

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR  
AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY,  
FEBRUARY 14, 1977, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

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

Also present were Town Manager K. Jenne, Town Attorney E. Denny, and Town Clerk D. Roberts. Mr. Bayliss, Ms. Fleming, Mr. Liner, Ms. Parker and Ms. Stein were present from the Planning Board.

Request for a Unified Business Special Use Permit - Public Hearing

Mayor Wallace announced that the public hearing on a request by Mr. Jon S. Harder for a unified business special use permit was continued from the January 31, 1977, meeting. The permit was to be for a two building office development on the northwest corner of the intersection of U.S. 15-501 and Couch Street. At the beginning of the public hearing on January 31, the Board had heard testimony on harmony of the development with surrounding area, traffic and available services. The Planning Board has requested more specific information on the traffic and Mr. Hausler would present it.

Mr. Hausler contended the proposed use will not materially endanger public health or welfare. He reviewed the traffic impact figures for the Board, on which this contention had been based. At service level B, the capacity of 15-501 is 2,000 vehicles per hour on 1 lane. At the same service level, the capacity for State road 1741 (Couch Street) is 500 vehicles per hour. As of August 1976, the average vehicular movement on 15-501 was 24,500 cars per day, or less than 1,100 peak hour through movements with 3 peak hour left turn movements and 5 peak hour right turn movements. On 1741, the average daily traffic was 95 vehicles, with 4 peak hour through movements, 1 peak hour left turn and 2 peak hour right turns.

The proposed traffic volume for 1982 for 15-501 is 1450 peak hour through movements with 200 peak hour left turn movements and 200 peak hour right turn movements. The same figures for 1741 are 100 peak hour through movements with 200 left turn movements and 100 right turn movements. These projections assume full zoning of Couch Street, north of 15-501 for a 500 foot radius. These projections would still be below the capacity of 15-501 and the State DOT does not plan any improvements. Mr. Hausler compared the impact of the project, calculated to be 224, trips to the turn movements at the Blue Cross, Blue Shield intersection. The developer plans for 62 parking spaces, 40 of which are for staff and 10 for visitors. Mr. Hausler pointed out that the projected generation of the offices will only equal 12% of the road's capacity.

He next addressed the contention that the use is appropriate for the area.

The project is to be located along the most heavily traveled road in Orange County next to I-85. It is located at an intersection of 2 thoroughfares, three corners of which are zoned regional-commercial. Neighboring uses include two abandoned structures, an adult book store, a tire store, disco, apartments and offices. On the west side are an auto repair business, power substation and single family residences. The site was a general storage yard for a construction office for its prior owner. In Mr. Hausler's opinion, the purpose of the R-20 zoning along major thoroughfares was to allow greater control over buildings in special use. He did not think it was the intention to build single family residences all along the highway with driveways every 100 feet. The project is being developed consistent with past actions in which a 60 to 100 foot green buffer is installed. Residential scale and materials will be used to keep in harmony with the area. He thought the project very desirable for the area.

Alderman Epting asked Mr. Hausler how many occupied residences there were west of the property. Mr. Hausler answered there were nine occupied houses, some of them being occupied as rental units, one with a garage business. Alderman Epting stated the property was separated from the commercial businesses by an undeveloped buffer zone to the east.

Alderman Smith asked for the storage capacity of the left turning lane. Mr. Hausler responded that this would have to be determined. In response to the argument that the area is not a desirable single-family area, Alderman Smith stated that the residents have been there for many years, and would have moved if it was not desirable residential area. Alderman Cohen said these houses were rental units, and that the housing shortage, people would live almost anywhere. Alderman Howes commented that a concentration of office complexes seemed to be developing on this side of Town. Mr. Hausler said this use was permitted on the site.

ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN SILVER, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY. Mayor Wallace stated the Town would like input from citizens, boards, commissions and committees for the 1977-78 budget and capital improvements project. He asked for anyone wishing to speak to come forward.

Mr. William Lindsay stated he wished to speak against the tax structure which resulted in high taxes. The land on which he lived had been in his family for over 100 years. Of the twenty or more houses on his block, only five were owner occupied. He maintained that the demands of the tax structure constitute a threat to his home. He thought the computation of taxes for a home property should parallel a person's ability to pay.

Mr. Ted Parrish of the Pine Knolls Community Center stated the residents of this community were proposing an outline of a program which they would like to see resumed. The community had had a center started in 1968 and operated through 1976. The building is now in bad repair and the community has had to reduce its programs which include tutoring, union meetings, recreation for all ages, lunch program during the summer, and many other activities. They were requesting the Board of Aldermen to consider funding the renovation of the building, or money to raise the building and put in a new building. They had already raised some money and had other projects planned to raise money.

Mr. Parker Reist presented a petition signed by 1,000 citizens deploring the fate that lost, abandoned and unwanted animals face due to the lack of an animal shelter. The existing facility is too small to effectively deal with the animal control problem of Chapel Hill. He stated that Orange County has offered funds to be added to those of Chapel Hill to build a shelter for the entire county, but have also set a deadline for action. They were requesting the Town to take immediate action. Alderman Smith stated everyone on the Board was concerned, but no one in the town was willing to have the shelter near their home. The Board had been involved in negotiations for land for a long time, and was actively pursuing the matter.

Mr. Charlie Martin, representing the Orange County Council on Aging, stated the council was making a study on the feasibility of a senior citizens center. The study was almost complete and a report would be made to the Planning Board shortly.

Alderman Smith stated in response to Mr. Lindsay, that he was concerned with the taxes levied against the citizens of the town. As the budget deliberations begin, he will take into consideration the plight of Mr. Lindsay and other citizens.

Alderman Howes explained that the Board is limited by law in terms of the sources of revenue it has. The principal source of revenue is property tax. He suggested the citizens should contact legislators to have the general assembly broaden the base for income for municipalities. Alderman Cohen thought the assessment policy should be reconsidered by Orange County.

Alderman Marshall stated the extension policies for OWASA had been received and she would like some guidance from the Board on how to approach the matter when it came for a vote of Thursday. She asked that the matter be placed at the end of the agenda.

Mr. Jenne stated that at the last meeting the attorney had requested a additional agenda item regarding a release of easement. The item had been left off this agenda and he would like it added at the end.

Alderman Cohen stated he had received a letter from Carrboro Alderman Robert Drakeford inviting him to a meeting on February 16 concerning extensions of bus service into Carrboro. Alderman Cohen had found out that Mr. Jenne would be unable to attend the meeting and wanted to know if the Board was interested in designating a representative to this meeting. Mr. Jenne stated he had drafted a reply to Mr. Drakeford indicating that since neither the Transportation Board nor the Town administration had recommended to the Board of Alderman a specific level of service or the cost for such service, and inasmuch as the cost of extension of service into Carrboro would be dependent upon the cost of service, in Chapel Hill, Mr. Jenne did not feel in a position of authority to propose such an extension into Carrboro.

Alderman Cohen said Carrboro's interest stemmed from memos prepared by the Transportation Board setting the marginal cost of such a system at approximately \$8.50 per hour. He knew that the Carrboro Board was considering what service it could get for this amount, and he would like to keep communications open with Carrboro. Alderman Smith was concerned with the procedure which had been followed. He felt communications of this type should come from the Mayor or Town Manager of Carrboro. Alderman Silver suggested the letter be turned over to the Mayor and let him determine what the response should be. Mayor Wallace stated he would work with Mr. Jenne on this matter.

Minutes

Upon motion by Alderman Cohen, seconded by Alderman Smith, the minutes of the special meeting of January 17, 1977, were approved. Upon motion by Alderman Vickery, seconded by Alderman Smith, the minutes of the meeting of January 24, 1977, were approved as amended.

Resolution Adopting Phase I: Goals and Objectives of the Comprehensive Plan

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

A RESOLUTION ADOPTING PHASE I: GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN

WHEREAS the duties of the Planning Board include:

- "...to prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area...
- to establish principles and policies for guiding action in the development of the area..."; and

WHEREAS the Planning Board, in carrying out these duties has prepared the first phase of the Comprehensive Plan, consisting of Goals and Objectives of the same; and

WHEREAS the Planning Board feels that adoption of this document by the Board of Aldermen is essential not only for continued progress on the Comprehensive Plan but also for consideration of development requests which are made of the Town;

THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby adopts Phase I: Goals and Objectives of the Comprehensive Plan.

This the 14th day of February, 1977

Alderman Cohen and Silver suggested changes to the plan to include energy conservation. Alderman Howes asked that the Planning Board consider some procedure whereby the Comprehensive Plan could be amended from time to time and urged them to proceed with implementing measures for amendment. Alderman Gardner said the document was well-written but overlooked the existence of citizens already living in Chapel Hill and their problems. Mr. Jenne said the document was an attempt to clearly articulate the intention of the Board and of the community in terms of structuring long-range development. Alderman Smith asked how the schedule on the Comprehensive Plan could best be moved along. Mr. Jenne answered that the schedule of work was set up to move the plan along if no more special studies were added to the workload of the Planning Department. THE RESOLUTION WAS ADOPTED BY UNANIMOUS VOPE WITH THE UNDERSTANDING THAT THE CHANGES WOULD BE INCORPORATED IN THE PLAN.

Resolution Granting a Special Use Permit for the Alpha Chi Omega Sorority,  
with Stipulations

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

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE ALPHA CHI OMEGA SORORITY, WITH STIPULATIONS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the Alpha Chi Omega Sorority special use, if developed in accordance with the plans submitted February 14, 1977

- (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 February 14, 1977 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.

BE IT FURTHER RESOLVED, by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit for the Alpha Chi Omega Sorority, according to the plans as submitted February 14, 1977, is hereby granted.

This the 14th day of February, 1977

Alderman Smith suggested the Board was continuing to approve projects based on the reasoning that Rosemary Street would be a major thoroughfare. Alderman Silver agreed with Alderman Smith and stated he thought the traffic would be a hazard in this neighborhood. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO THREE WITH ALDERMEN COHEN, GARDNER, HOWES, MARSHALL AND VICKERY SUPPORTING AND ALDERMAN EPTING, SILVER AND SMITH OPPOSING.

Resolution Setting a Public Hearing to Consider a Modification to the  
University Mall Special Use Permit

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

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A MODIFICATION TO THE UNIVERSITY MALL SPECIAL USE PERMIT.

WHEREAS the applicant, North Hills, Inc., has requested a modification to its Special Use Permit to construct a restaurant in the vicinity of the Binkley Baptist Church; and

WHEREAS such a modification could adversely affect the Binkley Baptist Church; and

WHEREAS the Binkley Baptist Church has requested a Public Hearing in order that it may have an opportunity to speak on this matter;

THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby calls a Public Hearing for March 28, 1977 to consider the proposed modification to the University Mall Special Use Permit.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Granting a Modification of the Special Use Permit for Eastowne  
Office Park

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

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BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the special use permit granted to Ed Pizer, et. al., on October 9, 1972, and later amended, for Eastowne Office Park is hereby modified to approve Phase 3 of said development in accordance with the plans of February 14, 1977, consisting of five buildings and 87,640 square feet of floor area; and to reduce the required parking for Phase 2 by 20 spaces and for Phase 3 by 25% under the provisions of Section 4-C-21-d of the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as shown in said plans of February 14, 1977; and

BE IT FURTHER RESOLVED that the Board finds that the use as modified in accordance with the plans as submitted and approved continues to meet the requirements of the four findings made by the Board on October 9, 1972.

This the 14th day of February, 1977

Alderman Gardner asked for explanation on the reduction in parking. Mr. Jennings stated the parking was being reduced in accordance with the ordinance allowing a reduction in parking for office buildings, and this space would be used for landscaping. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Preapplication for Community Development Block Grant Discretionary Funds

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

A RESOLUTION AUTHORIZING PREAPPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT DISCRETIONARY (METROPOLITAN AREA BALANCE) FUNDS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town of Chapel Hill authorizes its Town Manager, Kurt J. Jenne, to file with the Department of Housing and Urban Development a preapplication, including all certifications required therein, for a grant of \$148,000 in Community Development Block Grant Discretionary (Metropolitan Area Balance) funds; and

BE IT FURTHER RESOLVED that Kurt J. Jenne be and the same is hereby directed and designated as the authorized representative of the Town to act in connection with the preapplication and to provide such additional information as may be required.

This the 14th day of February, 1977

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Denying a Zoning Map Amendment Requested by Trigon Associates

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

A RESOLUTION DENYING A ZONING MAP AMENDMENT REQUESTED BY TRIGON ASSOCIATES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby denies the request of Trigon Associates for a zoning map amendment to change the zoning of 3.91 acres of land located on Estes Drive and described as Chapel Hill Township Tax Map 47, Block A, Lots 6 and 7, from the current R-3 to Regional Commercial.

This the 14th day of February, 1977

Alderman Howes asked for some clarification of the physical differences for the area. Mr. Jennings stated it had been the policy to encourage residential development in this commercial area. He pointed out the zoning boundaries and the grade differences along these boundaries. After a study done by the Planning Board for the whole area, the topographical features and the planned uses formed the basis for the R-3 zoning. The Planning Board had been concerned about the R-3 area being chipped at slowly if this piece was rezoned. Alderman Gardner asked if the staff felt the whole area should be loosed at for rezoning. Mr. Jennings said the concern of the Planning Board was to maintain some residential development in the area. Alderman Howes thought the area difficult to develop in residential property and felt R-3 zoning unrealistic. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN COHEN, EPTING, GARDNER, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN HOWES OPPOSING.

Resolution Setting a Public Hearing on February 23, 1977, to Consider Application for a Community Development Block Entitlement Grant

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

A RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 28, 1977 TO CONSIDER APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK ENTITLEMENT GRANT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board will hold a public hearing at 7:30 p.m. on February 28, 1977 to consider the application of the Town of Chapel Hill for a Community Development Block Grant Entitlement Grant.

This the 14th day of February, 1977

THE MOTION WAS CARRIED UNANIMOUSLY.

Capital Project Ordinance for Certain Items Approved in the November 2, 1977 Bond Referendum

Mr. Jenne said the proposal the Board was considering was the appropriation ordinance for the adopted capital improvements program. The item was before the Board now because at the time of the adoption of the rest of the capital budget in the spring, the town did not yet have the authorization for the bond projects. The necessary steps had been taken to certify and utilize the referendum. Mr. Jennings reviewed the amount to be put into each project at this time, and the amount of work which would be done on the project. There were some questions on the energy conservation plans for the new buildings. And, Alderman Epting agreed with Alderman Cohen that a committee from the Bar Association should be appointed to work with the architect on the new courthouse facilities. Alderman Smith asked if access to Cedar Falls Park was planned from Lakeshore as well as Weaver Dairy Road. Mr. Jennings responded that the only paved access would be from Weaver Dairy Road, but there was a path from Lakeshore. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING ORDINANCE.

CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the Board hereby adopts the following capital project ordinance:

SECTION I. The following amounts are hereby appropriated:

Streets, Sidewalks, Bikepaths	
Street Reconstruction	\$275 000
Sidewalks	195 000
Bikepaths	35 000
Sub Total	<u>\$505 000</u>
Recreation Improvements	
Hargraves	\$182 000
Jones Park	68 000
Phillips Recreation Facilities	79 000
Umstead Park	72 000
Oakwood Park	24 000
Cedar Falls	150 000
Sub Total	<u>\$575 000</u>
Fire Protection	
Fire Training Center	\$130 000
Fire Station #5	20 000
Sub Total	<u>\$150 000</u>
Police and Court Facilities	
Police-Court Facilities	\$100 000
Sub Total	<u>\$100 000</u>
General Municipal Facilities	
Relocation of Public Works	\$300 000
Sub Total	<u>\$300 000</u>

SECTION II. The following revenues are anticipated to be available to complete the projects

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Streets, Sidewalks, Bikepaths	
Bonds	\$505 000
Recreation Improvement Bonds	575 000
Fire Protection Bonds	150 000
Police and Court Facilities	
Bonds	100 000
General Municipal Facilities	300 000

This the 14th day of March, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing the Mayor and Clerk to execute a Grant Contract with the N. C. Department of Transportation

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

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A GRANT CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (Accepting a Transportation Planning Activities Grant)

WHEREAS, the Board of Aldermen of the Town of Chapel Hill has requested the North Carolina Board of Transportation to provide fifty (50) percent of the non-federal cost of the following mass transportation project:

Update of short range transit development program

at an estimated total cost of \$10,000 of which the non-federal cost amounts to \$2,000;

WHEREAS, the Town of Chapel Hill desires to provide the other fifty (50) percent of the non-federal cost of the above-described mass transportation project;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor and Clerk of the Town of Chapel Hill be and they hereby are authorized and empowered to enter into a contract with the Board of Transportation as may be necessary to effectuate the aforesaid expressed purpose, thereby binding the said Town to the fulfillment of its obligations incurred under said contract and this resolution.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

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

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

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

Resolution Number     III  
Parcel Number         7-A  
Project Number        N.C. A-5

Seller: The Chapel Hill Housing Authority

Purchaser: Wilson Caldwell

Amount: Two thousand one hundred and 00/100 dollars-----(\$2,100.00)

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:

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All of lot #7-A 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, 1977 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.

Passed this 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Granting Franchise to the Orange Water and Sewer Authority to Construct and Maintain its Lines for the Collection of Sanitary Sewage

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

Exhibit "G-1" Chapel Hill Sewer Agreement

AN ORDINANCE AND RESOLUTION GRANTING A FRANCHISE TO THE ORANGE WATER AND SEWER AUTHORITY TO CONSTRUCT AND MAINTAIN ITS LINES FOR THE COLLECTION OF SANITARY SEWAGE, THROUGH AND UNDER THE HIGHWAYS, STREETS, ALLEYS AND PUBLIC WAYS OF THE TOWN OF CHAPEL HILL IN THE COUNTIES OF ORANGE AND DURHAM, STATE OF NORTH CAROLINA, AND CONDUCT AND CARRY ON WITHIN SAID TOWN OF CHAPEL HILL THE BUSINESS AUTHORIZED BY LAW FOR A SANITARY SEWAGE COLLECTION SYSTEM

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

Section 1. Grant and Term. Orange Water and Sewer Authority, its successors and assigns, is hereby granted for the term of sixty (60) years from and after the enactment hereof, the right, privilege and franchise to lay, extend, construct, build, erect, maintain, repair and remove sewer mains, interceptors, laterals, manholes, fixtures and other appurtenances for the collection of sanitary sewage upon, along, through and under any and all highways, roads, streets, avenues, sidewalks, alleys, lanes, bridges and other public places now laid out, or in use, and all that hereafter may be laid out or put into use within or near the Town of Chapel Hill, and to do all necessary acts for that purpose, and assent and permission is hereby given and granted unto the said Orange Water and Sewer Authority, its successors and assigns, to conduct, carry on, transact and do within and near the limits of said Town of Chapel Hill, the business of collecting sanitary sewage for treatment, and to conduct business authorized by law for a water and sewer authority.

Section 2. Non-Exclusive. The right to use and occupy said streets, alleys, public ways, and places for the purpose herein set forth shall be non-exclusive, and the Town reserves the right to grant a similar use of said streets, alleys, public ways, and places to any person at any period of this franchise.

Section 3. Conditions of Street Occupancy. All pipes, mains, and other apparatus laid or placed by the Authority shall be so located in the streets, alleys and other public ways of the Town so as not to obstruct or interfere with any other lines or structures already installed or hereafter to be installed. The Authority shall, when practicable, avoid interfering with the use of any street, alley or other highway where the paving or surface of the streets would be disturbed. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Authority shall, at its own cost and expense and in a manner approved by the Department of Public Works of the Town of Chapel Hill replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before said work was commenced.



In the event at any time during the period of this franchise, the Town shall fully elect to alter, or change the grade of, any street, alley or other public way of the Authority, upon reasonable notice by the Town, shall remove, relay, and relocate its mains or service pipes, manholes and other fixtures at its own expense, including specifically the raising of the level of any manhole made necessary by street resurfacing.

Section 4. Ordinances Applicable. The Orange Water and Sewer Authority shall be subject to the Ordinances of said Town of Chapel Hill relative to the use of such highways, roads, streets, avenues, lanes, sidewalks, alleys, ridges, and other public places.

Section 5. Subdivision and Zoning Regulations Applicable. The Orange Water and Sewer Authority shall be subject to the zoning and subdivision ordinances of the Town of Chapel Hill with respect to the installation of underground utilities in new subdivisions within the planning district. It agrees to cooperate in the undergrounding of utilities in other areas of the Town of Chapel Hill.

Section 6. Location Maps. Orange Water and Sewer Authority agrees to maintain in the Town of Chapel Hill or Carrboro, either at its own offices or by filing with the Town, copies of all maps showing the location and type of all mains, pipes, and other fixtures situated within the planning district of the Town.

Section 7. Hold Harmless. Said Orange Water and Sewer Authority shall hold said Town of Chapel Hill free and harmless from all damages or claims for damages arising by reason of the negligent construction or maintenance of its mains or lines and other appurtenances within the Town of Chapel Hill.

Section 8. Effective Date. This Ordinance shall take effect immediately upon being adopted at two (2) regular meetings of the Board of Aldermen of the Town of Chapel Hill as provided by law.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Granting Franchise to the Orange Water and Sewer Authority to Construct and Maintain its Lines for the Distribution of Water

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

Exhibit "G-2" Chapel Hill Sewer Agreement

AN ORDINANCE AND RESOLUTION GRANTING A FRANCHISE TO THE ORANGE WATER AND SEWER AUTHORITY TO CONSTRUCT AND MAINTAIN ITS LINES FOR THE DISTRIBUTION OF WATER ALONG, THROUGH AND UNDER THE HIGHWAYS, STREETS, ALLEYS AND PUBLIC WAYS OF THE TOWN OF CHAPEL HILL IN THE COUNTIES OF ORANGE AND DURHAM, STATE OF NORTH CAROLINA, AND CONDUCT AND CARRY ON WITHIN SAID TOWN OF CHAPEL HILL THE BUSINESS AUTHORIZED BY LAW FOR A WATER DISTRIBUTION SYSTEM

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

Section 1. Grant and Term. Orange Water and Sewer Authority, its successors and assigns, is hereby granted, for the term of sixty (60) years from and after the enactment hereof, the right, privilege, and franchise to lay, extend, construct, build, erect, maintain, repair, and remove the pipes, mains, fixtures and other appurtenances for the distribution of water upon, along, through and under any and all highways, roads, streets, avenues, sidewalks, alleys, lanes, bridges and other public places now laid out, or in use, and all that hereafter may be laid out or put into use within or near the Town of Chapel Hill, and to do all necessary acts for that purpose, and assent and permission is hereby given and granted unto the said Orange Water and Sewer Authority, its successors and assigns, to conduct, carry on, transact and do within and near the limits of said Town of Chapel Hill, the business of selling, conveying, and distributing water, and to conduct business authorized by Law for a water and sewer authority.

Section 2. Non-Exclusive. The right to use and occupy said streets, alleys, public ways, and places for the purpose herein set forth shall be non-exclusive, and the Town reserves the right to grant a similar use of said streets, alleys, public ways, and places to any person at any period of this franchise.

Section 3. Conditions of Street Occupancy. All pipes, mains, and other apparatus laid or placed by the Authority shall be so located in the streets, alleys, and other public ways of the Town as not to obstruct or interfere with any other lines or structures already installed or hereafter to be installed. The Authority shall, when practicable, avoid interfering with the use of any street, alley or other highway where the paving or surface of the streets would be disturbed. In case of any disturbance of pavement, sidewalks, driveway or other surfacing, the Authority shall, at its own cost and expense, and in a manner approved by the Department of Public Works of the Town of Chapel Hill, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before said work was commenced. In the event at any time during the period of this franchise, the Town shall fully elect to alter, or change the grade of any street, alley or other public way of the Authority, upon reasonable notice by the Town, shall remove, relay, and relocate its mains or service pipes, manholes and other fixtures at its own expense, including specifically the raising of the level of any manhole made necessary by street resurfacing.

Section 3. Ordinances Applicable. The Orange Water and Sewer Authority shall be subject to the Ordinances of said Town of Chapel Hill relative to the use of such highways, roads, streets, avenues, lanes, sidewalks, alleys, ridges, and other public places.

Section 4. Subdivision and Zoning Regulations Applicable. The Orange Water and Sewer Authority shall be subject to the zoning and subdivision ordinances of the Town of Chapel Hill with respect to the installation of underground utilities in new subdivisions within the planning district and agrees to cooperate in the undergrounding of utilities in other areas of the Town of Chapel Hill.

Section 5. Location Maps. Orange Water and Sewer Authority agrees to maintain in the Town of Chapel Hill or Carrboro, either at its own offices, or by filing with the Town, copies of all maps showing the location and type of all mains, pipes, and other fixtures situated within the planning district of the Town.

Section 6. Fire Hydrants. The Authority agrees to install and maintain under the supervision of the Departments of Public Works and Fire of the Town of Chapel Hill, fire hydrants for the use by the Town, and agrees to locate such fire hydrants at all points designated by the Town.

Section 7. Hold Harmless. Said Orange Water and Sewer Authority shall hold said Town of Chapel Hill free and harmless from all damages or claims for damages arising by reason of the negligent construction or maintenance of its mains or lines and other appurtenances within the Town of Chapel Hill.

Section 8. Effective Date. This Ordinance shall take effect immediately upon being adopted at two (2) regular meetings of the Board of Aldermen of the Town of Chapel Hill as provided by law.

This the 14th day of February 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution to Authorize the Conveyance of the Rogerson Drive Pump Station Property to the Orange Water and Sewer Authority

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

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF THE ROGERSON DRIVE PUMP STATION PROPERTY TO THE ORANGE WATER AND SEWER AUTHORITY

THAT WHEREAS, Town and the Orange Water and Sewer Authority have entered into an agreement whereby the Town is to convey to the Orange Water and Sewer Authority all of its sewer utility properties, and

WHEREAS, at the time said agreement was executed, the Town was not the owner of the fee simple title to the property on which the Rogerson Drive pump station is located, and

WHEREAS, Town has now acquired the fee simple title to said property.

IT IS THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of

Chapel Hill, that the Mayor and Town Clerk are hereby authorized and directed to execute a deed transferring fee simple title to the Rogerson Drive pump station site to the Orange Water and Sewer Authority simultaneous with the transfer of the other sewer utility properties.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution to Authorize the Transfer of Specific Tangible Personal Property to the Orange Water and Sewer Authority

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

A RESOLUTION TO AUTHORIZE THE TRANSFER OF SPECIFIC TANGIBLE PERSONAL PROPERTY TO THE ORANGE WATER AND SEWER AUTHORITY

WHEREAS, the Town and the Orange Water and Sewer Authority have entered into an agreement whereby the Town is to transfer the sewer utility properties owned by the Town to the Orange Water and Sewer Authority, and

WHEREAS, said contract contemplated the transfer of certain tangible personal properties owned by the Town to the Authority in consideration of the payment by the Authority to the Town of the appraised value of said properties, and

WHEREAS, description of the exact properties to be conveyed could not be determined at the time the agreement was executed, but have now been inventoried.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it hereby approves the transfer of the tangible personal properties owned by the Town, and used in connection with its sewer utility operation to the Orange Water and Sewer Authority simultaneous with the transfer of the other sewer utility properties.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution to Authorize the Execution of Amendment to the Agreement of Purchase and Sale with the Orange Water and Sewer Authority

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

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AMENDMENT TO THE AGREEMENT OF PURCHASE AND SALE WITH THE ORANGE WATER AND SEWER AUTHORITY

WHEREAS, the Town and the Orange Water and Sewer Authority have entered into an Agreement of Purchase and Sale for the sewer utility property of the Town of Chapel Hill, and

WHEREAS, Paragraph 24 of said Agreement provides for the manner in which sewer rentals assessed by the Town are to be disposed of, and

WHEREAS, the Authority has requested the Town that said Paragraph be amended, and that said sewer rentals be treated on a different basis.

NOW, THEREFORE, in order to implement said request, the Mayor and Town Clerk are hereby authorized and directed to execute the Amendment to the Agreement of Purchase and Sale.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution to Authorize Refund of Unearned Sewer Rental and to Authorize the Tax Collector to Release Pro Rata Share Thereof

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

A RESOLUTION TO AUTHORIZE REFUND OF UNEARNED SEWER RENTAL AND TO AUTHORIZE THE TAX COLLECTOR TO RELEASE PRO RATA SHARE THEREOF

WHEREAS, Town contemplates conveying its sewer utility to the Orange Water and Sewer Authority on February 15, 1977, and

WHEREAS, the Town has assessed a sewer rental for the fiscal year 1976-1977, and

WHEREAS, from and after the date of closing Orange Water and Sewer Authority proposes to bill its customers for sewer service monthly as rendered, and

WHEREAS, there will be an unearned portion of the sewer rental for the fiscal year, which has heretofore been assessed and collected by the Town, and

WHEREAS, there will be an unearned portion of the sewer rental which has been assessed and not collected by the Town for the fiscal year.

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

#### Section I

That the Finance Director is hereby authorized and directed to refund the unearned pro rata share of the sewer rental which has been collected by the Town for the fiscal year 1976-1977 based on the number of days in said fiscal year for which the Town has and will not render sewer service.

#### Section II

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized and directed to release any unearned portion of the sewer rental for the fiscal year 1976-1977, which has been assessed, but which has not as of the date of closing been collected.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Ordinance to Amend the Code of Ordinances, Town of Chapel Hill, to Prohibit Unlawful Use of Trash and Garbage Receptacles

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

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF CHAPEL HILL TO PROHIBIT UNLAWFUL USE OF TRASH AND GARBAGE RECEPTACLES

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

#### SECTION I

That Chapter 8, Code of Ordinances, Town of Chapel Hill be, and the same is hereby amended by adding a new Section 8-11 to be entitled "Unlawful Use of Refuse Receptacles."

It shall be unlawful for any person other than the owner or tenant of the premises on which located, to place materials of any kind in said receptacles without the consent of the owner or tenant.

#### SECTION II

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

This the 14th day of February, 1977.

Alderman Epting stated he supported this ordinance and suggested another ordinance making it unlawful to hook garbage cans to electrical receptacles, as one of the garbage men had been injured by this. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Setting a Date for Tax Lien Sale

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

## A RESOLUTION SETTING A DATE FOR TAX LIEN SALE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that June 13, 1977 be set as the date for a tax lien sale; and that unpaid taxes be advertised for at least four weeks prior to said sale date.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNNIMOUSLY.

Resolution - Tax Releases

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

## RESOLUTION - TAX RELEASES

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

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
NCNB	8416	\$ 97.13	Value of 9250 was charged on wrong bill.
Lena A. Jones	3685	3.41	County reduced value from 4040 to 3715.
Hub of Eastgate	8290	73.50	Listed in error. Not in business 1-1-76.
Brenda Herndon	9594	15.60	Double listed.
Joe H. Gresham	2773	62.13	Sewer was charged in error.
Andrew Theodra Farrar	9510	42.74	Listed in error. Located in Bingham township.
Dennis I. Moore	5024	9.03	Listed in error. Located in County.
Allen V. Koon	3935	24.15	Listed in error. Located in County.
Ronald D. Spain	9204	63.65	Listed in error. Located in County.
B. B. Sparrow	6672	9.71	Listed in error. Located in County.
Henry Jim Hernandez	9593	11.55	Personal property reduced 4100 to 3100, and late list.
David N. Daland	9476	24.61	Double listed. Same as #391.
Carolyn H. Edwards	9495	35.52	Double listed. Same as Carolyn H. Daniels.
Robert R. Green	9561	70.58	Was listed in error did not live in Chapel Hill.
Charles A. Huggins	9611	13.29	Double listed. Same as a/c 603925.
Cynthia L. Thomas	7043	19.06	Car listed in Person County.

James R. White	9959	5.20	Double listed. Same as #7564-A.
Donna M. Bryant	892	5.25	County reduced value from 1320 to 820.
M. Carroll Smith	6615	1.31	County reduced value from 2825 to 2700.
Rosalyn Kaufman	9665	11.55	County reduced value from 4000 to 3000 and late list.
Charles Sebastian Voight	9933	47.64	Listed in error, no in Town.

WHEREAS, the above list of 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 on the above listed persons were levied through clerical error, and in the discretion of the Board should be released to the taxpayer. IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Resolution - Tax Refunds

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN MARSHALL, 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>
D. D. & Seven Mills	4937	\$ 45.60	Was charged for two units, only one. Paid 12-29-76.
Susan Marshall	4711	4.20	County reduced value from 3375 to 2975. Paid 12-30-76.
Terry L. & Joan Balling	666	23.63	Exempt - in service. Paid 11-8-76.
Jean H. Bruning	880	8.09	Car listed in error.
Barbara Chaiken	1184 (75)	27.62	Car was listed in Delaware.

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 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

#### Appointment of Audit Committee

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN EPTING, THAT THE MAYOR BE AUTHORIZED TO APPOINT AN AUDIT COMMITTEE. THE MOTION WAS CARRIED UNANIMOUSLY. Mayor Wallace appointed Alderman Vickery, Silver and Gardner to the Audit Committee, and Mr. Jennie will serve as an ex officio member.

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

AN ORDINANCE TO AMEND THE PROVISIONS FOR APPOINTMENT AND MEMBERSHIP TO THE RECREATION COMMISSION

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

SECTION I

That Section 12-18, Code of Ordinances, Town of Chapel Hill is hereby amended to read as follows:

"Members of the commission shall be appointed by the Mayor and Board of Aldermen, which may request recommendations from the Recreation Commission. Commission appointments will be made to become effective as of January 1 of each year."

SECTION II

That Section 12-19, Code of Ordinances, Town of Chapel Hill is hereby amended to read as follows:

"The commission shall consist of ten (10) commissioners appointed at large. All members shall be residents and citizens of the Town."

SECTION III

That Section 12-20, Code of Ordinances, Town of Chapel Hill is hereby amended to read as follows:

"The Town Manager shall be ex-officio member of the commission, and shall be entitled to participate in meetings of the commission without voting privileges."

SECTION IV

That Section 12-21, Code of Ordinances, Town of Chapel Hill is hereby amended to read as follows:

"Each commissioner shall be appointed for a three (3) year term. No commissioner shall serve more than two (2) consecutive terms. No commissioner shall serve more than six (6) consecutive years. The terms of a commissioner shall automatically terminate if the commissioner's legal residence is relocated outside the corporate limits of the Town."

SECTION V

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

This the 14th day of February, 1977.

Alderman Howes stated the principle of having no fixed members of the boards and commissions had been set, and now the Board was making an exception. Removing the requirement for a school board member would not prevent the Board of Aldermen from appointing a school board member. ALDERMAN HOWES OFFERED A SUBSTITUTE MOTION WHICH WOULD ELIMINATE THE REQUIREMENT FOR THE SCHOOL BOARD MEMBER. ALDERMAN MARSHALL SECONDED THE MOTION. Alderman Vickery stated he was against the substitute motion. The requirement in the ordinance would provide that the schools were always included in the Recreation Commission planning. THE MOTION TO SUBSTITUTE WAS DEFEATED BY A VOTE OF FIVE TO THREE WITH ALDERMEN HOWES, MARSHALL AND SMITH SUPPORTING AND ALDERMAN COHEN, EPTING, GARDNER, SILVER AND VICKERY OPPOSING. THE MOTION FOR ADOPTION WAS CARRIED BY UNANIMOUS VOTE.

Recreation Commission - Appointments

The nominees for three vacancies on the Recreation Commission for terms ending December 31, 1979, were: Scott Herman-Giddens, Cameron Hargraves, Kathy Logan, Marilyn Christopher, Fred Mueller, John O'Neill and Moyer

Smith. Mr. Herman-Giddens received 6 votes; Ms. Christopher received 5; Mr. Smith received 5; Mr. Mueller received 4; Ms. Logan received 3; Mr. Hargraves received 3; and Mr. O'Neill received 1. Mr. Herman-Giddens, Ms. Christopher and Ms. Smith were appointed to the commission.

#### Board of Adjustment - Appointments

The nominees for three vacancies on the Board of Adjustment for two were: Ms. Monica Kalo, Mr. Werner Hausler, Ms. Stella Grew, Mr. David Yeowell, Ms. Ellen Ironside, Mr. Syd B. Alexander, Ms. Susie Simpson and Mr. Charles Foskey. Ms. Kalo received 6 votes, Ms. Simpson 5, Ms. Ironside 4, Ms. Foskey 4 Mr. Hasuler 3, and Mr. Alexander 2. Ms. Kalo and Ms. Simpson were appointed to the Board of Adjustment for three-year terms ending June 30, 1979. On a second vote because of the tie, Ms. Ironside received 5 votes to Mr. Foskey's 3 and was appointed to complete the term of Wanda Lewis ending June 30, 1978. Alderman Cohen asked that Resolutions of Appreciation be prepared for those persons who had served on these boards.

#### Transportation Board - Appointments

The nominees for three vacancies on the Transportation Board for terms ending December 31, 1979, were: Ms. Eva Caldwell, Mr. Paul Arne, Mr. Sam Mason, Mr. Mike Dixon, Mr. Glenn Orlin, and Mr. Vallon Cotton. Ms. Caldwell received 8 votes, Mr. Arne 8, Mr. Mason 6, Mr. Orlin 4 and Mr. Dixon 1. Ms. Caldwell, Mr. Arne and Mr. Mason were appointed to the Transportation Board for three-year terms ending December 31, 1979.

#### Firemen's Relief Fund - Vacancy

Mayor Wallace announced that there was a vacancy on the Firemen's Relief Fund created by the expiration of Alderman Smith's term. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THAT ALDERMAN SMITH BE REAPPOINTED FOR ANOTHER TERM. ALDERMAN SMITH WAS REAPPOINTED BY ACCLAMATION.

#### Ordinance to Amend Section 14-118, Code of Ordinances, Town of Chapel Hill

After some discussion on the number of persons who should be on the Personnel Appeals Committee, ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING ORDINANCE.

AN ORDINANCE TO AMEND SECTION 14-118, CODE OF ORDINANCES, TOWN OF CHAPEL HILL

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

#### SECTION I

That the first sentence of Section 14-118, Code of Ordinances, Town of Chapel Hill is hereby amended and rewritten to read as follows:

"There is hereby created a Personnel Appeals Committee, which shall consist of thirty ( 30 ) Members, qualified voters of the Town who are not employees of the Town appointed by the Mayor and Board of Aldermen".

#### SECTION II

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

This the 14th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN COHEN MOVED THAT BOTH NOMINATIONS AND ELECTION BE AT THE FEBRUARY 28 MEETING. ALDERMAN EPTING SECONDED THE MOTION, WHICH WAS CARRIED BY UNANIMOUS VOTE.



FEB 28

Expansion Policy for OWASA

Alderman Marshall stated the extension policies for OWASA were written the week of February 7, and the members had been asked to discuss these policies in committee and be ready to vote on February 17. She had had the Town Manager distribute copies of these policies to the Board of Aldermen so that they might give guidance to the representatives to OWASA if they so desired. Alderman Silver said he needed more time to read the policies and would like to discuss them in a session to better understand them. He asked if OWASA could pass an interim policy until the policies could be discussed at some future meeting. Alderman Marshall said it would be possible for Carrboro to adopt Carrboro's policy and Chapel Hill to adopt Chapel Hill's policy, but she did not know whether OWASA Board would agree to this. Alderman Howes asked if the policies were irrevocable once adopted. Alderman Epting explained that they were irrevocable, but formed the foundation of operation for OWASA and would be solid without substantial reason for changing them. Alderman Silver asked if there would be a great deal of difficulty with adopting an interim policy. Mr. Denny suggested that OWASA be asked to adopt their proposal on an interim basis and the municipalities would still have an opportunity for input. Alderman Gardner asked if citizens had made any comments to OWASA. Alderman Marshall responded that most of the feedback would probably come once bills had been sent out to citizens.

Ed Gray - Farrington Hills Subdivision

Mr. Denny explained that the Farrington Hills Subdivision was developed piecemeal. In 1968 the plan was approved and recorded with a 50' drainage and utility easement across lots 22 and 31. In 1976, when the subdivision came in with two additional lots, they had dedicated another easement next to the existing one. Only one easement was needed so Mr. Denny was proposing the Town sign a deed to release the second easement. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, THAT THE MAYOR AND CLERK BE AUTHORIZED TO EXECUTE A DEED TO RELEASE THE EASEMENT. THE MOTION WAS CARRIED UNANIMOUSLY.

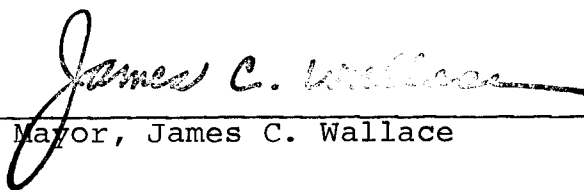
Future Agenda Items:

1. Discussion of an ordinance for environmental impact.
2. Auditing of Water Resources.
3. Review of the Triangle J A-95 procedures.
4. Worksession on Second Quarterly Progress Report.
5. OWASA Membership.
6. Draft of Resolution Urging Business Compliance with the Governor's Energy Program.

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.



David B. Roberts, Town Clerk



Mayor, James C. Wallace

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, FEBRUARY 28, 1977, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

Gerald Cohen  
Robert Epting (late)  
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.