Hill, is hereby amended by adding the following sentence at the end of the first paragraph thereof:

"or for illness in the employee's immediate family, which requires the care of the employee."

SECTION II

That Section 14-78, Code of Ordinances, Town of Chapel Hill, is hereby amended by adding the following paragraph thereto:

"In the event an employee is absent from work due to illness of a non-catastrophic nature or due to personal injury more than five (5) days (40-hours) in excess of that earned and accrued in any twelve month period commencing with the effective date of this amendment, then and in that event such excessive absenteeism may be grounds for dismissal."

SECTION III

That Section 14-91, Code of Ordinances, Town of Chapel Hill, is hereby rewritten to read as follows:

"Funeral Leave. The Manager may grant temporary special leave, with pay, for the purposes of enabling the employee to attend a funeral. Such leave shall be limited to three (3) days in any one calendar year."

SECTION IV

This Ordinance shall be effective from and after the 1st day of November, 1976.

SECTION V

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

Alderman Silver thought the Board should adopt an interim policy for the two months of the year left, and discuss any other action in a work session. Mr. Denny said the language of the current ordinance is unclear in that it allows the discharge of an employee who is habitually unable to perform

his duties, but does not define what constitutes habitual. The town needs some clarification quickly. THE MOTION WAS CARRIED BY A VOTE OF FOUR TO THREE WITH ALDERMEN COHEN, HOWES, SMITH AND VICKERY SUPPORTING AND ALDERMEN GARDNER, MARSHALL AND SILVER OPPOSING. AS THE ORDINANCE WAS NOT ADOPTED BY A TWO-THIRDS MAJORITY OF THE BOARD, ALDERMAN COHEN MOVED TO PLACE THE MATTER ON THE AGENDA FOR THE NOVEMBER 8 MEETING. ALDERMAN HOWES SECONDED. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Establishing Rules of Procedures for Use by a Hearing Panel of the Personnel Appeals Committee

Mr. Denny explained that by ordinance the Appeals Committee had intentionally been taken out of the jurisdiction of the Manager. Several panels had now been held and he had attended each to explain the policy of the Board orally. Many of the reports from the committees had also not dealt with the question before the committee. He therefore believed the committee should be given a written set of guidelines which had been approved by the Board. This would also prevent his having to be in attendance at each committee hearing. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION ESTABLISHING RULES OF PROCEDURES FOR USE BY A HEARING PANEL OF THE PERSONNEL APPEALS COMMITTEE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the attached statement of procedure is hereby adopted as a guide for use by a hearing panel of Personnel Appeals Committee when convened for the purpose of hearing and appeal.

This the 25th day of October, 1976.

RULES OF PRACTICE AND PROCEDURE FOR USE BY A HEARING PANEL OF THE PERSONNEL APPEALS COMMITTEE

I. The role of the Personnel Appeals Committee.

The Town and all its employees, including management, are engaged in performing a public service. All are ultimately responsible to the citizens of the Town as to how this service is performed. Under the Council-Management form of local government, such as we have in Chapel Hill, the Town Manager is responsible for the administrative and operational aspects of Town services. All Town employees are under his jurisdiction. Administratively, the operation of Town services is accomplished by delegation of authority in the areas of work performance, work conditions, qualifications, and discipline, as well as promotion and dismissal of employees. As a safeguard against abuse, a citizen panel with authority to investigate is provided for in the Code of Ordinances in the event an employee perceives he has not been given a fair shake within the "system," for redress of a grievance or from arbitrary discriminatory action by management. The Personnel Appeals Committee is this citizen group. The Committee operates through hearing panels.

II. Organization of a Hearing Panel.

A hearing panel is named by the Mayor upon an appeal being filed with the Town Clerk. It consists of four (4) members of the Personnel Appeals Committee, and one (1) Town employee. The first meeting of the panel is arranged by the Town Clerk. At this first meeting, the panel should select a Chairman from its number to preside. The Town Clerk or his deputy will act as Secretary. At this first meeting, the Panel receives the appeal and it should also receive any written documents concerning the matter to be heard for study prior to the actual hearing. The first hearing date should then be set. This hearing date must be within ten (10) working days of the time the Panel receives the appeal.

III. Hearing Procedure before a Panel.

The appealing employee may be represented by an attorney, or any other person. All meetings of the Panel to hear any evidence or make any investigation shall be open to the public. They should be as informal as possible. Any member of the Panel should be given the opportunity to

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ask any witness any relevant questions. The employee or his representative or management or its representative may examine or cross-examine any witness. Witnesses do not need to be sworn.

In a grievance appeal not involving disciplinary action, the employee would normally give evidence concerning the grievance first in order that the Panel might know what the complaint is, and then management given the opportunity to respond. In appeals involving disciplinary action, the procedure would be reversed, with management giving evidence of the disciplinary action, and the reasons therefor, and the employee given an opportunity to respond. The hearing may be continued from time to time. When all parties have presented all the evidence desired, and when the Panel has received all the information it determines necessary, it may meet in Executive Session to discuss the matter, and to prepare its report.

IV. Purposes of a Hearing Panel.

The panel first of all is a fact finding body, and is vested by the Code with all the powers to fully investigate a matter. It may ask for persons to be present to testify. It may ask for additional records, except that it cannot obtain the personnel file of another employee other than the appealing party without consent. The panel is an investigating body for the purpose of finding what the facts are, and therefore, it cannot and should not be limited by what is voluntarily disclosed to it. In the event it does not believe that it has all the evidence necessary, it should ask for it, and not make its report until it has it. A report based on inadequate factual information is of little value inasmuch as the Manager is required to reinvestigate the matter fully upon filing of the report.

V. Disciplinary Appeals.

Most appeals will be appeals from disciplinary action. In such cases, the panel should review the personnel record of the employee to determine whether or not all appropriate prior steps have been taken, find facts with respect to the employee's entire work record, and any previous disciplinary actions concerning the employee. It cannot limit itself to the single incident, which prompted the disciplinary action appealed inasmuch as disciplinary action is normally a cumulative process. It is not the purpose of the panel to substitute its judgment for that of management. Rather the Panel should find the facts with respect to the specific conduct which led to the action, review the record for the purpose of finding facts with respect to what procedures were followed which ultimately resulted in the action, all for the purpose of determining whether these facts support the action taken, or fail to support the action taken.

VI. Grievance Appeals.

In a grievance appeal not involving discipline, the Panel should find the facts and should determine whether the grievance is well founded or not well founded.

VII. Report.

A report is due within five (5) days of the conclusion of the investigation or hearing. The report of the Panel must be in writing, addressed to the Town Manager, and the appealing employee. It must state specifically all the findings of fact on the matter disclosed by the hearing or its investigation, and on which the panel makes its recommendation. In the event of a disciplinary appeal, the recommendation should be that the action is either supported or not supported, and in the event of a grievance appeal, that the grievance is well founded or not well founded. In either instance, the Panel should state its reasons for its recommendation.

VIII. Supplemental Report.

In the event a panel, in the course of its investigation, believes that a recommendation should be made to the Manager, not limited to the individual appeal, but of a more general nature, it may do so. Any such recommendation, however, should be a separate written report from the findings and recommendation on the appeal.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Relating to the November 2 Bond Referendum for Recreation

Alderman Gardner reminded the Board that a resolution regarding the recreation

portion of the bond referendum had been presented to the Board at its last meeting. Since that time, he and several other Board members had heard concerns expressed by citizens that they wanted the town to have priority in any buildings built with the bond money. He wished to offer a resolution which addresses this subject but which would not bind anyone to an unreasonable degree from cooperation in the future. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. RESOLUTION RELATING TO RECREATIONAL BOND REFERENDUM. BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board of Aldermen go on record that the Town's recreational programs will have priority use within the major indoor facilities proposed to be built with monies from the upcoming bond referendum, if the referendum be approved. This the 25th day of October, 1976.

Alderman Marshall objected to the resolution being considered at this time, as she had not seen a copy of it however as the item was on the agenda, the resolution could be discussed. Alderman Vickery said he did not think the language objectionable. Alderman Howes urged the Board to adopt the resolution as he could see no harm in the wording. Alderman Cohen said the Board had an obligation to look out for the town. This did not mean that every town program had to come first. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Adopting Grievance Procedures Regarding Claims and Payments Relative to Replacement Housing

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

A RESOLUTION ADOPTING GRIEVANCE PROCEDURES REGARDING CLAIMS AND PAYMENTS RELATIVE TO REPLACEMENT HOUSING

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the attached grievance procedures are hereby approved and adopted for use in processing grievances regarding claims and payments relative to the Community Development Replacement Housing Program.

This the 25th day of October, 1976.

Alderman Smith stated a copy of the grievance procedures had been sent to PAC for their input. They have not had an opportunity to review the procedures, but would like to enter their input later. Mr. Shipman stated when the comments were received from PAC, they would be brought before the Board. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids for the Excavation and Reconstruction of a Parking Lot

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

A RESOLUTION ACCEPTING BIDS AND AWARDED OF CONTRACT FOR THE EXCAVATION AND RECONSTRUCTION OF A PARKING LOT

WHEREAS the Town of Chapel Hill has solicited formal bids on the excavation and reconstruction of a parking lot and the following bids have been received:

<u>Bidder</u>	<u>Paving Unit Price</u>	<u>Bid Total</u>	<u>Undercut Excavation</u>
C.C. Mangum, Inc. Raleigh, N.C.	\$6.43/sq. yd.	\$25,077.00	\$10.00/cu. yd.
Nello L. Teer Company Durham, N.C.	7.35/sq. yd.	28,665.00	10.00/cu. yd.
R.E.A. Construction Company Raleigh, N.C.	6.95/sq. yd.	27,105.00	6.00/cu. yd.

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of C.C. Mangum Incorporated in the amount of \$25,077.00 for paving only, and that it be awarded the contract.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids for Petroleum Products, Automotive and Heating

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, 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>22,000 Gallons #2 Diesel Fuel</u>	<u>Bid</u>	<u>6,600 Gallons #2 Fuel Oil</u>
Bennett & Blockridge Inc. Chapel Hill, N.C.	\$9,174.00		\$2,752.20
Gwaltney Oil & Gas Co., Inc. Durham, N.C.	\$8,316.00		\$2,494.80

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Gwaltney Oil and Gas Company, Inc. for approximately 22,000 gallons of #2 diesel fuel in the amount of \$8,316.00 and for approximately 6,600 gallons of #2 fuel oil in the amount of \$2,494.80, and that this firm be awarded the contract.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids for Fire Department Uniforms

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FIRE DEPARTMENT UNIFORMS

WHEREAS, the Town of Chapel Hill has solicited formal bids on Fire Department Uniforms and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>
American Uniform Sales, Inc. Fayetteville, N.C.	\$5,329.95
Frank's Uniforms, Inc. Savannah, Ga.	5,505.75
Stinnette Uniform Sales, Inc. Raleigh, N.C.	5,760.15
The Hub Uniform Co. Charlotte, N.C.	5,117.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of the Hub Uniform Company in the amount of \$5,117.00 and that it be awarded the contract.

This the 25th day of October, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Bids for Construction of a Tennis Court and a Basketball Court

Mr. Hooper explained that this was a construction project requiring three bids. As only one bid was received, it was returned unopened, and the project will be rebid as soon as possible. Alderman Silver asked when the budget changes would be coming before the Board. Mr. Hooper replied he hoped to have them by November 8.

Preliminary Resolution Concerning Sanitary Sewer Improvements Serving a Portion of Wesley Drive

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

A PRELIMINARY RESOLUTION CONCERNING SANITARY SEWER IMPROVEMENTS SERVING A PORTION OF WESLEY DRIVE

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

1. The Board of Aldermen of the Town of Chapel Hill intends to undertake a sanitary sewer improvement project serving a portion of Wesley Drive;
2. The project shall consist of the installation of eight-inch sewer laterals for serving the properties abutting Wesley Drive;
3. It is anticipated that the basis for assessing said project costs shall be the actual costs of the installation of said sewers, and that said costs so computed be assessed against the property owners equally for each lot which can be served with sewer by reason of said sewer improvements;
4. The amount of said assessment may be paid in full without interest at any time before the expiration of 30 days after the date of the notice of confirmation of said assessment has been published, or may be paid in 10 equal annual installments each bearing interest on the unpaid balance at the rate of 6% per annum from the date of said confirmation; and

BE IT FURTHER RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that a public hearing is hereby called on this proposed project on the 22nd day of November, 1976 in the Meeting Room of the Municipal Building, Chapel Hill, North Carolina at 7:30 p.m.; and

BE IT FURTHER RESOLVED that at least 10 days before the date set for said public hearing, that notice of said hearing and the adoption of the Preliminary Resolution be published in the Chapel Hill Newspaper, and that a copy of said Notice and this Resolution be mailed by first class mail at least 10 days prior to said hearing to all property owners whose property may be subject to assessment by reason of this project as shown on the County Tax Records.

This the 25th day of October, 1976.

Alderman Gardner asked if the residents on Wesley Drive had been contacted regarding the sewer line. Mr. Shipman said the residents whose property the sewer would cross had been contacted by Public Works, however all of the residents would be contacted through the adoption of this resolution. THE MOTION WAS CARRIED UNANIMOUSLY.

Appointment of Chapel Hill Representative to the Orange County Section 8 Policy Board

Alderman Howes nominated Alderman Smith. Alderman Smith was appointed by acclamation.

Board of Adjustment - Nominations

The Board of Adjustment had notified the Board of two vacancies created by the expiration of the terms of Werner Hausler and Monica Kalo. They were now asking that these two persons be reappointed for terms ending June 30, 1979. Alderman Howes said the Board desired at least two names for each position and suggested asking the Board of Adjustment for two more names. Mayor Wallace nominated Charles Foskey. Alderman Howes moved to return the matter to the Board of Adjustment for two more names to consider. There was a consensus of the Board to return the matter to the Board of Adjustment for two more names.

Board of Adjustment - Vacancy

The Board of Adjustment notified the Board there was a vacancy created by the resignation of Wanda Lewis, whose term expires June 30, 1978. Nominations will be forthcoming from the Board of Adjustment.

Orange County Council on Aging - Nominations

Alderman Marshall stated the Chapel Hill Advisory Committee had been advised to bring in two nominations for this position.

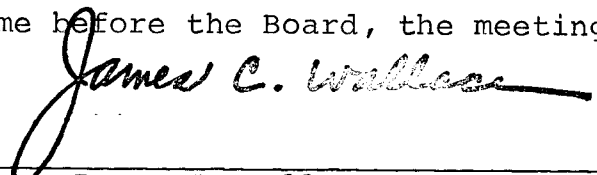
Report on Orange Comprehensive Planning Council

Alderman Howes said he had been advised that the Planning Board had not considered this item yet, and would like it to be deferred until they had discussed it.

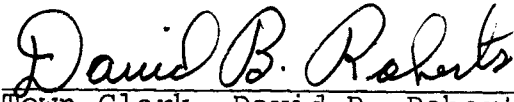
Work Sessions

The Manager had suggested a work session for November 1 to be held in the conference room. Alderman Cohen objected to a work session being set the day before election. He added that he had not been notified of the scheduling and cancelling of some work sessions. There was a discussion among the Aldermen as to items to be discussed at the work session.

There being no further business to come before the Board, the meeting was adjourned at 11:20 p.m.



Mayor James C. Wallace



Town Clerk, David B. Roberts

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, NOVEMBER 8, 1976
7:30 P.M.

Mayor Wallace called the meeting to order. 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.

Petitions and Requests:

Mayor Wallace announced that the trial of Conservation Council of North Carolina, et al. v. Robert F. Froehike, et al., the B. Everett Jordan Dam case, had come to an end in the afternoon. Preparing the Findings of Fact and Conclusions of Law were now left for the attorneys and the judge would make his decision. It was also announced that the Mayor's Assistant, Ms. Claudia Cannady was ill and in the hospital. ALDERMAN MARSHALL MOVED ADOPTION OF THE FOLLOWING RESOLUTION:

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that the Board of Aldermen express their deep concern to Ms. Claudia Cannady for a quick recovery from her illness.

BE IT FURTHER RESOLVED that this concern be expressed with flowers to Ms. Cannady.

This the 8th day of November, 1976.

ALDERMAN GARDNER SECONDED AND THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Wallace stated he had received a letter from Ms. Susan C. Koenan, petitioning the Board to read her letter and accept it for consideration at an appropriate time. The letter stated that Ms. Koenan was aware of the opposition to the sale of her home to the Tri-Delta Sorority. She had learned that some residents had approached individual members of the Board in an attempt to influence their decision, and were attempting to organize a protest to the granting of the special use permit. She wished the Board to know there were a number of residents in the neighborhood,