

6-11-79 85

MINUTES OF A MEETING OF THE
MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, JUNE 11, 1979
7:30 P.M.

Mayor Pro Tem Epting called the meeting to order. Present were:

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

Also present were Town Manager E. Shipman and Town Attorney E. Denny. Mayor Wallace was excused.

Community Development Block Grant Small Cities Program Application--Public Hearing

Mr. Hooper explained that the Town had submitted a \$3 million application in January. In April, they had been notified by HUD that \$2.1 million had been set aside and a final application would have to be submitted. Since then, the staff had held meetings with the Planning Board and Community Facilitating Committee to decide how best to reduce the program. They had concluded it would be best to reduce the geographic area. In doing this they continue to address the four criteria for the program. Mr. Hooper presented the two alternatives, which had approximately the same number of structures. In plan A, homes which might be covered under another program had been eliminated. This was the plan recommended by the staff. Plan B merely eliminated an area. In both plans, the staff had begun to charge some administrative costs to the program which they had not in previous years. Alderman Smith asked if any administrative costs had been included for the inspections. Mr. Hooper responded that they had not because they would not be assessing which houses needed work as before, and their final inspection would be a continuation of their normal activity. Alderman Smith said he had received complaints from residents in the program who had moved into their homes and later found problems but couldn't get them corrected. Mr. Hooper stated the solution would need to be found elsewhere. The work usually met minimum code. Problems arose from misunderstandings. Mr. Shipman added that revised procedures should help to eliminate some of these problems. There were no further comments from the audience. ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN BOULTON, TO REFER THE MATTER TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Minutes

On motion by Aldermen Howes, seconded by Aldermen Smith, the minutes of May 7, 1979, were approved. On motion by Alderman Howes, seconded by Alderman Smith, the minutes of May 29, 1979, were approved.

Resolution Releasing a Portion of an Assessment

Mr. Shipman stated the problem had arisen from an oversight. ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION RELEASING A PORTION OF AN ASSESSMENT

WHEREAS an assessment was erroneously levied through measurement error on property listed as belonging to the following:

<u>Name</u>	<u>Amount</u>	<u>Reason</u>
Mary Whitfield	\$40.84	Assessment calculated on 75 frontage feet based on tax map; deed lists actual frontage as 66.7 feet.

WHEREAS, the above person has made application for release of said assessment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it finds the assessment on the above listed person was levied through error, and in the discretion of the Board should be released to the property owner. IT BEING FURTHER RESOLVED that the Revenue Collector is authorized and empowered to make such release.

This the 11th day of June, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Ordinance Amending the Traffic Code

Mr. Shipman explained that the Board had prohibited parking on both sides of Roberson Street between Rosemary and Whitaker. More people were visiting the center since the improvements had been made. The police did not enforce the ordinance during certain activities. He recommended that parking be allowed on one side of the street until the parking lot was constructed. ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE AMENDING THE TRAFFIC CODE (No Parking--Roberson Street)

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby amends Section 21-27 of the Code of Ordinances, Town of Chapel Hill, as follows:

DELETE the line:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Roberson Street	Either	Rosemary Street	Whitaker Street

and ADD the line:

Roberson Street	West	Rosemary Street	Whitaker Street
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THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution of Support for a Letter of Interest in a FHWA Ridesharing Program

Mr. Shipman explained that the resolution would allow the Town to endorse a ride-sharing program which would include the Triangle area. The County had already endorsed the program. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN COHEN, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION OF SUPPORT FOR A LETTER OF INTEREST IN A FHWA RIDESHARING PROGRAM

WHEREAS the goals and objectives of the Town of Chapel Hill support the availability of various modes of transportation, including ridesharing, that will offer mobility equitably to all segments of the population, and

WHEREAS the Town of Chapel Hill has had an active ridesharing program since April, 1978, which has resulted in the formation of carpools, vanpools and buspools, and

WHEREAS the Town of Chapel Hill supports the development of two-way commuter parking lots, and

WHEREAS the Town of Chapel Hill recognizes the need for a broader ridesharing program that will serve the needs of its citizens commuting to areas outside of Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board supports the letter of interest to the Federal Highway Administration National Ridesharing Demonstration Program being submitted by the North Carolina Department of Transportation.

This the 11th day of June, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Bids

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR SEVENTY-FIVE PROTECTIVE HELMETS FOR FIRE AND PUBLIC SAFETY OFFICERS

WHEREAS the Town of Chapel Hill has solicited formal bids on Seventy-five Protective Helmets for Fire and Public Safety Officers and the following bid has been received:

<u>Bidder</u>	<u>Bid</u>			
	<u>Unit Cost</u>	<u>Total</u>	<u>Unit Cost For Decals</u>	<u>Unit Cost For Letters & Numerals</u>
Zimmerman-Evans, Inc. Greensboro, N.C.	\$36.00	\$2,700.00	\$1.00	\$.40

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of Zimmerman-Evans, Inc. for 75 protective helmets in the amount of \$2,700 and 75 decals in the amount of \$75.

This the 11th day of June, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

Alderman Epting introduced the following resolution:

A RESOLUTION PERMITTING WITHDRAWAL OF A BID (COMMUNITY CENTER--ELECTRICAL)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby finds that the bid of Wells Electric for electrical work on the Community Center, opened May 31, 1979 in the amounts of \$53,215, base bid and \$133 Alternate E.1 is hereby found to have been based on a mistake in price of substantial amount caused by an error of clerical and not judgmental nature;

AND BE IT FURTHER RESOLVED that the Board hereby grants the petition of said bidder to withdraw its bid in accordance with the provisions of GS 143-129.1.

This the 11th day of June, 1979.

Mr. Shipman explained that the bid must be withdrawn before the Town could negotiate with the next lowest bidder. Ms. Parker explained that a clerical error had been made and the contractor wished to withdraw his bid. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Certifying Valuation as Required by HUD Handbook 1320.1

Alderman Epting introduced the following resolution:

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 1320.1

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

<u>Parcel Number</u>	<u>Area Sq. Ft.)</u>	<u>Owner</u>	<u>Interest to Be Acquired</u>	<u>Established Fair Market Value</u>
92-R-15 105 Cameron Avenue	936	John Strayhorn	Structure	\$ 7,500.00
93-L-27 304 Sunset Drive	8580	Helen Merritt	Land/Structure	\$13,900.00
93-M-10A 215 N. Roberson Street	1331	Milliard Lindsay	Structure	\$ 9,500.00

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

This the 11th day of June, 1979.

Mr. Shipman stated this was needed to continue the implementation of the community development program. Appraisers had established the value. Alderman Smith asked why the house on Roberson Street was scheduled for replacement. Mr. Hooper responded that the cost of renovation according to inspections would be more than 50% of the value of the house. The residents would be given replacement housing. Alderman Smith did not believe the owner was living in 105 Cameron Street. Mr. Stevenson had been informed that he lived there sometimes, and the Housing Authority was working with social services to provide care for the owner. Alderman Smith requested that this be investigated further. ALDERMAN BOULTON MOVED, SECONDED BY ALDERMAN VICKERY, ADOPTION OF THE RESOLUTION. THE MOTION WAS CARRIED UNANIMOUSLY.

Public Hearing to Consider the Community's Need for a CATV System

Alderman Epting called the public hearing to order.

Alderman Vickery introduced the CATV Advisory Committee. Mr. Shipman explained that the hearing would be the termination of the needs assessment phase. The Committee and staff would work to put the information into a draft ordinance and a request for proposals. The draft ordinance would come before the Board on June 25. Requests for proposals would go out July 1, with a submission date of September 1. The committee would then review the proposals and make a recommendation to the Board for awarding the franchise late in October. Mr. Shipman explained what CATV was. The discussions and positions of the committee could be summarized under six major topics: (1) public access and local programming needs; (2) needs of the Chapel Hill-Carrboro School System; (3) UNC Needs; (4) Government Needs; (5) Financing Issues; and (6) Public vs. Private Ownership. Mr. Shipman reviewed some of the needs discussed under these topics.

Mr. Giduz stated the citizens of Chapel Hill wanted cable TV. He believed private ownership would be more beneficial. A private owner must make a profit and would be immediately responsive to the citizens. He also believed a local owner would be more responsive to the community.

Mr. Landry asked if fiberoptic cable or coaxial cable would be used. Mr. Korte responded that coaxial cable would be used. Mr. Landry said the amount of programming available was growing. He wanted a public discussion of the type of programming which would be shown. Mr. Korte recommended the Town allow a process of competition to determine a portion of what would be available. After looking at Chapel Hill, companies would develop a proposal responsive to the needs of the community.

Mr. McQuire of Cox Cable Communications, endorsed the idea of competitiveness. He believed companies would provide all of the services available with potential for expansion in the future. Alderman Howes asked how the community would assert unhappiness with a franchise holder. Mr. Korte responded the city could be protected in a number of ways. It would ask for details in the proposal. The franchise agreement would have to reflect what was promised by the company. The ordinance must contain means of enforcement. He never recommended a city award an exclusive franchise so that another company could be brought in if necessary. Alderman Kawalec asked why the committee had recommended the Town regulate rates at first and then let the company do so. Mr. Korte stated that where there were other alternatives to cable television, the market place could regulate rates. This should be tried to see if effective. The exception would be in the first couple of years where the city should specify there can be no increases in rates. This prevented the company from offering a loss-leader rate. Alderman Vickery asked Mr. Korte to comment on the connection schedule. Mr. Korte said one of the proponents of the proposal would provide for a reasonable construction schedule. Companies should be asked how soon construction would be and where. They should be asked to identify areas which could not be feasibly served at the basic rate and to discuss line extension service. Although the Supreme Court had now prohibited the FCC from requiring companies to provide public access, the Town could negotiate for such access.

Mr. Barrett asked how many cities this size had a channel for government access and how often it was used. Mr. Korte said most larger and smaller towns had a channel for government access but did not use it. He was concerned with how access for this government channel would be regulated. Alderman Vickery said this had been addressed and could be further addressed before the franchise was awarded. Alderman Boulton had found in examples in her readings, a citizen's committee had controlled access. In response to questions from citizens, Alderman Vickery said if there was much public programming, it should be paid for out of the general fund. Where beneficiaries could be identified, they should pay for the programming.

Mr. Hurow urged the Town to have the system privately owned. With the Town owning the system, he believed there would be political implications. Alderman Cohen said the Town would have to consider how a system in Chapel Hill would relate to that in Carrboro, since many of the students lived in Carrboro.

Ms. Ross explained that the campus could be wired for students both on and off campus. The administration building could use the system for internal communication. Extension courses could be offered over the system. University needs had not been totally formulated. Their decisions regarding communications and instructional uses would take much thought.

Mr. Hill asked if anyone on the committee represented Health Affairs. Alderman Vickery said no, but there were 4 months to discuss what was needed. Alderman Epting indicated a representative from Health Affairs had now been appointed and would be sitting with the committee. There being no further comments, the public hearing was adjourned.

Petitions and Requests

Dr. and Mrs. Ross had petitioned the Board to execute a "Covenant Not to Sue" because their home was built too close to the rear lot line of their lot. The house had been built by a previous owner.

Mr. Denny informed the Board that the decision would be a policy decision with significant ramifications. In the past the Town had executed "Covenants Not to Sue" where structures had encroached on Town property. By doing so, they released a proprietary interest. In the present situation, they would be waiving one of the remedies reserved in enforcement of the zoning ordinance. This action would give up the right to bring an injunction; it would not stop any property owner in the neighborhood from bringing an action. He recommended the Town suggest the property owner take such a covenant from the neighbors and rely upon the Town not to take action unless the neighbors did so. ALDERMAN VICKERY MOVED, SECONDED BY ALDERMAN HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING EXECUTION OF A COVENANT NOT TO SUE (Ross)

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby authorizes the Town Manager to execute a Covenant Not to Sue with Dr. and Mrs. Dennis W. Ross for the violation of the rear yard setback by the house owned by the Rosses; however, if the house shall be destroyed it shall be rebuilt in keeping with proper setbacks.

This the 11th day of June, 1979.

Alderman Cohen asked if there was any other way to correct the problem such as an exchange of land with the neighbor. Mr. Denny said this was possible. Alderman Epting wanted the neighbors to execute such an agreement before the Town did so. Alderman Smith asked how many feet were involved in the encroachment. The Rosses were 20' too close to the lot line. Alderman Kawalec objected to setting such a precedent. She was not aware of all the implications of the situation. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN COHEN, THAT THE MATTER BE REFERRED TO THE MANAGER FOR A RECOMMENDATION AND THAT THE BOARD SUGGEST THE ROSSES' APPROACH THEIR NEIGHBORS TO SIGN A COVENANT NOT TO SUE. THE MOTION WAS CARRIED BY A VOTE OF SEVEN TO ONE WITH ALDERMEN BOULTON, COHEN, HOWES, KAWALEC, SMITH, THORPE AND VICKERY SUPPORTING AND ALDERMAN EPTING OPPOSING. THE SUBSTITUTED MOTION WAS CARRIED UNANIMOUSLY.

Dr. and Mrs. Nassef petitioned the Board to execute a covenant not to sue because their house was built too close to the sideline to meet the zoning requirements. ALDERMAN KAWALEC MOVED, SECONDED BY ALDERMAN VICKERY, TO REFER THIS MATTER TO THE MANAGER FOR HIS RECOMMENDATION. She asked if this would prevent the Nassefs from selling their house. Mr. McCormich explained that the house had been sold subject to this matter being settled. The bank had requested such an agreement for financing. THE MOTION WAS CARRIED UNANIMOUSLY.

Mr. McKenna had written the Board asking that they consider some type of ordinance on rent control. He asked why there was no such ordinance in effect. Mr. Denny explained that the Town had no authority for rent control. Alderman Epting suggested Mr. McKenna approach our representatives for legislation.

Resolution Confirming the Assessment of W. R. Mann for the Purefoy Road Sewer Line

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION RECONFIRMING THE ASSESSMENT OF W. R. MANN FOR THE PUREFOY ROAD SEWER LINE

WHEREAS the Board of Aldermen of the Town of Chapel Hill confirmed the assessment of W. R. Mann for the Purefoy Road sewer line in July, 1975, after testimony by the Town Engineer that the sewer line was 8.40 feet below the level of the first floor of the Mann house at 426 Whitehead Circle; and

WHEREAS the basement of the Mann house cannot be served by a gravity sewer line but the Town has in the past assessed for sewer lines without regard for whether or not sub-surface levels could be served by said lines; and

WHEREAS because of peculiarities of the plumbing within the Mann house it will be of greater than usual expense to connect said house to the sewer line, but the Town has never in the past considered cost of connection so long as gravity connection was possible; and

WHEREAS the lot on which the Mann house is located can be served by the Purefoy Road sewer line and would certainly be so served were the existing house to become a casualty loss; and

WHEREAS rock in the lot on which the Mann house stands will add to the expense of connecting said house to the sewer line, but such a connection will in any case be necessary for public health reasons on the inevitable future date at which the existing septic tank fails; and

WHEREAS to delete the assessment for Dr. Mann would be unjust to other property owners within the Town who have paid assessments under the same or similar conditions, and would open the Town to further requests for deletion or repayment which the Town could not equitably refuse to make;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby reconfirms the assessment of Dr. William R. Mann, 426 Whitehead Circle, for the Purefoy Road sanitary sewer line.

This the 11th day of June, 1979.

Mr. Shipman's report had indicated the house could be served. Ms. Hunt asked for the name of the plumber who had said the main floor could be served at a cost of approximately \$500. To her knowledge, the walls would have to be torn out to serve the house. Mr. Denny stated that this question had been before the Board at the time of the assessment. It was one of the more controversial assessments. The Board at that time had indicated they would not go into the question of on-site costs of attaching to the sewer. Mr. Mann responded that this was not only a matter of prohibitive cost, but of cutting the joists and weakening the house as well as eliminating the basement apartment. Mr. Shipman stated Mr. Sparrow was the plumber who had indicated the main floor could be served. THE MOTION WAS CARRIED UNANIMOUSLY.

Report Regarding Community Festivals

Mr. Shipman had distributed the report. ALDERMAN THORPE MOVED, SECONDED BY ALDERMAN COHEN, THAT THE REPORT BE REFERRED TO THE RECREATION COMMISSION FOR THEIR RECOMMENDATION. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Accepting Bids and Awarding of Contract for 3 Used Transit Coaches

Alderman Cohen asked where the money would come from to purchase these buses. Mr. Shipman said there was money left in the current year's fund balance. Alderman Cohen asked if these would be sold when the Town sells buses in a couple of years after purchasing 18 new buses. Mr. Shipman said this bus would be kept longer than that. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR THREE USED TRANSIT COACHES

WHEREAS the Town of Chapel Hill has solicited formal bids on Three Used Transit Coaches and the following bids have been received:

Bidder

The Bus Exchange, Inc.
Mahwah, N.J.

Hausman Bus Sales and Parts Co.
Fort Lauderdale, Fla.

Bid

One 1968 GMC--\$20,000

An assortment of 1960
GMC's--\$14,000 each
One 1963 GMC--\$18,500
Two 1964 GMC's--\$20,500 each

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid of The Bus Exchange, Inc. for one 1968 coach coach in the amount of \$20,000.

This the 11th day of June, 1979.

THE MOTION WAS CARRIED UNANIMOUSLY.

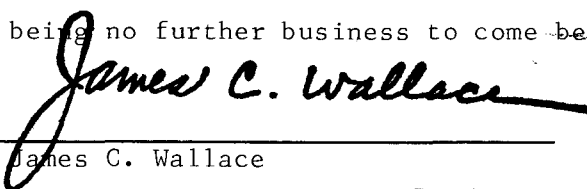
Discussion Regarding Date for Bond Referendum

Mr. Shipman stated the Board had questioned having the bond referendum in September. The cost of a special election could be eliminated by having the referendum in November. The public discussion for the special use permit for the parking deck was scheduled for October. If the referendum was held in November, architectural costs would be incurred on the project before the bond was approved. After discussions on June 25, the Board might want to include a bond referendum for land acquisition. The referendum would then have to be scheduled for later in September or in November. Ms. Parker said advertisement for the bond referendum would have to be by June 15 for a September vote. Alderman Cohen pointed out that September 25 was the peak time for voter registration. There might be problems getting officials for the election. Alderman Vickery added that the candidates in November could help to sell the bond referendum to the residents. Alderman Smith thought there should be a public discussion on the bond before the election. The Board agreed that the bond referendum should be held in November.

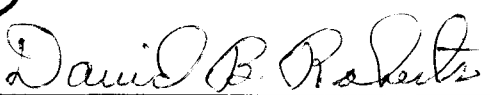
Parks and Recreation Commission--Appointment

The nominations for one vacancy were Anthony Weaver, Lynn Cox and Karen Davidson. On first ballot Ms. Cox received 3 votes, Mr. Weaver 4 votes and Ms. Davidson 1 vote. On second ballot Ms. Cox received 4 votes and Mr. Weaver 4 votes. The matter was deferred until the next meeting.

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



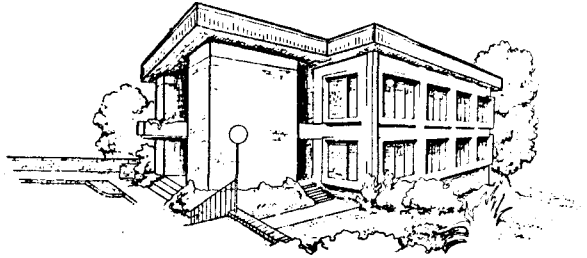
Mayor James C. Wallace



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
Edward Vickery

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 7:00 P.M. on June 25, 1979, to adjourn to executive session to discuss salaries of appointed officials.

James C. Wallace
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 June 25, 1979, at 7:00 p.m.

James C. Wallace
MAYOR

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

