

THE MOTION WAS CARRIED BY A VOTE OF 7 TO 2 WITH ALDERMAN COHEN, EPTING, HOWES, MARSHALL, SILVER, SMITH, AND MAYOR WALLACE SUPPORTING AND ALDERMEN GARDNER AND VICKERY OPPOSING.

There being no further business to come before the Board, the meeting was adjourned.

James C. Wallace

Mayor James C. Wallace

David B. Roberts

Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, OCTOBER 10, 1977 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

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

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

Resolution of Appreciation

Mayor Wallace read a resolution of appreciation for Blaine Liner for his service to the Town on the Planning Board. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE RESOLUTION.

R E S O L U T I O N

WHEREAS, Mr. Blaine Liner has served on the Planning Board from July 18, 1975 until his resignation in August 1977, and

WHEREAS, Mr. Liner gave outstanding leadership in his role as Vice-Chairman, and

WHEREAS, Mr. Liner has chosen to serve on the Mayor's Recreation Task Force, and

WHEREAS, as a professional planner and Executive Director of the Southern Growth Policies Board, Mr. Liner brought a regional perspective to the Town's planning and growth management efforts;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and members of the Board of Aldermen of the Town of Chapel Hill, on behalf of all of the citizens, express sincere appreciation to Mr. Liner; and

BE IT FURTHER RESOLVED that this resolution be signed by the Mayor and each member of the Board and a copy be duly filed with the permanent records of the Town of Chapel Hill.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED UNANIMOUSLY.

Paving Chase Avenue, Portions of Markham Drive, Markham Court and Old Oxford Road - Public Hearing

Mr. Jenne stated a public hearing had been scheduled for the September 9 meeting, after a valid petition had been received on each of the streets. At that time, it had been discovered that proper notice of the public hearing had not been given and the public hearing was rescheduled for this meeting. The petitions received had been validated by the attorney's office. Mr. Jenne pointed out that the petition for Markham Drive did not include approximately 450 feet between the existing paving and the intersection of Tadley. Alderman Smith asked why the 450 feet was excluded. Mr. Jenne responded that the petition had excluded it. Rev. S. Edward

Young objected to the paving of Markham Court. He had bought his home there because it was unpaved and would give him a country setting for plants. The benefits of paving would go to his children, not to him. Mr. Dan Olsen represented his mother who owned two lots on Chase Avenue. One of these lots was a thin strip which was unbuildable. They wanted the street to remain unpaved. Mr. Craig, of Markham Drive, had signed the petition and wanted the paving. However, he asked for an estimate of how much it would cost. Mr. Jenne stated the current estimate was between \$7 and \$8 per foot. He hesitated to make an estimate because of price fluctuation. Mr. Bill Graves, on Markham Court, objected to the paving. He had chosen a dirt road because he preferred it. He was also afraid that the runoff on his property would greatly increase once the street was paved, unless the Town took some of the land for storm drainage easement. Mr. Holland, of Chase Avenue, was in favor of the paving because of the dust on the dirt road. Mr. B. B. Sparrow, of Chase Avenue stated his property would also get the water from runoff. He wanted paving, but asked if it could be without curb and gutter. He did not think Mr. Olsen should have to pay for the portion along his strip of land which was unbuildable. Alderman Smith asked if this was the small lot for which an agreement had been received that there would be no building. Mr. Olsen responded it was. Mr. Shelton White stated that 8 of 10 homeowners of Chase Avenue had signed the petition. They wanted the paving to get rid of the dust. This was their third petition for paving. If Markham Road was paved, Markham Court should not have much dust. Alderman Vickery was opposed to assessing on a mechanistic formula of front footage. He thought it could be done on a basis of the need for access. Mr. Denny explained that the resolution to pave could be adopted tonight, and the final assessment resolution later altered to reduce the assessment for individuals. He warned that the Board could not redistribute the cost from any eliminated lot among the other property owners. The General Statutes also allowed a separate formula for assessment of corner lots. He added that the Town did not have to pave the streets although a petition had been received. But, he reminded them that all areas of the town were subject to the same benefits; therefore, the Board had some obligation to these property owners.

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Responding to Mayor Wallace, Mr. Jenne stated that the Chase Avenue petition had been received approximately 12 months ago. It could not be included in the work the town was doing at that time. It was incorporated in the budget with some street work in the community development area, and went out to bid with those streets. At the time Chase Avenue went to bid, the town received petitions for Markham Court, Markham Drive and Old Oxford Road. The public hearing was scheduled for all four of these streets. However, the bid for Chase Avenue needed to be accepted or rejected now. The others would not be bid until the next round of projects. Although the residents had submitted the petitions as one project, Mr. Denny said they were three separate petitions and each street must be treated separately. The petition for Old Oxford Road did not contain the signatures of at least 50% of the property owners. Alderman Cohen suggested that once Markham Drive was paved, the Board could authorize the paving of Old Oxford Road and assess for paving under the section of the General Statutes allowing for paving of a road between two paved roads. The public hearing was concluded.

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

A RESOLUTION ORDERING PAVING OF CHASE AVENUE, PORTIONS OF MARKHAM DRIVE, MARKHAM COURT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby orders the paving with curb and gutter of Chase Avenue from its dead-end to Columbia Street; Markham Drive to its dead-end.

The basis for assessing said project costs against the abutting property owners shall be 50% of the total cost on appropriate front-foot basis; and that the excess above said assessed 50% of the total costs shall be borne by the Town.

The amount of said assessment may be paid in full without interest at any time before the expiration of 30 days after the date that the notice of confirmation of said assessment has been published, or may be paid in 10 equal annual installments each bearing interest on the unpaid balance at the rate of 6% per annum from the date of said confirmation.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0. ALDERMAN COHEN OFFERED A MOTION CALLING FOR A PUBLIC HEARING FOR PAVING OLD OXFORD ROAD WITHOUT PETITION, SHOULD A PETITION NOT HAVE BEEN SUBMITTED BY THE TIME OF COMPLETION OF MARKHAM DRIVE. ALDERMAN SMITH SECONDED THE MOTION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Minutes

On motion by Alderman Smith, seconded by Alderman Howes, the minutes of September 26, 1977, were approved as corrected.

Petitions and Requests

Mr. Rindfuss's petition to extend the review period on an environmental assessment statement filed on 204 Glenburnie had been withdrawn because the developer had withdrawn the environmental assessment statement. Mr. Ross Scroggs stated that the neighborhood had been worried about the break-in of institutional uses. There is no protection in the ordinance against this. In reviewing the ordinance he had found hazardous and confusing wording, and asked the Board to consider revision.

Mr. Alton Andrews stated the applicant had withdrawn the environmental assessment statement because they had found considerable termite damage. The property was to be used as a church with approximately 25 to 30 students to attend. Most of these students did not have cars. The group wanted to get along with their neighbors. They would file another environmental assessment statement in the future.

Mr. James Boswell, member of the Craig, Gomains and Sykes community, petitioned the Board for lights at the Gomains Tot Lot. The neighborhood was troubled by vandalism and young people staying in the lot with drugs and making much noise. Lights would help to keep the teenagers away from the area. ALDERMAN GARDNER MOVED, SECONDED BY ALDERMAN EPTING, TO RECEIVE THE PETITION. Alderman Gardner asked if the community wanted lights that could be turned off or a light all night. Mr. Boswell said the community wanted lights all night which would automatically turn off at dawn. The residents were not concerned with lights shining in their windows. Ms. Barbara Alston had called the police many times with complaints of vandals and noise disturbance. She was willing to put up with lights shining in the windows, but was afraid of the teenagers outside. Mr. William Gray supported Ms. Alston's statement that the residents would rather have lights than vandals. Alderman Smith asked that the area be kept under surveillance for a while to help break up these groups. Alderman Smith amended the motion to refer the petition to the Manager for action and a cost estimate of lighting. Alderman Silver asked for a report at the next meeting. The motion was carried by unanimous vote of 8 to 0.

Alderman Cohen stated the Board's policy was not to call for public hearings on modifications to special use permits unless requested to do so. The application to modify the Northampton Plaza special use permit had come in a few months ago. The change would require those persons now living in the apartments to seek other housing in Chapel Hill where there is already a housing shortage. The effect of the project would be the same as a request to build a 150-unit apartment complex. He had spoken with people now living in the apartments and found that they did not know they would have to leave when their lease ended. He felt there should be a public hearing to give these people a chance to know the project and object. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN EPTING, THAT THE BOARD CALL A PUBLIC HEARING ON THE REQUEST FOR A MODIFICATION TO THE SPECIAL USE PERMIT FOR NORTHAMPTON PLAZA. Mr. Charles Shaffer, one of the directors for the Episcopal Home for the Aged, asked to speak against the request for a public hearing. He stated the group had filed their environmental assessment in August and been scheduled to go before the Planning Board on September 1. Notices had been posted on telephone poles around the apartment complex. Residents leasing an apartment had been told their lease might not be renewed next spring. They had been delayed twice from going before the Planning Board. They were working on a tight time schedule and were working with the staff on the life safety requirements for the building. Now, they were being delayed again for a public hearing when there had been no response from

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residents during the time this process had been going on. They felt the delay unreasonable. The option on the building would expire on December 31, and the group needed to get at least a 80% commitment of occupancy for an August 31, 1978 completion date. Mr. Davis stated that if the public hearing was held, the earliest the project could receive approval would be December which would be too late. They wanted to locate in Chapel Hill because so many of the Southern Pines' residents were from Chapel Hill. ALDERMAN COHEN MOVED TO AMEND HIS MOTION TO CALL FOR A PUBLIC HEARING ON THE FIRST MEETING IN NOVEMBER. Mr. Jenne explained the schedule he had planned would have allowed for Board of Aldermen consideration in January. If the public hearing was held on the first meeting in November it could be considered in December. Alderman Marshall asked the schedule be speeded. ALDERMAN COHEN MOVED TO AMEND THE MOTION TO HAVE THE PUBLIC HEARING ON OCTOBER 24, AND THAT THE PERSONS WITHIN THE PROJECT BE NOTIFIED. Alderman Epting accepted the amendment. Ms. Parker agreed to have the Planning Board consider the project on November 1. Then the project could come back before the Board of Aldermen on November 14. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Report on 911 and Consolidated Communications

Ms. Flo Garrett explained that she had been asked by people in Orange and Chatham Counties to work on a project for emergency medical services for Orange and Chatham Counties. They had received an award of \$500,000 to do three things: (1) provide a communications system to insure citizens access to all emergency services; (2) central dispatch; and (3) provide mobile intensive technicians. The 911 service would be ready by January, 1978, which would have trace capability.

Ms. Garrett hoped the total 911 service would be available by 1981. The central dispatch would be located in Chapel Hill for the next two years. Two vehicles connected with the hospital would have capability for reading cardiograms.

Report and Resolution Adopting the Land Use Plan Map and a Report Portion of the Comprehensive Plan

Ms. Parker reviewed the process and schedule which had been followed to prepare the land use plan map and report. Mr. Jennings explained that the Goals and Objectives, adopted by the Board earlier, were the framework for the land use plan, the community facilities plan and the transportation network plan. Each of these plans would elaborate on and graphically depict the goals and objectives. They would refine the goals and objectives by establishing policies and criteria. Mr. Jennings attempted to show how the land use plan elaborated and depicted the goals and objectives by use of central concepts and to explain the plan itself. Given data the Planning Board determined that floodways were the critical environmental areas to be protected. The other two concepts of compact urban form of development and balanced residential sectors are expressed in a multinucleated form of development instead of sprawl. Mr. Jennings defined the balanced residential sector. The subcommunity sector concept resulted in 16 subcommunities and six existing activity centers and seven proposed centers. He then described the land use plan map. MS. PARKER INTRODUCED THE FOLLOWING RESOLUTION.

A RESOLUTION ADOPTING THE LAND USE PLAN MAP AND REPORT PORTION 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 Land Use Plan of the Comprehensive Plan, consisting of a Map and Report; and

WHEREAS the Planning Board feels that adoption of this Plan 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 the Land Use Plan of the Comprehensive Plan.

This the 10th day of October, 1977.

Alderman Epting suggested that the Board meet later to discuss the comprehensive plan, the land use plan and some of the concerns about Laketree, not later than a week from this meeting. ALDERMAN HOWES MOVED THE BOARD RECEIVE THE REPORT WITH GRATITUDE AND COMMENDATION AND SCHEDULE A WORK SESSION TO DISCUSS IT. THE MEETING WAS SCHEDULED FOR OCTOBER 20, AT 4:00 P.M.

Resolution Approving Modifications of the Special Use Permit for Village West Condominiums

Alderman Epting abstained from voting or participating in the discussion because he is attorney for the Village West Homeowners Association. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN MARSHALL, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION APPROVING A MODIFICATION OF THE SPECIAL USE PERMIT FOR VILLAGE WEST CONDOMINIUMS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Special Use Permit originally granted to Bolinbrook Associates, April 9, 1973 and later amended in hereby modified to include the following starting and completion dates for Phases II, III, and IV.

Phase II - Commence by October 1977 - Complete by October 1979
Phase III - Commence by October 1979 - Complete by October 1981
Phase IV - Commence by October 1981 - Complete by October 1983

Subject to completion of siding and painting of Unit #224 prior to the recordation of the modified Special Use Permit

BE IT FURTHER RESOLVED that the Board of Aldermen finds that the use as modified in accordance with the plans submitted and approved continues to meet the requirements of the four findings made by the Board of Aldermen on April 9, 1973.

This the 10th day of October, 1977.

Mr. James Smith, member of the Board of Directors of the Village West Homeowners Association, presented a petition from the Homeowners Association requesting the consideration of the modification to the special use permit be postponed and the matter be referred back to the Planning Board for a review. They wanted stipulations added to the special use permit to prevent a reoccurrence of problems experienced in Phase I. Mr. Jennings stated the measures taken by the developer and the stipulation added to the modification were enough to correct deficiencies in Phase I. Other problems which the Homeowners Association were experiencing were outside of the special use permit considerations. Mr. Keith Lumbo, representing the applicant, explained many of the problems encountered and what the developer was doing to conteract them. THE MOTION WAS CARRIED BY A VOTE OF FIVE TO TWO WITH ALDERMEN GARDNER, HOWES, MARSHALL, SILVER AND VICKERY SUPPORTING AND ALDERMEN COHEN AND SMITH OPPOSING.

Resolution Amending the Durham County Tax Evaluations

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

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds and determines that adoption of the appraisals set by Durham County for the portions of the Town of Chapel Hill which lie in Durham County will not result in uniform assessments and appraisals throughout the municipality; and

BE IT FURTHER RESOLVED that the Board hereby directs the Chapel Hill Tax Collector horizontally adjust the Durham County tax evaluation of properties within the Town of Chapel Hill by multiplying said evaluations by a factor of 80%, thus creating uniform assessments and appraisals throughout the municipality as contemplated by North Carolina General Statutes Section 105-328(a).

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Authorizing Termination of an Agreement for Advertising Services

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

A RESOLUTION AUTHORIZING TERMINATION OF AN AGREEMENT FOR ADVERTISING SERVICES

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager to terminate in writing the "Agreement for Advertising Privileges by and between Village Publishing Company, Inc., d/b/a Village Graphics and the Town of Chapel Hill" in accordance with the request of Village Graphics, as soon as satisfactory settlement of monies owed the Town under said agreement has been made.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN EPTING, GARDNER, HOWES, MARSHALL, SILVER, SMITH AND VICKERY SUPPORTING AND ALDERMAN COHEN OPPOSING.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1977"

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

AN ORDINANCE AMENDING THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Budget Ordinance entitled, "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1977" as duly adopted on June 13, 1977, be and the same is hereby amended as follows:

ARTICLE I

<u>Expenditure</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Finance Admin/Purch.	45 775	4 635		50 410
Contingency	46 010		4 635	41 375

ARTICLE II

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

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Deleting the Sewer Extension Policy from the Code of Ordinances

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

AN ORDINANCE DELETING THE SEWER EXTENSION POLICY FROM THE CODE OF ORDINANCES

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Chapter 23 of the Code of Ordinances, Town of Chapel Hill, by deleting therefrom Article IV, Sewer Extensions, (Sections 23-60 through 23-98).

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Amending Section 18-50, "Utilities and Easements"

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

AN ORDINANCE AMENDING SECTION 18-50, "UTILITIES AND EASEMENTS"

SECTION I

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Section 18-50 of the Code of Ordinances, Town of Chapel Hill, by adding a new subsection (4) to read as follows:

- (4) Public utilities may locate equipment within dedicated public rights-of-way within the Town of Chapel Hill. Such utilities shall, however, be responsible for repairing all damage caused within the right-of-way by the construction, installation, maintenance and operation of such utility. Repairs shall be to Town standards and approved by the Town Engineer.

SECTION II

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

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Setting Rates for Special Bulk Trash Collection

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

A RESOLUTION SETTING RATES FOR SPECIAL BULK TRASH COLLECTION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby sets the following rates for bulk containers rented for special bulk trash collection under procedures developed by the Public Works Department:

- \$3.00 per container per weekday
- \$5.00 per container per weekend

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Authorizing Use of Parking Lot #2 for a Flea Market

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

A RESOLUTION AUTHORIZING USE OF PARKING LOT #2 FOR A FLEA MARKET

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the use of Parking Lot #2 by the Chapel Hill-Carrboro School Art Guild for Flea Markets on the first Sundays in November and December, 1977, and the first Sundays in March - May and September - December, 1978, upon the following stipulations:

- 1. That rain dates for the market will be the following Sunday;
- 2. That barricades will be provided by Public Works;
- 3. That trash must be stacked in one area (to be picked up by Public Works).

This the 10th day of October, 1977.

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Alderman Marshall requested the Board members to go by the flea market and determine if they wanted to keep automatically approving this use. ALDERMAN COHEN MOVED TO AMEND THE MOTION BY AUTHORIZING THE USE FOR NOVEMBER AND DECEMBER. The amendment was accepted by the mover and seconder. THE FOLLOWING RESOLUTION WAS ADOPTED BY UNANIMOUS VOTE OF 8 TO 0.

A RESOLUTION AUTHORIZING USE OF PARKING LOT #2 FOR A FLEA MARKET

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the use of Parking Lot #2 by the Chapel Hill-Carrboro School Art Guild for Flea Markets on the first Sundays in November and December, 1977, upon the following stipulations:

1. That rain dates for the market will be the following Sunday;
2. That barricades will be provided by Public Works;
3. That trash must be stacked in one area (to be picked up by Public Works.)

This the 10th day of October, 1977.

Resolution Temporarily Closing Pickard Lane

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

A RESOLUTION TEMPORARILY CLOSING PICKARD LANE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Delta Tau Delta Fraternity is hereby authorized to close Cole Street to vehicular traffic, between the hours of 6:00 p.m. and 1:00 a.m. on October 21, 1977, for the purpose of holding an all-campus party to publicize the fraternities on the south side of campus, with the following stipulations:

Warning barricades at either end of the closed area shall be erected and manned so that emergency vehicles can enter and exit the street without moving the barricades. The street should be cleared of any debris promptly after 1:00 a.m. on October 22, 1977, and the barricades promptly removed. No beer shall be sold or consumed on the public right-of-way. A band permit issued by the Chief of Police under normal conditions will be required before any band can perform at the function.

This the 10th day of October, 1977.

Mr. Atwell stated they planned to have a band play until 12:00 and then have an hour to clean up. Alderman Epting objected to the fraternity's party because it was in a residential neighborhood. Mr. Atwell explained that closing off the street was for safety to prevent accidents. They would apply for the band permit and have the party in the parking lot if the street was not closed off. Alderman Epting suggested there should be an amendment to the zoning ordinance to ban outside bands in residential areas. Alderman Silver asked Mr. Atwell if they were willing to let the police come onto their property with a decibel meter to work on keeping the amplifiers down to levels suggested in the proposed noise ordinance. Mr. Atwell agreed. Alderman Smith said the party should be held at a reasonable time. Mr. Atwell said he would have it earlier in the afternoon, but the church ran a nursery that did not close until 5:00 p.m. ALDERMAN GARDNER MOVED TO AMEND THE RESOLUTION BY CHANGING THE TIME TO 5:30 P.M. TO 10:30 P.M. ALDERMAN COHEN SECONDED. THE MOTION TO AMEND WAS CARRIED BY A VOTE OF FIVE TO FOUR WITH ALDERMEN COHEN, GARDNER,

MARSHALL, SILVER AND MAYOR WALLACE SUPPORTING AND ALDERMEN EPTING, HOWES, SMITH AND VICKERY OPPOSING.

A RESOLUTION TEMPORARILY CLOSING PICKARD LANE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Delta Tau Delta Fraternity is hereby authorized to close Pickard Lane to vehicular traffic, between the hours of 5:30 p.m. and 10:30 p.m. on October 21, 1977, for the purpose of holding an all-campus party to publicize the fraternities on the north side of campus, with the following stipulations:

Warning barricades at either end of the closed area shall be erected and manned so that emergency vehicles can enter and exit the street without moving the barricades. The street should be cleared of any debris promptly after 10:30 p.m. on October 22, 1977, and the barricades promptly removed. No beer shall be sold or consumed on the public right-of-way. A band permit issued by the Chief of Police under normal conditions will be required before any band can perform at the function.

This the 10th day of October, 1977.

Ordinance Amending Section 4-29, "License Tags Required"

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

AN ORDINANCE AMENDING SECTION 4-29, "LICENSE TAGS REQUIRED"

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Section 4-29 of the Code of Ordinances, Town of Chapel Hill, is hereby amended to read as follows:

Section 4-29. License tags required; issuance; fees.

Every dog over 3 months old housed in the town shall be licensed by the town. Tags shall be issued at the municipal building or by the animal control officer, and the record of the tag number, the owner's name and address, telephone number, and the breed and description of the dog will be kept. A license fee of three dollars (\$3.00) will be charged for dogs under 9 months old and for dogs 9 months or more old which have been neutered or spayed. A license fee of five dollars (\$5.00) will be charged for dogs 9 months or more old which have not been spayed or neutered. The charge for replacing a lost tag will be three dollars (\$3.00).

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Prescribing Details and Providing for Sale of \$2,650,000 Public Improvement Bonds

Alderman Cohen introduced the following resolution and moved that it be adopted:

WHEREAS, the bond orders hereinafter described have taken effect and the Board of Aldermen desires to make provision for the issuance of bonds authorized thereby; NOW, THEREFORE,

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

- (1) The Town of Chapel Hill (hereinafter referred to as "Town") shall issue its bonds of the aggregate principal amount of \$975,000 pursuant to and in accordance with a street, sidewalk and bicycle path bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital projects to be financed by the issuance of the bonds is a period of twenty years, computed from November 1, 1977.

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(2) The Town shall issue its bonds of the aggregate principal amount of \$50,000 pursuant to and in accordance with a street improvement bond order adopted by the Board of Aldermen on September 15, 1975. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of twenty years, computed from November 1, 1977.

(3) The Town shall issue its bonds of the aggregate principal amount of \$775,000 pursuant to and in accordance with the recreation bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1977.

(4) The Town shall issue its bonds of the aggregate principal amount of \$150,000 pursuant to and in accordance with the fire protection bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1977.

(5) The Town shall issue its bonds of the aggregate principal amount of \$600,000 pursuant to and in accordance with the public works building bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1977.

(6) The Town shall issue its bonds of the aggregate principal amount of \$100,000 pursuant to and in accordance with the police and court facilities bond order adopted by the Board of Aldermen on September 13, 1976. The period of usefulness of the capital project to be financed by the issuance of the bonds is a period of forty years, computed from November 1, 1977.

(7) The bonds to be issued pursuant to the bond orders described in paragraphs (1) through (6), inclusive, of this resolution shall be issued as one consolidated bond issue of the aggregate principal amount of \$2,650,000 and shall be designated "Public Improvement Bonds." The Board of Aldermen has ascertained and hereby determines that the weighted average period of usefulness declared in paragraphs (1) through (6), inclusive, of this resolution, taking into consideration the amount of bonds to be issued under each of the bond orders referred to in said paragraphs, is not less than thirty years, computed from November 1, 1977.

(8) The bonds shall be of the denomination of \$5,000 each, shall be numbered from 1 upwards in the order of their maturity, and shall be payable in annual installments on May 1, in each year as follows, viz.:

\$70,000 in the year 1979;
\$75,000 in each of the years 1980 to 1984, inclusive;
\$110,000 in the year 1985;
\$135,000 in each of the years 1986 and 1987;
\$150,000 in each of the years 1988 to 1991, inclusive;
and
\$175,000 in each of the years 1992 to 1998, inclusive.

(9) The bonds shall be dated November 1, 1977 and shall bear interest from their date at a rate of rates which shall be hereafter determined upon the public sale thereof. Such interest shall be payable semi-annually on May 1 and November 1.

(10) The bonds shall be coupon bonds, registrable as to principal only, and shall bear the facsimile signatures of the Mayor and Town Clerk of the Town. A facsimile of the corporate seal of the Town shall be imprinted upon each of the bonds. Each of the interest coupons to be attached to the bonds shall be authenticated by the facsimile signature of said Town Clerk. Both principal of and interest on the bonds

shall be payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(11) The bonds and the interest coupons representing the interest payable thereon and the provisions for the registration of the bonds and for the approval of the bonds by the Secretary of the Local Government Commission to be endorsed thereon, shall be in substantially the following form:

(Form of Bond)

No. _____

No. _____

UNITED STATES OF AMERICA

STATE OF NORTH CAROLINA

TOWN OF CHAPEL HILL

PUBLIC IMPROVEMENT BOND

\$5,000

\$5,000

The TOWN OF CHAPEL HILL (hereinafter referred to as "Town"), a municipal corporation of the State of North Carolina, acknowledges itself indebted and for value received hereby promises to pay to the bearer of this bond, or, if it is registered, to the registered holder, the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

on May 1, 19____, and to pay interest thereon from the date of this bond until it shall mature at the rate of _____ per centum (____%) per annum, payable semi-annually on May 1 and November 1 in each year, upon presentation and surrender of the coupons therefor attached hereto, as they severally mature. Both principal of and interest on this bond are payable at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in any coin or currency of the United States of America which at the time of payment shall be legal tender for the payment of public and private debts.

This bond may be registered as to principal only by the holder in his name on the bond register of the Town kept in the office of the Bond Registrar of the Town, and such registration shall be noted hereon by said Bond Registrar. If so registered, this bond may be transferred on said bond register by the registered holder in person or by attorney upon presentation of this bond to the Bond Registrar with a written instrument of transfer in a form approved by said Bond Registrar and executed by said registered holder. If this bond be so registered, the principal thereafter shall be payable on the the person in whose name it is registered, unless this bond shall be discharged from registry by being registered as payable to bearer. Such registration shall not affect the negotiability of the coupons which shall continue to pass by delivery.

This bond is issued pursuant to Subchapter IV of The Local Government Finance Act and pursuant to a bond order adopted by the Board of Aldermen on September 15, 1975 which was approved by a majority of the qualified voters of the Town who voted thereon at a referendum held in the Town on November 4, 1975 and bond orders adopted by the Board of Aldermen

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on September 13, 1976 which were approved by a majority of the qualified voters of the Town who voted thereon at a referendum held in the Town on November 2, 1976. The bond, and the issue of which it forms a part, is issued to pay capital costs of providing and improving streets, sidewalks and bicycle paths, recreation facilities, fire fighting and prevention facilities, public works buildings and facilities and law enforcement and courtroom facilities.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, to have happened and to have been performed, precedent to or in the issuance of this bond, exist, have happened and have been performed, and that the amount of this bond, together with all other indebtedness of the Town is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the Town are hereby pledged to the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, the Town has caused this bond to bear the facsimile signatures of its Mayor and Town Clerk, and a facsimile of the corporate seal of the Town to be imprinted hereon, and the annexed coupons to bear the facsimile signature of said Town Clerk, and this bond to be dated November 1, 1977.

(facsimile signature)
Mayor

(facsimile signature)
Town Clerk

(Form of Coupon)

No. _____ No. _____

On the first day of May/November, 19____, the Town of Chapel Hill, a municipal corporation of the State of North Carolina, will pay to bearer

_____ DOLLARS (\$_____) at the principal office of North Carolina National Bank, Charlotte, North Carolina, or, at the option of the holder or registered owner, at the principal office of Manufacturers Hanover Trust Company, New York, New York, in any coin or currency of the United States of America which at the time of payment shall be legal tender for the payment of public and private debts, being the semi-annual interest then due on its Public Improvement Bond, dated November 1, 1977, NO. _____.

(facsimile signature)
Town Clerk

(Endorsement on Bonds)

The within bond has been registered as to principal only, as follows:

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:

The issue hereof has been approved under the provisions of The Local Government Bond Act.

JOHN D. FOUST

Secretary of the Local Government Commission

By: _____
Designated Assistant

(12.) The Town Finance Officer is hereby authorized and directed to provide a suitable bond register for the registration of said bonds and to act as Bond Registrar in registering said bonds and to carry out the provisions set forth in the bonds for the conversion of the bonds into registered bonds and for the transfer thereof.

(13) The Local Government Commission of North Carolina is hereby requested to sell said Public Improvement Bonds and to state in the Notice of Sale of said bonds that bidders may name one rate of interest for part of said bonds and another rate or rates for the balance of said bonds. Said bonds shall bear interest at such rate or rates as may be named in the proposal to purchase said bonds which shall be accepted by said Local Government Commission.

(14) The Mayor and the Town Clerk are hereby authorized and directed to cause said bonds to be prepared and, when they shall have been duly sold by said Local Government Commission, to execute said bonds and to turn said bonds over to the purchaser or purchasers to whom they may be sold by said Local Government Commission.

The motion having been duly seconded by Alderman Gardner, and the resolution having been considered, it was adopted. The vote on the adoption of the resolution was as follows:

AYES: Aldermen Cohen, Epting, Gardner, Howes, Marshall, Silver, Smith and Vickery

NAYS: None

Resolution - Tax Releases

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

RESOLUTION - TAX RELEASES

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

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
McArthur Alston	#00113	\$ 12.82	Not in town-property located off Hwy #54 west of Carrboro.
Thurman Atkins	#00214	\$357.56	Matilda C. Adams' real and personal valuation (31,925) was included on Mr. Atkins tax bill.
Elizabeth Atwater	#00228	\$ 4.48	Duplicate listing-- same as a/c 379405 listed to E.W. Dawson and Artelia Leigh.
Richard Bircher & Madelyn	#00614	\$ 27.10	A Carrboro bill picked up in error.

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Joseph Thomas Clark	#01350	\$ 12.88	1974 MGB priced in error as a 1976.
Haywood M. Clayton & Sylvia	#01361	\$104.57	Due to separation; personal property to be separated from real estate.
Henry J. Edmonds et.al.	#02085 (1977) #01981 (1976) #01975 (1975)	\$269.92 \$253.05 \$255.82	Clerical error made in re-evaluation back in 1973.
Richard Frautschi	#02519	\$ 62.33	Due to divorce; personal property to be separated from real estate.
Willie D. Jones, Jr. & Beverly	#03904	\$105.28	Contryside estates is not in town; picked up in error.
Frank L. Lyon	#04637	\$ 5.04	Clerical error --- 1975 Mustang II priced wrong.
Deborah D. Schledorn & Peter J.	#06633	\$ 1.79	Delete late listing clerical error --- not late listed.
George and Esther Tate	#07269	\$211.68	Carrboro bill picked up in error.
Gilbert W. Turner	#07519	\$133.28	Real estate belongs to another Gilbert W. Turner (a/c 1513010)
Hallie O. Woods	#08177	\$ 5.00	Delete dog -- doesn't own one per county.
Stokes Prod. Inc.	#08989	\$242.42	Not in town. Located at 1 Lakeview Court.
John B. Pecorak	#05836	\$ 44.91	Personal Property was 7740. Should be 3730.
James G. Ferguson	#02319	\$ 30.52	Personal Property was 19,850. Should be 17,125.
Randi G. Allen	82 (76)	\$ 28.09	Property listed in error. Lived in North Forest Hills.
Joshua Nyunya O'Lewe	9784 (76)	\$ 62.66	Double listed.
Laurie Jean Gentry	9552 (76)	\$ 15.30	Personal property listed for 3275. Should be 1950.
Charlie Mason	4732 (76)	\$ 48.30	Listed to Mason in error. Should be unknown.
Daniel A. Vogel, Jr.	#07670	\$4,704.00	42.58 acres to be separated out of this tract per owner's request. To be set up on separate bill under T #15052.

James Leroy Odum 5621 \$ 21.28 Not in Town. Lived at Crestwood Drive 1-1-77.

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

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

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

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution - Tax Refunds

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

RESOLUTION - TAX REFUNDS

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

<u>NAME</u>	<u>REC.#</u>	<u>AMOUNT</u>	<u>REASON</u>
Jerald B. Long	8584 (76)	\$179.55	House was only 50% completed on Jan 1, 1976.
Patrick L. & Sandra Dormine	1837 (75)	\$ 31.07	Michigan residency under the Soldiers and Sailors Relief Act.
	1842 (76)	\$ 67.10	
William P. & Virginia Mae E. Tolluer	5973 (74)	\$248.28	County reduced value from 40,600 to 14,400 from 1974 thru 1976.
	7074 (75)	\$256.33	
	7107 (76)	172.57	

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 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Bids

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR STREET IMPROVEMENTS

WHEREAS the Town of Chapel Hill was solicited formal bids on Street Improvements and the following bids have been received:

<u>Bidder</u>	<u>Bid (Section II)</u>
C. C. Mangum, Inc., Raleigh, North Carolina	\$24,276.75

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Mellott Contractors, Inc.,
 Carrboro, North Carolina 14,263.75

William Muirhead Construction Co.,
 Durham, North Carolina 15,532.50

Nello L. Teer Co.,
 Durham, North Carolina 17,989.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Mellott Contractors, Incorporated in the amount of \$14,263.75 and that it be awarded the contract.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

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

A RESOLUTION REJECTING BIDS FOR PRINTING THE ANNUAL REPORT CALENDAR

WHEREAS, the Town of Chapel Hill has solicited formal bids on the printing of the Annual Report Calendar and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>		
	<u>Calendar</u>	<u>Additional Half-Tones</u>	<u>Alterations</u>
Chapel Hill Printing Company Chapel Hill, N.C.	\$4,235.00	\$4.00 each	\$15.00/hr.
Coleman Envelope and Printing Inc. Greensboro, N.C.	4,240.00	6.00 each	12.00/hr.
Creative Printers, Inc. Chapel Hill, N.C.	4,239.40	5.50 each	14.00/hr.
Seeman Printery Division of the Fisher-Harrison Corp. Durham, N.C.	2,988.00	3.75 each	15.00/hr.
Greensboro Printing Company Greensboro, N.C.	3,921.00	3.00 each	15.00/hr.

NOW, THEREFORE, BE IT RESOLVED By the Board of Aldermen of the Town of Chapel Hill that the Town rejects all bids and that the project be rebid.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

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

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR FIRE, POLICE, AND PUBLIC SAFETY OFFICER UNIFORMS

WHEREAS the Town of Chapel Hill has solicited formal bids on Fire, Police, and Public Safety Uniforms and the following bids have been received.

Bidder

<u>Item</u>	<u>American Uniform Sales, Inc.</u>	<u>Frank's Uniforms Inc.</u>	<u>Stinette Uniforms Sales, Inc.</u>	<u>The Hub Uniform Company</u>
<u>Fire Dept. Uniforms</u>				
140 short-sleeve shirts	\$1,113.00	\$1,155.00	\$1,330.00	\$1,204.00
140 long-sleeve shirts	1,001.00	1,379.00	1,470.00	1,344.00
10 work jackets	150.00	222.50	219.50	220.00
220 pr. work trousers	1,980.00	2,543.20	2,530.00	1,980.00
10 dress jackets	306.00	327.50	399.50	350.00
1 dress jacket	69.00	97.50	42.95	55.00
35 pr. dress trousers	498.75	521.50	663.25	560.00
5 pr. dress trousers	108.00	117.50	112.50	110.00
10 hats	100.00	107.50	99.50	110.00
<u>Police & P.S.O. Uniforms</u>				
104 short-sleeve shirts	1,170.00	1,279.20	1,612.00	1,352.00
104 long-sleeve shirts	1,274.00	1,419.60	1,716.00	1,456.00
104 pr. winter trousers:				
ALTERNATE I	2,308.80	2,366.00	2,652.00	2,600.00
ALTERNATE II	1,940.40	2,158.00	2,340.00	2,288.00
104 pr. summer trousers:				
ALTERNATE I	2,246.40	2,314.00	2,652.00	2,496.00
ALTERNATE II	1,872.00	2,106.00	2,340.00	2,184.00
12 jackets	576.00	642.00	707.40	684.00
62 winter caps	620.00	579.70	648.90	593.00
62 summer caps	620.00	579.70	648.90	593.00
100 rain covers	100.00	60.00	75.00	60.00
TOTALS: with ALTERNATE I	\$14,240.95	\$15,711.40	\$17,579.40	\$15,767.00
with ALTERNATE II	\$13,498.15	\$15,295.40	\$16,955.40	\$15,143.00

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Stinette Uniforms Sales for ten work jackets and one dress jacket for the Fire Department in the amount of \$262.45, and the bid of American Uniform Sales, Inc., for the remainder of the items using Alternate II for summer and winter trousers in the amount of \$13,279.15, and that these firms be awarded the contracts.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

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

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

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

Bidder

<u>Item</u>	<u>M.M. Fowler, Inc. Distributor for Gulf</u>	<u>Motor Bearings & Parts Co.</u>	<u>Southern Parts & Electric, Inc.</u>	<u>Texaco Inc.</u>	<u>Worth Chemical Corp.</u>
134,000 gal. gasoline:					
Alternate I. premium	\$57,888.00	-	-	\$56,816.00	-
Alternate II. regular	56,548.00	-	-	50,518.00	-
76,000 gals. lead free gasoline	32,452.00	-	-	31,274.00	-
160,000 gal. #1 diesel fuel	66,880.00	-	-	63,536.00	-

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17,000 gal. #2 diesel	7,480.00	-	-	-	-
7,150 gal. #2 fuel oil	3,289.00	-	-	-	-
2,035 gal. bus motor oil	2,787.95	\$4,070.00	\$4,921.00	2,543.75	\$2,849.00
360 lbs. gear oil	129.60	143.10	157.50	127.80	-
610 gal. transmission fluid	1,146.20	1,253.50	1,563.00	1,197.60	1,133.50
96 qts. FLM fluid	50.88	55.68	66.00	31.08	55.00
885 gal. 40 wt. H.D. oil	1,228.65	1,791.00	2,151.00	1,156.75	-
240 qts. 30 wt. oil	96.00	141.00	156.00	-	-
1,100 gal. hydraulic oil	1,331.00	2,563.00	2,940.00	1,463.00	1,562.00
220 gal. tractor hydraulic oil	371.80	466.00	588.00	391.60	-
930 lbs. gear lubricant	275.10	378.00	409.50	335.40	-
420 lbs. chassis lubricant	<u>184.80</u>	<u>177.45</u>	<u>252.00</u>	<u>184.80</u>	<u>-</u>
TOTALS:					
Alternate I	\$175,590.98	\$11,038.73	\$13,204.00	\$159,057.78	\$5,599.70
Alternate II	\$174,250.98			\$152,759.78	

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Texaco, Inc. for premium gasoline, lead-free gasoline and #1 diesel fuel in the amount of \$151,626 and that the bid of M. M. Fowler, Inc. for the remainder of the items in the amount of \$18,370.98, and that these firms be awarded the contracts.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Authorizing the Town to Intervene in Southern Bell Telephone's Rate Increase Request

Alderman Cohen stated that Southern Bell had two or three months ago filed application with North Carolina's Utilities Commission for a rate increase for installing phones of \$49.00 for a phone already in a residence and \$72.00 for a phone which had to be put in. The Utilities Commission had set the date for a hearing in Raleigh on December 8.

Persons could file as intervening parties by requesting permission by October 25. Other cities had regularly intervened in such cases to protect the consuming public. He felt that Southern Bell should be required to show what their costs are in this matter. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SILVER, ADOPTION OF THE FOLLOWING RESOLUTION.

A RESOLUTION AUTHORIZING THE TOWN TO INTERVENE IN SOUTHERN BELL TELEPHONE'S RATE INCREASE REQUEST

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Attorney to intervene on behalf of the Town of Chapel Hill in the hearings before the Utilities Commission concerning Southern Bell Telephone Company's request for rate increase.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution Authorizing a Contract for a Transit Marketing Grant

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

A RESOLUTION AUTHORIZING A CONTRACT FOR A TRANSIT MARKETING GRANT

WHEREAS, the Board of Aldermen of the Town of Chapel Hill has requested the North Carolina Department of Commerce to provide Federal Energy Administration Funds for the following energy conservation projects:

Information Handout
Transit Promotion

at an estimated total cost of \$1,975;

WHEREAS, the Town of Chapel Hill desires to provide the necessary non-federal cost of the above-described energy conservation projects;

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 N.C. Department of Commerce 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 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Amending the "Ordinance Establishing a Position Classification and Pay Plan for the Period July 1, 1977, through June 30, 1978"

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

AN ORDINANCE AMENDING THE "ORDINANCE ESTABLISHING A POSITION CLASSIFICATION AND PAY PLAN FOR THE PERIOD JULY 1, 1977, THROUGH JUNE 30, 1978.

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends the "Ordinance Establishing a Position Classification and Pay Plan for Employees of the Town of Chapel Hill... for the Period July 1, 1977, through June 30, 1978" as follows:

Section 1

In Section III, "Assignment of Classes and Ranges", ADD

Range
30 Special Assistant to the Manager

SECTION II

In Section IV, C, "Full-time Positions" ADD

<u>Position</u>	<u>No.</u>	<u>Hrs.</u>	<u>Grade No.</u>
Special Assistant to the Manager	1	-	30

Section III

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

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Ordinance Amending the Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1977"

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

AN ORDINANCE AMENDING THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1977

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Budget Ordinance entitled, "An Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1977" as duly adopted on June 13, 1977, be and the same is hereby amended as follows:

ARTICLE I

<u>Expenditure</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Town Manager Administration	114 070	10 615	-	124 685
Contingency	41 375	-	10 615	30 760

ARTICLE II

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

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Board of Adjustment - Appointment

Nominations for the term ending June, 1980 were Eve Shy and Polly Warner. Ms. Shy was appointed after receiving eight votes to one vote for Ms. Warner.

Discussion of Proposed Amendments to Noise Ordinance

Alderman Silver was proposing amendments to the noise ordinance which would allow measurements of sound level and could be enforced fairly and uniformly. Decibel levels would be set for various periods of the day. He had listed possible categories at which various levels might be set. Alderman Silver wanted to set up a demonstration for the other members so that specific times and levels could be set for the next meeting. Alderman Howes asked if other communities had an ordinance similar to the one proposed, and if the town could use these town's form of ordinance. In response to Alderman Smith, Chief Stone said that the men would be trained in the use of the meter and the department would have two meters to begin with. The meters cost approximately \$150 to \$175.

Resolution Calling a Public Hearing to Consider an Amendment to Section 6 of the Zoning Ordinance, Concerning "Screening Requirements for Parking Areas in the CBD"

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

A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO SECTION 6 OF THE ZONING ORDINANCE, CONCERNING "SCREENING REQUIREMENTS FOR PARKING AREAS IN THE CBD"

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board will consider the following amendments to the Ordinance Providing For The Zoning Of Chapel Hill And Surrounding Areas at its regularly scheduled public hearing of November 28, 1977.

Proposed Amendments to Section 6B of the Zoning Ordinance
(Proposed additions/revisions are underlined and deletions are scored)

Section 6.B.1.(5), (7), and (8):

a. Planting Strip:

The parking area shall be set back from each abutting street right-of-way by a landscaped planting strip at least ten (10) feet wide.

b. Screening Walls:

Between the ten foot wide planting strip and the parking area there shall be a continuous wall, ~~or~~ fence, or hedge of solid appearance a minimum of ~~four~~ ~~feet~~ ~~and~~ ~~a~~ ~~maximum~~ ~~of~~ ~~six~~ ~~(6)~~ ~~feet~~ ~~high~~. Such walls ~~or~~ fences or hedges shall extend along the entire length of the property lines abutting the public right-of-way, except at driveway entrances and five (5) feet on each side thereof and sidewalk entrances. The height of such wall shall be measured from the level of the sidewalk. There shall be landscaping within the planting strip on the side of the wall or fence and for the landscaping shall specify the wall location and materials, and the location, amounts, and types of planting, means of irrigation, and shall be approved by the Community Appearance Commission. Planting on the side of the wall or fence facing the parking area, though not required, is encouraged. Any and all planting which dies, or is diseased or damaged beyond recovery shall be replaced with planting of the same species and approximately the same size by the end of the next planting season.

Section 6.B.(9)

On any lot with parking as the principal use, the parking area shall be set back from each abutting street right-of-way by a landscaped planting strip at least three (3) feet wide. Between the planting strip and the parking area there shall be either (a) a continuous wall of solid appearance a minimum of three (3) feet high, with landscaping between the wall and the abutting street, or (b) a continuous fence and tight evergreen hedge a minimum of three (3) feet high within two (2) years from the date of planting. Such wall or fence shall extend along the entire length of the property lines abutting the street or sidewalk, except for driveways and five (5) feet of each side thereof, and shall be sufficient to prevent pedestrian or vehicular traffic across the planting strip. The plan for the wall and landscaping, or fence and hedge shall specify the wall or fence location and materials, and the location, amounts, and types of planting, and shall be approved by the Community Appearance Commission. Any and all planting which dies, or is diseased or damaged beyond recovery shall be replaced with planting of the same species and approximately the same size by the end of the next planting season.

This the 10th day of October, 1977.

THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Future Agenda Items

Alderman Marshall asked for a recommendation from the staff for house numbers on streets where there was difficulty.

Alderman Silver asked for a change of the Recreation Commission's name to be put on the agenda.

Executive Session

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS MATTERS OF LAND ACQUISITION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

After meeting in executive session, the Board adjourned.

James C. Wallace
Mayor James C. Wallace

David B. Roberts
Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN, TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, OCTOBER 24, 1977, 7:30 P.M.

Mayor Wallace called the meeting to order. Present were:

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