

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING
 OF THE MAYOR AND BOARD OF ALDERMEN
 TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, DECEMBER 13, 1976
 7:30 P.M.

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

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

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

Mayor Wallace announced that the first item to be considered would be the continuation of the public hearing to discuss sanitary sewer improvements on Wesley Drive. There had been considerable discussion on this, and the manager was ready to offer a resolution relating to this matter.

Mr. Jenne explained that in discussing the matter at the last meeting, some questions were raised as to whether there were additional lots which could be served by the proposed sewer line. The administration had checked into the matter and determined that it was possible to serve additional lots, and that it was in the best interest of all property owners to be notified of the possibility of serving their lots. He was therefore proposing a new public hearing on January 10 to hear all of these property owners, who would be duly notified by the clerk's office. THERE WAS NO FURTHER DISCUSSION AND ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE PUBLIC HEARING BE ADJOURNED. THE MOTION WAS CARRIED UNANIMOUSLY.

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

Mayor Wallace asked if there was any objection from the Aldermen to considering the resolution pertaining to Wesley Drive at this time to expedite matters. Hearing no objection, Mayor Wallace introduced 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 10th day of January, 1977 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 13th day of December, 1976.

Upon motion by Alderman Cohen, seconded by Alderman Smith, the resolution was adopted by unanimous vote.

Public Hearing to Consider the Sale of Property in Area 1 of the Northside-Knolls NDP Area

Mayor Wallace turned the hearing over to Mr. Denny for a presentation of the subject matter. Mr. Denny went over the points of the NDP program. Basically, there was an area of the Town which had substandard housing, substandard lots, substandard utilities, substandard streets, which had been marked out for a concentrated program of improvement to widen streets, replace sidewalks, add sewer utilities, and a code enforcement program to bring the lots and housing up to standard. It consisted of acquiring the houses on lots, but not the lots, and putting standard homes on these lots. There was selected acquisition of real estate in which substandard lots could be bought and offered for sale to redevelopers or added to other substandard lots to make them standard. The usual process of bids was eliminated for Chapel Hill through special legislation, provided the Board of Aldermen could make several findings after holding a public hearing. The public hearing was being held tonight to see if certain information does exist to justify this procedure; and if so, the property could be sold for development at a private sale, mainly to adjoining property owners. The parcels of land are to be sold to Stella Gattis, David Rankin, Beatrice Edwards and Velma Perry. Mr. Denny listed the conditions of which the Board must find one or more. There were no citizens who wished to speak either for or against the proposal. Alderman Smith asked for the size of the lots which Mr. Denny gave him. In response to Alderman Gardner's question on the price, Mr. Stevenson explained that the price was arrived at by using federal guidelines. Alderman Marshall asked if the residents in the neighborhood knew about the sale. Mr. Stevenson answered that they had been notified by meetings in the neighborhood, the NDP program, in writing, and by personal contact. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SMITH TO ADJOURN THE PUBLIC HEARING. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving Private Sale of Real Property by the Chapel Hill Housing Authority

Mayor Wallace suggested taking up item 6, the resolution dealing with the sale of the NDP properties next. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING PRIVATE SALE OF REAL PROPERTY BY THE CHAPEL HILL HOUSING AUTHORITY

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the private sale of the following parcels of land by the Chapel Hill Housing Authority under the provisions of Chapter 346, Session Laws 1973, to the listed redevelopers at the listed prices which the Board hereby finds to be the fair and actual value of said parcels as determined by two independent appraisers and a review appraiser:

1. Rear of 313 Caldwell Street Extension (Parcel 8-C), to Stella Gattis for \$792.00.
2. Adjoining 508 Chapel Street (Parcel 9-A), to David Rankin for \$225.00.
3. Adjoining 314 McDade Street (Parcel 9-B), to Beatrice Edwards for \$225.00.
4. Rear of 308 Lindsey Street (Parcel 19-E), to Velma Perry for \$400.00.

BE IT FURTHER RESOLVED that the Board hereby verifies the finding of the Chapel Hill Housing Authority that the listed redevelopers are the only known available, willing, and qualified redevelopers, and:

1. That the proposed use or redevelopment is reasonably necessary in order to assure development which will have the desired beneficial effect upon neighboring property, the project area, and the community as a whole, as contemplated by the redevelopment plan; and
2. That the proposed use or redevelopment will assure that the property will not remain unused for an unduly long period and will result in a return to the local ad valorem tax rolls at a substantially earlier date than uses or redevelopments obtainable by other methods of disposition.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving Public Sale of Real Property by the Chapel Hill Housing Authority

Mr. Denny explained that the parcel of property now to be considered, parcel no. 7-A, was not a part of the public hearing, but involved property which was sold by sealed bids. Only one proposal had been received, that of Wilson Caldwell, for \$1800. Under the contract, the land would be disposed of subject to the condition of a standard house being built on it within a certain period of time. Alderman Cohen moved, seconded by Alderman Marshall, adoption of the following resolution.

A RESOLUTION APPROVING PUBLIC SALE OF REAL PROPERTY BY THE CHAPEL HILL HOUSING AUTHORITY

Resolution Number	<u>II</u>
Parcel Number	<u>7-A</u>
Project Number	<u>N.C. A-5</u>

Seller: The Chapel Hill Housing Authority

Purchaser: Wilson Caldwell

Amount: One thousand eight hundred and 00/100 dollars -----(\$1,800.00)

Legal Description:

All of that certain lot or parcel of land located in the Town of Chapel Hill, County of Orange, State of North Carolina and more particularly described as follows:

All of lot # as shown on a Map entitled Northside-Knolls NDP, Area #1, Chapel Hill, North Carolina prepared by City Planning and Architectural Associates Consulting Engineers, dated October 4, 1971, adopted by the Town of Chapel Hill on October 4, 1971 as a part of the Redevelopment Plan.

Special Conditions:

Restrictive Covenants as applicable to Single Family Residential Area and conditions of contract between seller and purchaser, said contract being dated March 9, 1976, and including Part I and Part II, thereof.

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Housing Authority of the Town of Chapel Hill is hereby authorized to convey the premises above described to the above named purchaser and the terms and conditions of Contract of Sale are hereby approved in each and every detail.

This 13th day of December, 1976.

Mayor

Town Clerk

Alderman Smith asked for the means of public advertising for the sale of the property. Mr. Leech stated that legal requirements were 14 days in a local newspaper and public disclosure notices in four public buildings, and approval of the redeveloper by the Department of Housing and Urban Development, and that these requirements had been fulfilled. Alderman Smith asked if there had been a sign on the property as this was not required. Alderman Gardner asked if the adjoining property owners had been notified. Mr. Stevenson explained that only the legal requirements had been followed. He added that the successful bidder was the owner of adjoining property and that he had plans to put low-income housing on the property. Alderman Smith was concerned that other people in the neighborhood had not been notified so that they could possibly bid on the property. Mayor Wallace asked Mr. Denny what the procedure would be if the resolution did not pass. Mr. Denny explained that the sale would be readvertised and rebid. ALDERMAN SMITH OFFERED A SUBSTITUTE MOTION TO READVERTISE THE SALE OF THE PROPERTY AND TO NOTIFY THE RESIDENTS IN THE AREA THAT THE PROPERTY WAS FOR SALE. Alderman Silver seconded the motion, and the motion to substitute was carried unanimously. The motion as substituted was carried unanimously.

Petitions and Requests

Mr. Jack Hagarty stated that Mr. Levine, who had requested permission to present a petition to the Board at this time, was not present. Alderman Cohen moved to postpone the time for Mr. Levine's petition to 8:30 p.m. Hearing no objection, Mayor Wallace stated the matter would be postponed.

Alderman Howes requested the agenda item on correspondence with the Attorney General's Office re Planning Jurisdiction be discussed prior to the item on local legislation. Hearing no objection, Mayor Wallace announced that this matter would be considered just before the item on local legislation.

Alderman Howes stated he had been contacted by the developer of the Brookview Subdivision, Mr. Goforth, and had spoken with some of the residents in the area. The Subdivision had been considered by the Planning Board several times, and Mr. Goforth had hoped to have the subdivision on the agenda for this meeting. Alderman Howes requested that the Manager give the Board a report on this project and that the Board have a special meeting to act on the subdivision because Mr. Goforth felt that further delay would cause him hardship. Mr. Jenne stated he had reviewed the Brookview Subdivision with the Planning Director. At that time, he had felt the staff was not ready to agree with the recommendation made by the Planning Board, nor were the areas of disagreement and information sufficiently clear for the Manager to bring the subdivision before the Board. Mayor Wallace explained the he had also received calls during the day, and because of concern expressed by some of the Brookview residents, he had concurred with the decision of the Manager. Alderman Vickery pointed out there was a spokesman from the residents of the area in the audience, and asked to hear from him.

Mr. Don Limer stated the residents had signed a petition requesting the Board to grant approval to the plan approved by the Planning Department. Alderman Vickery asked what the problems were on the project. Mr. Denny explained that there were possible legal problems with the access roads and their maintenance. Mayor Wallace added that he had advised several citizens that this matter would not be discussed at the meeting since it was not on the agenda. Alderman Smith recommended the Board receive the petition and discuss it when the Planning Board and the staff were prepared; he did not believe a short delay would hurt anyone. Alderman Cohen did not object to considering the matter in a week or at least before the January 10 meeting, but did not think the Manager could have the information by the next day. Alderman Vickery asked what hardships would be caused by waiting. Mr. Goforth said he had problems with delaying the contract for utilities and the road construction. Alderman Gardner asked when the matter had been originally scheduled to come before the Board. Mr. Jennings explained that the subdivision had been considered by the Planning Board four times, and that he had hoped to have it for the Board at this meeting, but had been unable to because of the problems explained by Mr. Denny. Alderman Marshall stated that delays added to the cost of housing and she was upset that the Planning Board could not reach a decision. Alderman Vickery asked why a presentation could not be made

to the Board soon. Mr. Denny explained that a presentation could be made on Tuesday, but that he felt the Board needed to see all of the information in writing before they acted, and this could not be done by Tuesday. Alderman Vickery asked if a meeting could be tentatively scheduled for December 21, Mr. Jennings stated he was waiting for information from the State DOT which he believed he would get in time to prepare for the meeting. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN VICKERY, THAT A SPECIAL MEETING BE HELD ON DECEMBER 21, AT 8:00 P.M. TO DISCUSS THE BROOKVIEW SUBDIVISION. The motion was carried unanimously.

Mr. Levine was now present to present his petition. He was representing some of the Ward and Weiner Street property owners regarding the assessment for street improvements. Mr. Levine reviewed what he considered to be the facts in the situation; however, Mr. Denny disagreed with Mr. Levine's understanding of what had been done by the Board on these improvements. Alderman Vickery suggested that Mr. Levine read the public record and discuss the differences of understanding of the facts with Mr. Denny. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN SMITH, THAT THE BOARD ACCEPT MR. LEVINE'S PETITION AND REFER THE MATTER TO THE TOWN MANAGER AND THE TOWN ATTORNEY. The motion was carried by a vote of seven to one with Aldermen Epting, Gardner, Howes, Marshall, Silver, Smith and Vickery supporting and Alderman Cohen opposing.

Mrs. Sally Binkowski presented a petition from the League of Women Voters which reaffirmed the League's commitment to an efficient, convenient public transportation system, and the belief in the system as a necessity.

Mr. Tom Newsom presented a petition from several residents of Glenburnie, Boundary and North Streets requested the Aldermen to restrict non-resident parking by their homes. They were concerned that their streets were being used by university students and others who had no consideration for the residents and presented a safety hazard to those walking or riding. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN VICKERY, THAT THE BOARD ACCEPT THE PETITION AND REFER IT TO THE STREETS COMMITTEE. The motion was carried unanimously.

Alderman Smith stated he had received a similar petition from Brooks and Sons Business on South Street that he would like referred to the Streets Committee. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, TO REFER ALDERMAN SMITH'S PETITION TO THE STREETS COMMITTEE. The motion was carried unanimously.

Minutes

On motion by Alderman Howes, seconded by Alderman Smith, the minutes of the meeting of November 15, 1976, were approved. On motion by Alderman Vickery, seconded by Alderman Silver, the minutes of the meeting of November 22, 1976, were approved as corrected.

Audit Report

Mr. King M. Willis presented the following report to the Aldermen on the audit performed by John C. Muse and Company.

Mayor Wallace and members of the Town Board:

Before we begin the review of the financial activities of the Town for the year ended June 30, 1976, let's review some of the principles of governmental accounting which differ from regular commercial accounting.

- (1) Each fund is a completely separate operating and accounting entity. Activities of each fund are recorded therein and no interfund eliminations are made when reporting on the activities of the Town as a whole.
- (2) Revenues of the general government funds are reported by the modified accrual method. The modified accrual method of accounting recognizes tax income when received in cash; certain other receivables are recognized as revenue when they are both measurable and available to the Town for use in paying obligations created during the budget year. Expenditures are recorded by the encumbrance method of accounting. Encumbrance accounting recognizes an obligation when the order for services or materials is placed and not when the contractual obligation of performance or delivery has been made. Stated another way, you recognize revenues principally on a cash basis and expenditures as soon as the order for services or materials is placed.
- (3) Enterprise funds (waste water, transportation and parking facilities) are accounted for by the full accrual method of accounting just as any other profit-oriented business.
- (4) Each fund must maintain a budget and, before expenditures can be made, the item must first be appropriated in the budget.

Sheet 2

For the year ended June 30, 1976, the general government funds revenue, including transfers, amounted to \$6,021,711 and was realized by the funds as follows:

General Fund	\$4 445 100
Debt Service Fund	388 828
Revenue Sharing Fund	437 519
Community Development Fund	245 248
Housing Loan Trust Fund	22 660
Capital Projects Fund	482 356

General government expenditures for the year amounted to \$6,443,867 and was applicable to the funds as follows:

General Fund	\$4 522 876
Debt Service Fund	351 844
Revenue Sharing Fund	619 388
Community Development Fund	242 803
Housing Loan Trust Fund	592
Capital Projects Fund	706 364

General government revenues exceeded (were less than) budget estimates as follows:

General Fund	\$ 100 860
Debt Service Fund	8 838
Revenue Sharing Fund	1 479
Community Development Fund	(219 752)
Housing Loan Trust Fund	No budget
Capital Projects Fund (bonds not sold)	(905 244)

General government expenditures exceeded (were less than) appropriations as follows:

General Fund	(\$ 488 828)
Debt Service Fund	(28 146)
Revenue Sharing Fund	(9 422)
Community Development Fund	(222 197)
Housing Loan Trust Fund	No budget
Capital Projects Fund	(890 571)

Combining the year's revenues and expenditures with the adjusted fund balances at the beginning of the year resulted in fund balances as follows:

General Fund	\$ 802 000
Debt Service Fund	53 020
Revenue Sharing Fund	116 539
Community Development Fund	2 445
Housing Loan Trust Fund	374 001
Capital Projects Fund	(88 880)

Fund balances are further analyzed as follows:

	<u>Restricted by state statute</u>	<u>Appropriated</u>	<u>Available for appropriation</u>	<u>Deficit</u>
General Fund	\$169 932	\$527 710	\$104 358	-
Debt Service Fund	-	49 885	3 135	-
Revenue Sharing Fund	104 892	-	11 647	-
Community Development Fund	-	-	2 445	-
Housing Loan Trust Fund	-	-	374 001	-
Capital Projects Fund	-	-	-	(\$88 880)

General Statutes 159-8 states that fund balances to be appropriated or available for appropriation is the amount by which cash and investments exceed liabilities, encumbrances and deferred revenues, which also means that all receivables are restricted for use until realized in cash. This is the amount which is covered under the caption "Restricted by State Statute." Deficits, where present in funds, must be covered in the ensuing year's budgetary operations.

The library fund had revenues of \$153,174 applicable to the following funds:

Operation Fund	\$139 506
Gift Fund	13 668

Expenditures amounted to \$149,727 applicable to the following funds:

Operation Fund	\$134 044
Gift Fund	15 683

Combining these operations with the fund balances at the beginning of the year resulted in fund balances as follows:

Operation Fund	\$ 6 000
Gift Fund	39 341

Fund balances of \$26,500 in the gift fund have been restricted by the library fund.

The waste water fund had net income of \$179,775 after providing for depreciation in the amount of \$71,141, which, when added to the retained earnings at the beginning of the year, resulted in retained earnings of \$848,975. Of this amount, \$279,340 is available for appropriation within the meaning of General Statutes 159-8.

Sheet 5

Net income from operations, adjusted for charges for depreciation of \$71,141 and a decrease in encumbrances of \$28,610 which did not affect funds, resulted in total funds from operations of \$222,306. This, together with contributions from the United States Government of \$56,404, was used to expand the fixed assets of the fund in the amount of \$16,581 and to decrease long-term debt in the amount of \$100,000. The balance, \$162,129, was used to increase the working capital of the fund.

The transportation fund had net loss of \$30,750 after providing for depreciation in the amount of \$96,936. Depreciation charges of \$54,919 were charged against contributions from the United States Government resulting in a transfer to retained earnings of \$24,169, which, when added to the retained earnings at the beginning of the year, resulted in retained earnings of \$79,288. None of this amount is available for appropriation within the meaning of General Statutes 159-8.

Net loss from operations decreased by charges for depreciation of \$96,936 and encumbrances of \$11 which did not require the use of funds resulted in total funds from operations of \$66,197. This, together with contributions from the United States Government of \$11,467, was used to expand the fixed assets of the fund in the amount of \$14,072 and to decrease long-term debt in the amount of \$35,000. The balance, \$28,592, was used to increase the working capital of the fund.

The parking facilities fund had net income of \$32,435 after providing for depreciation in the amount of \$5,787, which, when added to the retained earnings at the beginning of the year, resulted in retained earnings of \$354,467. Of this amount, \$55,438 is available for appropriation within the meaning of General Statutes 159-8.

Net income from operations increased by charges for depreciation of \$5,787 which did not require the use of funds resulted in total funds from operations of \$38,222. This was used to expand the fixed assets of the fund in the amount of \$9,979. The balance, \$28,243, was used to increase the working capital of the fund.

Details of the revenues and expenditures of the general government and library funds and the revenues and expenses of the enterprise funds are included on the various exhibits and schedules of the audit report.

Property tax collections for the year ended June 30, 1976 amounted to 95.44% of the net levy and sewer rent collections amounted to 94.28% of the net levy.

We are available now and will be later to answer any questions which you may have about any item within the report.

Alderman Smith asked if the auditors had made any recommendations for changes in preparing the materials for audit. Mr. Willis replied that recommendations had been submitted to the Mayor, Town Manager and the Finance Department.

Resolution Granting a Special Use Permit for the Orange-Person-Chatham Mental Health Center, with Stipulations

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

A RESOLUTION GRANTING A SPECIAL USE PERMIT TO ORANGE COUNTY FOR THE ORANGE-PERSON-CHATHAM MENTAL HEALTH CLINIC AND THE CHAPEL HILL-CARRBORO MULTI-PURPOSE CENTER, WITH STIPULATIONS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the proposed special use permit requested by Orange County for the Orange-Person-Chatham Mental Health Clinic and the Chapel Hill-Carrboro Multi-Purpose Center, if developed in accordance with the plans submitted and the stipulations stated below:

1. Will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,
2. meets all required conditions and specifications,
3. will not substantially injure the value of adjoining or abutting property, and
4. that the location and character of the use if developed according to the plan as submitted and the stipulations below stated and approved 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.

In order to make the four findings above, the Board of Aldermen stipulates that the plan of development submitted shall be modified by the following stipulations:

1. That the applicant prepare a site development and improvements program for the 9.23 acre site and submit such plan and program for review by the Planning Board and approval by the Board of Aldermen. Such plan shall be submitted by May 1, 1977 and shall include the following:
 - A. A schedule for paving all access roads and parking areas.
 - B. Provisions for the handicapped for the Multi-Purpose Center Building and a schedule for completion of such improvements.

- C. A plan and schedule for landscaping the site. Such plan shall include location and screening of bulk trash containers.
 - D. Consideration of possible dedication of additional public rights-of-way across the property which might be necessary in the future, and improvements to the on-site circulation system with schedule for implementation. Such plan shall include consideration of provisions for pedestrians.
 - E. An analysis of the storm water run-off from the property with a schedule for improvements as required.
 - F. Consideration of the dedication of a pedestrian easement along the creek.
2. That the landscape plan and sign plan be approved by the Appearance Commission prior to issuance of a certificate of occupancy. All signs shall conform to such plan.
 3. That all trash be removed from the site prior to issuance of a certificate of occupancy.
 4. That the loop drive be barricaded until such time as the road is paved.
 5. That an additional fire hydrant be installed on the south side of McMasters Street opposite the intersection of Carver Street and McMasters Street.

BE IT FURTHER RESOLVED that the Board of Aldermen hereby grants to Orange County the Special Use Permit for the Orange-Person-Chatham Mental Health Clinic and the Chapel Hill-Carrboro Multi-Purpose Center upon the plans as submitted and modified by the stipulations listed above.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving the Preliminary Sketch for the Subdivision of Lot 28, Coker Hills West

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

A RESOLUTION APPROVING THE PRELIMINARY SKETCH FOR LOT 28, COKER HILLS WEST, WITH STIPULATIONS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the preliminary sketch for Lot 28, Coker Hills West as modified by the following stipulations:

1. That an access easement be provided on lot 28A along the existing private driveway to permit access along such driveway to lot 28B.
2. That the sanitary sewer, storm water and pedestrain easement be redrawn across the northeast corner of lot 28B so as to measure 50 feet from the centerline of the creek.
3. That the floodway and floodway fringe line be shown on the final plat.
4. That the access drive be cleared to a minimum width of 12 feet to provide access for emergency service vehicles.

This the 13th day of December, 1976.

Alderman Smith asked if there were some method by which the Coker Hills project could come in as a whole rather than small packages. Mr. Jennings explained that the final plat for Coker Hills had been approved. This request was for subdivision of Lot 28, located at the northern end of Porter Place. The division will be from a 3.14 acre lot into a 2.23 acre lot and a .91 acre lot. The staff had recommended an access easement and clearing of the existing access drive to a minimum width of 12 feet to

allow a fire truck access. Alderman Smith was concerned that this would not be enough room for two fire trucks. Mr. Jennings stated the 12 foot clearance had been the suggestion of the fire chief. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Renewing the Preliminary Plat for Booker Creek Subdivision

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

A RESOLUTION RENEWING THE PRELIMINARY SKETCH FOR BOOKER CREEK SUBDIVISION BE IT RESOLVED By the Board of Aldermen of the Town of Chapel Hill that the Board hereby renews the approval of the preliminary sketch for Booker Creek Subdivision until December 31, 1977.

This the 13th day of December, 1976.

Alderman Cohen questioned whether some of the residents might be assessed for benefits to all of the owners of property if only half of Old Oxford Road was paved. Mr. Harris stated that the section coming in for approval now was not on Old Oxford Road, that that portion of the subdivision would come in for approval later. There was a discussion as to how the paving for the other half of the road would be assessed. Alderman Cohen was concerned that if only half of the road was paved now, the Town would not be allowed to assess for the other half later. He asked if it would be feasible for the Town to participate with the developer in the paving and have the whole street paved at one time, so the Town would not have an 18 foot wide street. The motion was carried unanimously. Alderman Cohen then raised the point of whether the Town could assess for paving of half a street when the other half had been paved, without petition. Mr. Denny did not believe this street would qualify under the special legislation for paving and assessing without petition.

Resolution Granting a Leave of Absence from the Recreation Commission to Chick White

Alderman Vickery requested the Board to take up the item regarding Chick White as Mrs. White was in the audience waiting. There was no objection. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION GRANTING A LEAVE OF ABSENCE FROM THE RECREATION COMMISSION OF CHICK WHITE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby grants under the provisions of North Carolina General Statutes 128-41 a leave of absence from her seat on the Recreation Commission to Chick White from January 1 through August 1, 1977, by reason of her expected absence from the country for that period.

This the 13th day of December, 1976.

There was a consensus that the Board would appoint someone to replace Mrs. White in the interim. THE MOTION WAS CARRIED UNANIMOUSLY.

Historic District Ordinance

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

HISTORIC DISTRICT ORDINANCE

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 by the addition of a new Section 3A. Historic District, to read as follows:

PROPOSED ORDINANCE FOR THE ESTABLISHMENT AND
REGULATION OF THE CHAPEL HILL HISTORIC CONSERVATION DISTRICT

- I. Purpose. The Chapel Hill Historic District, hereinafter referred to as the "District," taken as a whole and including such individual landmarks as may be found therein, is one of the Town's most valued and important assets. It is established for the purpose of protecting and conserving the heritage of the Town, county and State; for the purpose of safeguarding the character and heritage of the District by preserving the District as a whole and any individual property therein that embodies important elements of its social, economic, political, or architectural history; for promoting the conservation of such District for the education, pleasure and enrichment of residents of the district and the town, county, and State as a whole; and for the purpose of stabilizing and enhancing property values throughout the District as a whole, thus contributing to the improvement of the general health and welfare of the Town of Chapel Hill and the residents of the District.

- II. Historic District. The Chapel Hill Historic District is hereby established as a district which overlaps with other zoning districts, the extent and boundaries of which are as indicated on the official "Boundaries and Zoning Districts" Map for Chapel Hill and its environs. The Historic District contains several residential, commercial and other zoning district classifications, and all uses permitted in any such district, whether by right or as a special use, shall be permitted in the Historic District according to the procedures otherwise established for such uses; provided, however, that before work is begun on any building construction, alteration, demolition, moving, or any other activity commenced that would substantially alter the appearance or character of any appurtenant feature within the District as defined below, a Certificate of Appropriateness shall be issued by the Historic District Commission prior to the issuance of any building or other permit required by the Town Code of Ordinances within the District.

HISTORIC DISTRICT COMMISSIONIII. Membership

There is hereby established the Chapel Hill Historic District Commission, hereinafter referred to as the "Commission." The Commission shall consist of ten (10) members appointed by the Board of Aldermen to serve without monetary compensation. A majority of the members of the Commission shall have demonstrated special interest, experience or education in history, architecture and other design-related professions. All members of the Commission shall reside in the area of zoning jurisdiction of Chapel Hill and its environs.

Members shall serve terms of office of a duration of three (3) years from the date of appointment, ending December 31. In the initial organization of the Commission, the Board of Aldermen shall, in any distribution according to its discretion, appoint four (4) members for a one-year term of office each, three (3) members for a two-year term of office each, and three (3) members for a three-year term of office each.

IV. General Responsibilities of the Commission. The Commission shall seek to promote, enhance and preserve the character of the District provided the Commission shall not require the reconstruction or restoration of individual or original buildings or structures or portions thereof. In considering new construction the Commission shall encourage contemporary design which is harmonious with the character of the District.

Furthermore the Commission will henceforth assume all duties and responsibilities previously held by the Chapel Hill Community Appearance Commission in the Historic District of Chapel Hill; however, the Commission shall not assume any of the duties or responsibilities of the Chapel Hill Planning Board.

V. Authority and Powers of the Commission. The Commission is authorized and empowered to undertake actions pursuant to the discharging and conducting of its duties and responsibilities. Such actions and powers include the following:

- A. To recommend to the Board of Aldermen districts or areas to be designated by ordinance as "Historic Districts."
- B. To recommend to the Board of Aldermen that designation of any district or area as a Historic District be revoked or removed.

- C. To review and approve any and all proposed constructions, reconstructions, alterations, renovations, restorations, relocations, or other changes of or to any and all buildings, structures, appurtenant fixtures or features, including the issuance or withholding of Certificates of Appropriateness within the District.
- D. To act as, establish or designate a group, body, or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties such as color schemes, gardens and landscape features, and minor decorative elements.
- E. Within the period of postponement of demolition or alteration of any building, the Commission shall take steps to ascertain what the Board of Aldermen can or may do to preserve such buildings, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of potential use of the power of eminent domain by the Town of Chapel Hill when the preservation of a given building is clearly in the interest of the general welfare of the community and such building is of certain historic and architectural significance. The Commission shall then make recommendations thereabout to the Board of Aldermen.
- F. To propose to the Board of Aldermen changes to this or any other ordinance and to propose new ordinances or laws relating to the Historic District.
- G. To communicate with other Town boards or commissions or with agencies of the Town or other governmental units to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest. This shall include requests to the Chapel Hill Community Appearance Commission for review of pertinent proposals.
- H. To publish information about, or otherwise inform the public, of any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions, or requirements as its budget may allow.
- I. To initiate or undertake any programs of information, research, or activity relating to any matters under its purview, duties, responsibilities, or functions as its budget may allow.
- J. To undertake on its own initiative or in collaboration with any other commission, agency, board, society or association any programs of information, research or activity relating to any matters under its purview, duties, responsibilities, or functions as its budget may allow.

- K. To report violations of this ordinance, the zoning ordinance, or the building code within the District to the Town Manager or his designee.
 - L. To assist Town staff in obtaining the services of private consultants to aid in carrying out programs of information or research.
 - M. To accept funds granted to the Commission from private or not-for-profit organizations.
 - N. To organize itself and conduct its business by whatever legal means it deems proper, expeditious, necessary or appropriate.
 - O. To conduct public hearings on applications for Certificates of Appropriateness where the Commission deems that such a hearing is necessary.
 - P. To furnish, no later than 60 days prior to the end of each fiscal year, an Annual Report of its activities to the Chapel Hill Board of Aldermen. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the Commission.
 - Q. To request that the Board of Aldermen call public hearings on matters of general importance to the Historic District.
 - R. To establish guidelines under which the Town Manager or his designee shall approve less significant modifications on behalf of the Commission. No application shall be declined without first being considered by the Commission.
 - S. To attempt negotiations with owners and other parties in an effort to find means of preserving buildings scheduled for demolition.
- VI. Open Meetings. All meetings or hearings of any kind held by the Commission shall be open to the public and reasonable notice of the time and place thereof shall be given to the public.

APPLICATIONS FOR ALTERATIONS, ADDITION, NEW CONSTRUCTION OR DEMOLITION

VII. Certificate of Appropriateness Required. The following shall apply to exterior features which are visible from a public right-of-way, as determined by the Town Manager or his designee. Within the District, no exterior portion of any building or other structure (including stone walls, fences, light fixtures, steps, pavement, or other appurtenant feature or texture) nor above-ground utility nor any type of outdoor sign shall be erected, altered, restored, renovated, relocated, removed, or otherwise changed within the District until after an application for a Certificate of Appropriateness concerning exterior architectural or visual features has been submitted to and approved by the Commission. Such Certificate shall be issued by the Commission prior to and is necessary for the issuance of a building permit or other permit granted for the purpose of constructing or altering buildings, structures, or signs. A Certificate of Appropriateness shall be required for all activities specified in this section; however, the granting of a Certificate shall not supplant the need for a building permit or other permit normally required by the Town for construction, alteration or demolition.

The Town of Chapel Hill and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences or buildings on property, easements, or streets owned by the Town or public utility companies.

In the case of minor projects involving the ordinary maintenance or repair of any architectural feature in the Historic District which does not involve a change in design, material, or outer appearance thereof, the Town Manager or his designee may exempt the applicant from provisions of this section on the basis of preliminary sketches or drawings and other supporting data. The Town Manager or his designee shall notify the Commission of all such exemptions.

VIII. Required Procedures. Any person or persons wishing to apply for a Certificate of Appropriateness shall contact the Town Manager or his designee for the required application forms and shall return the completed application forms with supporting data to the Town Manager or his designee at least ten (10) working days prior to the next meeting of the Historic District Commission.

Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

Upon approval of any application the Commission shall forthwith transmit a report to the Town Manager or his designee stating that the Certificate of Appropriateness has been approved and cause a Certificate of Appropriateness to be issued to the applicant. Upon failure of the Commission to take final action upon an application within thirty (30) days after the application for a permit is submitted, the application shall be deemed to be approved, except when an extension of the time limit has been approved by mutual agreement between the applicant and the Commission.

When a Certificate of Appropriateness has been issued, a copy thereof shall be transmitted to the Building Inspector, who shall inspect the construction or alteration approved by such certificate in accordance with standard procedures, and who shall immediately report to the Commission and Board of Alderman any work not in accordance with such certificate. In the event any application for a Certificate of Appropriateness is disapproved, the Commission shall give the reasons therefore in a written statement to the applicant and place a copy on file with the Town Manager or his designee.

- IX. Review Criteria. In granting a Certificate of Appropriateness the Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure. The Commission shall not consider interior arrangement nor regulate alterations or modifications not visible from a public right-of-way and shall take no action under this ordinance except for the purpose of preventing the construction, reconstruction, alteration, restoration or moving of buildings, structures, and appurtenant features which would be or are deemed by the Commission to be incongruous with the historic and visual aspects of the District. In considering new construction, the Commission shall encourage contemporary design which is harmonious with the character of the District. The following sections outline the criteria the Commission shall use in its deliberations:
- A. Historic or Architectural Quality. To facilitate its review, the Commission shall prepare and maintain maps showing the historic and architectural significance of structures within the Historic District. Such maps shall be updated at least every five (5) years.
 - B. Exterior Form and Appearance. Exterior features include the architectural form and style, general design, and general arrangement of a building or other structure including the type and texture of the building material; the type, pattern, and style of all windows, doors, light fixtures, signs, and other appurtenant structures. In considering exterior form and appearance, the Commission

December 13, 1976

Board of Aldermen

shall take into account the following elements to ensure that they are consistent with the historic or visual character or characteristics of the District:

1. The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
2. The setback and placement on lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings.
3. Exterior construction materials, including textures and patterns but not to include color.
4. Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
5. Roof shapes, forms, and materials.
6. Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration.
7. General form and proportions of buildings and structures.
8. Appurtenant fixtures and other features such as lighting.
9. Structural condition and soundness.

X. Delay in Demolition. No building within the Historic District shall be demolished or otherwise removed until the owner thereof shall have given the Historic District Commission ninety (90) days written notice of his proposed action. If the Commission finds that the building has no particular historic significance, nor any substantial value toward maintaining the character of the District, it may waive all or part of such ninety day period and authorize earlier demolition or removal of the building or structure.

XI. Data to be submitted with Application.

- A. Required Data: The Commission shall require data as is reasonably necessary to determine the nature of the request.
- B. Waiver of Requirements: The Commission may specify criteria for situations in which the Town Manager or his designee may waive any of the data requirements.
- C. Files to be Kept: All of the data required shall be filed with the Town Manager or his designee, who shall cause said data to be made available to the Commission.

- XII. Record of Action Taken by the Commission. The Commission shall maintain a file containing records of all applications brought before the Commission for review, the action taken by the Commission, reasons underlying all actions, drawings submitted for approval and subsequent amendments.
- XIII. Comments by State. The North Carolina Department of Cultural Resources, either upon the request of the Department or upon the initiative of the Commission, shall be given an opportunity to review, comment and make recommendations upon the substance and effect of any application for a Certificate of Appropriateness. Such comments may be provided in writing to the Commission or made orally at any public hearing or public meeting held in connection with the application. The Commission shall consider such comments and recommendations prior to the issuance of any Certificate, and if any Certificate is issued contrary to the recommendations of the Department, the Commission shall enter the reasons therefor in the minutes of the meeting at which such action is taken, and a copy of the minutes shall be forwarded to the Department of Cultural Resources. If the Department does not submit its comments or recommendations in connection with any application within thirty (30) days following receipt by the Department of any materials needed for its review of the application, the Commission shall be relieved of any responsibility to consider such comments and recommendations, and the Certificate may thereafter be issued without regard to the requirements of this section.
- XIV. Certain Changes Not Prohibited. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any architectural feature in the Historic District which does not involve a change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the building inspector shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition.
- XV. Appeal. An appeal may be taken to the Chapel Hill Zoning Board of Adjustment from any action of the Commission in granting or denying a Certificate in the same manner as any other appeal to such Board. Any appeal from a decision of the Zoning Board of Adjustment shall be heard by the Superior Court in Orange County.
- XVI. State Recommendations. The District shall not be established or designated until the Department of Cultural Resources shall have been given an opportunity, in accordance with the provisions of G. S. 160A-395 (2), to make recommendations with respect to the establishment of the District.

XVII. Definitions.

1. Normal maintenance and repair: Routine repair, replacement or maintenance of electrical or mechanical installations or of damaged or worn parts or surfaces, including such activities as repainting, landscaping, and treatment of architectural features which do not involve a change in design, material, or outer appearance thereof.
2. Historic Significance: The quality of significance in history, architecture, archeology or culture present in districts, sites, buildings, structures or objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
 - A. that are associated with events that have made a significant contribution to the broad patterns of local, state or national history; or
 - B. that are associated with the lives of persons significant in the past; or
 - C. that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - D. that have yielded, or may be likely to yield, information important in prehistory or local, state, national history.
3. Certificate of Appropriateness: A statement, signed by an administrative officer of the Town, setting forth that the exterior architectural or visual features of a building or structure are consistent with the historic or visual character or characteristics of the Historic District in which the building or structure is proposed to be erected, altered, restored, renovated, relocated, removed or otherwise changed.
4. Exterior Architectural Features: Included in exterior architectural features are: the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, and the type and style of all windows, doors, light

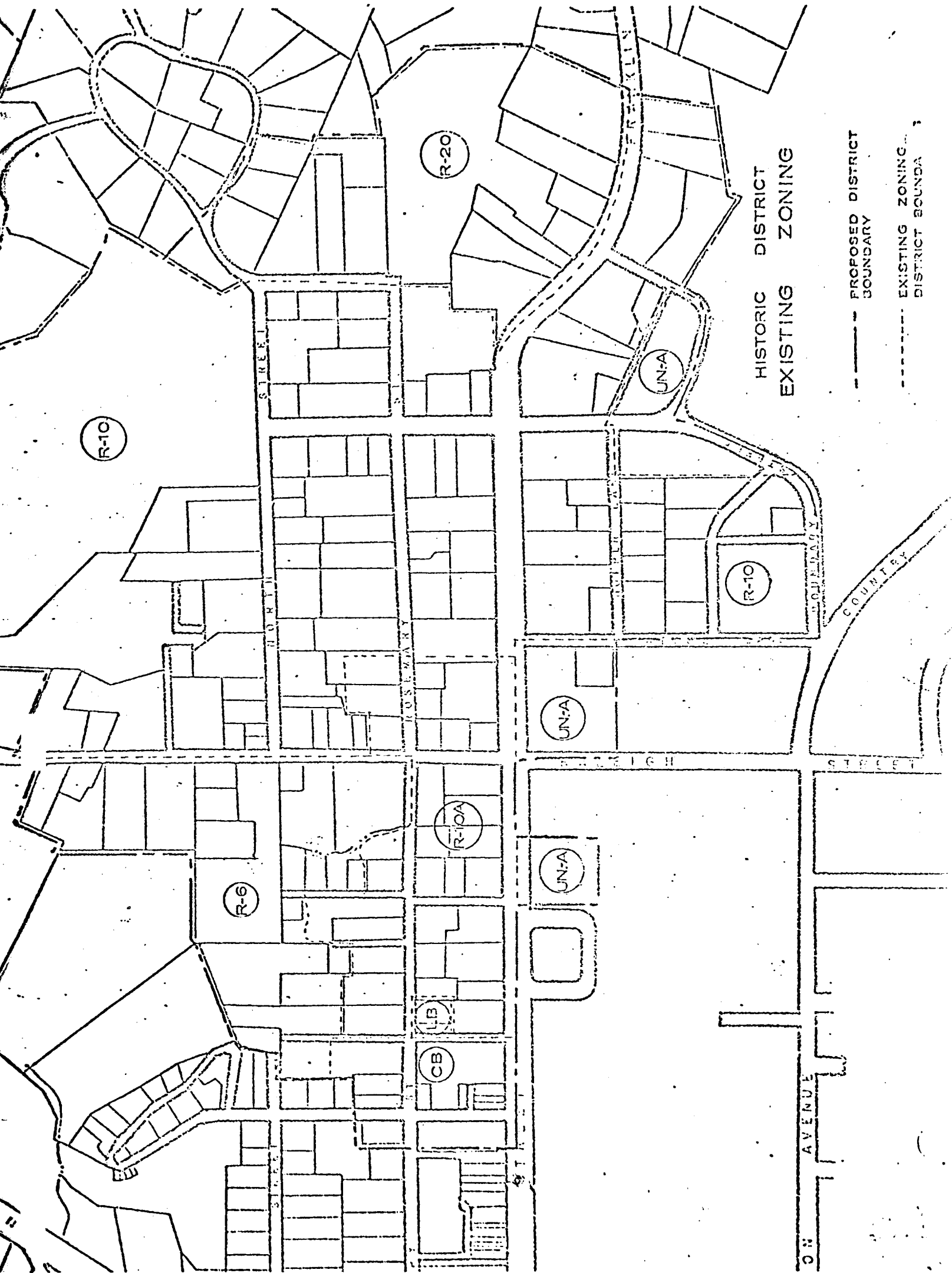
fixtures, signs and other appurtenant fixtures. In the case of signs, the style, material size and location are included.

Section II

This ordinance shall be effective from and after January 24, 1977.

Section III

All ordinances and portions of ordinances in conflict herewith are hereby repealed as of the effective date of the ordinance.
This the 13th day of December, 1976.



HISTORIC DISTRICT
EXISTING ZONING

--- PROPOSED DISTRICT BOUNDARY

--- EXISTING ZONING DISTRICT BOUNDARY

AS THERE WAS A RECOMMENDATION FROM THE STATE TO CHANGE THE THIRTY DAYS IN SECTION VIII, PARAGRAPH TWO, TO FORTY-FIVE DAYS, ALDERMAN COHEN MOVED TO AMEND THE ORDINANCE BY DELETING 30 AND ADDING 45. Alderman Howes seconded the motion. Mr. Jennings explained that the state had recommended this as the state had thirty days to review any proposed change which would not leave the Town with any time. Alderman Epting said that although the state required thirty days, they should not use all of this time, and therefore thirty days should be enough, especially if notice were given to the state of proposed changes before the formal application was filed. Alderman Smith said the State could not be rushed and frequently used all of the time allowed it for projects. Alderman Epting also wished call-up of projects to the state to be discretionary; however, as the state statute makes it mandatory, the language was left as is. THE MOTION TO AMEND WAS DEFEATED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN COHEN, EPTING, GARDNER, HOWES, MARSHALL, SILVER AND VICKERY OPPOSING AND ALDERMAN SMITH SUPPORTING. The motion for adoption was carried unanimously.

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

Board of Aldermen

December 13, 1976

AN ORDINANCE CREATING A CHAPEL HILL HISTORIC DISTRICT

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" be hereby amended so that the following area be designated the Chapel Hill Historic District and made subject to the provisions of Section 3A, "Historic District" of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas":

Beginning at a point in the South ROW of East Franklin Street, 94 feet west of the extended western ROW line of Henderson Street; proceeding thence North across Franklin Street to the Southwest corner of Chapel Hill Township Tax Map 80-A, Lot 12, and with the West property line of said lot North 163 feet, West 4 feet and North 179 feet across Rosemary Street to the Southwest corner of Lot 80-G-13; proceeding thence North 133 feet and East 80 feet with the West and North property lines of said lot to the West ROW line of Henderson Street; proceeding thence EAST across Henderson Street to the Southwest corner of lot 80-B-49; proceeding thence East with the South line of said lot 110.25 feet to the Southeast corner; proceeding thence North 255 feet to the South ROW of North Street; proceeding thence East with said ROW approximately 38 feet to the Southwest corner of lot 80-B-53; proceeding thence North with the West property line of said lot 83.4 and 46 feet to the South ROW line of Cobb Terrace; proceeding thence Northeast with said ROW and the South property line of lot 80-B-24 390 feet to the West property line of lot 80-B-25; proceeding thence North, approximately 12 feet with said line, thence East with the North line of 80-B-25 approximately 300 feet to the Southwest corner of lot 81-B-13; proceeding thence North 334 feet with the West lines of lots 81-B-13 and 12 to the Southwest corner of lot 81-B-11; proceeding thence with the West line of said lot generally North 157, 40, 88 feet to the Southwest corner of lot 81-B-9; proceeding thence North with the West line of said lot approximately 76 feet, and East with the North line 215 feet to the West ROW line of Hillsboro Street; proceeding thence North with said ROW line approximately 105 feet to its intersection with the extended North property line of lot 79-B-18; proceeding thence East with said extended North property line and the North property line of said lot approximately 338 feet to the Southeast corner of lot 79-B-19; proceeding thence North with the East line of said lot 220 feet to the Northwest corner of lot 79-B-6; proceeding thence East with the North line of said lot 87 feet to the Northeast corner thereof; proceeding thence East from the Northeast corner of lot 79-B-6 in a straight line to the Northwest corner of lot 79-B-1, a distance of approximately 958 feet; proceeding thence Southeast with the Southwest line of lot 79-B-1 219 and 275 feet and with the South line of lot 79-B-3B 167 feet to a point in the West line of lot 75-B-2; proceeding thence South 362 feet with said line and the West line of lot 75-B-3A; proceeding thence East 100 feet with the South line of said lot to a point in the West ROW line of Tenny Circle; proceeding thence North with said ROW line 110 feet proceeding thence East across Tenny Circle to the Southwest corner of lot 75-C-6; proceeding thence with the South lines of lots 75-C-6 through 4 approximately 345 feet to the extended West line of lot 75-D-9; proceeding thence South across Tenny Circle and 200 feet with said lot line; proceeding thence East with the North line of lot 79-C-3 approximately 30 feet; proceeding thence South with the West line of lot 74-B-16, 209 feet

and approximately 160 feet East with the South line of said lot to the extended West line of lot 74-B-15; proceeding thence South with said line and West lines of lots 74-B-15 and 2 approximately 235, 345, and 340 feet to the North ROW line of Franklin Street; proceeding thence South across Franklin Street to the Northwest corner of lot 74-C-5; proceeding thence South 249 feet with the West line of said lot; proceeding thence West with the South lines of lots 74-C-4 through 2 304 feet; proceeding thence South 35 feet and West approximately 170 feet with the South line of lot 74-C-2; proceeding thence South approximately 75 feet and West approximately 200 feet to a point in the South ROW line of Park Place Drive; proceeding thence West with said ROW approximately 400 feet to its intersection with Boundary Street; proceeding thence approximately 1,050 feet with the East (and South) ROW line of Boundary Street, across Senlac Street and Battle Lane, to a point in the West ROW line of Battle Lane; proceeding thence North with said ROW line approximately 690 feet to the South line of lot 74-H-2; proceeding thence West with said South line and South line extended approximately 400 feet across Raleigh Street to a point in the West ROW line of Raleigh Street; proceeding thence North with said ROW line approximately 300 feet to the South ROW line of Franklin Street; proceeding thence West with said ROW approximately 255 feet to the corner of the Chapel of the Cross lot; proceeding thence South 300 feet West 228 feet, and North 295 feet with said lot returning to a point in the South ROW of Franklin Street; proceeding thence West with said ROW line approximately 325 feet to the point of beginning.

Section II

This ordinance shall become effective on and after January 24, 1977.

Section III

All ordinances and portions of ordinances in conflict herewith are hereby repealed as of the effective date of this ordinance.
This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

An Ordinance Amending Portions of Chapter 21, The Traffic Code

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

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 21, THE TRAFFIC CODE

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Chapter 21, The Traffic Code, of the Code of Ordinances, Town of Chapel Hill, is hereby amended as follows:

SECTION I

In Section 21-28.1, "Bus Stops," DELETE

<u>Street</u>	<u>At</u>	<u>Direction</u>	<u>Feet</u>	
			<u>From</u>	<u>To</u>
E. Franklin Street	Porthole Alley	E-F	0	96
and ADD				
W. Franklin Street	Columbia Street	E-F	104	174
S. Columbia Street	Franklin Street	N-L	180	300

SECTION II

In Section 21-29, "Parking Meter Zones", DELETE the present first paragraph of 21-29 (a), "East Franklin Street, south side:" and REPLACE with:

One-hour parking from Old Fraternity Row to Henderson Street.

SECTION III

In Section 21-15, "Vehicular traffic at marked crosswalks with stop signs," REVISE 21-15 (a) to read:

- (a) The Town Manager shall cause to be marked on East Franklin Street between Henderson Street and Columbia Street approximately 400 feet east of Columbia Street, and on South Columbia Street specifically, approximately 300 feet north of Cameron Avenue, crosswalks for pedestrian traffic, and shall cause to be erected at or about the center of the street at such marked crosswalks manually operated traffic lights notifying drivers traveling on said streets to come to a full stop for pedestrians.

SECTION IV

In Section 21-35, "Loading and unloading of delivery vehicles," REPLACE in 21-35 (d) the figures "217" and "288" with the figures "410" and "500" respectively; and REPLACE in 21-35 (h) the figures "74" and "212" with the figures "410" and "490" respectively.

SECTION V

The provisions of each section of this ordinance shall become effective when signs, signals, and/or other markings have been erected in conformity with said section.

SECTION VI

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

This the 13th day of December, 1976.

Alderman Smith asked if the bus zone in the middle of South Columbia Street would interfere with traffic at the intersection. Mr. Shipman answered that this had been considered and the bus zone was far enough

away from the intersection not to interfere with traffic. Alderman Cohen disagreed with the location of the bus zone in front of the post office, because there is no shelter at that point from the rain or cold as is provided by the Carolina Coffee Shop and other buildings. He added that merchants complained about the litter from the waiting riders, but thought that the problem was that the litter should be cleaned up more often, not the bus stop moved. AFTER DISCUSSION ON THE ALTERNATIVE OF A BUS ZONE WHERE IT PRESENTLY IS, ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, TO AMEND THE ORDINANCE BY DELETING "PORTHOLE ALLEY" AND ADDING "HENDERSON STREET" AND DELETING FROM "0" FEET TO "96" AND ADDING "131" TO "0" IN SECTION I; AND BY DELETING "410" AND "490" AND ADDING "530" AND "610" IN SECTION IV. Alderman Smith asked Mr. Augustine for his comments. Mr. Augustine said some of the merchants had met with Chief Hilliard and discussed some alternatives for the bus zone. He agreed with moving the bus zone on Columbia, however he believed the zone in front of the Townhall created a congested area and was dangerous at night. Alderman Cohen stated there shouldn't be a danger at night as most of the people boarding the bus late at night in front of the Townhall were people coming from Townhall. Alderman Howes was concerned that the juxtaposition of the crosswalk and bus zones would create hazards for people stepping into the street being hidden by trucks and busses. He did not think any of the alternatives good. From an urban design point of view, the busses in front of the post office would be very visible and would cut off the view of Franklin Street. Alderman Howes suggested referring the matter to the Streets Committee. Mr. Jenne responded that the Streets Committee had been contacted and said the matter should be brought before the Board of Aldermen. Alderman Vickery asked if the new bus zones had been considered by the Transportation Board. ALDERMAN HOWES OFFERED A SUBSTITUTE MOTION THAT THE MATTER BE REFERRED TO THE STREET COMMITTEE AND THE TRANSPORTATION BOARD FOR CONSIDERATION. Alderman Gardner seconded the motion, and the motion was substituted by unanimous vote. THE MOTION AS SUBSTITUTED WAS CARRIED UNANIMOUSLY.

Resolution Setting Off-Street Parking Rates

Alderman Cohen in considering the new rates to be charged at the municipal lots did not agree with the \$.20 minimum charge for people not using the lot for 1 hour. Mr. Hooper said this could be looked into, but might have ramifications on the revenue. Alderman Epting did not think that not reducing the amount would make much difference. Alderman Silver asked for a distribution of parking at certain hours of the day, so that high long-term parking rates at peak hours could be considered. Mr. Hooper said this information was not available but could be gathered if necessary. There was discussion on whether raising the rates would free many long-term parking spaces. Alderman Vickery suggested imposing a surcharge at peak hours such as noontime. ALDERMAN MARSHALL MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SETTING OFF-STREET PARKING RATES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby determines that the rates to be charged in the off-street parking lots operated by the Town are as follows:

First hour or portion thereof	.20
One and one-half hours	.30
Two hours	.40
Twenty cents for each additional half hour thereafter	

Cars entering lots after 8:30 p.m. - .50 in advance

These rates shall be effective from and after January 1, 1977.

This the 13th day of December, 1976.

Alderman Cohen did not think people parking at night should have to pay \$.50 if they were only parking for 1/2 hour or an hour. He suggested a system whereby those paying \$.50 in advance and only using part of the time should get part of their money back. It would be unfair to make late night parkers pay more than day parkers which would be the opposite of a peak hour surcharge. Alderman Cohen asked Mr. Hooper how the refund system

DEC 13

could be worked. Mr. Hooper said he thought that since there was not much turnover at night, it would be possible for the attendant to do this. Alderman Gardner moved, seconded by Alderman Vickery to amend the resolution by adding after the words "after 8:30 p.m.", the words "and leaving after the attendant leaves," and by adding after the words ".50 in advance" the sentence "Those leaving while the attendant is on duty are entitled to be charged in accordance with the regular rate." The motion to amend was carried unanimously. The resolution as amended was adopted by unanimous vote.

A RESOLUTION SETTING OFF-STREET PARKING RATES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby determines that the rates to be charged in the off-street parking lots operated by the Town are as follows:

First hour or portion thereof	.20
One and one-half hours	.30
Two hours	.40
Twenty cents for each additional half hour thereafter	

Cars entering lots after 8:30 p.m. and leaving after the attendant leaves - .50 in advance. Those leaving while the attendant is on duty are entitled to be charged in accordance with the regular rate.

These rates shall be effective from and after January 1, 1977.

This the 13th day of December, 1976.

Report on Correspondence with the Attorney General's Office re Planning Jurisdiction

Mr. Bernholz, the County Attorney, and Mr. Denny had written a letter to the Attorney General's Office requesting an opinion as to whether the Town is authorized to request an expansion of its extraterritorial zoning and planning jurisdiction into any areas other than the area specifically described in Section 5.9 of the Town's Charter. Mr. Denny stated the response from the Attorney General's Office had not addressed itself to the question asked. He reviewed the letter written by the Attorney General's Office and asked the Board whether it wished to seek a clarification of this opinion or whether he should seek appropriate legislation to handle the matter in January. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN HOWES, THAT THE ATTORNEY BE AUTHORIZED TO PROCEED TO SEEK LOCAL LEGISLATION TO EXPAND THE PLANNING JURISDICTION. Mr. Denny suggested this item be added to the list of local legislation to be considered for public hearing on January 24, 1977. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting a Public Hearing To Consider Local Legislation

Alderman Cohen explained that the General Assembly would meet at the beginning of January, and this would be the opportunity to discuss proposals the Aldermen may not have authority to do under current law. Citizens and Aldermen had expressed interest in several proposals: (1) Permitting the Town to regulate the removal of trees from public and private property; (2) Permitting the Town to enact ordinances prohibiting discrimination in the sale or rental of private and public housing; (3) Permitting the Town to establish and regulate bikeways on and off public streets; (4) Repealing Charter Section 2.2 so as to allow absentee voting under General Law procedures; (5) Repealing Chapter 102, Session Laws of 1971 so as to allow joint administration of Town of Chapel Hill elections by the Durham and Orange County Board of Elections; (6) Codifying Chapter 227, Session Laws of 1971 (Street Assessments) into the 1975 Charter; (7) Permitting the Board of Aldermen to issue parking permits on streets where houses have no gravel or paved driveways; (8) Allowing selection or election of neighborhood advisory councils; (9) Allow the Town Clerk to administer oaths of office; (10) Permit the Town to expand its extraterritorial zoning and planning jurisdiction into any areas other than the area specifically described in Section 5.9 of the Town's Charter. He explained why each proposal would be sought. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER LOCAL LEGISLATION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that on January 24, 1977 at 7:30 p.m. the Board will hold a public hearing to consider the following matters on which the Town may desire to request the North Carolina General Assembly to pass local legislation:

1. Permitting the Town to regulate the removal of trees from public and private property.
2. Permitting the Town to enact ordinances prohibiting discrimination in the sale or rental of private and public housing.
3. Permitting the Town to establish and regulate bikeways on and off public streets.
4. Repealing Charter Section 2.2 so as to allow absentee voting under General Law procedures.
5. Repealing Chapter 102, Session Laws of 1971 so as to allow joint administration of Town of Chapel Hill elections by the Durham and Orange County Board of Elections.
6. Modifying Chapter 227, Session Laws of 1971 (Street Assessments) into the 1975 Charter, and amending same to apply to partially paved streets.
7. Permitting the Board of Aldermen to issue parking permits on streets where houses have no gravel or paved driveways.
8. Allowing selection or election of neighborhood advisory councils.
9. To authorize the Town Clerk that administer oaths of office to the Mayor and Board of Aldermen, and in all matters before the Board.
10. Authorizing the Town of Chapel Hill to exercise extraterritorial zoning jurisdiction in Orange and Durham Counties pursuant to the provisions of Article 19 of General Statutes Section 160A.

BE IT FURTHER RESOLVED that notice of said public hearing appear in the Chapel Hill Newspaper and the Daily Tar Heel.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Dissolving Certain Committees Heretofore Established by the Board of Aldermen

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

A RESOLUTION DISSOLVING CERTAIN COMMITTEES HERETOFORE ESTABLISHED BY THE BOARD OF ALDERMEN

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the following Committees heretofore established by the Board of Aldermen, either by Resolution, Motion, or informal action be, and the same are hereby dissolved, and the terms of any members of said Committee currently in force are hereby terminated. The Committees to which this Resolution applies are as follows:

1. Advisory Committee on Historic District Properties;
2. Utility Task Force;
3. Franklin Street Traffic Committee;
4. Horace Williams Airport Committee;
5. Fire District Commission;
6. Animal Protection Society;
7. Mayor's Committee on Noise Control;
8. Citizens Advisory Committee;
9. Mayor's Task Force on Day Care;
10. Community Development Task Force;
11. Plumbing Board of Examiners;
12. Orange County Energy Conservation Task Force.

This Resolution shall be effective upon its adoption.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Abolish the Advisory Council on Aging

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

AN ORDINANCE TO ABOLISH THE ADVISORY COUNCIL ON AGING

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

SECTION I

That Article V, Section 2, including Section 2-85 through 2-93, Code of Ordinances, Town of Chapel Hill, be, and the same is hereby repealed.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend the Provisions for Appointment and Membership to the Recreation Commission

Because of the desirability for continuing to have membership from the school system, Alderman Silver asked that before any changes were made to the membership of the Recreation Commission, the Commission have a chance to review proposed changes. ALDERMAN SMITH MOVED THAT THE MATTER BE REFERRED TO THE RECREATION COMMISSION FOR CONSIDERATION AND REPORT BACK TO THE ALDERMEN. Alderman Gardner seconded the motion. THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend Chapter 2, Code of Ordinances, Town of Chapel Hill with Respect to the Membership and Appointment of Members of the Transportation Board

ALDERMAN VICKERY MOVED TO REFER ANY PROPOSED CHANGES TO THE MEMBERSHIP OF THE TRANSPORTATION TO THE TRANSPORTATION BOARD FOR CONSIDERATION. Alderman Smith seconded the motion. Alderman Epting objected to referring these changes to boards and commissions as they were created by the Aldermen and should function according to regulations suited to the needs of the Aldermen. The changes had been discussed in work sessions by the Aldermen and there was no need to now refer them to other boards or commissions. Alderman Vickery disagreed in that they should be referred as a courtesy. Alderman Howes agreed with Alderman Epting and stated the Transportation Board members were aware of the change proposed. ALDERMAN HOWES OFFERED A SUBSTITUTE MOTION TO ADOPT THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES, TOWN OF CHAPEL HILL WITH RESPECT TO THE MEMBERSHIP AND APPOINTMENT OF MEMBERS OF THE TRANSPORTATION BOARD

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

SECTION I

That Section 2-131, Code of Ordinances, Town of Chapel Hill amended to read as follows:

Membership, Terms. The Transportation Board shall consist of Nine (9) members appointed as hereinafter provided. The terms of office shall be three (3) years, or until their successors are appointed and qualified.

The terms of members first appointed shall be as follows: Three (3) members shall be appointed for a period of one (1) year; three (3) members shall be appointed for a period of one (1) year; three (3) members for a period of two (2) years; and three (3) members for a period of three (3) years, and members may be appointed to succeed themselves. The terms of all members shall expire on the 31st day of December. Members initially appointed are automatically extended to said date in the calendar year in which their term would otherwise expire.

SECTION II

That Section 2-132, Code of Ordinances, Town of Chapel Hill is hereby amended to read as follows:

Appointment Vacancies. The members shall be appointed by the Mayor and Board of Aldermen. Vacancies shall be filled in the same manner as the original appointments.

SECTION III

That Section 2-133, shall be amended to read as follows:

Meetings, Chairman. The Transportation Board shall regularly hold meetings at such time and places as it shall determine. It shall select from its membership a member to serve as Chairman and such other officers as it deems appropriate to serve for a term of one (1) year.

SECTION IV

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

This the 13th day of December, 1976.

Alderman Marshall seconded the motion to substitute. The motion to substitute was carried by a vote of seven to one with Aldermen Cohen, Epting, Howes, Gardner, Marshall, Silver and Smith supporting and Alderman Vickery opposing. THE MOTION AS SUBSTITUTED WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN COHEN, EPTING, GARDNER, HOWES, MARSHALL, SILVER AND SMITH SUPPORTING AND ALDERMAN VICKERY OPPOSING.

Ordinance to Abolish the Parking Advisory Committee

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

AN ORDINANCE TO ABOLISH THE PARKING ADVISORY COMMITTEE

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

SECTION I

That Article VII, Chapter 2, Code of Ordinances, Town of Chapel Hill, including Section 2-120 through 2-123, be, and the same is hereby repealed.

SECTION II

This Ordinance shall be effective from and after the 1st day of January, 1977.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Abolish the Housing Appeals Board and Provide for Appeals to the Board of Adjustment from any Decision or Order of the Inspector

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

AN ORDINANCE TO ABOLISH THE HOUSING APPEALS BOARD AND PROVIDE FOR APPEALS TO THE BOARD OF ADJUSTMENT FROM ANY DECISION OR ORDER OF THE INSPECTOR

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

Section I

That Sections 9-26 and 9-27, Code of Ordinances, Town of Chapel Hill are hereby repealed.

Section II

That Section 9-28, Code of Ordinances, Town of Chapel Hill is hereby rewritten to read as follows:

"An appeal from any decision or order of the Inspector, the Public Officer referred to herein, or from any Inspector delegated with the authority to inspect for compliance with minimum housing standards within the Town, or within the redevelopment area of the Town, may be taken by any person agreed thereby, or by any officer, board, or commission of the municipality to the Board of Adjustment, whether such appeal is based upon the requirements of this Chapter or any supplemental requirements for housing standards contained in the redevelopment plan. An appeal from the public officer shall be taken within ten (10) days from the rendering of the decision of service of the order, and shall be taken by filing with the public officer and with the Board of Adjustment, a notice of appeal, which shall specify the grounds upon which the appeal is based. All written orders from which an appeal may be taken, issued pursuant to the terms of this chapter, shall contain a statement thereon that an appeal therefrom may be taken to the Board of Adjustment. Forms for use in giving notice of appeal shall be available in the offices of the inspector. Upon filing of any notice of appeal, the public officer shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the decision or order appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the public officer certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of the fact stated in the certificate (a copy of which shall be furnished the appellant) a suspension of his requirement would cause imminent peril to life or property, in which case the requirements shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the Board of Adjustment, or by a court of record upon petition made pursuant to Section 9-30."

Section II

Section 9-29, Code of Ordinances, Town of Chapel Hill, is hereby rewritten to read as follows:

"The Board of Adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to the end that it shall have all the powers of the public officer, but the concurring vote of our (4) members of the Board of Adjustment shall be necessary to reverse or modify any decision or order of the public officer or inspector. The Board of Adjustment shall also have the power in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, to adapt the application of the chapter to the necessities of the case, to the end that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. The Board of Adjustment shall make written findings of fact based upon the evidence before it, and shall state in writing the reason or reasons for its decision. All proceedings before the Board of Adjustment shall be in writing and shall be served upon all parties in interest in the manner prescribed for the service of other processes or orders under this article."

Section III

Section 9-30, Code of Ordinances, Town of Chapel Hill, is hereby rewritten to read as follows:

"Every decision of the Board of Adjustment shall be subject to review by proceedings in the nature of certiorari as provided

by G. S. Section 160A-447(e), and may be stayed as provided by G. S. Section 160A-447(f)."

Section IV

Section 9-31, Code of Ordinances, Town of Chapel Hill, is hereby rewritten to read as follows:

"In case any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this chapter or of any ordinance or code adopted under authority of this chapter or any valid order or decision of the public officer or Board of Adjustment made pursuant to this chapter, the public officer or Board of Adjustment may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate such violation, to prevent the occupancy of the dwelling, or to prevent any continued violation of this chapter about the premises of the dwelling."

Section V

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

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting a Public Hearing on Study Recommendations for January 17, 1977

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

A RESOLUTION SETTING A PUBLIC HEARING ON STUDY RECOMMENDATIONS FOR JANUARY 17, 1977

NOW THEREFORE, BE IT RESOLVED by the Board of Aldemen of the Town of Chapel Hill that the Board hereby calls a public hearing on January 17, 1977 at 7:30 p.m. to consider the recommendations of the solid waste collection study performed by Wiggins-Rimer and Associates.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

At this point, Mayor Wallace asked to be excused from the meeting to take care of a personal matter. He turned the meeting over to Mayor pro tem Marshall.

Consideration of Acquisition of Rogerson Drive Property

Mr. Denny explained that when the Rogerson Drive pump station was constructed, the Town acquired easements for the outfall lines; however, it is not a policy to record such easements. There has never been a deed to the property, and it is becoming a major installation. The Town has been offered the 2.3-acre tract at the tax valuation of \$1250 per acre for a total of \$2875. Mr. Denny felt that it would be in the interest of the Town, and ultimately in that of the Authority for the Town to acquire the land on which the station is built and enough surrounding land to protect it and have guaranteed access. Mr. Harris pointed out the site on a map and the current access which is along the soccer field and then along the creek to the station. With the purchase, the Town could have direct access to the pump station. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION:

RESOLUTION AUTHORIZING THE TOWN MANAGER TO PURCHASE 2.3 ACRES OF LAND LOCATED AT THE NORTH END OF ROGERSON DRIVE

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager is hereby authorized to

purchase a 2.3 acre tract of land located at the near end of Rogerson Drive, for the purchase price of \$2875.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting the Certificate of Canvass of the November 2, 1976 Bond Referendum

ALDERMAN SMITH MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION.

RESOLUTION ACCEPTING THE CERTIFICATE OF CANVASS OF THE NOVEMBER 2, 1976 BOND REFERENDUM

WHEREAS, on November 8, 1976 the Board of Aldermen considered the Certificate of Canvass of the Orange County Board of Elections canvassing the referendum held in the Town of Chapel Hill on November 2, 1976 and certifying the result thereof to the Board of Aldermen, and canvassed the result of said referendum, and a Statement of Result of said referendum was published on November 11, 1976 in the Chapel Hill Newspaper.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that it be and hereby is certified and declared that the results of said referendum were as set forth in said Certificate of Canvass and Statement of Result.

FURTHER RESOLVED, that publication of the Statement of Result of said referendum is hereby approved, ratified and confirmed.

This the 13th day of December, 1976.

ALDERMAN HOWES SECONDED THE MOTION, AND THE MOTION WAS ADOPTED. Those voting for the motion were Messrs. Cohen, Epting, Gardner, Howes, Silver, Smith, Vickery, and Ms. Marshall.

No one voted against it.

Resolution - Tax Releases

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

RESOLUTION - TAX RELEASES

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

<u>Name</u>	<u>Rec #</u>	<u>Amount</u>	<u>Reason</u>
James Roberson & Gloria	6051	\$ 6.56	Listed 1973 Datsun; owned 1972.
Myrtle Harrell	2943	52.50	\$5,000 Home Exemption.
John M. Westafer	9274	12.13	Listed boat and trailer which he did not own on January 1st.
Daisy M. Edmister	1970	4.72	Listed 1975 Datsun; owned 1974.
Charles J. Coates	1327	15.80	Car was priced wrong; value reduced from 3,565 to 2,060.
H. C. Holloway, Sr.	3281	45.60	Charged for 11 units; only had 10.
James L. Odum	9159	19.64	Listed in error. Living in Carrboro on January 1st.

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

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

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution - Tax Refunds

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

RESOLUTION - TAX REFUNDS

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

<u>Name</u>	<u>Rec #</u>	<u>Amount</u>	<u>Reason</u>
H. C. Holloway, Sr.	3295 (75)	\$45.60	We have charged Mr. Holloway for 11 units. There are only 10.

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

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

IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such refund.

This the 13th day of December, 1976.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for One Hydrostatic-Driven Street Flusher Completely Mounted on a 37,000 GVW Tilt-Type Cab and Chassis

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE HYDROSTATIC-DRIVER STREET FLUSHER COMPLETELY MOUNTED ON A 37,000 GVM TILT-TYPE CAB AND CHASSIS

WHEREAS the Town of Chapel Hill has solicited formal bids on one hydrostatic driver street flusher completely mounted on a 37,000 GVM tilt-type cab and chassis and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>	<u>Delivery</u>
A. E. Finley & Assoc., Inc. Greensboro, N.C.	\$35,440.00	May 1, 1977
International Harvester Co. Greensboro, N.C.	\$32,636.41	90 days

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of International Harvester Company in the amount of \$32,636.41 and that it be awarded the contract.

This the 13th day of December, 1976.

Alderman Smith questioned whether this heavy a cab was needed. Mr. Harris responded that it was because the flusher was heavier than the present one. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for Duplicating Paper

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR DUPLICATING PAPERS

WHEREAS the Town of Chapel Hill has solicited formal bids on Duplicating Papers and the following bids have been received:

<u>Bidder</u>		<u>Bid (209 Cases)</u>
Brame Specialty Co., Durham, North Carolina	40-50% recycled	\$3,997.80
Triangle Office Equipment, Inc., Chapel Hill, North Carolina	New materials (xerographic)	4,214.26
	New materials (Bond)	4,194.26
Virginia Paper Co., Raleigh, North Carolina	New material	3,735.90

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Brame Specialty Company in the amount of \$3,997.80 and that it be awarded the contract.

This the 13th day of December, 1976.

Alderman Gardner asked if recycled materials had not cost less in earlier bids. Mr. Hooper responded that they had cost more. Alderman Gardner stated there was only a difference of about \$180 between the cost of the recycled materials from an out-of-town company and new materials from a Chapel Hill firm. He believed the Town should consider dealing with the Chapel Hill firm. Mr. Hooper stated the quality of the recycled paper was good, and Brame Specialty Co. had now indicated they could supply 100% recycled paper. If the Town wanted to consider new paper, the low bid would be that of another company, and the difference in cost would be approximately \$400 from that of the Chapel Hill firm. Alderman Marshall said it had been the policy of the Board to order recycled paper when possible. Alderman Vickery stated he opposed this policy because he thought the Town should buy the paper with the lowest cost, so as not to waste money. Alderman Marshall responded that the policy had been set because of citizen policy, and she did not favor changing it until the citizens wanted to. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH ALDERMEN COHEN, EPTING, HOWES, MARSHALL, SILVER AND SMITH SUPPORTING AND ALDERMEN GARDNER AND VICKERY OPPOSING.

Community Appearance Commission - Nominations

The Appearance Commission had submitted three names, Robert Bryan, James Webb and Eunice Brock, incumbents, for reappointment to the Appearance Commission. Alderman Howes placed these three names in nomination and added one other, Dr. Cecil Lamar, a Professor of History at the University. Dr. Cecil had also studied architecture, and has been a resident of Chapel Hill since 1968. Alderman Cohen stated he had received comments from citizens on the meeting at which the Arthur Treacher sign was discussed. He did not think the comments made at the meeting reflected well on the Commission. Alderman Marshall then raised the point that the Appearance Commission had not submitted two names for each vacant position. She was concerned that the Board policy of requiring two names for each position had not be consistently enforced. Alderman Silver requested the Board to ask the Appearance Commission for three more names for these positions. Alderman Howes, commenting on the liaison between the Planning Board and the Appearance Commission, felt that the liaison person should be from the Appearance Commission to attend the Planning Board meetings rather than the current appointment. Mr. Denny suggested restructuring the ordinance to

eliminate this tenth person and stated he could have the language drawn up for the January 10 meeting. Alderman Marshall added that both the Appearance Commission and the Planning Board were supposed to submit yearly reports to the Board of Aldermen and they had not done so for several years. She asked that the ordinance address this point too.

Alderman Cohen asked if the Board of Adjustment had submitted any names for their vacancies and suggested they be notified that the Board of Aldermen were requesting that they meet to consider nominations for the vacancies on their Board.

Consideration of Policy Regarding Selection of Town Insurance Coverage

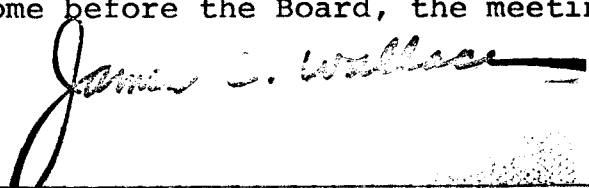
Alderman Marshall explained her background of working with insurance policies for the bus system and now the Orange Water and Sewer Authority. Several problems had been brought to her attention while trying to get insurance for the Authority employees. In discussing the policy with others she had become aware that insurance should be a policy decision, and she wanted the Board to discuss it. She was also disturbed that changing companies frequently as the Town had been doing might not be a good policy. The catastrophic illness of Ms. Cannady had also brought to her attention the problem of not having some kind of salary continuation. She asked for some suggestions from the Board members as to what they would like to do. Alderman Smith suggested a work session early in the new year with the question of insurance policies as the first topic. There was a consensus of the Board that this should be done.

Future Agenda Items

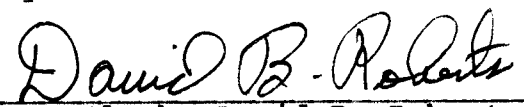
Alderman Silver stated he would like to discuss the coming Congress of Cities Meeting at a meeting in January. There had been some indication that other cities with universities as major industries would like to discuss similar problems and viable solutions to these problems.

Mr. Denny stated the executive session was not needed at this time.

There being no further business to come before the Board, the meeting was adjourned at 12:15 a.m.



 Mayor James C. Wallace



 Town Clerk, David B. Roberts

MINUTES OF A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
 TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, TUESDAY, DECEMBER 14, 1976, 4:00 PM

Mayor Pro Tem Marshall called the meeting to order at 4:00 p.m.
 Present were:

Robert Epting
 Jonathan Howes
 Marvin Silver
 R. D. Smith

Alderman Silver moved that the Board adjourn to Executive Session to discuss personnel matters. Alderman Smith seconded the motion which was adopted by unanimous vote.

The meeting was adjourned at 4:10 p.m.

(Mayor Wallace, and Aldermen Cohen and Gardner arrived during Executive Session.)