

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL HELD IN THE MUNICIPAL BUILDING, MONDAY, DECEMBER 2, 1974 AT 7:30 P.M.

The Board of Aldermen met for a regular meeting on December 2, 1974 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present: Howard N. Lee, Mayor
Gerald A. Cohen
Thomas Gardner
R. D. Smith
Sid Rancer
Alice Welsh

Absent: Shirley E. Marshall

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager C. Kendzior and Town Clerk D. Roberts. Town Attorney E. Denny was absent.

Alderman Welsh moved, seconded by Alderman Gardner, that minutes of the meeting of November 25, 1974 be approved as circulated. Said motion was unanimously carried.

Bus System--Safety

Dr. Charles Smith petitioned the Board to place on the agenda a consideration of the safety of buses operating on Rolling Road. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the report placed on agenda under 5c. Said motion was unanimously carried.

County Commissioners Meeting

Alderman Cohen petitioned the Board to place on the agenda an announcement of the actions taken by the Orange County Board of Commissioners at their first meeting. Alderman Welsh moved, seconded by Alderman Smith, that the petition be received and the announcement placed on agenda under 4c. Said motion was unanimously carried.

Sanitation Schedule for Christmas Week

Town Manager Kendzior announced that all residential routes will have garbage pick-up once during the Christmas week, on Monday or Tuesday. Residential areas will not have garbage pick-up the rest of the week and will have no trash pick-up. Business sanitation routes will not be run on Wednesday and Thursday of Christmas Week.

Regional Airport Study

Town Manager Kendzior announced that Triangle J Council of Governments is reviewing and studying regional airport problems, including the Horace Williams Airport. This study will be completed in spring of 1975. Alderman Welsh asked that the Chairman of Airport Study Committee investigate if this information is available to the Town committee.

County Commissioners Meeting

Alderman Cohen announced that the County Commissioners have voted to set another public hearing on Monday, February 24, 1975 to consider zoning Eubanks Road area back to residential. The county does not have an ordinance provision for special public hearings, so the Board may wish to consider Town Attorney investigating the validity of the action taken at the first special public hearing and whether Town should challenge the present zoning. County Commissioners also approved increased valuation for a number of properties in Town, in some cases increasing the valuation about twenty times. Also, Day Care Task Force meeting has been re-scheduled from December 4, 1974 to Wednesday, December 18.

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Parking Advisory Committee--
Report

Alderman Welsh reported that Parking Advisory Committee met on November 21, 1974 to consider various possible bulk rates for the three-way tokens. The committee did not want to set the bulk rate too low and did not want Town staff to spend a lot of time managing these sales. Transportation Director Pappas has indicated that he does not feel that bulk sales would affect the bus system adversely. The committee felt that setting the bulk rate at \$1,000 with a 20% discount would permit CBD Parking Association to buy the tokens and resell them to merchants at 18¢ a token. Merchants can use these tokens to attract customers either by selling them or giving them away.

Town Attorney Denny came to the meeting.

Alderman Smith asked if Town would lose money selling the tokens at 16¢ each. Town Manager Kendzior said that very few discount passes have been sold lately and selling the tokens at bulk rate to merchants may be more advantageous financially. Alderman Welsh said that the Parking Advisory Committee makes the following recommendations: 1) that the bulk rate for sale of tokens be set at \$1,000 with a 20% discount; 2) that Town will be the distributor of tokens and sell them in \$1,000 lots only; 3) that Town not redeem any tokens in cash; and 4) that this be done on a one year trial basis. Alderman Welsh moved, seconded by Alderman Cohen, that the Parking Advisory Committee recommendations be accepted as outlined. Alderman Cohen asked if persons will still be able to purchase the discount 40-ride coupons from Town. Alderman Welsh said yes, but that most persons have been buying passes. Alderman Welsh said that Parking Advisory Committee also recommends that the indication on the parking meter heads that the meters will accept 25¢ be removed, leaving the indication that nickels, dimes and tokens be accepted; the committee felt that this would make the directions less confusing, and would make the parking rate more uniform. Said motion was unanimously carried.

Police Building Janitorial
Service--Bids

Town Manager Kendzior reported that this contract was awarded to Albert Washington on October 21, 1974, but had to be rescinded on November 18, 1974, when Mr. Washington was unable to provide a performance bond, as required in the bid proposal. The Board instructed staff to readvertise for bids with the performance bond requirement deleted. Notice to bidders appeared in the November 20, 1974 edition of the Chapel Hill Newspaper, and notices and specifications were sent to 14 prospective bidders in the area. On November 27, 1974, two bids were received. The Director of Public Works and Engineering Services and the Purchasing Agent recommend that Board accept the low bid from Albert Washington. Alderman Gardner asked if the bid is legal. Town Attorney Denny said that the bid was taken in an appropriate manner along with a bid bond. Alderman Welsh moved, seconded by Alderman Gardner, that the low bid from Albert Washington of Chapel Hill, for \$525.00 per month for a period of nineteen months for janitorial service for the Chapel Hill police department building be accepted. Said motion was unanimously carried.

Bus System--Safety

Dr. Charles Smith said that he is concerned about the safety of the bus operation, especially on the Rolling Road loop. He initially inquired of the Town Attorney about the statutory provisions regarding the minimum safety standards of the operation; he was told there are no provisions regarding the safety and was advised to bring the matter up to the Board. Dr. Smith requested that Board consider having safety experts examine the bus operation to make sure that the buses meet safety standards. Dr. Smith said that he considers the situation an emergency, since he learned today from a bus driver that the brakes on the buses are not adequate. The buses operate at excessive speeds on Rolling Road, do not make full stops at stop signs, and discharge passengers at places other than bus stops. Dr. Smith said that he has contacted the Police Department to inquire if they are

aware that the buses are operating with inadequate brakes and was told that police is aware of this, since a bus ran into a patrol car because of inadequate brakes. Alderman Cohen asked if the problem was only with a particular bus or if the situation is general. Dr. Smith said that he got the impression from the driver that the situation is general. Town Manager Kendzior said that the buses get continuous check-ups and may be removed from service during a run if a mechanical problem develops. On November 20, 1974, the insurance inspector checked the buses without a prior notice and reported problems only with side doors and tail lights; also, bus drivers are being offered courses in defensive driving. Dr. Smith said that he has noticed a bus operating with the rear door open and was told by the driver that the bus has been operating that way for several days. Mayor Lee said that he appreciates Dr. Smith's concern with the bus system and hopes that he realizes that Board also is concerned with the safety of the bus system. It is difficult to generalize about the whole system from the problems seen in one bus. Town is now starting to replace some of the old buses with new to increase the safety of the operation. Dr. Smith said that he is in favor of the bus system but is concerned that it be operated economically, efficiently, and safely. He is particularly concerned with the situation on Rolling Road, since this is the one he is the most familiar with. The buses on Rolling Road add a substantial risk to safety, since the road is only 18 feet wide, with no shoulders, open ditches, and is winding and hilly. Placing buses on it has converted it to a through-traffic street. Dr. Smith said that he did write a letter suggesting that operation on Rolling Road be suspended until the residents can be assured that operation of buses on it is safe; he did this to emphasize his concern about the safety on the road. Alderman Smith moved, seconded by Alderman Gardner, that the problem with bus brakes be referred to Town Manager for investigation and report back to the Board on December 9, 1974. Alderman Welsh said that she appreciates Dr. Smith's report, but that it must be realized that Chapel Hill has many narrow, winding streets, and buses may have to be placed on some of them. She would like to recommend that other approaches, such as lowering the speed limit, or putting up traffic danger signs be investigated for Rolling Road. Alderman Welsh amended the motion that consideration of general safety signs on Rolling Road be included in Town Manager's report back to the Board, to be made on December 16, 1974. Mayor Lee said that the Transportation Advisory Committee is meeting regularly to investigate routes, condition of roads and other matters. He thinks the matter is administrative in nature and should be referred to Town Manager to take action, without having to report back to the Board. Alderman Smith said this is agreeable to him. Alderman Welsh said that she would like to feel sure that some measures have been taken in the next few weeks to deal with some of the immediate problems in the area. Mayor Lee said that Town Manager is aware that the Board will not support a dangerous bus system, and should be allowed to handle complaints without the Board's supervision. Said amended motion was unanimously carried.

Recreation Commission--
Nominations

Mayor Lee announced that the Board must consider nominations to fill the vacancy on Recreation Commission created by the resignation of Mr. Paul Ragland, whose term will expire December, 1974. The Recreation Commission recommends Dr. George R. Holcomb, 302 Burlage Drive, Dean of Resource Administration, and Professor of Anthropology. Nominations will be open until December 9, 1974, at which time appointment will be made.

Forty-Hour Work Week
Exemption--Resolution

Town Manager Kendzior said that the Board reduced the work week for firemen from 66 hours to 60 hours per work week; policemen work 42 hours per work week. The Fair Labor Standards Act of 1974 provides that fire and police personnel may be paid overtime for all hours over 240 worked in a 28-day period, or an average number of hours for fewer days; however, a resolution must be passed before January 1, 1975 to claim this exemption, otherwise

the Town will be required to pay all fire and police personnel for overtime after 40 hours per seven-day work week. Mayor Lee said that he is concerned that acting on this resolution will make the Board seem to be contradiction with the stand it took on September 3, 1974, on League of Municipalities resolution in regard to Fair Labor Standards Act litigation. He asked if Town Attorney Denny is familiar with the requirement of an affirmative action to claim any exemption from the Fair Labor Standards Act. Town Attorney Denny said that he can check on the matter and report back to the Board on December 9, 1974. Alderman Smith moved, seconded by Alderman Welsh, that action on the resolution to claim exemption from the standard requirements of a 40-hour work week for police and fire employees be deferred until Town Attorney has been able to study the matter and report back to the Board. Alderman Cohen said that Town is working to comply with federal laws, but that it is not possible, from financial point of view, to lower working hours any further this fiscal year. Mayor Lee said that on moral basis, Town cannot afford to make exemptions for police and fire personnel, but that there does not seem to be anything else to do. The Board needs to understand the legal ramifications before taking any action on the resolution. Ms. Lynne Powell, Budget Director, said that the Board must also consider whether the salary rate the Board set for the fire and police personnel is intended to reflect the longer hours of work or whether it would be changed if the hours were cut back to 40 hours per week. Mayor Lee asked Town Manager to investigate how other North Carolina towns are handling the problem. Fire Chief Lloyd said that firemen used to work every second day with no days off, and that the situation has improved a lot. Most of the larger North Carolina towns have a 56 hour work week, and most firemen are satisfied with this, since some of this is sleep time and slack time. Most North Carolina towns are requesting the exemption, since they cannot afford salaries for more men. Chapel Hill's firemen realize that the 60 hour work week is all that the Town can afford at the present time. Police Chief Blake said that the policemen do not mind overtime if it is a crisis situation, but do complain if it is for such things as parades. Since there is just sufficient personnel in police force, the policemen cannot receive compensatory time off for duties of this sort. Alderman Welsh suggested that Town should consider increasing the rates that organizations pay for police time. Town Manager Kendzior said that Town now pays overtime to policemen for appearances in court or for working over scheduled time in a work period. Fire Chief Lloyd said that in a seminar in Greensboro, the participants were told that if policemen or firemen work in related fields while moonlighting, and if their other employer does not pay them time-and-a-half for time over 240 hours in a work period, then the Town can be made responsible for paying the overtime instead; in Chapel Hill the overtime pay for policemen begin if they work more than 168 hours in a work period. Aldermen Welsh amended the motion to include a report from Town Manager on the matter in terms of moral, ethical and financial considerations. Alderman Gardner said that the matter has been considered by the Board since budget time, since additional money was included in the budget for more firemen. Said amended motion was unanimously carried.

Public Facility Naming--
Resolution

Town Attorney Denny said that the resolution is intended to establish a policy of not naming any public facilities until a firm overall policy in this regard can be established. Alderman Welsh asked if this would be in conflict with Recreation Commission Ordinances. Town Attorney Denny said that there is no direct reference in any ordinance granting express authority to so designate public facilities. The resolution is not in conflict with these ordinances except, possibly, with implications contained in certain ordinances. Alderman Welsh moved, seconded by Alderman Smith, that the following resolution of not naming any public facility until a standard policy and procedure is established be adopted, and copies sent to all Committees and Committeemen:

R E S O L U T I O N

WHEREAS, the naming of public facilities is of lasting importance to the citizens of the Town of Chapel Hill, and

WHEREAS, all such facilities are held for the benefit of past, present, and future citizens of the Town, and

WHEREAS, there exist no standardized policy or procedure whereby all relevant factors and considerations bearing upon official action in naming such facilities are taken into account, and

WHEREAS, the Board of Aldermen is in the process of formulating such policy and procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that until such time as a standard policy and procedure is established for the naming of public facilities, that no board, committee, commission, or agency of the Town shall designate a name for any publicly owned facility of the Town.

This the 2nd day of December, 1974.

Said motion was unanimously carried.

Budget Ordinance--Loan to Housing Authority

Mayor Lee said that the Board must consider the ordinance to allocate \$450 to Housing Authority for the

purpose of securing appraisals for the purchase of necessary property. The Board, at the November 25, 1974 meeting, directed that the ordinance be drafted. Alderman Cohen moved, seconded by Alderman Welsh, that the following ordinance amending the budget ordinance for the fiscal year beginning July 1, 1974 and ending June 30, 1975 be adopted:

O R D I N A N C E

AN ORDINANCE TO AMEND THE BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

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

SECTION I

That the Budget Ordinance of the Town of Chapel Hill entitled "An Ordinance to Appropriate Funds and to Raise Revenue for the Fiscal Year Beginning July 1, 1974 and Ending June 30, 1975" as duly adopted on July 15, 1974 be and the same is hereby amended as follows:

Federal Revenue Sharing Fund

	<u>Budgeted</u>	<u>Decrease/ Increase</u>	<u>Total</u>
50-810-04 (Professional Services)	-0-	\$450	\$ 450
50-669-00 (Contingency)	\$141,013	(\$450)	\$140,563

SECTION II

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

This the 2nd day of December, 1974.

Said motion was unanimously carried.

Community Development Task
Force--Public Hearing

scheduled for Monday, December 9, 1974 at 8:00 p.m. at Town Hall.

Town Manager Kendzior announced that the first Community Development Task Force public hearing is

Director of Planning--
Mr. Mike Jennings

Town Manager Kendzior introduced the new Director of Planning, Mr. Mike Jennings.

Bicentennial Celebration

Bicentennial Committee, has indicated that there are no plans for bicentennial celebration in Orange County. She has suggested that he present some plans for the Board's consideration in early January, 1975. Mayor Lee said that he is in the process of drafting a resolution establishing a city-wide Bicentennial Commission; this will be presented to the Board in the near future. Alderman Welsh said that she submitted a proposal two years ago that has not been acted on.

Alderman Welsh said that Mr. Roger Foushee, Chairman of Orange County

There being no further business to come before the Mayor and Board of Aldermen, said meeting adjourned at 9:05 p.m.



Mayor



David B. Roberts, Town Clerk