

MINUTES OF A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING
MONDAY, SEPTEMBER 15, 1975, 7:30 P.M.

The Board of Aldermen met for a regular meeting on September 15, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present: Howard N. Lee, Mayor
Thomas B. Gardner
Shirley E. Marshall
R. D. Smith
Alice M. Welsh

Absent: Gerald A. Cohen
Sid S. Rancer

A quorum of the Board was present and in attendance at the meeting. Also present were Interim Town Manager K. Jenne, Town Clerk D. Roberts, and Town Attorney E. Denny.

Alderman Welsh moved, seconded by Alderman Smith, that the minutes of the meeting of September 8, 1975 be approved as corrected. Said motion was unanimously carried.

Petitions

Mr. George Barlow petitioned the Board to approve the creation of a Chapel Hill Flea Market. Alderman Marshall moved, seconded by Alderman Smith, that the petition be received and the matter referred to Alderman Gardner and the Town Manager, with a report back to the Board on September 22, 1975. Said motion was unanimously carried.

Mr. Watts Hill, Jr. petitioned the Board for the families living in the Rosemary, Hillsborough, and North Street areas for the opportunity to be heard later in the meeting, in relation to the Delta Upsilon Special Use Permit, should it prove to be necessary. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received and the matter placed on the agenda under item 5. Said motion was unanimously carried.

Mayor Lee read a letter petition from Mr. P. G. Arnold regarding taxes and sewer assessment on his property. Alderman Welsh moved, seconded by Alderman Marshall, that the petition be received, and the matter referred to the Tax Collector and Town Attorney. Said motion was unanimously carried.

Laurel Ridge Condominiums

Mr. Mike Jennings, Planning Director presented the request to extend the Special Use Permits for both Section I and Section II of Laurel Ridge Condominiums. He said that in 1974 the owners requested an extension of the Special Use Permit to July 31, 1975; however, this was done for Phase I only, since no mention was made in the request of extending the Special Use Permit for Phase II, which permit expired October 9, 1974. He said that the applicants state that they intended to extend both Special Use Permits, and that their current request is to extend both. He said that the condominium development needs a considerable amount of work to meet the Town's minimum standards, and that the Building Inspector is withholding any further partial Certificates of Occupancy until the needed work, which includes the development of the recreational areas is completed. He said that the Town administration has done the best it legally can to protect the condominium owners. He said that the Town Manager and Planning Board recommend approval. Alderman Welsh moved, seconded by Alderman Gardner, that the Special Use Permit for Section I of Laurel Ridge Condominiums be extended to September 1, 1976, and for Section II to September 1, 1976 retroactively, both subject to the following stipulations:

1. That all previous stipulations placed on both phases of the Special Use Permit shall continue to be applicable.
2. That prior to issuance of any additional temporary Certificates of Occupancy on Phase I and the Building Permit on Phase II, an erosion and sedimentation control plan and all requirements of such plans shall be approved by the Town Manager.

Said motion was unanimously carried.

Eastowne Offices

Mr. Mike Jennings, Planning Director, presented the request to extend

the Special Use Permit for Eastowne Offices to October 9, 1978. He said that the Town Manager and Planning Board recommend approval. Interim Town Manager Jenne said that the objective of stipulation 2 is to fence off and protect all trees indicated on the landscape plan, and that the Building Inspector can determine visually whether this has been done. Alderman Welsh moved, seconded by Alderman Smith, that the Board approve the Special Use Permit extension for Eastowne Offices to October 8, 1978 subject to the following stipulations:

1. That all previous stipulations placed on the Special Use Permit shall continue to be applicable.
2. That all trees and other natural features to be preserved in the vicinity of construction and/or grading activity shall be temporarily fenced prior to the beginning of construction or grading.

Said motion was unanimously carried.

Delta Upsilon

Mr. Mike Jennings, Planning Director, presented the request for a

modification of the Special Use Permit for Delta Upsilon fraternity. He said that the Town Manager, Planning Board, and Appearance Commission recommend approval. Mr. Watts Hill, Jr. spokesman for the area residents, said that the area residents and the fraternity have reached a compromise in the design for the addition to the house, but the residents would prefer to have the fraternity install fixed windows on the east side of the addition also, to ensure more complete noise control. He said that the residents would like to request that the Board consider amending the Noise Ordinance, specifying that the operation of a sound amplifying system or device outside a structure be prohibited between 10 P.M. and 10 A.M. He said that the residents understand that the fraternities and sororities, if they operate as good neighbors, should be given the opportunity to request consideration for amendments to the proposed zoning changes which will give them as much assurance as possible that they will not be legislated out of existence in future years. Mr. Allan Pugh, lawyer for the Delta Upsilon fraternity, said that the fraternity finds the proposed ten stipulations fair, but that it is opposed to having fixed windows on the east side of the addition, since this would necessitate the installation of central air-conditioning, which is not only expensive to operate but also uses a lot of energy. Town Attorney Denny suggested that stipulation 4, requiring the dedication of a ten-foot wide public right-of-way, not be made a part of the Special Use Permit. Alderman Welsh said that she feels the windows on the east side of the addition can be closed without a need for air-conditioning. Alderman Smith expressed his concern about the criteria that are to be used in determining whether a special use is in harmony with the surrounding properties and determining its effect on property values. Alderman Marshall said that the University is in session during warm weather, and that she is concerned that requiring fixed windows on the east side would necessitate the use of air-conditioning. She said that she does not feel it proper for the Town to set stipulations that would require the installation of air-conditioning.

Alderman Cohen came to the meeting at 8:20 p.m. Alderman Rancer came to the meeting at 8:25 p.m.

Mr. Pugh said that if the windows on the east side of the addition were fixed, air-conditioning would be required for any kind of function in the meeting room. He said that the fraternity holds weekly meetings and a total of ten parties each semester, of which four are with band music. Mayor Lee said that he feels the windows on the east side should not be fixed since, in case of noise disturbance, police can request that they be closed. Alderman Welsh moved, seconded by Alderman Smith, that stipulation 8 be modified by inserting "and eastern" after the word "western". Said motion was defeated by a vote of three to four, with Mayor Lee breaking the tie with a negative vote. Alderman Smith moved, seconded by Alderman Welsh, that stipulation 4 be deleted, as recommended by the Planning Board. Said motion was unanimously carried. Alderman Smith moved, seconded by Alderman Gardner, that the

modification of the Special Use Permit for Delta Upsilon Fraternity be approved, with the following stipulations:

1. That a sanitary sewer plan for the site be submitted to and approved by the Town Manager prior to issuance of a building permit.
2. That the plans and special terms and conditions of this modification shall replace all previous plans and special terms and conditions of all special use permits for a fraternity house at this location.
3. That construction begin by July 1, 1977 and be completed by July 1, 1979.
4. That the preliminary architectural drawings and the detailed landscape plan be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
5. That the landscape plan include screening of the parking area from the view of abutting properties on the north side of the lot by a solid wall a minimum of six (6) feet high. Such wall shall be constructed along the entire northern boundary of the property and shall turn southward along the eastern and western property lines for a minimum distance of twenty (20) feet.
6. That the applicant submit to the Building Inspector for his approval prior to the issuance of a building permit detailed plans for noise containment within the proposed structure. Such plans include, but not be limited to provisions for sound absorbing materials on the floors, walls, and ceilings of the first floor dining room and second floor meeting room.
7. That all windows located on the western side of the proposed structure be fixed such that they cannot be opened, with and fitted with double paned glass.
8. That the renovation of the existing Bain and Dey houses be completed prior to or concurrent with completion of the proposed structure.
9. That the Dey House be maintained and used exclusively for residential purposes by the fraternity.

Said motion was unanimously carried. Mayor Lee said that the Town Attorney is in the process of preparing an amendment to the Noise Ordinance. He recommended that the Board consider studying the Zoning Ordinance as it relates to fraternities and sororities, and make any necessary changes. Alderman Welsh moved, seconded by Alderman Smith, that the Town Attorney prepare a Zoning Ordinance review as it relates to fraternities and sororities for consideration by the Board. Interim Town Manager Jenne said that such a review would not interfere with a complete revision of the Zoning Ordinance, since this revision is not planned in the near future. Said motion was unanimously carried.

Mayor Lee recessed the meeting for Public Hearing at 8:55 p.m.

PUBLIC HEARING

Street and Sewer Bonds

The Town Clerk reported to the Board of Aldermen that the bond orders entitled "Bond Order authorizing the issuance of \$250,000 Street Improvement Bonds of the Town of Chapel Hill" and "Bond Order authorizing the issuance of \$275,000 Sanitary Sewer Bonds of the Town of Chapel Hill", which has been introduced on September 8, 1975, and been published in the Chapel Hill Newspaper on September 9, 1975, with notices that the Board would hold a public hearing thereon on September 15, 1975 at 8:30 o'clock, P.M. The Clerk also reported that the Town's Finance Officer has filed in the Clerk's office a statement of debt complying with the provisions of The Local Government Bond Act,

and such statement as filed showed the net indebtedness of the Town to be 1.26% of the appraised valuation of property in the Town.

Alderman Smith moved that the Board proceed to hold a public hearing on the bond orders. The motion was seconded by Alderman Welsh and was unanimously adopted.

At 9:05 o'clock, P.M., the Mayor announced that the Board would hear anyone who wished to be heard on the question of the validity of the bond orders and the advisability of issuing the bonds. At the direction of the Mayor, the Town Clerk read each bond order and published notice of hearing.

After the Council had heard all persons who requested to be heard, Alderman Welsh moved that the public hearing be closed. The motion was seconded by Alderman Smith and was unanimously adopted.

Alderman Marshall moved that the Board of Aldermen adopt without change or amendment and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled "Bond Order authorizing the issuance of \$250,000 Street Improvement Bonds of the Town of Chapel Hill", introduced at the meeting of the Board of Aldermen held on September 8, 1975. The motion was seconded by Alderman Cohen and was adopted by the following vote:

AYES: Aldermen Cohen, Gardner, Marshall, Rancer, Smith and Welsh

NAYS: None

Alderman Gardner moved that the Board of Aldermen adopt without change or amendment and direct the Clerk to publish as prescribed by The Local Government Bond Act the bond order entitled "Bond Order authorizing the issuance of \$275,000 Sanitary Sewer Bonds of the Town of Chapel Hill", introduced at the meeting of the Board of Aldermen held on September 8, 1975. The motion was seconded by Alderman Cohen and was adopted by the following vote:

AYES: Aldermen Cohen, Gardner, Marshall, Rancer, Smith, and Welsh.

NAYS: None

Alderman Rancer moved the adoption of the following resolution which was read at length to the Board:

WHEREAS, the Board of Aldermen has adopted the bonds orders hereinafter described authorizing the issuance of \$250,000 Street Improvement Bonds and \$275,000 Sanitary Sewer Bonds, and such Bond orders and the indebtedness to be incurred by the issuance of such bonds should be submitted to the voters of the Town of Chapel Hill for their approval or disapproval in order to comply with the Constitution and laws of North Carolina; NOW, THEREFORE,

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

- (1) The questions whether the qualified voters of the Town of Chapel Hill shall approve or disapprove (a) the indebtedness to be incurred by the issuance of bonds of the Town authorized by the aforementioned bond orders, which indebtedness shall be secured by a pledge of the Town's faith and credit, (b) the levy of a tax for the payment thereof, and (c) said bond orders shall be submitted to the qualified voters of said Town at an election to be held in said Town on November 4, 1975.
- (2) The Town Clerk is hereby authorized and directed to publish a notice of said election which shall be in substantially the following form:

TOWN OF CHAPEL HILL, NORTH CAROLINA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that a special election will be held in the Town of Chapel Hill, North Carolina, on November 4, 1975, for the purpose of

submitting to the qualified voters of said Town the question whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said Town of the maximum principal amount of \$250,000, which indebtedness shall be secured by a pledge of the Town's faith and credit, and (2) the levy of a tax for the payment of such bonds and (3) the bond order entitled "Bond Order authorizing the issuance of \$250,000 Street Improvement Bonds of the Town of Chapel Hill", adopted by the Board of Aldermen of September 15, 1975, to authorize the issuance of said bonds and the levy of such tax, and the question whether they shall approve by the issuance of bonds of said bonds and the levy of such tax, and the question whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said Town of the maximum principal amount of \$275,000, which indebtedness shall be secured by a pledge of the Town's faith and credit, and (2) the levy of a tax for the payment of such bonds and (3) the bond order entitled "Bond Order authorizing the issuance of \$275,000 Sanitary Sewer Bonds of the Town of Chapel Hill", adopted by the Board of Aldermen of September 15, 1975, to authorize the issuance of said bonds and the levy of such tax. The Street Improvements Bonds are authorized to finance the capital costs of providing and improving streets and sidewalks, including the paving, grading resurfacing and widening of streets, the construction and reconstruction of sidewalks, curbs and gutters, culverts and drains and including the acquisition of the necessary land or rights-in-land. The Sanitary Sewer Bonds are authorized to pay the capital costs of providing and improving facilities for the collection, treatment and disposal of sewage, including the construction of force mains and improvements to gravity lines and a pumping station and the acquisition and installation of the equipment and machinery required therefor and the acquisition of the necessary land or rights-in-land.

The ballots to be used at said election shall contain the words, "Shall the order authorizing \$250,000 bonds secured by a pledge of the faith and credit of the Town of Chapel Hill for the purpose of financing the capital costs of providing and improving streets and sidewalks, including the paving, grading, resurfacing and widening of streets, the construction and reconstruction of sidewalks, curbs and gutters, culverts and drains and including the acquisition of the necessary land or rights-in-land and a tax to be levied for the payment thereof be approved?", and the words, "Shall the order authorizing \$275,000 bonds secured by a pledge of the faith and credit of the Town of Chapel Hill for the purpose of paying the capital costs of providing and improving facilities for the collection, treatment and disposal of sewage, including the construction of force mains and improvements to gravity lines and a pumping station and the acquisition and installation of the equipment and machinery required therefor and the acquisition of the necessary land or rights-in-land and a tax to be levied for the payment thereof be approved?", with squares labelled "Yes" or "No" beneath or beside such words in which squares the voter may record his choices.

In the event a majority of the qualified voters voting at said election vote to approve such orders, the incurring of such indebtedness and the levy of such tax or taxes, said bonds shall be issued and a tax or taxes shall be levied for the payment of such bonds.

The polls for the election will be open at the hour of 6:30 o'clock, A.M., and will close at the hour of 7:30 o'clock P.M. The election will be held at the following polling places in each of the respective election precincts:

<u>PRECINCT</u>	<u>VOTING PLACE</u>	<u>REGISTRAR</u>
Battle Park	Chapel Hill Library 523 E. Franklin St.	Mary Gardner
Coker Hills	Fire Station Elliott Road	Thelma Norem
Colonial Heights	Umstead Recreation Center Umstead Drive	Frances Rose
Country Club	Wollen Gym U.N.C. Campus	Virginia Julian

<u>PRECINCT</u>	<u>VOTING PLACE</u>	<u>REGISTRAR</u>
East Franklin	Lutheran Church 300 E. Rosemary Street	Jane Bahnsen
East Side	Ephesus Road School Ephesus Church Road	Patricia Rust
Estes Hill	Guy B. Phillips School	Peggy Gray
Glenwood	Glenwood School	Joyce Dobson
Greenwood	General Administration Building	Barbara Faust
Kings Mill	Aldersgate Methodist Church 623 Laurel Hill Road	Mary Gore
Lincoln School	Lincoln Center Herritt Mill Road	Charlotte Adams
Mason Farm	Community Church Bldg. Purefoy Road	H. Sheldon White
North Side	Chapel Hill Municipal Building 306 N. Columbia Street	Barbara Booth
Ridgefield	Binkley Baptist Church 1712 Willow Drive	Florence Richter
Westwood	Frank Proter Graham School 54 By-Pass	Roberta Spratt

The registration records for said election will be kept open at the office of the Orange County Board of Elections, Old Courthouse, Hillsborough, North Carolina, from 9:00 o'clock, A.M. until 5:00 o'clock, P.M. on Thursdays, from 9:00 o'clock A.M. until 1:00 o'clock P.M. on Saturdays through October 6, 1975; and on Monday, October 6, 1975 from Nine o'clock A.M. until Five o'clock P.M.; and at special locations and times during designated periods information on which can be obtained from the offices of the Orange County Board of Elections, Old Courthouse, Hillsborough, North Carolina; and at the homes of the respective Registrars for the above Precincts, by appointment, through October 6, 1975. The last day of registration for the special election shall be October 6, 1975.

Any qualified voter of the Town who expects to be absent from the Town during all of said election day or who, because of sickness or other physical disability will be unable to be present at the polls to vote in person on said day, may apply for an absentee ballot to be used in voting at said election not earlier than thirty days prior to said election not earlier than thirty days prior to said election and not later than 6:00 o'clock, P.M. on October 29, 1975, being the Wednesday immediately preceding the election.

By order of the Board of Aldermen of the Town of Chapel Hill.

Dated September 15th, 1975.

/s/

David Roberts
Town Clerk, Town of Chapel Hill
North Carolina

Said notice of special election shall be published at least twice. The first publication shall be not less than 14 days and the second publication not less than 7 days before the last day on which voters may register for the special election.

- (3) The polls for said election shall be opened and closed at the times and at the places stated in said notice and electors shall be registered for said election in the manner stated in said notice.
- (4) The Orange County Board of Elections is hereby requested to print and distribute the necessary ballots and to provide for the registration books and equipment for the holding of said election and to conduct and to supervise said election.
- (5) The Town Clerk shall mail or deliver a certified copy of this resolution to the Orange County Board of Elections within three days after the resolution is adopted.

Alderman Welsh seconded the motion and the motion was unanimously adopted.

The Public Hearing adjourned at 9:20 p.m.

ETNA Service Station Mr. Mike Jennings, Planning Director, presented the request for approval of the Final Plat for Etna Service Station. He said that the Town Manager and Planning Board recommend approval. He said the Planning Board vote was not unanimous because of the overlapping of the yard requirements with the adjoining property. Alderman Smith moved, seconded by Alderman Welsh, that the final plat for ETNA Service Station be approved. Said motion was unanimously carried.

Colony Woods Open Space Interim Town Manager Jenne presented a report on the maintenance costs for the open space area in Colony Woods which is located between Tyson Court and Ephesus Church Road. He recommended that the Town proceed with the installation of a V-shaped concrete swale; the area north of White Plains to Colony Woods Drive being completed first; and that a natural-type area maintenance be provided, with the area being mowed twice a year with a tractor-mower at an estimated cost of \$75 per year. He said that this project can be done within the current budget. Alderman Welsh moved, seconded by Alderman Cohen, that the Board approve the installation of a concrete swale in the area described by the Town Manager, and that a natural-type maintenance be provided by the Town. Said motion was unanimously carried.

Bus Franchise, Village Apartments Mayor Lee said that this is the second presentation of the ordinance granting the bus franchise, as presented at the Board meeting of September 8, 1975. Alderman Smith moved, seconded by Alderman Gardner, that the following ordinance be adopted. Said motion was unanimously carried.

AN ORDINANCE GRANTING VILLAGE APARTMENTS, A PARTNERSHIP,
A NON EXCLUSIVE FRANCHISE TO OPERATE A LIMITED TENANT
TRANSPORTATION SERVICE WITHIN THE CORPORATE LIMITS OF THE TOWN

WHEREAS, it appears to the Board of Aldermen, and the Board finds as a fact, that it would be in the public interest, and that public convenience and necessity requires that the Town grant to Village Apartments a partnership, a non exclusive franchise to render limited motor bus transportation service as hereinafter provided between points and places within the Town;

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

That a consent and permission be, and the same is hereby given and granted to Village Apartments, a partnership, to engage in the furnishing of passenger transportation service as hereinafter provided over present and future streets in the Town, along the routes established from time to time as herein provided with the equipment and for the purposes as herein set forth, and to that end it is hereby authorized to operate over, along, and across the streets and highways within the Town, buses subject to the following terms and conditions:

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1. Services to be rendered. The operation of buses over streets and highways within the Town shall be as to provide limited motor bus transportation service from the Village Apartments located off Smith Level Road a short distance south of the corporate limits of Carrboro for the purpose of transporting its tenants from said apartment complex to the University of North Carolina at Chapel Hill, North Carolina Memorial Hospital, and to the Central Business District of the Town. It is the sole intent and purpose of this franchise to grant to Village Apartments the authority and permission to operate over the streets of the Town for the purpose of providing such motor bus transportation to said points along the routes as hereinafter defined, with stops as herein set forth, and with passengers limited as herein provided.
 2. Routes. Routes along streets of the Town shall be as provided on the attached map marked Exhibit "A". Any change in the route of the buses shall be subject to prior written approval of the Town Manager of Town and the Director of Transportation, and will be shown on a map affixed to a copy of this franchise.
 3. Bus Stops. Buses operated pursuant to this franchise shall stop for the purpose of loading and unloading passengers only at points designated on said map attached hereto as Exhibit "A" as may be modified from time to time with agreement of the Town Manager and the Director of Transportation. Except for emergency purposes, said buses shall not pick up or discharge passengers at other stops along said route.
 4. Passengers. Passengers on said buses shall be limited to bona fide tenants of the apartment complex known as Village Apartments located off Smith Level Road in Orange County, North Carolina, and their bona fide guests, when accompanied by a tenant.
 5. Charges. No charges will be made for persons riding any of the buses operated pursuant to this franchise.
 6. Number and Type of Buses. Permission is herewith granted for the operation of one double decker English bus of a height not to exceed 14 feet, and one 13-passenger van.
 7. Insurance. Village Apartments, Inc. agrees to carry at times when operated over the public streets of the Town pursuant to this franchise insurance so as to indemnify and save harmless Town from any claims, liability, damages, occasioned by the operation of said buses on streets of Town, and Village Apartments agrees to indemnify and save harmless Town from any and all such claims, demands, liabilities, actions and causes of actions, occasioned by the operation under this franchise.
 8. Duration of Franchise. This franchise shall exist and continue for a period of one year after final action by the Board of Aldermen thereon, and may be renewed for mutually acceptable periods thereafter upon application to and approval by the Town.
 9. The franchise granted herein to Village Apartments by the Board of Aldermen shall in no way prohibit or prevent the Board of Aldermen of the Town of Chapel Hill from granting other franchises, or from the operations of any mass transportation system within or into Town.
 10. Assignment. This franchise and the right contained hereunder shall not be sold or assigned, or in any manner transferred without the prior expressed approval of the Board of Aldermen.

This the 15th day of September, 1975.

Personnel Ordinance

Town Attorney Denny presented the ordinance and recommended several changes. Alderman Cohen moved that the phrase "or alternative service under Selective Service Act" be inserted after "military forces" in

Section 14-53, Paragraph 2. The motion died for lack of second. Alderman Marshall moved, seconded by Alderman Gardner, that the following ordinance to revise and rewrite Chapter 14 of the Code of Ordinances of the Town of Chapel Hill be adopted: (See page 9A) Mayor Lee said that the Ordinance will be effective immediately, and that the administrative matters of the ordinance will be implemented as soon as possible. Said motion was unanimously carried.

Highway Safety Program

Interim Town Manager Jenne said that the Governor's Highway Safety Program makes assistance available to the Town in training and provides half the cost of the necessary traffic signs. He said that the cost to the Town is estimated at about \$4,000 and, while this money is not in the budget, it is expected that funds will be available when traffic signs will need to be replaced. He said that if the funds are not available, the Town will not need to participate further. The following Resolution was offered by Alderman Marshall and a motion was made by Alderman Welsh that it be adopted this motion was seconded by Alderman Smith, and upon being put to a vote, was unanimously carried;

Whereas, the Governor's Highway Safety Program hereinafter referred to as GHSP, proposed to implement a program to assist municipalities in improving their traffic signs and establishing a method for performing maintenance on these signs on a periodic basis to achieve an overall upgrading of municipal signing, GHSP will (either directly or through a consultant) train municipal personnel to perform inventories of traffic signs, provide inventory cards, provide advice and general supervision to municipal and personnel performing the inventory, determine the overall condition and purchase requirements for necessary traffic signs, order the necessary traffic signs from Prison Enterprises and pay one half of the cost of such signs, also instruct municipal personnel as to where and how to install the signs and provide general advice on using the inventory as a base for a systematic program of preventive maintenance; and

Whereas, The Town of Chapel Hill has agreed to perform the physical inventory using cards supplied by GHSP and municipal personnel trained by GHSP, pay Prison Enterprises one half of the cost of signs subject to the availability of such funds in the annual budget of the municipality; install the signs in a reasonable time using municipal personnel; initiate a program to replace signs which need replacing but are not eligible under the GHSP program and establish an effective maintenance program to maintain or replace sign replacement programs in the future; and

Whereas, GHSP has agreed to (either directly or through a consultant) train municipal personnel to perform inventories of traffic signs, provide inventory cards, provide advice and general supervision to municipal personnel performing the inventory, determine the overall condition and purchase requirements for necessary traffic signs, order the necessary traffic signs from Prison Enterprises and pay one half of the cost of such signs, also instruct municipal personnel as to where and how to install the signs and provide general advice on using the inventory as a base for a systematic program of preventive maintenance; and

Whereas, the Town of Chapel Hill has agreed to perform the physical inventory using cards supplied by GHSP and municipal personnel trained by GHSP, pay Prison Enterprises one half of the cost of the signs, install the sign in a reasonable time using municipal personnel, initiate a program and establish an effective maintenance program to maintain or replace signs on a periodic basis so as to eliminate the necessity of massive sign replacement programs in the future, and

Whereas, the signing program hereinabove described is considered most necessary to the preservation of public safety and welfare within the municipality

NOW THEREFORE, BE IT RESOLVED that the GHSP signing program set out hereinabove be and it is hereby formally approved by the Board of Aldermen of the Town of Chapel Hill, and that the Mayor and Manager of this municipality be and they are hereby empowered to sign and execute the required agreement between this municipality and the GHSP to acquire the benefits of the signing program hereinabove set out for the municipality.

This Resolution was passed and adopted the 15th day of September, 1975.

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AN ORDINANCE TO REVISE AND REWRITE CHAPTER 14 OF THE CODE OF ORDINANCES OF THE TOWN OF CHAPEL HILL.

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

Section I

That Chapter 14, Personnel Rules and Regulations, Code of Ordinances of the Town of Chapel Hill be and the same is hereby rewritten in its entirety to read as follows:

PERSONNEL RULES AND REGULATIONS

ARTICLE I.	GENERAL PROVISIONS
ARTICLE II.	POSITION CLASSIFICATION PLAN
ARTICLE III.	PAY PLAN
ARTICLE IV.	EMPLOYMENT POLICY
ARTICLE V.	RECRUITMENT
ARTICLE VI.	CONDITIONS OF EMPLOYMENT
ARTICLE VII.	EMPLOYEE BENEFITS
ARTICLE VIII.	HOLIDAYS AND LEAVES OF ABSENCE
ARTICLE IX.	TRAVEL
ARTICLE X.	SEPARATION
ARTICLE XI.	DISCIPLINARY ACTION
ARTICLE XII.	GRIEVANCE PROCEDURE
ARTICLE XIII.	PERSONNEL APPEALS COMMITTEE

ARTICLE I. GENERAL PROVISIONS

Sec. 14-1 Purpose.

It is the purpose of this chapter and the rules and regulations set forth herein to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager.

Sec. 14-2 Personnel Policies and Plans.

The Board of Aldermen shall be responsible for approving the personnel policies, the position classification plan, and the pay plan.

Sec. 14-3 Administration.

The Town Manager shall be responsible for the administration of personnel rules and regulations.

Sec. 14-4 Personnel Office.

There is hereby created a Personnel Office under the supervision of the Town Manager which shall have continuing responsibility and authority with respect to personnel matters as set forth herein. It shall have primary responsibility for maintaining all employee records, advising employees of all policies, rules, regulations, benefits and procedures applicable to them, and all employees shall have full access to the Personnel Office for this purpose.

Sec. 14-5 Employee Organizations.

The Town recognizes the right of its employees to belong freely and without discrimination to a union or other employee association chosen by the employee. Equally, the Town recognizes the rights of its employees to not belong to a union or other employee association. The Town, therefore, will not coerce or discriminate against any employee nor will it knowingly permit coercion or discrimination against any employee in the exercise of such employee's right to join or not join a union or other employee organization.

Sec. 14-6 Application

The personnel policies and plans and all rules and regulations adopted pursuant thereto shall be binding on all Town employees and any employee failing to carry out the full implementation of these policies may be subject to disciplinary action.

Sec. 14-7 Departmental Rules and Regulations.

Due to the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall

be subject to the approval of the Town Manager, and shall not in any way conflict with the provisions of this Chapter, but shall be deemed supplemental thereto.

ARTICLE II. POSITION CLASSIFICATION PLAN

Sec. 14-8 Purpose.

The position classification plan provides a complete inventory of all authorized positions in the Town Service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Sec. 14-9 Part-time Employees - Defined.

Part-time employees for the purpose of this chapter are those in positions for which a minimum of twenty (20) hours per week is required. Employees working less than twenty (20) hours per week shall be regarded as temporary.

Sec. 14-10 Permanent Employees - Defined.

All full-time and part-time employees who have completed six months of satisfactory service shall be considered permanent employees, except department heads, who shall not be considered permanent employees until the completion of one (1) year of satisfactory service.

Sec. 14-11 Temporary Employees - Defined.

Temporary employees are those working in positions requiring less than twenty (20) hours per week or less than one month of full-time work, and shall not be included in the provisions of this chapter. Each will be set up on an individual basis with provisions for salary, working hours, work to be performed, etc. determined by the Town Manger.

Sec. 14-12 Contract Employees - Defined

Contract employees are those persons engaged or employed by the Town to perform specific jobs for limited periods of time, which said positions may be full or part time for a limited period of time up to several months duration, but which have an agreed termination date. With the exception of the provisions concerning workmen's compensation and grievance procedures, all such employees shall not be included in the provisions of this chapter.

Sec. 14-13 Use of Position Classification Plan.

The classification plan is to be used:

- (a) as a guide in recruiting and examining applicants for employment;
- (b) in determining lines of promotion and in developing employee training programs;

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- (c) in determining salary to be paid for various types of work;
 - (d) in determining personnel service items in departmental budgets; and
 - (e) in providing uniform job terminology.

Sec. 14-14 Administration of the Position Classification Plan.

The Town Manager shall be responsible for the administration of the position classification plan, and shall periodically review the entire position classification plan and recommend appropriate changes to the Board of Aldermen. The Personnel Office under the direction of the Town Manager shall have continuing responsibility to assure that this policy is implemented.

Sec. 14-15 Adoption of Position Classification Plan.

The position classification plan shall be adopted by ordinance by the Board of Aldermen.

Sec. 14-16 Plan Filed.

The position classification plan and amendments thereto shall be furnished to the members of the Board of Aldermen and shall be on file with the Town Clerk, the Personnel Office and copies made available to all Town employees upon request.

Sec. 14-17 Request for Reclassification.

Any employee who considers the position in which classified to be improper, shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request to the department head. Upon receipt of such request, the department head in consultation with the personnel office shall proceed as follows:

- a. In the event it is determined there is merit in the request, the department head shall immediately transmit such recommendation to the Town Manager in writing, or
- b. In the event it is determined such request is not justified, the department head shall so advise the employee in writing of this finding, and also of the employee's right to appeal this finding under the grievance procedure.

ARTICLE III. PAY PLAN

Sec. 14-18 Defined.

The pay plan includes the basic salary schedule adopted and amended by the Board of Aldermen. The salary schedule consists of minimum, maximum, and intermediate rates of pay for all classes of positions included in the position classification plan, a designation of the hours in the work week for each position, and a time schedule for movement from one step to the next.

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Sec. 14-19 Effective date of Plan.

The pay plan and all amendments shall be effective on the date determined by the Board of Aldermen.

Sec. 14-20 Transition to a New Pay Plan.

The following provisions shall govern the transition to a new pay plan.

- (a) No employees shall receive a salary reduction as a result of the transition to a new pay plan.
- (b) An employee being paid at a rate lower than the minimum rate established for such employee's class shall be raised in salary to the new minimum for the class.
- (c) An employee being paid at a rate below the maximum rate established for the employees' respective class shall be paid at a rate listed in the pay plan. An employee not at a listed rate shall have their salary raised to at least the next higher listed rate.
- (d) An employee being paid at a rate above the maximum rate established for such employee's class shall remain at such rate, cost of living increases not included.

Sec. 14-21 Starting Salaries.

All persons employed in positions approved in the position classification plan shall be employed at the minimum salary for the classification in which they are employed; however, on the recommendation of the department head with the approval of the Town Manager, exceptionally well-qualified applicants may be employed at the first or second step above the minimum.

Sec. 14-22 "Trainee" Designation and Provisions.

Persons being considered for employment who do not meet all of the requirements for the position they are being considered for, may be hired by the Town Manager to a "trainee" position.

In such cases, a plan for training, including a time schedule, must be prepared and approved by the Town Manager. "Trainee" salaries may be as much below the minimum salary as step number 2 is above the minimum salary of the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.

If the training is not successfully completed as planned, the trainee shall be terminated in accordance with the provisions of Article VI. If the training is successfully completed, the employee shall be placed at the minimum step for the position for which trained, and shall be regarded as a new employee, subject to all the provisions of this Chapter, including the probationary period for new employees.

Sec. 14-23 Salary Advancement.

When an employee becomes eligible for advancement to the next higher level as defined in the pay plan, such advancement shall be at the recommendation of the department head based on the quality of the individual's service and approved by the Town Manager.

A new employee hired at above the minimum level, shall be eligible for advancement as established by the pay plan.

Sec. 14-24 Salary Upon Completion of Probationary Period

At the end of the probationary period, the employee shall be recommended for a one step increase on the pay plan, and shall be recognized as a permanent employee, except that an employee hired at a salary above the minimum, will receive salary increases consistent with the pay plan.

Sec. 14-25 Overtime.

Employees of the Town can be requested and may be required to work over time hours as necessitated by the needs of the Town as determined by the department head, and shall be compensated in accordance with the pay plan.

Sec. 14-26 Court Pay.

Police Officers required to appear in Court on regular days off shall receive compensation for the time spent as provided in the pay plan.

Sec. 14-27 Payroll Deductions.

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to capability of payroll equipment.

ARTICLE IV. EMPLOYMENT POLICY

Sec. 14-28 Statement of Policy.

The policy of the Town is to foster, maintain, and promote equal employment opportunity. The Town shall select employees on the basis of applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, affectional preference, or marital status.

Sec. 14-29 Implementation of Policy.

All personnel responsible for recruiting and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable job-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, or national origin.

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Sec. 14-30 Recruitment Sources.

The Town shall include among its recruitment sources, the Employment Security Commission, and the organizations and media which are utilized by and are available to the local community and to minority groups' applicants. Detailed information about job openings and the equal employment opportunity policy of the Town shall be provided to those recruitment sources.

Sec. 14-31 Job Advertisements.

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State Statutes.

Sec. 14-32 Application for Employment

All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment with the Personnel Office. All applicants shall be informed of current job opportunities and the possibility or probability of later job openings.

Sec. 14-33 Application Reserve Files

The Personnel Office shall keep a reserve file of all applications received for a period of three (3) years in accordance with Equal Employment Opportunity Commission guidelines.

Sec. 14-24 Qualifications and Testing.

The policy of the Town is that hiring qualifications for both entry level and promotional level jobs be fair. Qualification shall be reviewed periodically to assure that requirements conform to the actual job performance requirements and to changing situations.

Tests administered by the Town or by the North Carolina Employment Security Commission for the Town shall be only those measuring the skills actually required for the job.

All tests given to applicants shall be administered by or under the direction of the Personnel Office, by the Employment Security Commission, the Institute of Government, or in the event of psychological exams or similar special situations, by designated members of the faculty of University of North Carolina at Chapel Hill, Duke University, and N.C. Memorial Hospital or other designated agencies.

ARTICLE V. RECRUITMENT

Sec. 14-35 Policy.

It is the policy of the Town to use appropriate available means to attract qualified candidates for employment.

Sec. 14-36 Publicizing Employment Opportunities.

The Town Manager shall be responsible for publicizing all job opportunities for employment with the Town, including the position, salary, and employment qualifications.

Sec. 14-37 Residency Policy.

Residency within the corporate limits of the Town is not prerequisite for employment. Recruitment may be done outside the Town limits.

Sec. 14-38 Qualification Standards.

Employees shall meet the minimum standards established by the position classification plan unless hired as a "trainee" employee.

Sec. 14-39 Employment Procedure

Whenever a job opening occurs and when the procedures set forth in this Article have been completed the Personnel Office shall screen all applications for the position and interview as many candidates as is deemed necessary or desirable. The Personnel Office shall select not less than three (3) applicants who appear to be the best qualified for the position and refer them to the department head or other supervisory personnel designated for this purpose for the purpose of employment. The department head or supervisor in conjunction with the Personnel Office may interview any or all such selected applicants. The department head or supervisor shall attach a written statement to the application of any such persons not employed for the position stating the reason for nonemployment. In the event all of the applicants submitted by the Personnel Office are rejected with sufficient reason the Personnel Office shall submit three (3) additional applicants for processing in accordance with the provisions of this section.

ARTICLE VI. CONDITIONS OF EMPLOYMENT

Sec. 14-40 Employment of Relatives.

The Town discourages the hiring of relatives within the same department; however, the Town encourages families or related persons working in the service of the Town.

Sec. 14-41 Probationary Period of Employment - Defined.

All new employees shall serve a probationary period of six (6) months, except for department heads, who shall serve a probationary period of one (1) year.

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Sec. 14-42 Probationary Period - Evaluation.

If at any time during the probationary period, an employee's work is found to be unsatisfactory, such employee shall be notified orally in the presence of a witness with a memo to the personnel office, that the work is not satisfactory, and be given not less than three nor more than five days within which to show substantial improvement. In the event such improvement is not found to have occurred within the time set, a written memorandum shall be delivered to such employee stating a designated period within which to perform satisfactorily, and in the event such work has not satisfactorily improved within the designated period, the employee shall be terminated. In unusual cases, for specific reasons approved by the manager, the probationary period may be extended for a maximum of three months. In such cases, the employee must be notified orally and in writing of the purpose of the extension, the conditions, and the length of time of the extension. The personnel file of all employees satisfactorily completing the probationary period shall be purged of all unsatisfactory evaluation reports made pursuant to this section.

Sec. 14-43 Probationary Period - Recommendation.

Before the end of the probationary period, the supervisor shall recommend whether the employee shall be retained or terminated. Prior to such recommendation, the supervisor shall have accomplished and documented the following:

- (a) that there has been discussed with the employee, the employee's accomplishments, failures, strengths and weaknesses;
- (b) whether the employee is performing satisfactory work;
- (c) whether the employee should be retained in the position;
- (d) whether the employee should be terminated.

Sec. 14-44 Probationary Period - Termination.

An employee terminated during the probationary period, shall not be eligible for terminal pay or accumulated leave, but shall be entitled to rights of appeal through the grievance procedure.

Sec. 14-45 Promotion of Employees - Policy

It is the policy of the Town to encourage that vacancies in positions above the lowest rank in any category in Town services to be filled by the promotion of employees of the Town when possible.

Sec. 14-46 Promotion - Salary.

When an employee is promoted, the employee's salary shall be advanced to the minimum level for the new position, or to the step which would provide at least the equivalent of the next salary increase in range from which the employee is being promoted.

Sec. 14-47 Promotion - Probationary Conditions

An employee who is promoted shall be considered on probation for the first six (6) months in the new position for the purposes of evaluation, but shall not be denied any of the employee benefits that would be provided if the promotion had not occurred. If at any time during the probationary period the employee's work is found to be unsatisfactory, the procedure for evaluation as set forth in Sec. 14-42 shall be followed, except that the employee shall not be terminated, but shall be reinstated in the employee's former position or one of comparable seniority, status and salary. Before the end of the probationary period the supervisor shall proceed as required by the provisions of Sec. 14-43.

Sec. 14-48 Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. The Town Manager shall have the right to review outside employment for salary, wages or commissions which must be reported to the Town Manager to determine whether such employment is in conflict with the interest of the Town. Continuation of conflicting outside employment may be grounds for disciplinary action.

Sec. 14-49 Demotion

Any employee whose work is unsatisfactory or who become unable to perform the requirements of such position is subject to demotion or dismissal in accordance with the procedures outlined in this Chapter provided, however, that an employee showing promise of becoming a satisfactory employee in another position shall not be dismissed.

Sec. 14-50 Pay Rate for Demotion

When an employee is demoted to a position for which qualified, the salary shall be set at the step rate in the lower pay range which provides the smallest decrease in pay if action is not for cause or in the appropriate step rate in the lower range that is less than the existing salary if the action is for cause.

Sec. 14-51 Transfer.

Any employee of the town may be transferred to another position in the same or in another department of the town if approved by the Town Manager. The employee shall not be denied any of the employee benefits that would be provided if the transfer had not occurred.

Sec. 14-52 Right of Appeal.

Any employee demoted or transferred for cause may appeal the action in accordance with the grievance procedure.

Sec. 14-53 Reinstatement.

An employee of the Town who is on educational, maternity, sick or other authorized leave shall be reinstated to the former position or

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one comparable in seniority, status, and salary, if such employee returns to Town service at the expiration of such leave, or authorized extension thereof. An employee who fails to return within the required time shall be treated as an applicant for employment with the Town.

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated provided:

- (a) he applied for reinstatement within ninety days of his release from military service; and
- (b) he still is able to perform the duties of his former position or a similar position; or
- (c) if he is unable to perform the duties of his former position or a similar position due to disability sustained as a result of military service but is able to perform the duties of another position in the service of the Town, he shall be employed in such other position as will provide the nearest approximation of the seniority, status and pay which he otherwise would have been provided.

Sec. 14-54 Rehiring.

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter.

An employee in good-standing who is terminated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position. In such cases, an employee who is rehired within two years, shall retain the sick leave previously accrued.

Sec. 14-55 Acceptance of Gifts and Favors.

No official or employee of the Town shall:

- (a) accept any gift, favor, or thing of value that may tend to influence such employee in the discharge of the employee's duties or
- (b) grant in the discharge of duty any improper favor, service or thing of value.

Sec. 14-56 Political Activity.

No administrative official or employee of the Town shall:

- (a) use official authority or influence for the purpose of interfering with or affecting the result of an election of nomination for office;

- (b) directly or indirectly coerce, attempt to coerce; command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
- (c) be a candidate for elective office under the Town Charter.

Sec. 14-57 Telephones

Police and fire department personnel must have telephone numbers, and all departments heads shall have listed telephone numbers.

ARTICLE VII. EMPLOYEE BENEFITS

Sec. 14-58 Eligibility.

All full-time, employees of the town who work at least 30 hours per week shall be eligible for employees' benefits provided for in this Article, except contract employees.

Sec. 14-59 Group Health and Hospitalization Insurance.

The town will provide full-time employees group hospitalization insurance including family coverage, and will pay the total cost for the individual employees. Employees shall pay the total cost for other members of their family, if this coverage is desired.

Information concerning the cost and benefits of the insurance program shall be available to all employees through the Personnel Office. No changes will be made in the cost, benefits, or coverage of the program without prior notification to all employees.

Sec. 14-60 Group Life Insurance.

The town will provide group life insurance for each individual full-time employee based on salary. Employees may elect to insure other members of their family under this plan and at their expense.

Sec. 14-61 North Carolina Local Governmental Retirement System.

Each full-time employee, other than law enforcement officers who join the North Carolina Law Enforcement Officers' Benefit and Retirement Fund, shall join the North Carolina Local Governmental Employees' Retirement System effective at the end of six months of the date of employment as a condition of employment.

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Sec. 14-62 North Carolina Law Enforcement Officers Benefit and Retirement Fund.

Law enforcement officers primarily engaged in enforcing the criminal laws of the state are eligible for membership in the North Carolina Law Enforcement Officers' Benefit and Retirement Fund.

All Law Enforcement Officers shall choose to be members of the Law Enforcement Officers' Benefit and Retirement Fund or North Carolina Local Governmental Employees' Retirement System, as a condition of employment. Such choice will be indicated in writing by the employee effective at the end of six months of employment.

Sec. 14-63 Workmen's Compensation.

All employees of the Town (full time, part time, permanent, temporary and contract) are covered by North Carolina Workmen's Compensation and are required to report all injuries arising out of and in the course of employment to their immediate supervisor at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workmen's Compensation Act is on the injured employee, and such claim must be filed by the employee with the North Carolina Industrial Commission within two (2) years from date of injury. The Personnel Office will assist the employee in filing claim.

Sec. 14-64 Workmen's Compensation Leave.

An employee absent from duty because of sickness or disability covered by the Workmen's Compensation laws shall be eligible for the following benefits:

- (1) The employee may:
 - (a) elect to receive only those payments made under Workmen's Compensation laws without using accumulated vacation or sick leave, or
 - (b) elect to use his accumulated vacation or sick leave to receive as a supplemental payment the difference or a portion of the difference, between the employee's regular salary and the payments received under Workmen's Compensation. Such employee shall have deducted from accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay.
- (2) In extenuating circumstances the employee may receive additional compensation upon the recommendation of the Town Manager and with the approval of the Board of Aldermen in the event sick leave is exhausted.

ARTICLE VIII. HOLIDAYS AND LEAVES OF ABSENCE

Sec. 14-65 Policy

The policy of the Town is to provide annual sick leave and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths.

Sec. 14-66 Annual Leave Rate and Accumulation

Each full-time employee of the Town, except the Town Manager and all department heads, who work an average of forty (40) hours a week and eight (8) hours a day shall earn annual leave on a proportional basis at the rate of fifteen (15) working days per year; except that for probationary employees, such leave shall accrue in a lump amount for the first six months after the completion of said period. Employees hired on or before the fifteenth calendar day of each month shall earn annual leave from the first calendar day of the month. Employees hired after the fifteenth calendar day of each month shall earn annual leave from the first calendar day of the following month. Employees separated from Town service prior to the fifteenth calendar day shall not earn annual leave for that month, and employees separated subsequent to the fifteenth calendar day shall be entitled to credit for the month. Annual leave shall accrue at the rate of 1.25 days per calendar month worked. The rate of accumulation for the Manager and all department heads shall be twenty (20) days per year and shall accrue at the rate of 1.67 days per month worked.

Sec. 14-67 Proportionate Leave Calculated

The basic work week shall be established by the position classification plan. Leave earned by an employee having a work week with greater or fewer hours than the basic work week shall be determined in accordance with the following formula.

- (1) The number of hours worked each week by an employee shall be divided by the number of hours in the basic work week;
- (2) The proportion obtained in the above step shall be multiplied by the number of hours of leave earned annually by an employee working the basic work week;
- (3) The number of hours obtained as the result of step (2) above, after rounding to the nearest work day for such employee, shall be the amount of leave days earned annually by the employee concerned. The above formula shall be the basis for determining authorized annual and sick leave for all employees covered by this section.

Sec. 14-68 Holidays Designated

The following are designated as holidays with pay for all full-time employees and part-time permanent employees of the Town.

- New Year's Day
- Easter Monday
- Memorial Day (the last Monday in May)
- July 4th
- Labor Day (the first Monday in September)
- Thanksgiving
- Christmas (3 working days)

When a single holiday falls on a Saturday the preceding Friday shall be observed, or if on a Sunday, the following Monday shall be observed as a holiday.

Sec. 14-69 Holidays - Effect of Holidays, Weekends.

Designated Town holidays, Saturdays and/or Sundays which may fall or occur during an annual, sick or other leave period of any employee of the Town shall not be considered as annual, sick, or other leave.

Sec. 14-70 Holidays - Compensation

An employee of the Town required to work on any designated holidays shall receive compensation at the regular rate and shall be entitled to another day off selected with the approval of the supervisor or, at the employee's election, shall be entitled to compensation for such day at double the normal rate in lieu of another day off.

Sec. 14-71 Religious Holidays.

An employee of the Town desiring to observe a religious holiday other than those designated shall be permitted to do so. Any such employee shall advise the employee's immediate supervisor of this desire at least one (1) week in advance of the date, and the employee's work schedule shall be adjusted accordingly to permit such observance.

Sec. 14-72 Schedule for Taking Annual Leave

Employees shall be granted the use of earned annual leave upon request at least one week in advance in writing at those times designated by the Manager or department head which will least obstruct normal operations of the Town, except that no employee may use earned annual leave during the first six months of employment with the Town.

Sec. 14-73 Annual Leave - Maximum Accumulation.

Annual leave may accumulate to a maximum of thirty days.

Sec. 14-74 Previous Annual Leave Credit.

Annual leave accumulated by each employee as of the effective date of this ordinance shall be retained by the employee until used in accordance with the provisions of this article. Any leave earned beyond the maximum authorized in this Article must be used within one year of the effective date of the ordinance adopting this Chapter.

Sec. 14-75 Payment of Accumulated Leave Upon Termination

A permanent employee shall be paid for annual leave accumulated to the date of separation not to exceed thirty (30) days, provided notice is given to the immediate supervisor at least two (2) weeks in advance of the effective date of resignation. The Manager and all department heads shall be required to give thirty (30) days notice prior to the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. New employees shall not receive annual leave pay if terminated during or at the end of the probationary period.

Sec. 14-76 Payment of Accumulated Leave Upon Death

The beneficiaries or the estate of employees who die while in service of the Town shall be entitled to payment for all accumulated vacation leave credit. All employees, through the Personnel Office, shall be entitled to designate a beneficiary to whom payments may be made pursuant to this section, and when a beneficiary is so designated payments shall be made to such beneficiary, otherwise to the estate of the deceased. All such leave computations shall be at the employee's regular rate of pay at the time of death. The final pay check shall reflect all salary earned and accumulated leave up to thirty (30) days, except in instances where Section 14-73 applies such accumulated leave shall be paid in full.

Sec. 14-77 Sick Leave Policy

Sick leave with pay shall be granted to an employee when sick.

Sick leave may be used if an employee must be absent from work due to any of the following conditions: sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continuing to work might jeopardize the health of others.

Notification of the desire to take sick leave should be submitted to the employee's supervisor one hour prior to reporting time.

Sec. 14-78 Sick Leave Rate and Accumulation

Each full-time employee shall earn sick leave at the rate of one (1) working day per full calendar month of service for each month. Part-time employees shall earn sick leave computed as provided in Section 14-67. Sick leave shall be cumulative with no limit on the maximum accumulation.

Sec. 14-79 Physician's Certificate.

The manager may require a physician's certificate stating the nature of the employee's illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave. The employee may be required to submit to such medical examination or inquiry as the manager deems desirable. The manager shall be responsible for the application of this provision to the end that;

(1) employees shall not be on duty when they might endanger their health or the health of other employees, and

(2) there will be no abuse of sick leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.

Sec. 14-80 Sick Leave - Effect of Termination.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee retires, resigns or is terminated by the town, except as provided in Article VI for employees terminated due to reduction-in-force.

Sec. 14-81 Maternity Leave - Defined.

Maternity leave may be granted to an employee for a period not to exceed six (6) months. In unusual circumstances, maternity leave may be extended to a maximum of twelve (12) months with medical certification, if approved by the manager.

Sec. 14-82 Maternity Leave Request.

A maternity leave request, including the tentative duration of the leave requested, must be submitted to the manager in advance of the leave.

Sec. 14-83 Maternity Leave - Use of Accumulated Leave.

Annual leave may be used during the period before and after childbirth when no actual disability is present. Sick leave may be taken during the period of actual disability. This period shall be certified by the attending physician. For the balance of the maternity leave, the employee shall be on leave without pay.

Sec. 14-84 Maternity Leave - Maintaining Benefits.

During the period of leave without pay, the employee shall retain all accumulated unused sick leave, annual leave, and retirement status earned. The employee taking paid leave will continue to earn sick and annual leave during that period.

Sec. 14-85 Leave without Pay.

With approval of the manager, an employee may be granted a leave of absence without pay for a period not to exceed one year for reasons of personal or family illness, completion of education, or special work which will permit the town to profit from the experience gained or the work performed.

Sec. 14-86 Military Leave.

An employee who is a member of an Armed Forces Reserve organization or the National Guard shall be granted two (2) calendar weeks per year or leave with pay for military training. While on military leave, benefits will accrue as though present for duty. This leave is not charged as annual leave, however, any salary payment which the employee receives from the military shall be deducted from sum paid by the Town.

Sec. 14-87 Civil Leave.

An employee called for jury duty, or as a court witness for the federal or state governments or a subdivision thereof, by subpoena shall be entitled to leave with pay for such duty in addition to keeping fees received for such duty provided documentation is made for each day.

Sec. 14-88 Educational Leave.

Educational leave at full or part pay for a period not to exceed nine months may be granted to an employee with the approval of the town manager. If the educational leave exceeds fifteen (15) days, it shall be approved by the Board of Aldermen. An employee granted education leave with pay for a period of fifteen (15) or more days shall enter into a formal contract with the Town in which the employee agrees to return to the service of the Town upon completion of the training and remain an employee of the Town for a period equal to twice the educational leave which the employee received, or reimburse the Town for all compensation received while on educational leave.

Sec. 14-89 Educational Leave - Reimbursement of Expenses.

An employee who enters into a job related training program with the prior approval of the Town Manager shall be reimbursed for expenses such as tuition and books upon successful completion of the course.

Sec. 14-90 Leave Without Pay, Effect on Increment Eligibility

An employee's increment eligibility will be delayed one month for each month the employee is on leave without pay. The first month of leave, or leave of less than one (1) month, shall not effect the employee's increment eligibility.

Sec. 14-91 Special Leave

For illness in the employee's immediate family which requires the care of the employee, or for the funeral of a member of the employee's immediate family or other significant relationship, the Manager may grant temporary special leave with pay. For the purposes of this section "immediate family" shall be as defined in Section 14-58.

ARTICLE IX. TRAVEL

Sec. 14-92 Policy.

The Town Manager shall be responsible for establishing, administering, revising and maintaining a travel policy applicable to all Town

employees, and shall submit said policy and all amendments thereto to the Board of Aldermen for approval.

Sec. 14-93 Town Vehicles.

Vehicles owned by the Town will be provided certain personnel for Town business only. Vehicles shall not be used for personnel purposes. If a Town vehicle is involved in an accident either on public or private property, the police department and the manager shall be notified immediately.

Personal vehicles shall be used only when authorized by the Town Manager and for Town business travel expenses shall be reimbursed in accordance with the Town travel policy.

Sec. 14-94 Travel Authorization.

Travel on official business outside of the Town for more than one day must be authorized by the Town Manager. Travel authorization must be in writing, describe the travel requested, the purpose of the proposed trip, the amount of funds requested, the period of time away from Town and it must be signed by the manager.

ARTICLE X. SEPARATION.

Sec. 14-95 Types of Separation.

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated in this Article: resignation, lay-off, disability, voluntary or compulsory retirement, termination, or death.

Sec. 14-96 Resignation

An employee may resign by submitting in writing the reasons for resignation and the effective date to the employee's immediate supervisor as far in advance as possible. But in all instances the minimum notice requirements as set forth in Section 14-74 shall apply.

Sec. 14-97 Layoff

An employee may be laid off when a reduction in force becomes necessary. In determining which employee or employees will be laid off, consideration shall be given to the quality of each employee's past performance and the needs of the Town in addition to seniority.

Sec. 14-98 Disability.

An employee may be separated for disability who cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or the Town, but in all cases, it must be accompanied by medical evidence acceptable to the manager. The Town may require an examination at its expense, performed by a physician of its choice.

Sec. 14-99 Voluntary Retirement.

An employee who meets the conditions set forth under the provisions of the North Carolina Local Government Employee's Retirement System or the North Carolina Law Enforcement Officers Retirement and Benefit Fund, may elect to retire and receive all benefits earned under the retirement plan.

Sec. 14-100 Compulsory Retirement

With the exception of disability or voluntary retirement, each full-time permanent employee shall be retired on December 31 following the employee's sixty-fifth (65th) birthday. No employee shall be retired under the provisions of this section until the expiration of two (2) years after the date of the adoption of the ordinance revising this chapter and all employees effected by this section shall be given immediate notice of this provision. All other employees will become immediately subject to this section.

Sec. 14-101 Termination.

An employee may be involuntarily terminated in accordance with the provisions and procedures of this Chapter.

Sec. 14-102 Death.

Separation shall be effective as of the date of death. All compensation due shall be paid in accordance with the provisions of Section 14-75.

ARTICLE XI. DISCIPLINARY ACTION

Sec. 14-103 Disciplinary Action for Unsatisfactory Job Performance.

A permanent employee may be suspended demoted or terminated for unsatisfactory job performance by the manager or by a department head if after following the procedure outlined in Sec. 14-105, the employee's work is still deemed to be unsatisfactory. All cases of demotion or termination must be approved by the manager prior to giving final notice to the employee.

Sec. 14-104 Unsatisfactory Job Performance - Defined.

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the department head and the manager. Examples are listed but are not limited to the following:

- (a) demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- (b) careless, negligent or improper use of Town property or equipment;
- (c) physical or mental incapacity to perform duties, as certified by a physician;

- (d) discourteous treatment of the public or other employees;
- (e) absence without approved leave;
- (f) habitual improper use of leave privileges;
- (g) habitual pattern of failure to report for duty at the assigned time and place;
- (h) reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary.

Sec. 14-105 Procedure for Disciplinary Action for Unsatisfactory Job Performance.

An employee whose work is unsatisfactory over a period of time shall be notified by the employee's supervisor in what way the work is deficient, and what must be done for the work to be satisfactory.

An employee whose job performance is unsatisfactory should receive at least three warnings before disciplinary action resulting in demotion or termination is taken by his department head or the manager.

- (1) One or more oral warnings from the employee's supervisor.
- (2) An oral warning with a follow-up letter to the employee from his supervisor which sets forth the points covered in their discussion.
- (3) A written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid demotion or termination.

The supervisor shall record the dates of his discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set.

Sec. 14-106 Detrimental Personal Conduct - Defined.

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be impaired, the safety of persons or property may be threatened, or the laws of the government may be violated. Examples are listed but are not limited to the following:

- (a) fraud;
- (b) conviction of a felony or the entry of a plea of nolo contendere thereto;
- (c) falsification of records for personal profit or to grant special privileges;

- (d) willful misuse of Town funds.
- (e) wilful and wanton damage or destruction of property.
- (f) wilful and wanton acts that endanger the lives and property of others.
- (g) possession of unauthorized firearms or other lethal weapons on the job.
- (h) brutality in the performance of duties.
- (i) engaging in incompatible employment or servicing a conflicting interest.
- (k) acceptance of gifts in exchange for "favours" or "influence."
- (l) engaging in political activity prohibited by this chapter.

Sec. 14-107 Disciplinary Action for Detrimental Personal Conduct.

An employee may be suspended or dismissed by his department head or by the Town manager without warning for causes relating to personal conduct detrimental to Town service:

1. In order to avoid undue disruption of work,
2. To protect the safety of persons or property, or
3. For other serious reasons. In less serious or disruptive situations, steps similar to those listed under section 14-105 above may be in order. When an employee is suspended or dismissed immediately, the employee shall be told to leave town property at once and either to report to his supervisor at a specific time or to remain away until further notice.

Sec. 14-108 Non-Disciplinary Suspension.

During the investigation, hearing or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the manager, be in the best interest of the Town, the manager may suspend the employee for the duration of the proceedings as a non-disciplinary action. In such cases, the manager may:

- (a) relieve the employee temporarily of all duties and responsibilities and allow the employee no compensation for the period of the suspension, or
- (b) assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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If the employee is reinstated following the suspension such employee shall not lose any benefits to which otherwise employee would have been entitled had the suspension not occurred. If the employee is to terminate following suspension the employee shall not be eligible for any pay from the date of suspension, provided, however, all other benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension.

Sec. 14-109 Notification of Disciplinary Action for Detrimental Personal Conduct.

When an employee is suspended, demoted or terminated for detrimental personal conduct, the manager shall immediately provide the employee with written notice of the action taken, the effective date, the reasons for the action and the recourse available to the employee under the provisions of this chapter.

Sec. 14-110 Employee Appeal.

Any employee, suspended, demoted, or terminated may appeal the action within thirty (30) calendar days by giving written notice to the Town Clerk.

ARTICLE XII. GRIEVANCE PROCEDURE

Sec. 14-111 Policy.

It is the policy of the town to provide a just procedure for the presentation, consideration and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt, and fair.

Sec. 14-112 Grievance - Defined.

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards; unsatisfactory physical facilities, surroundings, materials or equipment; unfair or discriminatory supervisory or disciplinary practices; unjust treatment by fellow workers; unreasonable work quotas; or any other grievance related to conditions of employment.

Sec. 14-113 Purposes of Grievance Procedure.

The purposes of the grievance procedure include but are not limited to the following:

- (a) providing employees with a procedure by which their complaints can be considered promptly, fairly and without reprisal;
- (b) encouraging employees to express themselves about the conditions of work which affect them as employees;

- (c) promoting better understanding of policies, practices and procedures which affect employees;
- (d) increasing the confidence that employees have that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- (e) increasing the sense of responsibility which supervisors exercise in dealing with their employees.

Sec. 14-114 Procedure.

When an employee or a group of employees has a grievance, the following successive steps are to be taken. The number of days indicated for each step should be considered the maximum number of working days unless otherwise provided and every effort should be made to expedite the process. The time limits at any step, however, may be extended by mutual consent.

All documents used in this procedure must be dated and signed by the respondent and the recipient.

- (1) Step 1. The employee with a grievance shall present the grievance to the immediate supervisor in writing within five days of its occurrence or within five days of the time that the employee learns of its occurrence. The immediate supervisor shall respond to the grievance within five complete working days after receipt of the grievance. The supervisor should and is encouraged to consult with any employee of the town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Said response shall be in writing and shall be signed by the supervisor, and a copy of said response shall be signed by the employee to acknowledge receipt. The supervisor shall submit the grievance and answer to such supervisor's immediate superior, and the department head.
- (2) Step 2. If the grievance is not resolved to the satisfaction of the employee by the immediate supervisor, the employee may appeal in writing to the department head within five days after receipt of the response received in Step 1. The department head shall respond to the appeal, stating the determination of decision within five days after receipt of the appeal. Said response shall be in writing and shall be signed by the department head, and a copy of said response shall be signed by the employee to acknowledge receipt. The department head shall submit copies of the grievance, the immediate supervisor's response, and the response to the manager.

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- (3) Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal in writing to the manager within five days after receipt of the response received in Step 2. The manager may: a) respond to the appeal in writing within ten days after receipt of the appeal, or b) refer the grievance to the Personnel Appeals Committee by giving notice thereof to the Town Clerk. If the manager responds to the appeal, the response shall be in writing and shall be signed by the manager, and a copy of said response shall be signed by the employee to acknowledge receipt. If the appeal is referred to the Personnel Appeals Committee the procedure outlined in Article XIII shall be followed.
- (4) Step 4. If the Town Manager responds to the appeal without referring it to the Personnel Appeals Committee and if the grievance is not resolved to the satisfaction of the employee after receipt of the response of the Manager, the employee may appeal to the Personnel Appeals Committee within five (5) days after receipt of the response in Step 3 by filing Notice of Appeal with the Town Clerk. The procedure outlined in Article XIII shall then be followed.

Sec. 14-115 Representation.

In the presentation of any grievance under this Chapter, any employee may be represented by any person of the employees choice, including another employee of the Town.

Sec. 14-116 No Conflict.

No decision or determination of any grievance shall in any way conflict with the town policies, resolutions, ordinances or statutes applicable thereto.

Sec. 14-117 Compensation.

An employee whose grievance is referred to the Personnel Appeals Committee and is upheld, and who attended meetings scheduled for the purpose of presenting the appeal to the hearing panel of the Personnel Appeals Committee during non-working hours, shall be compensated for the time spent in said scheduled meetings at the employees current salary rate. An employee of the town requested by the Hearing Panel to appear before it during non-working hours shall be compensated for the time required at the employees current salary rate.

ARTICLE XIII PERSONNEL APPEALS COMMITTEE

Sec. 14-118 Creation and Membership.

There is hereby created a Personnel Appeals Committee which shall consist of twelve (12) qualified voters of the Town who are not employees of the Town appointed by the Board of Aldermen. No member of the Committee may be a candidate for elective office under the Town Charter, and any member who becomes a candidate shall be deemed to have vacated the position as a member of the Personnel Appeals Committee.

Sec. 14-119 Terms of Office.

Members of the Personnel Appeals Committee shall serve for a term of three (3) years, and members shall not be eligible for more than two (2) consecutive three (3) years terms except; that the first appointment shall be made as follows:

Four (4) members to serve for a one year term;
Four (4) members to serve for a two (2) year term; and
Four (4) members to serve for a three (3) year term.

Sec. 14-120 Members to Serve Without Compensation.

Members of the Personnel Appeals Committee shall serve without compensation.

Sec. 14-121 Vacancies on Committee

Vacancies on the Personnel Appeals Committee shall be filled by the Board of Aldermen by appointment for the remainder of the term.

Sec. 14-122 Town Clerk

The Town Clerk shall serve ex officio as Secretary to the Committee, and to the Hearing Panel when appointed, and shall perform such duties as the Panel may direct.

Sec. 14-123 Removal of Members

Members of the Personnel Appeals Committee may be removed by the Board of Aldermen only for cause, and after hearing given a written statement of the charges against the member, and a public hearing thereon if so requested.

Sec. 14-124 Designation of Hearing Panel.

Whenever the Town Clerk shall receive notice of an appeal to the Personnel Appeals Committee, the Mayor and Personnel Office shall be immediately notified. The Personnel Office shall transmit to the Mayor the names of three (3) employees of the Town, the level of whose position is comparable to that of the employee(s), whose appeal is to be heard. No such employee shall be in a departmental line superior or subordinate to the appealing employee. The Mayor shall designate one (1) of the three employees and shall designate four (4) members of the Personnel Appeals Committee to serve on a Hearing Panel.

The five (5) persons so designated shall constitute the Hearing Panel for the particular appeal.

Sec. 14-125 Purpose of Hearing Panel.

The Hearing Panel shall:

- (a) conduct grievance hearings and render advisory opinions to the manager.

- (b) conduct public hearings on the request of terminated, suspended or demoted employees of the Town.
- (c) develop and maintain adequate records of all its proceedings, findings, and recommendations.
- (d) inform the employee(s) and the manager in writing of its findings and recommendations in all cases referred to it.

Sec. 14-126 Election of Chairman.

At the first meeting of the Hearing Panel after its appointment, the Panel shall elect one of its members as chairman to preside at all meetings, and to be responsible for calling all meetings.

Sec. 14-127 Meetings of Panel

Meetings shall be held by the Panel as necessary to complete its investigation hearing and report.

Sec. 14-128 Quorum.

Three (3) members of the Hearing Panel shall constitute a quorum. At the first meeting scheduled to hear an appeal, if all members of the Hearing Panel are not present, the employee(s) bringing the appeal may request that another date be set for beginning the public hearing.

Sec. 14-129 Representation

In any proceeding before the hearing panel, the employee may be represented by any person of the employee's choice, including another employee of the Town.

Sec. 14-130 Procedure and Authority.

If a grievance is referred to the Personnel Appeals Committee, the Hearing Panel shall have all powers necessary to investigate all facts concerning the action and the appeal. The Panel shall conduct a public hearing within ten (10) days after the grievance has been referred to it, and shall have all powers necessary to complete investigation of the action taken, including the power to call and examine witnesses and papers. The Panel may conduct its deliberations in executive session. Within five (5) days after the conclusion of the public hearing, the Panel shall inform the employee(s) and the manager in writing of its findings and recommendations.

After receiving the recommendation of the hearing panel of the Personnel Appeals Committee, the Town Manager shall investigate as to the facts of the case, consider the recommendation of the hearing panel and within five (5) days transmit in writing to the employee(s) and to the Mayor and members of the Board of Aldermen the recommendation of the hearing panel and the Manager's decision which shall be final. In the event the recommendation of the Hearing Panel is not followed the Manager shall explain in writing the reasons why the recommendation was not followed.

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

SECTION III

This Ordinance shall be effective from and after the 16th day of September, 1975.

Alderman Welsh moved, seconded by Alderman Marshall, that it be Town policy to include street numbers on street signs, and to designate major thoroughfares north, south, east, or west. Said motion was unanimously carried.

Police Information Network

Interim Town Manager Jenne said that the proposed resolution is

a renewal of an existing agreement. He said that the monthly rental of the terminal has increased approximately \$20.00 per month, but that extra money can possibly be found within the existing department budget. He recommended approval of the resolution, and said that only authorized operators in the Police Department have access to the machines.

The following resolution was offered by Alderman Welsh, and a motion was made by Alderman Gardner that it be adopted, this motion was seconded by Alderman Smith, and upon being put to a vote, was unanimously carried;

WHEREAS, the North Carolina Department of Justice, Police Information Network plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to the efficient operation of said agencies such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center, information contained in the State Bureau of Investigation's files, Department of Corrections' files, and information from local law enforcement agencies by the installation of a Police Information Network terminal in the Town of Chapel Hill Police Department provided the Town of Chapel Hill agrees to furnish a proper site for installing such terminal, and the necessary personnel to operate said terminal, and further agrees to assume the rental cost of such terminal from date of installation; that said installation of a Police Information Network terminal is considered to be most necessary to the preservation of law and order and the promotion of public safety within the Municipality; and

WHEREAS, the North Carolina Department of Justice, Police Information Network and this Municipality have agreed as follows:

- (A) The North Carolina Department of Justice, Police Information Network will install and maintain a video terminal and printer connected to the Police Information Network system and also train operators selected and paid by the Municipality to operate such terminal.
- (B) The Municipality shall furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.
- (C) The Municipality shall assume the rental cost (which cost includes maintenance) of the Police Information Network terminal in the amount of \$175.00 (per month) beginning January 1, 1976.

NOW, THEREFORE, BE IT RESOLVED that the installation of a Police Information Network terminal be and it is hereby formally approved by the Board of Aldermen of the Town of Chapel Hill that the Mayor and Town Clerk (or Manager) of this Municipality be and they are hereby empowered to sign and execute the required Agreement between this Municipality and the North Carolina Department of Justice, Police Information Network.

This Resolution was passed and adopted the 15th day of September, 1975.

Temporary Bus Garage--
Bids

Interim Town Manager Jenne said that \$61,500.00 was allocated in the 1975-76 Budget to construct

a temporary transit facility. He said that seventeen bids have been received, nine for the general contract, five for the electrical contract, and three for the plumbing contract. He recommended acceptance of the low bids, with the remainder of the budgeted money to be used for site work. Alderman Gardner moved, seconded by Alderman Welsh, that the Board accept the low bid of \$49,920.00 from Metal Building


Systems of N.C. for the general contract; of \$6,394.00 from Alternate Electric for the electrical contract; and of \$2,968.00 from Sparrow & Sons, Inc. for the plumbing contract; total of \$59,282, and that the remainder of the budgeted amount be used for installation of site hardware and grading work, to be done by in-town labor. Said motion was unanimously carried.

Franklin Street Closing Alderman Smith moved, seconded by Alderman Welsh that the Board approve the closing of Franklin Street on Sunday, October 5, 1975, from 12:00 noon until 7:00 p.m. for the Fall Street Fair sponsored by the Recreation Department. Said motion was unanimously carried.

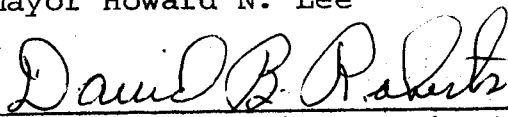
Planning Board--Nominations Alderman Welsh moved, seconded by Alderman Gardner, that the names of Bill Levine and Wesley Eagan be placed in nomination for the vacancy existing on the Planning Board, with the term expiring in 1979. The motion carried unanimously.

Executive Session--Property Acquisition Alderman Welsh moved, seconded by Alderman Marshall, that the Board adjourn to an Executive Session to consider property acquisition. Said motion was unanimously carried.

There being no further business to come before the Board of Aldermen, said meeting adjourned at 10:20 p.m.



Mayor Howard N. Lee



Town Clerk, David B. Roberts

MINUTES OF A PUBLIC HEARING AND A REGULAR MEETING OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, SEPTEMBER 22, 1975, 7:30 P.M.

The Board of Aldermen met for a joint public hearing with the Planning Board, followed by a regular meeting, on September 22, 1975 at 7:30 p.m. in the Municipal Building. The roll was reported as follows:

Present: Howard N. Lee, Mayor
Gerald A. Cohen
Thomas B. Gardner
Shirley E. Marshall
Sid S. Rancer
R. D. Smith
Alice M. Welsh

Absent: None

A quorum of the Board was present and in attendance at the meeting. Also present were Town Manager K. Jenne, Town Clerk D. Roberts, and Town Attorney E. Denny. Planning Board members present were J. Howes, C. Weiss, and P. Parker.

PUBLIC HEARING

Rezoning Mayor Lee said that the Public Hearing is called to consider the rezoning of land zoned R-10A and located east of Hillsborough Street, to R-10; and of land zoned R-10A and located on the north side of East Rosemary Street between Spring Lane and Hillsborough Street to either R-6 or R-10. He explained the procedure to be followed at this hearing.

Mr. Mike Jennings, Planning Director, presented the background report, and showed the areas under consideration on a map. He listed the consequences of rezoning the areas and making the fraternities and sororities

in the areas non-conforming. He said that fraternities and sororities are now allowed in R-10A and University-A districts; and in courts are allowed as unified developments in essentially all residential districts, with a lot requirement of three acres minimum and presence of three houses. He said that the Town is working on a comprehensive planning study, will analyze the trends in the memberships of the fraternities and sororities and extrapolate the need for land in the future. He said that recently in Washington, Oregon it was found by the courts that any zoning not done in accordance with a comprehensive plan could not be validated, and the City's actions were overturned by the courts. Mayor Lee asked for comments in opposition to the proposed rezoning. Mr. Alan Pugh read the following statement:

STATEMENT TO THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL
 BY THE NORTH CAROLINA CHAPTER OF THE DELTA UPSILON FRATERNITY
 RE-ZONING PUBLIC HEARING
 SEPTEMBER 22, 1975

Ladies and Gentlemen, the members and alumni of the North Carolina Chapter of the Delta Upsilon Fraternity wish to thank the Board of Aldermen for the opportunity to express our opposition to this proposed re-zoning. My name is Alan Pugh, and I represent the fraternity. We occupy lots 19 and 20 in block E of Tax Map 79, which is located at the corner of East Rosemary and Hillsborough Streets.

The fraternity wishes to address two issues which we believe face the Board and the citizens of Chapel Hill as they consider this proposed zoning change. First, is the effect of this proposed change on our fraternity. Second, is whether this proposed action is wise as a part of a long-range planning policy for the Town of Chapel Hill as it relates to fraternities and sororities.

1. THE EFFECT OF THIS PROPOSED ZONING CHANGE ON THE FRATERNITY

Background: The location of the Delta Upsilon Fraternity

The Delta Upsilon Fraternity moved to its present location in 1956. The fraternity purchased the Bain House and its adjacent buildings located on lot 19. The Bain House was used by a sorority as far back as the early 1930's when the Pi Beta Phi's occupied the structure. It has been used as a boarding house, or as a fraternity or sorority since that time. In 1965, we purchased the Dey House located on lot 20. In 1966, the Board of Aldermen passed a special use permit to allow the fraternity to use the Dey House as part of its complex. In 1972, the Board granted another special use permit which allowed the D.U.'s to demolish or remove all the structures located on the two lots and to construct a new building. Last week the Board allowed the fraternity to modify that special use permit so that the Dey House and the Bain House could be preserved with an addition to be built onto the rear of the Bain House. Both lots 19 and 20 have been zoned for fraternity-sorority use since Chapel Hill first enacted a zoning ordinance more than 20 years ago.

B. Zoning laws and special uses

There is a great deal of confusion as to the effect of such a zoning change as is proposed to the Board. Indeed there is much perplexity as to zoning laws and special uses in general. If an area is zoned for a particular use, then a property owner may develop his land for that purpose. If the use is special in that it may affect surrounding property