

MINUTES OF A MEETING OF THE  
MAYOR AND BOARD OF ALDERMEN  
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING  
MONDAY, FEBRUARY 12, 1979  
7:30 P.M.

Mayor pro tem Epting called the meeting to order. Present were:

Marilyn Boulton  
Gerald Cohen  
Jonathan Howes  
R. D. Smith  
Bill Thorpe  
Edward Vickery

Also present were Town Manager Raymond E. Shipman and Town Attorney Emery Denny. Alderman Kawalec and Mayor Wallace were excused.

Resolutions of Appreciation

Mayor pro tem Epting introduced the following resolutions. On motion by Alderman Boulton, seconded by Alderman Howes, these resolutions were adopted.

WHEREAS, Mary Howes did serve on the Parks and Recreation Commission from February of 1973 through December 31, 1978, and

WHEREAS, Mary Howes played an all important role in providing continuity throughout the various planning stages for facilities for the Town's Parks and Recreation Department, and

WHEREAS, Mary Howes did give able leadership in the capacity of chairperson bringing to the Commission training in her own field of Physical Education as well as the awareness of the community's needs through the eyes of a parent of program participants, and

WHEREAS, Mary Howes was one of the guiding forces instrumental in the creation and development of the annual spring and fall street fairs which have been highly successful and added much to the uniqueness of our community;

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 citizens, gratefully acknowledge her performance, contributions and guidance, and express to her deep and sincere appreciation; and

BE IT FURTHER RESOLVED that this resolution be made a permanent part of the records of the Town of Chapel Hill.

This the 12th day of February, 1979.

WHEREAS, Donnie Tuck, in his brief period of service on the Parks and Recreation Commission, has brought a special awareness from the viewpoint of a citizen having experienced growing up in this community, and

WHEREAS, Donnie Tuck's personal insight into the needs of the people aided him as he conscientiously deliberated the issues coming before the Commission and, with dedication, voted his conviction, and

WHEREAS, Donnie Tuck, by his very personal experiences, was able to contribute much to the study for planning for the future growth and development of the ever expanding Parks and Recreation Department;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the members of the Board of Aldermen of the Town of Chapel Hill, on behalf of all of the citizens do herewith acknowledge the contributions made by Mr. Tuck, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the Town of Chapel Hill.

This the 12th day of February, 1979.

WHEREAS, Ronald C. Link served on the Community Appearance Committee from May 12, 1975 until December 31, 1978, and

WHEREAS, Mr. Link gave commendable service while he was a member of the Committee, and

WHEREAS, his contributions of time and energy during these years of expansion and growth warrants the appreciation of all citizens;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Chapel Hill, do herewith acknowledge his outstanding efforts and express much appreciation, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the Town of Chapel Hill.

This the 12th day of February, 1979.

WHEREAS, Nancy Preston has served as a very valuable member of the Historic District Commission and did exhibit dedication as she devoted much of her time in upholding and preserving the unique traditions which combined serve to make our community the special place we believe it to be, and

WHEREAS, Nancy Preston has exhibited outstanding leadership in her capacity of Deputy Vice-Chairman, when she was called upon to provide the necessary guidance and coordination from time to time during her tenure on the Commission, and

WHEREAS, Nancy Preston was instrumental in the compilation of material and development of a pamphlet, prepared and distributed by the Historic District Commission, and containing informational data about the various activities and projects being undertaken by the Commission;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and members of the Board of Aldermen of the Town of Chapel Hill, on behalf of the citizens, express grateful appreciation to Mrs. Preston, for her care and concern for the real beauty of the community, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the Town of Chapel Hill.

This the 12th day of February, 1979.

WHEREAS, Mr. J. Myrick Howard has found it necessary to submit his resignation from the Historic District Commission because he has accepted the position of Executive Director of the Historic Preservation Fund of North Carolina, Inc., and

WHEREAS, Mr. Howard's contributions included dedication, experience and the sharing of his knowledge and expertise in the planning for the gathering and preservation of area history and local heritage, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the members of the Board of Aldermen of the Town of Chapel Hill, do gratefully acknowledge the work that he has done, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the Town.

This the 12th day of February, 1979.

WHEREAS, Joe Hodgson served on the Parks and Recreation Commission from April, 1976 through December 31, 1978, and

WHEREAS, Mr. Hodgson brought to the Commission his personal expertise in the fields of physical education, coaching and teaching, and

WHEREAS, Mr. Hodgson was able to make an additional contribution by serving as a liaison in the development of cooperative agreements with the schools, and

WHEREAS, Mr. Hodgson gave unselfishly of his time and energy during his tenure on the Commission;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and members of the Board of Aldermen of the Town of Chapel Hill, do acknowledge the outstanding word done by Mr. Hodgson, and

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the Town of Chapel Hill.

This the 12th day of February, 1979.

Public Hearing to Consider Transit Operating Assistance

Mr. Godding explained that the U.S. Congress had adopted the Surface Transportation Act which for the first time provided operating assistance for small urban and rural areas for the purpose of providing public transportation. The Town intended to file an application with the North Carolina Department of Transportation which would be administering the grant at the state level. The Town would be applying for 50% of the net cost of service. As the grant will extend into the next fiscal year, the department had estimated the level of service to be provided. There would be competition for this funding from other small urban and rural areas within North Carolina. Alderman Cohen asked when the Town would know if they had received a grant. Mr. Godding expected to hear some time in April. He added that the current guidelines for the program were interim. Although there were not many areas to provide competition for the funding, Chapel Hill would be in competition with itself as the vehicle replacements grant would also come from these funds.

There were no comments from the audience. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED BY UNANIMOUS VOTE.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED, AND WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the United States and North Carolina Secretaries of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as Amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964, and the U.S. Department of Transportation requirements thereunder;

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized in connection with this project, and that definitive procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

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

1. That the Town Manager is authorized to execute and file an application on behalf of the Town of Chapel Hill, North Carolina with the U.S. Department of Transportation and with the North Carolina Department of Transportation, to aid in the financing of the operation of a public transportation system.
2. That the Town Manager is authorized to execute and file with such application and assurance or any other document required by the North Carolina Department of Transportation or the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964;
3. That Raymond E. Shipman, Town Manager, is authorized to furnish such additional information as the North Carolina Department of Transportation or the U.S. Department of Transportation may require in connection with the application of the project;

4. That the Town Manager is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

This the 12th day of February, 1979.

#### Minutes

ON MOTION BY ALDERMAN SMITH, SECONDED BY ALDERMAN BOULTON, THE MINUTES OF JANUARY 22, 1979, WERE APPROVED.

#### Petitions and Requests

Mr. Phil Craig requested to be allowed to speak on Item 14.

As the Board had decided to authorize the attorney to appeal the decision of the Property Tax Commission, Alderman Epting requested that a motion to this effect be added to the agenda. Alderman Howes moved, seconded by Alderman Smith, that the attorney be authorized to appeal the decision of the Property Tax Commission with respect to the taxability of University property. The motion was carried unanimously.

Alderman Epting then requested the Board to meet in executive session at the end of the meeting to discuss property acquisition. There was no objection.

Alderman Vickery asked that Item 16 be placed after Item 7 on the agenda as he had to leave the meeting early.

#### Resolution Accepting the Deed to Certain Open Space Lands

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION. Mr. Jennings pointed out the location of the property. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION ACCEPTING THE DEED TO CERTAIN OPEN SPACE LANDS (OAKS SUBDIVISION)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town hereby accepts the deed of the Oaks Associates granting to the Town approximately 19 acres of land, shown as "Open Space" on the final plat of Map 5 of the Oaks Subdivision.

This the 12th day of February, 1979.

#### Resolution Approving the Enforcement of the Orange County Soil Erosion and Sedimentation Control Ordinance Within the Town of Chapel Hill

Mr. Jennings explained that when the Town had adopted the Soil Erosion and Sedimentation Control Ordinance, it had been a manner such that all amendments would also have to be adopted by the Board. Amendments would now require a permit on any land disturbing activities on 20,000 sq. ft. and would give the soil erosion control officer the right to revoke grading permits. Alderman Howes asked if these changes affected the County's position in the suit brought by the Lake Forest Association. Mr. Denny said it had not but could affect the settlement in the lawsuit or the position of the Town in the suit. ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION APPROVING THE ENFORCEMENT OF THE ORANGE COUNTY SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE WITHIN THE TOWN OF CHAPEL HILL

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes Orange County to enforce through appropriate County personnel the Orange County Soil Erosion and Sedimentation Control Ordinance, as amended through November 21, 1978, and approved by the North Carolina Sedimentation Control Commission, within the corporate limits of the Town of Chapel Hill.

This the 12th day of February, 1979.

Report from the CATV Task Force

Alderman Vickery reported that the task force consisting of himself, the Town Manager and Alderman Epting had been appointed in October 1978. They had reviewed much material and had met on January 3, 1979. Alderman Vickery listed some of the contracts and reports available. The committee wished to weigh the evidence and present a written report at the next meeting. Alderman Epting also suggested that a committee be established to review some of the model franchises to put together some criteria for franchise proposals. Then the Town could invite proposals. Such criteria could be compared with the Town's proposed program for public ownership. Alderman Smith asked if the committee would make a recommendation on whether there should be public or private ownership. Alderman Vickery responded that they hoped to present the pros and cons of both positions. The committee also believed the Town should hire a consultant who would have more technical knowledge.

Resolution Accepting the 1977-78 Financial Audit Report

ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

## A RESOLUTION ACCEPTING THE 1977-78 FINANCIAL AUDIT REPORT

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby accepts the report on the 1977-78 Financial Audit of the Town of Chapel Hill, prepared by Peat Marwick and Mitchell.

This the 12th day of February, 1979.

Mr. Shipman announced that he had not included two items due for a second reading, that of changing the Town charter to change the name of the Board of Aldermen, and an amendment to the personnel ordinance to add a public safety officer. These had been left off because of the Mayor's and Aldermen Kawalec's absence. They would be on the agenda of the next meeting.

Resolution Directing Preparation of a Local Legislative Program

First was the change of the Mayor's term of office from four to two years. Alderman Howes stated this would alter the recommendation of the charter commission. He suggested, therefore, a public hearing be held on this matter on February 26. Alderman Cohen moved, seconded by Alderman Boulton, that a public hearing be held on February 26 on the proposal to change the Mayor's term of office from four to two years. Alderman Thorpe amended the motion to include a public hearing on a charter amendment to require the Mayor to vote on all issues, including filling vacancies on advisory boards and commissions. Alderman Cohen accepted the amendment. THE MOTION WAS CARRIED UNANIMOUSLY.

Alderman Cohen stated that because of the peculiarities of annexation, the intersection of a new road, Village Drive, and Estes Drive would be outside the city limits and therefore outside traffic control of the Town. Annexation of this small undeveloped portion would allow the Town to regulate traffic at the intersection. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

## A RESOLUTION DIRECTING PREPARATION OF A LOCAL LEGISLATIVE PACKET

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby directs the Town Attorney to prepare local legislation for submission to the General Assembly to accomplish the following ends:

To annex a small portion of the rights-of-way of the University Railway and Estes Drive adjoining the present western Town limits.

This the 12th day of February, 1979.

Alderman Cohen explained that the next item would be asking the legislature to provide for the distribution of tax on liquor sold to restaurants in the same manner as the revenue from liquor sold to individuals is distributed. ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

# A RESOLUTION DIRECTING PREPARATION OF A LOCAL LEGISLATIVE PACKET

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby directs the Town Attorney to prepare local legislation for submission to the General Assembly to accomplish the following ends:

To provide for the distribution in Orange County of the special tax on liquor sold to restaurants for resale in the same manner as the 1% county sales tax is distributed.

This the 12th day of February, 1979.

Mr. Denny explained that because of possible constitutional problems inherent in special legislation affecting public streets, the legislature had prescribed a cumbersome and elaborate procedure to be following by the Board of Aldermen in granting special parking permits. Since that time the state of the constitutional effect had been clarified by the United States Supreme Court and the cumbersome procedure was no longer necessary. He proposed legislation to relax the procedure so as to grant a blanket authorization to the Board to grant such permits, but leave to the Board what findings or factors necessary to hold the permit. Alderman Boulton asked if the Streets and Public Safety Committee could then decide who would get permits. Mr. Denny responded that the Board could authorize them to give the permits. Mr. Shipman added that he would recommend that it remain with the Board. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

# A RESOLUTION DIRECTING PREPARATION OF A LOCAL LEGISLATIVE PACKET

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby directs the Town Attorney to prepare local legislation for submission to the General Assembly to accomplish the following ends:

To allow flexibility in the granting of special parking permits by the Town in cases where institutions and not residences are involved.

This the 12th day of February, 1979.

Mr. Shipman stated that in the work session, the Board had discussed two other possible changes, changing the terms of the Planning Board and the Board of Adjustment from five to three years, and to amend the composition of these boards. The items would be on the agenda of the special meeting on February 19. Alderman Cohen stated that Carrboro proposed to change the 4/5 vote necessary on the Board of Adjustment to a majority vote. He asked Mr. Denny if Chapel Hill should consider this. Mr. Denny explained the 4/5 vote was originally considered necessary because the role of the Board of Adjustment was to overrule an administrative officer or grant some extraordinary relief. This was no longer the case. Boards now dealt with substandard housing, granting special use permits and other such matters. Although these matters would require only a majority vote if passed by the Board of Aldermen, they still required a 4/5 vote of the Board of Adjustment. In the expanded role, the 4/5 vote was no longer necessary. Alderman Cohen suggested the Board of Aldermen consider changing the vote necessary for an item to pass the Board of Adjustment to a majority vote except in the case of overruling the building inspector. Mr. Shipman said he would put this on the agenda of the 26th. Alderman Vickery was excused from the meeting.

## Resolution Urging Legislation to Permit Governmental Employees to Join the Same Credit Union

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

# A RESOLUTION URGING LEGISLATION TO PERMIT GOVERNMENTAL EMPLOYEES TO JOIN THE SAME CREDIT UNION

WHEREAS the right of local and state governmental employees to join the same credit union has been threatened by a lack of clarity in the statutory definition of "common bond"; and

WHEREAS the Town of Chapel Hill has requested the N.C. League of Municipalities to introduce legislation clarifying the common bond among local and state governmental employees; but

WHEREAS the League does not feel it would be proper for it to initiate such legislation at the present time;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby urges that the members of the legislative delegation from this district consider introducing legislation to protect this valuable and cost-free benefit available to the state and municipalities; and

BE IT FURTHER RESOLVED that the Board of Aldermen requests the N.C. League of Municipalities to support such legislation when it is offered and thus to help preserve the benefit of membership in a large credit union to present and future employees of the League's constituents.

This the 12th day of February, 1979.

Resolution Supporting Legislation to Permit Water and Sewer Authorities to Assess for Improvements

Mr. Shipman explained that the Orange Water and Sewer Authority proposed to request that the general assembly grant water and sewer authorities assessment powers against benefiting property owners when installing water and sewer lines within their area of operation. A copy of the proposed bill had been distributed. In reviewing this bill Mr. Shipman had noted that the veto power by municipalities had been deleted. He had met with the attorney and Carrboro's attorney to discuss the potential impact on the municipalities. He believed OWASA should have the authority to assess but did not want to give up planning and zoning rights in areas where the Authority might be laying lines. He believed that if an addendum to the sales agreement was drawn such that the towns and the county would review and comment upon extension proposals his concern would be overcome. Alderman Epting said that without assessment authority, OWASA would be required to spread the cost of improvements in Carrboro over all the users of the system, resulting in the residents of Chapel Hill paying more for Carrboro improvements than the residents of Carrboro. Secondly, the assessment authority would put OWASA on a more sound financial footing. Alderman Thorpe was concerned that the OWASA Board members could assess but did not have to report to the people as they were appointed. He had not had time to consider the matter. Alderman Howes suggested the matter be tabled until the 26th. Alderman Thorpe moved, seconded by Alderman Howes, that the matter be tabled until February 26. The motion was carried.

Resolution Authorizing Support for Printing a Citizens' Guide

ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Boulton suggested that when a group requested money for such a project, the Board be given a copy. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING SUPPORT FOR PRINTING A CITIZENS' GUIDE

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager to expend up to \$100 to aid in the printing of the 1979 Citizens' Guide by the League of Women Voters, copies of which will be distributed free to citizens by the League.

This the 12th day of February, 1979.

Ordinance Amending the Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1978

Mr. Hooper stated the Town was trying to assist the Housing Authority with the development of low income housing by land acquisition. Authorization for thirty public housing units had been approved by HUD. The Housing Authority had finally found a tract of land suitable for the housing on Legion Road. However, HUD would only authorize funds for 8 of the 12 acres and the land owner refused to subdivide. The Town would assist the development by using prior year community development funds. These were unspent funds for year 2. One element of the comprehensive plan was to achieve a diversity of housing in subcommunities, including 3% subsidized housing in each subcommunity. Alderman Smith suggested the remainder of the funds be used for additional amenities to

other projects such as shrubbery, reseeding lawns, etc. Mr. Hooper said these ideas would be considered with others for the use of the CD funds. Alderman Cohen suggested a possible swap of three acres with the American Legion to add land to the park along Ephesus Church Road. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY.

AN ORDINANCE AMENDING THE ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1978

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, 1978" as duly adopted on June 12, 1978, 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>
Community Development	319,320	+	35,250		354,570

Article II

<u>Revenue</u>				
Community Development	319,320	+	35,250	354,570

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

This the 12th day of February, 1979.

Streets and Public Safety

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION GRANTING SPECIAL PARKING PERMITS (RENEWABLE)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds regarding the below-listed applicants for special parking permits as follows:

1. The applicants are domiciled on streets on both sides of which in front of applicants' domiciles parking is prohibited at some time; and
2. The applicants have vehicles which they have no practical way of parking off the public right-of-way; or there is no practical way in which two guest vehicles in addition to applicants' own vehicles (if any) may be parked off the public right-of-way; and
3. In the opinion of the Town Engineer, it would cost more than \$800 to construct each parking space for applicants' vehicles off the public right-of-way; or in the opinion of the Board such construction would require the destruction of an area or object of historical or natural significance to the Town as a whole; and

THEREFORE, the Board hereby grants the following special parking permits for the period August 1, 1978 through July 1, 1979 and renewable thereafter for further one-year periods upon a showing of no change in circumstances:

<u>Address</u>	<u>Applicant</u>	<u># Affixed</u>	<u># Guests</u>
210 Henderson Street	Brian Putnam	1	0
210 Henderson Street	Michael Caudel	1	0
504-A Coolidge Street	Herbert Jackson	1	2
522-A Dogwood Drive	Elaine Bursic	0	2
5 Cobb Terrace	Tony Jenzano	0	2
704-A Gimghoul Road	Richard Lowe	1	2

This the 12th day of February, 1979.



ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION DENYING SPECIAL PARKING PERMITS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby fails to find regarding the below listed applicant for special parking permit that the applicant has vehicles which he has no practical way of parking off the public right-of-way:

<u>Address</u>	<u>Applicant</u>	<u># Affixed</u>
206 Vance Street	Hassell H. Weeks	1

BE IT FURTHER RESOLVED that the Board hereby fails to find regarding the below listed applicant for special parking permit that the applicant lives on a street both sides of which parking is not permitted:

<u>Address</u>	<u>Applicant</u>	<u># Affixed</u>
321 McCauley Street	Marshall Logue	2

This the 12th day of February, 1979.

ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE FOLLOWING ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY.

AN ORDINANCE REOPENING THE WILLOW DRIVE/BOOKER CREEK BRIDGE TO HEAVY TRAFFIC

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Subsection 21-b(f) of the Code of Ordinances, Town of Chapel Hill, passed May 22, 1978, is hereby repealed.

This the 12th day of February, 1979.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION. Mr. Shipman explained that these residents had qualified for special parking permits a year ago but had now moved from the address and no longer qualified. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION REVOKING SPECIAL PARKING PERMITS

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the following special parking permits are revoked because the permit holders are no longer domiciled at the listed addresses:

<u>Address</u>	<u>Applicant</u>	<u># Affixed</u>	<u># Guests</u>
307 Ransom Street	Anthony Lunde	1	2
307 Ransom Street	Dorothy Rankin	1	2
2 Cobb Terrace	Wallace Tew	1	0
2 Cobb Terrace	Eddy Gibson	1	0

This the 12th day of February, 1979.

Alderman Epting introduced the following ordinance. Alderman Smith asked if the Town would be towing cars which had been left on the streets over 48 hours because of the snow. Chief Stone answered that he was hesitant to tow cars left on the street because the owners' driveways were closed. The police towed only those which were a hazard to other traffic. When the drives were cleared he would begin towing all cars left for over 48 hours. Alderman Boulton said that cars were left on residential streets and were not checked until someone called the police. Chief Stone explained this would not be the case if he had more manpower. Some streets had more cars on them since the Town had removed parking from 9 to 4. Mr. Peterson explained that they would now be able to give cars left over 48 hours a \$10 ticket or tow them. Alderman Boulton asked if this would apply to non-movable vehicles such as trailers or boats. Mr. Denny said it would not. Alderman Boulton asked that these vehicles be included. Alderman Cohen asked that several weeks' notice be given so that residents could make

other arrangements for boats. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN BOULTON, ADOPTION OF THE ORDINANCE. THE MOTION WAS CARRIED UNANIMOUSLY.

AN ORDINANCE AMENDING CHAPTER 21 TO AUTHORIZE THE ISSUANCE AND COLLECTION OF TEN DOLLAR TICKETS FOR PARKING OFFENSES THAT SUBJECT VEHICLES TO BEING TOWED, AND TO PROVIDE A UNIFORM TOWING PROCEDURE

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that Chapter 21, Code of Ordinances, Town of Chapel Hill, be amended and rewritten as follows:

Section 21-2(c)

- (c) Any person violating any of the ordinances or statutes prohibiting the offenses hereinafter set forth shall forfeit and pay a penalty of Ten Dollars (\$10.00) to be collected by the traffic bureau: Parking on a sidewalk (Sec. 21-20.1), parking in a traffic lane (Sec. 21-20); parking in a space reserved for handicapped individuals without displaying required emblem (Sec. 21-36); parking within the prohibited distance of a fire hydrant (Sec. 21-28); parking in a fire lane (Sec. 21-20.2); parking in a loading zone (Sec. 21-35); parking on that portion of a street which has been delineated as a tow zone (Sec. 21-21); parking in a space delineated as a bus stop (Sec. 21-28.1); parking in a bike way (Sec. 21-28); parking in an alley (Sec. 21-26); parking so as to block a driveway (Sec. 21-28); parking on that portion designated as a no parking area (Sec. 21-27); excessive over time parking (Sec. 21-22); parking in marked or unmarked crosswalk (Sec. 21-28).

Section 21-19

This Section is amended by adding the following language at the end thereof: "or where the curb has been painted yellow."

Section 21-20

This Section is amended to read as follows: "It shall be unlawful for anyone to park an automobile or vehicle of any kind, or allow one to stand in any traffic lane in such a manner as to interfere with the traffic on any street, sidewalk or alley."

Section 21-21

This Section is rewritten to read as follows: "The police department of the Town of Chapel Hill is hereby authorized to remove, tow in, impound automobiles and vehicles of any kind which are parked or allowed to be parked in violation of any of the ordinances relating to parking or non parking of such vehicles in violation of Section 21-20, 21-20.1, 21-21, 21-22, 21-26, 21-27, 21-27.1, 21-28.1, 21-35, 21-36, 21-28, 21-20.2.

The owner shall be responsible for and pay storage and moving cost for any vehicle removed pursuant to the provisions of thisSection. The police department shall use reasonable diligence to notify the owner's of the removal and storage of such vehicle."

Section 21-22

This Section is rewritten to read as follows: "No person shall park or leave standing any motor vehicle on any street and leave the same unmoved for a period of time in excess of forty-eight (48) hours."

Section 21-28

This Section is amended by adding the following subsections thereto:

- "(g) It shall be unlawful to park an automobile or vehicle of any kind or allow one to stand, whether attended or unattended, upon any street, sidewalk or alley in front of a private driveway, or within fifteen (15) feet in either direction of a fire hydrant.
- "(h) It shall be unlawful to park an automobile or vehicle of any kind, or allow one to stand on any bikeway designated in Section 21-42.

"(i) It shall be unlawful to park an automobile or vehicle of any kind, or allow one to stand in any marked or unmarked cross walk."

This the 12th day of February, 1979.

Resolution Accepting Bids and Awarding of Contract for the Construction of Residential Street Improvements

Mr. P.H. Craig stated that when he had brought in the petition for the paving of Markham Drive he had asked for an estimate and been told it would probably be no more than \$8 per foot. He suggested that as the bid was so much over the estimate it not be accepted. There were no other streets in the area with curb and gutter and he thought this could be eliminated from the bid. Because of extenuating circumstances this assessment would be a burden to Mr. Craig. The residents still wanted the street paved but thought this assessment too high. Alderman Epting asked if Mr. Craig thought the bid excessive and the work could be done for less. Mr. Craig did not know. Mr. Shipman asked that the matter be referred to him for investigation and he would bring a report back to the Board at its next meeting. By agreement, the matter was referred to the staff.

Committees and Commissions

Mr. Shipman explained that the memo distributed to the Board had also been distributed to the committees with the understanding that action would be taken on February 26.

Executive Session

Alderman Smith moved, seconded by Alderman Howes, that the Board adjourn to executive session to discuss land acquisition. The motion was carried unanimously.

When the meeting was reconvened, Alderman Epting explained that the Town had been negotiating for property owned by Richard Sparrow and his brother located at the bottom of Mt. Bolus. The land would be used for the new police facilities. Negotiations had reached such a point that the staff believed the attorney should be authorized to institute condemnation proceedings. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION. Alderman Cohen noted that no one lived on this property. THE MOTION WAS CARRIED UNANIMOUSLY.

A RESOLUTION AUTHORIZING CONDEMNATION (POLICE BUILDING SITE)

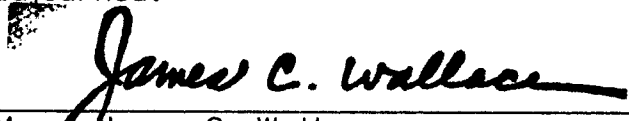
BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Attorney to proceed with the condemnation of the 10.9 acre tract of the northeast intersection of Airport Road and Bolin Creek, owned by the heirs of S.J. Sparrow, at the value of \$131,250, in the event that negotiations for the purchase of said tract break down.

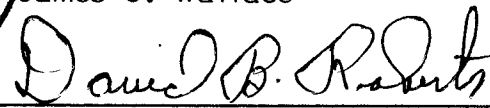
This the 12th day of February, 1979.

Mr. Shipman said some Board members had suggested a work session be held with the department heads on the budget. Alderman Boulton said she would like to have the department head come in for informal discussion on their goals for the next year. Alderman Howes felt it redundant to the budget work sessions. After discussion, the Board decided this work session was unnecessary.

Mr. Shipman stated that at the last meeting the Board had directed him to set a date at which the public would be invited to meet him. He suggested this be an open house with the department heads so the public could express ideas for projects in the coming year. He set the date for February 25.

As there was no further business to come before the Board, the meeting was adjourned.

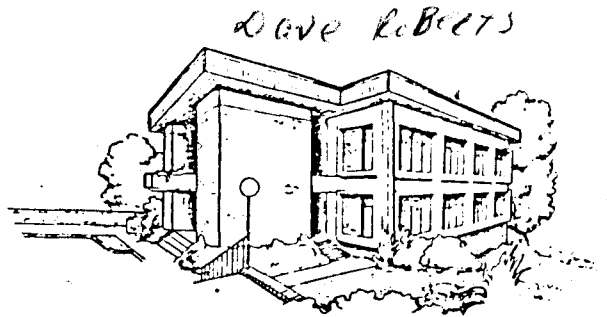
  
Mayor James C. Wallace

  
Town Clerk David B. Roberts



# TOWN OF CHAPEL HILL

306 NORTH COLUMBIA ST.  
CHAPEL HILL, N.C., 27514  
(919) 929-1111



## NOTICE OF SPECIAL MEETING OF THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL

TO:

Marilyn Boulton  
Gerald Cohen  
Robert Epting  
Jonathan Howes  
Beverly Kawalec  
R. D. Smith  
Bill Thorpe

You, ~~and each of you~~, are hereby notified that the Board of Aldermen have called a Special Meeting, to be held in the Meeting Room, at 7:30 P.M. on February 19, 1979. Consider a request that the Department of transportation include the southern By-Pass in its 7 year Highway Improvements plan, Planning Area Extensions, Consideration of terms of Planning Board & Board of Adjustment & Towns position in the I-40, 1-B Alternate litigation.

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MAYOR

### ACCEPTANCE OF NOTICE

We, the undersigned, members of the Board of Aldermen of the Town of Chapel Hill, hereby accept notice of a Special Meeting of the Board of Aldermen, called by Honorable James C. Wallace, Mayor, to be held in the Meeting Room, on February 19, 1979, at 7:30 P.M.

\_\_\_\_\_  
MAYOR

Marilyn Boulton  
Gerald Cohen  
Bill Thorpe  
R. D. Smith  
Jonathan Howes  
Robert Epting

