

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 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.

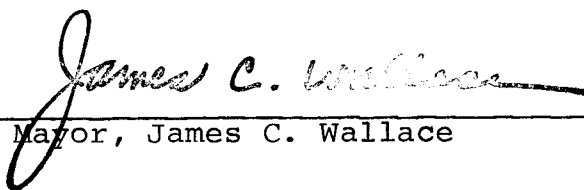
Future Agenda Items:

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.

Petitions and Requests

Mayor Wallace announced that with the approval of the Board, the agenda would be departed from. Petitions would be heard until Alderman Epting's arrival, at which time the Board would present resolutions of appreciation to two citizens.

Dr. Straley asked to be allowed to review a document on energy in Orange County already distributed to the Aldermen. He explained the document was a survey of the report of the Orange County Energy Conservation Task Force submitted July 1, 1976. He stated the energy problem was becoming very serious. The Orange County Commissioners had acted on the report recommendation to employ a full-time energy officer. They had however, only allocated funds for a part-time position, which meant that the person employed would have to share his efforts with the Planning Department of Orange County. The task force had hoped the conservation efforts would be an intergovernmental activity, and were requesting Chapel Hill and Carrboro to join with the Orange County Commissioners in underwriting the operation. The energy office of the State is now accepting proposals for energy management programs. There will be \$575,000 available for the action stage of these programs. Money will be made available for the developing, monitoring and evaluation of block grant programs for those local governments which have developed energy management programs, and need additional financial assistance for implementation of programs. Dr. Straley thought the agent should be able to save more in energy costs than would be needed for his salary. In response to Alderman Silver, Dr. Straley stated that the job specification was being worked out by the County. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN SILVER, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION TO ENDORSE THE REPORT OF THE ORANGE COUNTY ENERGY CONSERVATION TASK FORCE

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that the report of the Orange County Energy Conservation Task Force, including particularly those portions thereof pertaining to the Town of Chapel Hill be, and the same is hereby endorsed, and

BE IT FURTHER RESOLVED that the Town seek to implement an Energy Office for Orange County cooperatively with the other units of local governments within the County, and the Town Manager be directed to recommend appropriate means for its accomplishment.

This the 28th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolutions of Appreciation - Werner Hausler and Cameron Hargraves

As Alderman Epting had arrived, Mayor Wallace read the following resolutions of appreciation for Mr. Hausler and Mr. Hargraves.

## RESOLUTION

WHEREAS Boards of Adjustment perform a significant role in buffering their communities from the strict application of general rules to situations for which they were not intended; and

WHEREAS Werner Hausler has served the Town of Chapel Hill faithfully and deligently for 8 years on its Board of Adjustment; and

WHEREAS Werner Hausler during part of his term served as Chairman of the Board of Adjustment; and

WHEREAS Werner Hasuler's dedication to the good of the community caused him to sacrifice long hours on problems concerning the planning and zoning of Chapel Hill, where law and factual circumstances were knotted and the decision could have a permanent effect on the development of the community;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill, on behalf of all the citizens of Chapel Hill express deep appreciation to Werner Hausler for the contributions he has made toward the quality of life in the Chapel Hill community; and

BE IT FURTHER RESOLVED that this resolution be effective immediately upon its adoption.

This the 28th day of February, 1977.

RESOLUTION

WHEREAS, Cameron Hargraves has served as a member of the Chapel Hill Recreation Commission from June 1973 through December 1976; and,

WHEREAS, Cameron Hargraves did serve the citizens faithfully and diligently; and

WHEREAS, Cameron Hargraves did play an important and key role in the development of the Recreation Plan approved by the Commission, the Board, the Manager, and the citizens in the recent Bond Referendum; and

WHEREAS, Cameron Hargraves did sacrifice many long hours of his time and a considerable amount of energy in his contributions to the Commission and a variety of Recreation Sub-Committees including "Facility Planning" and the now annual "Apple Chill Fair," and

WHEREAS, Cameron Hargraves' dedication to the youth of the community led him to reach out far beyond the call of duty;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill, on behalf of all the citizens of Chapel Hill express deep appreciation to Cameron Hargraves for the tremendous contributions he has made toward the improvement of Chapel Hill and its quality of government;

BE IT FURTHER RESOLVED that this resolution be signed and sealed by the Mayor and each member of the Board of Aldermen and a copy filed in the permanent records of the Town of Chapel Hill;

BE IT FURTHER RESOLVED that this resolution be effective immediately upon its adoption.

This the 28th day of February, 1977.

UPON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN MARSHALL, THE RESOLUTIONS WERE ADOPTED UNANIMOUSLY.

Petitions

Mayor Wallace stated the Board would now hear other petitions or requests. Alderman Silver asked for concurrence of the Board members with the submission to the Streets and Safety Committee of a request from citizens on University Drive and Ransom Street. The requests was to consider parking on one side of the street only, but prohibit all parking between 7:00 a.m. and 5:00 p.m., Monday through Friday. These same residents were concerned about better control of noise and more enforcement of quantitative noise ordinances. Alderman Silver also wished to refer this to the Streets and Safety Committee.

Ms. Renee Gledhill-Earley proposed that no less than 1% of the planning budget for 1977-78 be used to fund a position of planner whose sold responsibility would be to conserve the cultural and physical resources of Chapel Hill. This person would be responsible for drawing together all information relating to the irreplaceable physical and cultural resources of the Chapel Hill Planning District, and to be charged with preparing physical and cultural impact reports at each stage of the planning process. Ms. Gledhill-Earley stated that Liz Rooks had done an excellent job of working with the Historic District, but that she believed a full-time planner with this responsibility was necessary.

Ms. Susie Weaver asked that the Board again consider her request made at a prior meeting, because the concern was a health program.

Alderman Gardner suggested the Board thank Mrs. Jean Stewart and her friend for clipping the crepe myrtle along Franklin Street.

Application for a Community Development Entitlement Grant - Public Hearing

Ms. Allgeier stated that on January 24, the Board of Aldermen had held a public hearing on the Community Development Block Grant Discretionary Funds. Following the public hearing, the town had submitted a pre-application for \$148,000 for a housing rehabilitation grant. Tonight, the public hearing was to consider application for the other type of CD Block Grant Funds, entitlement grant. The town is assured of receiving \$465,000 from HUD for the fiscal year 1977-78. The proposal being considered was one which sets forth a program continuing in the direction of the first two years of the CD program. The Aldermen had received an overall outline of the program, listing the purpose of the money, and summarizing the budget for the CD program. The following activities were listed: General Housing Administration - \$27,150; Rehabilitation Program - \$129,450; Replacement of 11 houses - \$228,900; Referral Activities - \$20,200; Street Paving - \$47,500; and Local Option (not allocated) - \$11,800. The two reasons behind the proposal were first, a completion of the program begun by the Neighborhood Development Program, with a priority on housing and neighborhood improvements. The second reason was that the Housing Assistance Plan shows substantial housing needs not being met. Ms. Allgeier summarized the Housing Assistance Plan and what it was hoped would be achieved by this program. Alderman Howes stated there were always questions on the cost of administration of the program. Although he had not yet compared the costs listed with costs in the past, he was concerned that there was no reference to how these costs would be dealt with in the future when CD funds were decreased. Mr. Jenne stated this subject could be treated when the proposal came back for revision.

Ms. Gertrude Willis, a former member of the Community Development Task Force, thought the administrative cost could be cut and the money put into housing.

Mr. Ted Parrish, representing the Pine Knolls Community Center, wished to stress to the Board that the center was an important project. The community is prepared to do the labor for the rehabilitation of the building. Because this area is a low income area, it is difficult for the residents to raise the money necessary, and he requested the Board reconsider the project.

Mr. Jim Hughes, representing the Orange County Committee for Services to the Handicapped, stated there was a lack of services for the handicapped, and a great need for an adult services center for the handicapped. A recent survey showed 65 adults in or near Chapel Hill who would benefit from a program of vocational training and sheltered employment. Only one Chapel Hill resident is presently enrolled in the Orange County Industries Program. Chapel Hill citizens now attend the sheltered workshop program in Durham. Durham County has made formal request for Orange County to make provision to assume responsibility for these persons. Policies of the Division of Mental Health, with respect to populations in residential centers for the retarded, emphasize a program of deinstitutionalization. Plans provide for a reduction of the resident population in Murdock Center. A substantial number of the 41 residents from Chapel Hill and Orange County will be returning to their home communities during the next five years. The community does not have the services to meet their needs upon their return. Mr. Hughes therefore requested the Board of Aldermen to consider the development of a facility to serve the adult handicapped population of Chapel Hill. He listed the services this facility would provide. He recommended the Board of Aldermen consider several alternatives for studies and funding for the studies.

Alderman Marshall stated this proposal was more appropriate for the County with Chapel Hill working with the County. Alderman Silver asked if this Committee had approached the County and the Department of Human Services for this proposal. Mr. Hughes said he had presented the proposal to the Planning Board, and they took it under consideration and referred to the staff. Since that time the Department of Human Services had asked for more information.

Mr. John Eaton stated that the County was participating in projects in Northern Orange County. The present facility does not meet the needs for the County and there is a waiting list of 35 persons from the northern section of the County. For over two years, the facility has not accepted anyone from this area of the County. Alderman Cohen said the County had been designated as the social service agency by the State. Alderman Silver asked for more data from Mr. Eaton and Mr. Hughes, because he felt it unfair for the people from Northern Orange to receive services which the

residents of the southern end of the county were not receiving. Mr. Eaton stated that since the shelter workshops were eligible under the CD program, the committee had felt the town the proper place to apply for funds. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN SILVER, TO REFER THE MATTER TO THE PLANNING BOARD FOR RECOMMENDATION.

Mayor Wallace stated a letter from Jane Sharp relative to budget requests had been distributed to the Aldermen. Ms. Sharp had made several suggestions as Chairman of the Chapel Hill Implementation Recycling Committee. The Board had also received a memorandum from Ms. Parker, Chairman of the Planning Board, relating to the budget requests.

#### Minutes

On motion by Alderman Smith, second by Alderman Howes, the minutes of the meeting of February 14, 1977, were approved as corrected.

#### Resolution Approving a Bikeways Concept Plan and Resolution Authorizing Design Work on Bikeways Projects

Mr. Jennings stated there were two proposals for consideration. First was the bikeways concept plan which utilizes grade separated bikeways along major arterials, bike routes in central areas where no parking is to be removed, bike lanes on central area streets where parking can be removed, and bike lanes on central area streets where parking can be removed, and greenways utilizing the stream bank. A public hearing on this plan was held on February 3 to get priorities and to establish a program for the bikeways. The opinions expressed at the public hearing were that commuter routes were more important than recreational routes, that radials were important with Airport Road, Franklin Street and Raleigh Road receiving the highest priority. Merritt Mill Road received slightly less priority, and a bike path on the existing right-of-way might be eliminated if future widening of the road was undertaken. Pittsboro Road received less priority than Merritt Mill Road and would have the same problems as Merritt Mill Road if widened. There is also an alternative route to the Westwood area. Other areas were suggested as being important: Ephesus Church Road, the Eastgate area, 15-501, By-pass, greenways segment from University Mall to Weaver Road, Estes to soccer field, Franklin Street from Estes to Foxcroft, and Estes Drive from Airport Road to existing sidewalk. The bike lanes were emphasized as important from S. Graham to Cameron. The potential conflict with pedestrians appears not to be considered as a serious factor by cyclists except in the Ephesus Church area; however, cyclist recommend 8 foot walks instead of 5 foot walks to minimize potential for conflicts. Citizens recommended the east-west routes be grade separated because motorists are blinded by the sun in the morning and late afternoon. Mr. Jennings then reviewed the plan recommended by the Planning Board, and the plan recommended by the Manager, pointing out the differences between the two. He stated the project could be funded with the \$100,000 street bond funds allocated to bikeways with \$250,000 added from the street bond funds originally intended for street paving.

In response to Alderman Cohen's question, Mr. Jennings explained that the bike paths would be on the uphill side of the street, and on the downhill side, cyclists would be riding in the street with traffic. This would basically create a one-way traffic situation with regard to bicycles. Alderman Cohen was concerned about Merritt Mill Road, and expressed the desire for the street improvement work to be done here soon so that a bike way could then be put along this road. Alderman Howes stated most of the comments he had heard were about access to Muirhead Soccer Stadium and asked if there was anything that could be done to keep children from riding on the by-pass. Mr. Jennings explained that building a bridge across the creek would be extremely expensive plus permission would be needed from the owners to cross the fence. He had talked with the state about permission to use the culvert to go under the highway, but they were not amenable to the idea. Mr. Jennings answered Alderman Smith's question that there were no good statistics on the number of bikes which would be using the paths. However, Ms. Rooks stated that all age groups were represented at the public hearing. Alderman Smith felt restrictions should be put on cyclists to use the bike paths where provided. Mr. Jennings stated that when paths were provided, people usually used them. Alderman Vickery supported Alderman Smith and said he would like to see evidence of use of the routes before the Board funded them. Mr. Jennings responded that in the summer of 1975, an intern had done research on the bikeways. Many people then indicated that they did not ride bikes because it was unsafe on the roads. Ms. Parker added that the public hearing was

well attended. Alderman Gardner asked Mr. Jennings to comment on the design aspect of the plan and the amount of money allocated to design. Mr. Jennings answered that 10% was allocated to design which was a standard amount. Although the town now has an engineer, the work will probably be sent to a consultant. Mr. Jenne stated the allocation for design was for a maximum amount, but would not necessarily be spent. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING THE BIKEWAYS CONCEPT PLAN

BE IT ~~RESOLVED~~ by the Board of Aldermen of the Town of Chapel Hill that the Board hereby approves the Bikeways Concept Plan of February, 1977, and directs the Town staff to use said plan as a guide in developing specific capital projects and other future planning involving bikeways.

This the 28th day of February, 1977.

Alderman Marshall commented she would like consideration given to making Park Place one way. THE MOTION WAS CARRIED UNANIMOUSLY. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION AUTHORIZING DESIGN WORK ON BIKEWAYS PROJECTS

BE IT RESOLVED by the Board of Aldermen of Chapel Hill that the Board hereby authorizes design work for grade separated bike pathson:

Airport Road - west side - Umstead to North Columbia  
 Franklin Street - north side - Estes to Hillsboro  
 Raleigh Road - north side - Hamilton to Country Club  
 Merritt Mill - south side - Smith Level to Cameron  
 Greenways - University Mall to Weaver Road  
 US - 15-501 By-Pass - east side - Cleland to Ridgefield  
 Boundary/Park Place - southeast side - Country Club to  
 Franklin;

and that the Board hereby authorizes design work for bike lanes on:

Cameron Avenue - both sides - Merritt Mill to Columbia  
 Graham Street - both sides - Cameron to Rosemary  
 Rosemary Street - both sides - Town limits to Columbia  
 Pittsboro Street - both sides - Pittsboro Road to Cameron  
 Country Club - east side - South Road to Boundary

This the 28th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Extending the Review Period for Harder Professional Office Building Special Use Permit and Legion Road Zoning Map Amendment

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

A RESOLUTION EXTENDING THE PLANNING BOARD REVIEW PERIOD FOR HARDER PROFESSIONAL OFFICE BUILDING AND THE LEGION ROAD ZONING MAP AMENDMENT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby extends the Planning Board's review period on the Harder Professional Office Building and the Legion Road Zoning Map Amendment to the March 17, 1977, meeting of the Planning Board.

This the 28th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Establish the Chapel Hill Environmental Assessment Policy

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

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Code of Ordinances, Town of Chapel Hill, is hereby amended by the addition of a new Chapter 6A, "Environmental Protection," to read as follows:

## Chapter 6A

### Environmental Protection

#### Section 6A-1. PURPOSE AND INTENT

Pursuant to North Carolina General Statutes 113A-1, et. seq., providing for the establishment of policies and regulations at the local level to identify and prevent environmental changes and impacts which will be detrimental to the health, safety and welfare of the citizens of the State, the Board of Aldermen of the Town of Chapel Hill hereby declares the following Town policy in order to encourage the wise and productive use of the natural and Town resources within the Chapel Hill Planning District; to encourage a public and governmental awareness of our environment and of the consequences of development which affect it: to require that a full disclosure be made as to the anticipated effect of proposed development on the resources of the community; and to permit and facilitate full enforcement of all ordinances and regulations concerning the environment in an efficient, coordinated and comprehensive manner. The intent of this ordinance is to provide a mechanism for full disclosure of anticipated impacts to community of developments as herein defined and to make such information publicly available so that members of the community may have input into developmental issues before they become moot.

#### Section 6A-2. PERSONS AND FIRMS AFFECTED

All persons, firms, corporations, developers, public authorities, state and local government units and agencies who desire to apply to the Town for pertinent licenses or permits necessary to initiate or alter a major development project, as defined by North Carolina General Statutes Section 113A-9(1), and specifically including without limitation shopping centers, subdivisions and other housing developments, industrial and commercial projects, and any project involving substantial grading or vegetation clearance; but not including any projects involving the development of less than two contiguous acres for residential purposes only, unless part of a development which will eventually comprise more than two contiguous acres; shall submit to the Town Clerk prior to issuance of any permits by the Town a written assessment prepared by said developer including complete information in the following areas:

- A. A description of the land in the project area and the present use thereof with an estimate of the impacts the project will have on land uses within a one-half mile perimeter beyond the boundaries of the proposed development. This information shall include information regarding anticipated impacts on traffic, stream quality, wildlife, noise pollution, impoundment of water, energy and other utility uses, and any other significant impacts anticipated by the developer.
- B. A description of any anticipated impact the development will have on the scenic, historical or cultural qualities of the Town.
- C. A description of the anticipated impact on wildlife or natural vegetation in the area, and including anticipated erosion and sedimentation impacts of the proposed development.
- D. A description of steps to be taken by the developer or others to minimize anticipated adverse impacts of the development.
- E. A statement reflecting intention to comply with all applicable ordinances relating to the development of the project.
- F. A submittal of comments by all agencies with jurisdiction and/or expertise in any areas significantly affected by the project, which comments have been received by reason of the developer's contacts with appropriate agencies regarding impacts anticipated by the proposed development.

- G. A description of methods by which the developer proposes to minimize energy consumption in the project.

### Section 6A-3. ENFORCEMENT

- A. No building permit, subdivision approval, zoning action, or other governmental sanction shall be furnished for any project subject to this ordinance until the following conditions shall be met:
1. The submission to the Town Clerk of a completed Development Impact Assessment.
  2. Publication of notice of said receipt within 10 days of receipt in a newspaper of major circulation in the county.
  3. Passage of a 30 day review period following receipt of the assessment by the Town.
- B. The Town may request clarification or correction of the facts or matters in question in the Development Impact Statement, (or for additional comments on matters not included in the original submittal but which bear substantially on the proposed development), and the review period may be extended by not more than 60 days.
- C. If no notice pursuant to Section (B) above is given the developer prior to 30 days after receipt of the statement by the Town, or upon the expiration of 60 days following the notice of need for supplemental information, the review period shall be ended and the developer may then make application for appropriate permits or other Town action as the developer deems necessary.
- D. Final Environmental Impact Assessments prepared in accordance with State and Federal requirements shall be deemed adequate fulfillment of the environmental reporting requirements of this ordinance.
- E. Variance without notice from any of the plans or practices described in the Development Impact Assessment shall cause immediate forfeiture of such approval or permits as have been issued, and shall require submission of a revised impact statement and normal review before reissue of such approvals or permits.
- F. Variance from the plans or practices described in the development impact sections may be administratively permitted when minor in nature upon resubmittal of the original assessment with appropriate changes and 15 days review.
- G. No condition or requirement for any action except the reporting of anticipated impacts in form as set out hereinabove shall be required under this ordinance.

### SECTION II

The effective date of this ordinance shall be \_\_\_\_\_.

This the 28th day of February, 1977.

Alderman Silver stated he would like a program started immediately to deal with the problems of energy and conserving resources. Alderman Epting stated this ordinance was important in the long-run because it asked questions about the use of energy, minimizing the use of energy, vegetation clearance, and other aspects of development. The ordinance does not require that the town approve the statement, just that the developer submit one. Alderman Epting said the ordinance does two things, first, it requires the developer to assume a frame of mind that is consistent with the needs, goals and attitudes of the citizens of the town. Secondly, it permits the staff to have advance notice of what is coming and to be able to give advance consideration to what developers are planning. Alderman Gardner stated this was normally the type of matter which would



go before the Planning Board for recommendation, and he was concerned that there was no Planning Board comment. He asked Mr. Denny if the University would be required to comply with the ordinance. Mr. Denny explained that the town does not issue permits to the University except as a courtesy; therefore, the university is not required to comply with building permits, plumbing or electrical permits. They file a copy of plans with the town as a courtesy, and without a charge a permit is issued to them. Alderman Cohen said the general assembly had passed legislation in 1973 approving environmental legislation. He hoped the ordinance would be adopted. If the Planning Board had any requests for changes, they would notify the Aldermen. Alderman Vickery thought several paragraphs of the ordinance confusing. He wanted an ordinance with some provision for enforcement. He agreed with Alderman Gardner that the Planning Board should review the ordinance. Alderman Vickery suggested there be civil penalties for non-compliance. Alderman Cohen said that existing law applies to pending projects unless it works an undue hardship on applicants or litigants, and moved to amend the ordinance by adding another section: "This ordinance shall apply to all pending applications for building permits, subdivision approvals, special use permits and requests for rezoning which have not received final approval provided however, that this section shall not require reapplication for approval but shall be complied with prior to issuance of such permit or sanction." Alderman Silver and Smith accepted the amendment, and a change of wording in Section 6A-2. Alderman Gardner then moved to table the ordinance until such time as the Planning Board had reviewed it and submitted a recommendation. Alderman Vickery seconded the motion. The motion to table was defeated by a vote of six to two with Aldermen Gardner and Vickery supporting and Alderman Cohen, Epting, Howes, Marshall, Silver and Smith opposing. Alderman Epting answered Alderman Vickery's questions on confusing sections and stated that revocation of a permit did give the town a means of enforcing the ordinance. THE MOTION TO ADOPT THE FOLLOWING ORDINANCE 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.

#### AN ORDINANCE ESTABLISHING A NEW CHAPTER 6A, "ENVIRONMENTAL PROTECTION"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Code of Ordinances, Town of Chapel Hill, is hereby amended by the addition of a new Chapter 6A, "Environmental Protection," to read as follows:

#### Chapter 6A

#### Environmental Protection

#### Section 6A-1. PURPOSE AND INTENT

Pursuant to North Carolina General Statutes 113A-1, et. seq., providing for the establishment of policies and regulations at the local level to identify and prevent environmental changes and impacts which will be detrimental to the health, safety and welfare of the citizens of the State, the Board of Aldermen of the Town of Chapel Hill hereby declares the following Town policy in order to encourage the wise and productive use of the natural and Town resources within the Chapel Hill Planning District; to encourage a public and governmental awareness of our environment and of the consequences of development which affect it; to require that a full disclosure be made as to the anticipated effect of proposed development on the resources of the community; and to permit and facilitate full enforcement of all ordinances and regulations concerning the environment in an efficient, coordinated and comprehensive manner. The intent of this ordinance is to provide a mechanism for full disclosure of anticipated impacts to community of developments as herein defined and to make such information publicly available so that members of the community may have input into developmental issues before they become moot.

#### Section 6A-2. PERSONS AND FIRMS AFFECTED

All persons, firms, corporations, developers, public authorities, state and local government units and agencies who desire to apply to the Town for pertinent licenses or permits necessary to initiate or alter a major development project, as defined by North Carolina General Statutes

Section 113A-9(1), and specifically including without limitation shopping centers, subdivisions and other housing developments, industrial and commercial projects, and any project involving substantial grading or vegetation clearance; but not including any projects involving the development of less than two contiguous acres for residential purposes only, unless part of a development which will eventually comprise more than two contiguous acres; shall submit to the Town Clerk prior to application for any permits by the Town a written assessment prepared by said developer including complete information in the following areas:

- A. A description of the land in the project area and the present use thereof with an estimate of the impacts the project will have on land uses within a one-half mile perimeter beyond the boundaries of the proposed development. This information shall include information regarding anticipated impacts on traffic, stream quality, wildlife, noise pollution, impoundment of water, energy and other utility uses, and any other significant impacts anticipated by the developer.
- B. A description of any anticipated impact the development will have on the scenic, historical or cultural qualities of the Town.
- C. A description of the anticipated impact on wildlife or natural vegetation in the area, and including anticipated erosion and sedimentation impacts of the proposed development.
- D. A description of steps to be taken by the developer or others to minimize anticipated adverse impacts of the development.
- E. A statement reflecting intention to comply with all applicable ordinances relating to the development of the project.
- F. A submittal of comments by all agencies with jurisdiction and/or expertise in any areas significantly affected by the project, which comments have been received by reason of the developer's contacts with appropriate agencies regarding impacts anticipated by the proposed development.
- G. A description of methods by which the developer proposes to minimize energy consumption in the project.

#### Section 6A-3. ENFORCEMENT

- A. No building permit, subdivision approval, zoning action, or other governmental sanction shall be furnished for any project subject to this ordinance until the following conditions shall be met:
  1. The submission to the Town Clerk of a completed Development Impact Assessment.
  2. Publication of notice of said receipt within 10 days of receipt in a newspaper of major circulation in the county.
  3. Passage of a 30-day review period following receipt of the assessment by the Town.
- B. The Town may request clarification or correction of the facts or matters in question in the Development Impact Statement, (or for additional comments on matters not included in the original submittal but which bear substantially on the proposed development), and the review period may be extended by not more than 60 days.
- C. If no notice pursuant to Section (B) above is given the developer prior to 30 days after receipt of the statement by the Town, or upon the expiration of 60 days following the notice of need for supplemental information, the review period shall be ended and the developer may then make application for appropriate permits or other Town action as the developer deems necessary.

- D. Final Environmental Impact Assessments prepared in accordance with State and Federal requirements shall be deemed adequate fulfillment of the environmental reporting requirements of this ordinance.
- E. Variance without notice from any of the plans or practices described in the Development Impact Assessment shall cause immediate forfeiture of such approval or permits as have been issued, and shall require submission of a revised impact statement and normal review before reissue of such approvals or permits.
- F. Variance from the plans or practices described in the development impact sections may be administratively permitted when minor in nature upon resubmittal of the original assessment with appropriate changes and 15 days' review.
- G. No condition or requirement for any action except the reporting of anticipated impacts in form as set out hereinabove shall be required under this ordinance.

SECTION II

This ordinance shall apply to all pending applications for building permits, subdivision approval, special use permits, and requests for rezoning which have not received final approval, provided however, that this section shall not require reapplication for approval but otherwise the provisions of this ordinance shall be complied with prior to issuance of final approval permits or sanctions.

SECTION III

The effective date of this ordinance shall be February 28, 1977.

This the 28th day of February, 1977.

Resolution Directing Preparation of a Preliminary Assessment Roll for the Kings Mill I and II Sewer Projects and Setting a Public Hearing Thereon

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

A RESOLUTION DIRECTING PREPARATION OF A PRELIMINARY ASSESSMENT ROLL FOR THE KINGS MILL I AND II SEWER PROJECTS AND SETTING A PUBLIC HEARING THEREUPON

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board directs the Town Clerk to prepare a preliminary assessment roll on the Kings Mill I sewer project, laterals serving properties abutting Kings Mill Road, Sourwood Drive, Woodbine Drive, and Coker Drive, undertaken after public hearing on January 14, 1974; and on the Kings Mill II sewer project, laterals serving other portions of the above streets, undertaken after public hearing on November 17, 1975; and

BE IT FURTHER RESOLVED that the Board hereby calls a public hearing on said preliminary assessment roll on March 28, 1977, at 7:30 p.m., in the Meeting Room of the Municipal Building, 306 North Columbia Street, Chapel Hill, and that the Board directs the Town Clerk to comply with the requirements for notice contained in General Statutes 160A-227.

This the 28th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Certifying Valuation as Required by HUD Handbook 1320.1

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

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 1320.1

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board of Aldermen has determined on the basis of three appraisals that the fair market value of certain properties intended for purchase by the Chapel Hill Housing Authority, is as follows:

<u>Parcel Number</u>	<u>Area (Sq. Ft.)</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Established Fair Market Value</u>
85-C-7 and being the property located at 420 Whitaker Street	13,523	Ada Alston	Land and Structure	\$10,397.00

BE IT FURTHER RESOLVED that the Board of Aldermen, on the basis of information supplied by Alvin E. Stevenson, Executive Director of the Chapel Hill Housing Authority, hereby certified that the work of the appraisers and the review appraiser with respect to each of the above properties has been performed in a competent manner in accordance with applicable state and federal law and the policies and requirements of the Department of Housing and Urban Development.

This the 28th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Certifying Valuation as Required by HUD Handbook 1320.1

Alderman Gardner stated he had made a request several times for parcels to be identified by location as well as by parcels. Mr. Shipman replied that the property was located as 420 Whitaker Street. Mr. Denny added the location of the property to the resolution. Aldermen Howes and Epting accepted the addition. Alderman Gardner said he would vote against the resolution because the location had not been included in the resolution as first written by the Housing Authority. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH ALDERMEN EPTING, HOWES, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMEN COHEN AND GARDNER OPPOSING.

Resolution Authorizing Steps Toward Condemnation of Recreation Easement

Mayor Wallace stated the Board was considering condemnation of four tracts needed to complete the greenways system. Mr. Denny explained that two of the tracts are in the vicinity of E. Franklin Street and two in the vicinity of Airport Road adjoining Bolin Creek. There had not been any success in negotiating with the property owners for these properties. It is necessary if the town is to consider condemnation, for the properties to be appraised and the town is negotiate in good faith over the dollars. Mr. Denny was proposing a resolution to authorize appraisal of the properties. ALDERMAN SILVER MOVED, SECONDED BY ALDERMAN GARDNER, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION AUTHORIZING STEPS TOWARD CONDEMNATION OF RECREATIONAL EASEMENTS

WHEREAS, the Open Space Committee of the Town of Chapel Hill has long been working to acquire a connected series of easements for a non-motorized pathway along Bolin Creek; and

WHEREAS, the greater portion of said easements have been acquired by gift of or purchase from the property owners along the creek; and

WHEREAS, four tracts with whose owners the Town has been unable to come to terms prevent the Town from instituting a connected pathway as planned or even utilizing fully the portions of the pathway already acquired; and

WHEREAS, the Board of Aldermen has previously authorized the staff and Open Space Committee to negotiate for the purchase of the outstanding tracts but said negotiations have been unsuccessful;

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Attorney's office is hereby authorized to expend funds in taking steps preliminary to condemnation of tracts along Bolin Creek owned by the following parties:

The Village Green Association  
 Wilbur Kutty  
 Richard Sparrow and Louise Oakley  
 Mr. and Mrs. T. M. Green, Jr.

This the 28th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Opening and Maintaining a Deposit Account

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

111-055-356 WAS CARRIED UNANIMOUSLY  
GENERAL FUND

A RESOLUTION OPENING AND MAINTAINING A DEPOSIT ACCOUNT

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

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

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

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

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

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

5. FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and,

6. FURTHER RESOLVED, that all transactions by any of the officers or employees of this Corporation on its behalf, and in its name, with North Carolina National Bank prior to the delivery to said Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and,

7. FURTHER RESOLVED, that the Secretary or Assistant Secretary be, and he hereby is, authorized and directed to certify these resolutions to North Carolina National Bank and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

A RESOLUTION OPENING AND MAINTAINING A DEPOSIT ACCOUNT 111-055-364  
PAYROLL ACCOUNT

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

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

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

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

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

4. FURTHER RESOLVED, that the Secretary or Assistant Secretary of this Corporation shall certify to said Bank the names of the persons who are at present authorized to act on behalf of this Corporation under the foregoing resolutions and shall from time to time hereafter, as changes

in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified; and,

5. FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and,

6. FURTHER RESOLVED, that all transactions by any of the officers or employees of this Corporation on its behalf, and in its name, with North Carolina National Bank prior to the delivery to said Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and,

7. FURTHER RESOLVED, that the Secretary or Assistant Secretary be, and he hereby is, authorized and directed to certify these resolutions to North Carolina National Bank and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

111-055-372  
PARKING TAGS

#### A RESOLUTION OPENING AND MAINTAINING A DEPOSIT ACCOUNT

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

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

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

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

3. FURTHER RESOLVED, that North Carolina National Bank be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in this Corporation's name, including those payable to the individual order of any person or persons whose name or names appear thereon as signer or signers thereof, when bearing or purporting to bear the facsimile signature(s) of the specified number of the foregoing officers or employees of this Corporation and North Carolina National Bank shall be entitled to honor and to charge

this Corporation for such checks, drafts or other orders, regardless of by whom or by what means the actual or purported facsimile signature or signatures thereon may have been affixed thereto, if such signature or signatures resemble the facsimile specimen duly certified to or filed with North Carolina National Bank by the Secretary or Assistant Secretary or other officer of this Corporation; and,

4. FURTHER RESOLVED, that the Secretary or Assistant Secretary of this Corporation shall certify to said Bank the names of the persons who are at present authorized to act on behalf of this Corporation under the foregoing resolutions and shall from time to time hereafter, as changes in the personnel of said officers and employees are made, immediately certify such changes to said Bank, and said Bank shall be fully protected in relying on such certifications of the Secretary or Assistant Secretary and shall be indemnified and saved harmless from any claims, demands, expenses, loss, or damage resulting from, or growing out of, honoring the signature of any officer or employee so certified, or refusing to honor any signature not so certified; and,
5. FURTHER RESOLVED, that the foregoing resolutions shall remain in full force and effect until written notice of their amendment or rescission shall have been received by said Bank, and that receipt of such notice shall not affect any action taken by said Bank prior thereto; and,
6. FURTHER RESOLVED, that all transactions by any of the officers or employees of this Corporation on its behalf, and in its name, with North Carolina National Bank prior to the delivery to said Bank of a certified copy of the foregoing resolutions are, in all respects, hereby ratified, confirmed, approved and adopted; and,
7. FURTHER RESOLVED, that the Secretary or Assistant Secretary be, and he hereby is, authorized and directed to certify these resolutions to North Carolina National Bank and that the provisions thereof are in conformity with the Charter and By-Laws of this Corporation.

THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Appointing a Co-Paying Agent on Existing Bond Issues

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

A RESOLUTION APPOINTING A CO-PAYING AGENT ON EXISTING BOND ISSUES

WHEREAS, the Town of Chapel Hill has duly authorized and issued and there are now outstanding various issues of bonds for the payment of the principal of and interest on which the full faith and credit of the Town of Chapel Hill are irrevocably pledged.

WHEREAS, the Town of Chapel Hill has appointed for each of these various issues of bonds a bank located in New York City as paying agent.

WHEREAS, the Town of Chapel Hill desires to appoint an additional bank located in the State of North Carolina as co-paying agent for the payment of the principal of and the coupons for interest appertaining to the bonds as the same become due and payable.

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Bank is hereby appointed co-paying agent for the purpose of paying the principal of and the coupons for the interest appertaining to the bonds which shall become due on or after April 1, 1977.

This the 28th day of February, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance to Amend Articles II, III, IV, and V of Chapter 12, Code of Ordinances, Town of Chapel Hill with Respect to the Department of Recreation

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



AN ORDINANCE TO AMEND ARTICLES II, III, IV, AND V OF CHAPTER 12, CODE OF ORDINANCES, TOWN OF CHAPEL HILL WITH RESPECT TO THE DEPARTMENT OF RECREATION

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

SECTION I

That Articles II, III, IV, and V of Chapter 12 (Section 12-16 through 12-45 inclusive), Code of Ordinances, Town of Chapel Hill, in their entirety, be and the same are hereby amended, revised, and rewritten to read as follows:

Section 12-16. Created, Named. There is hereby created a Recreation Commission for the Town of Chapel Hill.

Section 12-17. Membership. The commission shall consist of ten (10) commissioners, nine (9) of whom shall be appointed at large, and one (1) of whom shall be officially a member of the central office staff of the Chapel Hill-Carrboro school system. All members shall be residents and citizens of the Town. The Town Manager or his designee shall be ex-officio member of the commission, and shall be entitled to participate in meetings of the commission without voting privileges.

Section 12-18. Appointment. Members of the commission shall be appointed by the Mayor and Board of Aldermen. Commission appointments will be made to become effective as of January 1 of each year. Vacancies shall be filled in the same manner as the original appointments.

Section 12-19. Terms. 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 commissioner shall automatically terminate if the commissioner's legal residence is relocated outside the corporate limits of the Town and the term of the member officially (affiliated with a member of the central staff of) the Chapel Hill-Carrboro school system shall automatically terminate when no longer so qualified. All commissioners currently serving are continued in office until the expiration of their respective terms.

Section 12-20. Meetings, Chairman. The Recreation Commission shall hold meetings at such time and places as it shall determine, and shall adopt bylaws, rules, and regulations governing its procedures. It shall select from its membership a commissioner to serve as Chairman, and such other officers as it deems appropriate to serve for a term of one (1) year.

Section 12-21. Attendance of Commissioners. A commissioner who, without excuse, misses more than three (3) consecutive regular meetings or a total of four (4) such meetings during the year loses his status as a member of the commission. In such cases, the chairman will immediately request the Board of Aldermen to fill the vacancy. Absences due to sickness, death or other such obligatory emergencies shall be regarded as excused absences and shall not affect the commissioner's status on the commission. However, in the event of long illness, or other such causes for prolonged absence, the commissioner may be replaced.

Section 12-22. Duties, Powers. The Recreation Commission shall have the following powers and duties:

- a. Advise the Board of Aldermen and the Town Manager and his staff concerning all matters relating to the operation of a system of public recreation for the Town of Chapel Hill.
- b. Advise on the establishing and maintaining of a system of organized and supervised recreational activity for the Town within the budgetary levels authorized by the Board of Aldermen.
- c. Recommend to the Board of Aldermen land to be set apart for use of parks, play grounds, recreation centers, water areas, or other recreational areas and structures.
- d. Recommend the use of appropriate lands or buildings owned or leased to the Town.
- e. Recommend upon the needs of appropriate additional lands and structures for the recreational activities of the Town.

- f. Set policies as to the controls and operation of recreational facilities which are owned or controlled by the Town, not inconsistent with the budget ordinance or other ordinances or resolutions adopted by the Board of Aldermen.
- g. Develop regulatory control, rules, and measures, not inconsistent with the budget ordinance or other ordinances or resolutions adopted by the Board of Aldermen.
- h. Determine, with the Recreation Director, the amount of all fees, rentals, and charges, not inconsistent with the budget ordinance and other ordinances or resolutions adopted by the Board of Aldermen.
- i. Review the budget for the Recreation Department, and make comments and recommendations to the Board of Aldermen with respect thereto.
- j. Advise the Planning Board on all matters pertaining to recreational planning for the community.
- k. Recommend to and assist the Town Manager in preparing a five (5) year program for the Recreation Department covering both operating and capital plans for the Department.

## SECTION II

All Ordinances and portions of Ordinances including specifically all sections of Chapter 12 of the Code of Ordinances not set forth herein, are hereby repealed.

This the 28th day of February, 1977.

Alderman Silver stated the ordinance was an attempt to have an ordinance for the Recreation Commission modeled after the ordinance for the Transportation Board. The ordinance clarified lines of communication and authority. Alderman Howes stated the ordinance was consistent with the discussion held by the Charter Commission. However, he thought the Recreation Commission should be asked for their opinion on the ordinance. He did not think delaying adoption of the ordinance while the Recreation Commission reviewed it would affect the budget. Alderman Marshall agreed that the Commission should review the ordinance. Alderman Silver said he had no objection to commending the ordinance to the Recreation Commission. Alderman Smith asked for clarification on paragraph (e). Mr. Denny said he interpreted this paragraph to mean the Commission could recommend the acquisition of land in a general area, not a specific site. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN GARDNER, TO COMMENT THE ORDINANCE TO THE RECREATION COMMISSION FOR COMMENT BY THE NEXT MEETING OF THE BOARD OF ALDERMEN. Alderman Silver withdrew his original motion. Alderman Gardner also asked for the Recreation Commission to comment on the school board member. THE MOTION WAS CARRIED UNANIMOUSLY.

### Allocation of Treated Water Capacity

Alderman Vickery stated that Ms. Parker, Chairperson of the Planning Board, had suggested that the Town consider allocation of treated water because of the present limited water resources. He and Alderman Silver felt an allocation plan similar to that for wastewater treatment should be developed. Alderman Vickery moved that the Town Manager be instructed to compile data on anticipated treated water capacity and loadings for 1977-1981; that these data be provided initially by the March 28 meeting of the Board and be updated from time to time as appropriate; and that the Town Manager be authorized to use \$3000 of contingency funds to obtain consulting assistance if necessary for this task. Alderman Silver seconded the motion. Alderman Howes said he had discussed this matter with Everett Billingsley and had been informed that most of the information Alderman Vickery was seeking was available and had been developed for OWASA. He was not sure that water capacity could be allocated the same as wastewater treatment capacity. Alderman Howes thought it would be better to direct the manager to discuss this with the members of OWASA and see if steps could

be taken without the expenditure of funds. Alderman Silver responded that while OWASA directed permits for water, the Town had the responsibility for planning, and should protect the agency until more water could be provided. Alderman Vickery agreed and said he thought it would be in order for the town not to grant a permit to a developer if the Town felt the development would have an adverse impact on the Town by its water usage. Alderman Howes said he was arguing for a cooperative venture with OWASA as a supplying body, recognizing their data and responsibility. Alderman Marshall stated Hazen and Sawyer had already gather the information and she objected to spending money for doing it twice. She was sure the Town could work with OWASA and felt they would have to since Chapel Hill could not prohibit Orange County or Carrboro from using more water. Alderman Smith said OWASA would have to set their own policy for water allocation. Alderman Vickery said he was requesting a planning tool, information which would be available whenever a development comes up. He felt the money should be allocated in case the information was not already available. Alderman Epting agreed that the Manager should meet with Mr. Billinsley and see what information was available. Mr. Jenne stated he shared Alderman Vickery's concern for the necessity of having the information. He stated however, that for the kinds of charts and tables needed, cooperation between all of the government entities involved would be needed. The greatest weakness of the sewer allocation was that the cooperation of the University and Carrboro was to that degree which they wished to give. Th Authority is the only entity which can control the allocation and would be the logical place for dissemination of information. ALDERMAN HOWES MOVED TO SUBSTITUTE A MOTION TO HAVE THE TOWN MANAGER MEET WITH THE GENERAL MANAGER OF OWASA AND THE TOWN MANAGER OF CARRBORO FOR THE PURPOSE OF DISCUSSING WATER SUPPLY AND BRING BACK RECOMMENDATIONS TO THE BOARD OF ALDERMEN ON MARCH 28. ALDERMAN SMITH SECONDED THE MOTION. THE MOTION TO SUBSTITUTE WAS CARRIED UNANIMOUSLY. THE MOTION AS SUBSTITUTED WAS ADOPTED UNANIMOUSLY.

#### Discussion of A-95 Review Procedures.

Alderman Marshall stated that over the past several years, the state and federal governments had begun to look to the regional planning agencies to find out what the local people wanted. The delegates of Triangle J COG had found the agency a potential tool for having input into what the state and federal governments do on a wide variety of programs. Pearson Stewart had put together extensive information for suggested revised procedure for COG review. In this A-95 review there were many places for the local governments to have influence. However, the delegates to Triangle J COG were concerned that the local Boards did not know what the delegates were doing, nor was there much instruction from the Boards to the delegates as to what should be in the A-95 review. Alderman Marshall said that indications from Washington were that the A-95 review would be emphasized more in the future. She made some suggestions for the review procedure and asked the Board if they agreed with her suggestions. There was general support from the Board for Alderman Marshall's suggestions.

#### Discussion Regarding Town Intervention in Orange County Student Voter Registration Matters

Alderman Cohen explained that he had asked for time on the agenda to discuss this matter when several persons in the Hillsborough had indicated they would file a petition with the State Board of Elections which would affect many changes in Chapel Hill. Since no petition had been filed yet, he would delay the discussion until such time as a petition had been filed.

#### Discussion and Review of the Second Quarterly Report

Mr. Jenne stated this item had been requested, and he would answer any questions the Board members had. Alderman Silver stated he would rather have a work session on this, especially since it was very late in the evening. Mr. Jenne said he would schedule a work session.

#### Personnel Appeals Committee - Nominations and Appointments

The following persons were nominated for positions on the Personnel Appeals Committee: Anne Barnes, Miriam Slifkin, Richard Kamens, Pat Faherty, Jane Kirby, Karen Bush, Cameron Hargraves, Florence Long, James Riggsbee, Bruce Fairbairne, George Coxhead, Judy Eastman, Dr. Edward Bergman, Rev. Jon Fogelman. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN GARDNER, THAT THESE PERSONS BE APPOINTED TO THE PERSONNEL APPEALS COMMITTEE. THE MOTION WAS CARRIED UNANIMOUSLY.

Historic District Commission - Appointment

Alderman Howes nominated Fran Verkuil. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN GARDNER, THAT FRAN VERKUIL BE APPOINTED TO THE HISTORIC DISTRICT COMMISSION. Mayor Wallace said that since Mrs. Welsh had declined her appointment to the Commission, he wished to nominate Richard Lamberton to serve that term. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, THAT MR. LAMBERTON BE APPOINTED. THE MOTION WAS CARRIED UNANIMOUSLY.

Requests for Future Agenda Items

1. Report on utilization of County wide facilities for recreation.

Mr. Jenne stated he wished to make two announcements to the Board. In order to bridge the gap between Mr. Anderson's departure from the Recreation Department and the reporting date of the new Recreation Director, he had appointed Frederick Robison, currently athletic specialist, acting Recreation Director. He had also given Mr. Shipman major responsibility for the development and preparation of the 77-78 budget recommendations for the Recreation Department. He expected to begin interviewing selected candidates for the position of Director within the next two weeks and to make his decision by the end of March. He also announced to the Board that he had accepted the resignation, effective April 15, of Sidney Hilliard, Chief of Police. Recruitment to fill the position would begin in the next few weeks.

Alderman Howes moved, seconded by Alderman Gardner, to adjourn to executive session. The motion was carried unanimously, and the meeting was adjourned at 11:35 p.m.

*James C. Wallace*

Mayor, James C. Wallace

*David B. Roberts*

Town Clerk, David B. Roberts

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

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

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

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

Resolution of Appreciation to Mr. George Holcomb

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