

MINUTES OF A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
TOWN OF CHAPEL HILL, MUNICIPAL BUILDING, MONDAY, DECEMBER 12, 1977
7:30

Mayor Wallace called the meeting to order. Present were:

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

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

The last official item of business before the swearing in of the newly elected aldermen was the approval of the minutes. Alderman Marshall moved, seconded by Alderman Smith, adoption of the minutes of November 21, 1977. The motion was carried unanimously. On motion by Alderman Smith, seconded by Alderman Howes, the minutes of November 28, 1977, were approved.

Mayor Wallace introduced Judge James G. Exum, Jr., who would swear in the aldermen-elect, Beverly Kawalec, Marilyn M. Boulton, William Thorpe and Gerald Cohen. Judge Exum administered the oath of office.

Mayor Wallace declared a short recess for the purpose of hearing comments from the departing aldermen and the newly elected aldermen.

Organization of the Board

Mayor Wallace reconvened the meeting. Alderman Howes nominated Alderman Epting for mayor pro tem. Alderman Thorpe nominated Alderman Smith. Alderman Kawalec nominated Alderman Cohen. On motion by Alderman Howes, the nominations were closed. Alderman Cohen received 3 votes, Alderman Epting 3 votes and Alderman Smith 2 votes. As no one received a majority of five votes, the Board voted again on Alderman Epting and Alderman Cohen. Alderman Epting received five votes, electing him mayor pro tem.

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT DAVID B. ROBERTS BE APPOINTED TAX COLLECTOR AND CLERK. THE MOTION WAS CARRIED UNANIMOUSLY.

ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, THAT MR. DENNY BE APPOINTED TOWN ATTORNEY. THE MOTION WAS CARRIED UNANIMOUSLY.

Mayor Wallace reviewed the committee appointments to be made. Alderman Boulton, Alderman Cohen and Alderman Vickery were appointed to the Audit Committee. Alderman Howes was appointed delegate to the Triangle J COG. As Mr. Gattis has requested that consideration be given to Mr. Gardner continuing to serve as Chapel Hill's representative for the Emergency Medical Service Committee until June 30, 1978, he was appointed by the Board and Mayor to this position. Mayor Wallace asked that any alderman interested in serving on a particular committee contact him.

Aldermanic Committees

Alderman Cohen proposed to establish three committees, a Finance Committee, a Streets and Public Safety Committee and a Public Works Committee. He stated that although a Finance Committee and Streets and Public Safety Committee already exist, the Finance Committee had traditionally been the whole Board, and there was no clear direction on the function of the Streets and Public Safety Committee. There is presently no committee dealing with the bids, contracts or facilities. Alderman Cohen suggested the Mayor appoint a committee to decide if a committee was necessary and what its scope should be. Alderman Boulton suggested that all committees should be evaluated. Alderman Vickery thought a worksession would be better since all of the committees had been evaluated in reports. The worksession was set for Monday, January 16.

Establishment of Deputy Clerk

Alderman Cohen stated that the Board was allowed to appoint five positions, one of which was a deputy clerk. The Board had never chosen to establish this position. The position of assistant to the clerk had been authorized but this position carried no official authority to sign documents when the clerk was out of town. Alderman Cohen suggested Mr. Denny be asked to draft an ordinance to create such a position of deputy clerk. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN COHEN, THAT MR. DENNY BE DIRECTED TO DRAFT AN ORDINANCE WHICH WOULD CREATE THE POSITION OF DEPUTY CLERK, TO BE CONSIDERED AT THE FIRST MEETING IN JANUARY. THE MOTION WAS CARRIED UNANIMOUSLY.

Library Board of Trustees - Appointment

The Library Board had submitted the names of Frances Hargraves and Mary Ann Buck for nomination. Alderman Epting nominated Nina Wallace. ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN HOWES, THAT THE NOMINATIONS BE CLOSED. THE MOTION WAS CARRIED. Ms. Hargraves received 6 votes to Ms. Wallace's 2 votes and was appointed to the Library Board.

Appearance Commission - Nominations

The Appearance Commission had submitted the names of Bob Bryan, Jim Leutze, Sherri Ontjes, and Jean Stewart for consideration. Alderman Howes nominated these persons for the vacancies.

Historic District Commission - Nominations

The Historic District Commission had submitted the names of Joseph Herzenberg, Lynn Obrist, Jim Webb, Myrick Howard, Diane Lea, Bob Bryan, Leigh Cameron and Bruce Tindall for consideration. Alderman Howes nominated these persons for the existing vacancies. Alderman Smith nominated Jim Peace.

Parks and Recreation Commission - Nominations

The Recreation Commission had forwarded the names of Chick White, Fred Mueller, Judith Parker, W. Woodrow Burns, Jr., Bob Foster, Juanita Floyd, Frances Jane Seymour, and Judith Tulchin. Alderman Thorpe nominated these persons as well as Donnie Ray Tuck.

Petitions and Requests

Alderman Smith petitioned the Board to take whatever action was necessary to get the thoroughfare plan before it. Mr. Jenne suggested this be considered at the worksession in January.

Mr. Whitfield asked to be allowed to make a statement when the solar energy grant application was considered.

Kit Munson, a resident of Davie Circle, presented a petition signed by other residents of the area, asking for more serious efforts to apprehend a prowler who had been in the neighborhood since November. Chief Stone had taken some action but had not been able to catch the prowler. ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, THAT THE BOARD RECEIVE THE PETITION, AND INSTRUCT THE MANAGER AND CHIEF STONE TO USE THEIR BEST EFFORTS TO APPREHEND THE PROWLER. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Approving a Certificate of Just Compensation - Community Development Property Acquisition

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 2A.)

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

A RESOLUTION CERTIFYING VALUATION AS REQUIRED BY HUD HANDBOOK 1320.1

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

<u>Parcel Number</u>	<u>Area (Sq. Ft.)</u>	<u>Owner</u>	<u>Interest to be Acquired</u>	<u>Established Fair Market Value</u>
81-B-5	1,112	Johnnie M. Battle 515 Hillsborough St.	Structure	\$6,550.00
84-A-1	670	Ada Purefoy 712 Gomains St.	Structure	3,600.00
84-C-6	2,238	Louis Edwards 501 Mitchell Lane	Whole Taking	9,600.00
84-J-6	1,533	Bessie Edwards 500 Gomains St.	Structure	5,500.00
84-J-31	2,201	Susan Cobb 713 Church St.	Structure	6,800.00
92-G-16	1,274	Ernest Cordal 119 Robeson St.	Structure	3,600.00
93-I-4	893	Oscar Davis 605 Bynum St.	Structure	3,400.00
93-J-4	1,288	Ora B. Trice 407 Sykes St.	Structure	3,200.00
93-J-8	1,306	Nettie B. Edwards 606 Craig St.	Structure	4,400.00
93-K-13	1,053	Woster Register 606 Nunn Lane	Structure	3,150.00

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

This the 12th day of December, 1977.

Ordinance Amending Section 14-42, "Probationary Period--Evaluation"

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING ORDINANCE. (See page 3A.)

Mr. Jenne explained, in response to Alderman Thorpe, that the change was in the procedure of moving from an oral to written warning for a probationary employee. It also altered the nature of the oral warning, giving more latitude. Alderman Thorpe suggested the 3 to 5 day improvement period be changed to 10 to 14 days which would give the supervisor time to decide if the employee was responding to warning satisfactorily, but would also make the supervisor report back to personnel so that the employee was not left open. Alderman Vickery agreed that there was room for misuse, but suggested the manager's recommendation be accepted until there was evidence of misuse of the latitude allowed the administration. Alderman Cohen wanted unusual or abnormal defined rather than leaving it to the supervisor to decide at any time what an unusual situation was. Mr. Jenne explained that the Town Manager was ultimately responsible for all personnel actions and it was his policy to have all terminations reviewed by the Personnel Director and possible by himself. THE MOTION WAS CARRIED BY A VOTE OF SIX TO TWO WITH ALDERMEN BOULTON, EPTING, HOWES, KAWALEC, SMITH AND VICKERY SUPPORTING AND ALDERMEN COHEN AND THORPE OPPOSING.

Report on Campus Christian Fellowship's Use of Building on Glenburnie Street

Mr. Jenne had distributed a report on the possible institutional use of the building on Glenburnie Street by the Campus Christian Fellowship. He had listed alternatives the town could take to prevent such institutional uses or to regulate them. Alderman Howes wanted the report made available to the residents of the neighborhood. HE MOVED THAT THE MATTER BE REFERRED TO THE PLANNING BOARD FOR CONSIDERATION AND RECOMMENDATION. ALDERMAN EPTING SECONDED THE MOTION. Mr. David Brown presented a petition from several residents of the neighborhood. The neighbors were concerned about the effect of the meetings on traffic and parking. They requested a legal opinion as to whether the Campus Christian Fellowship was a church and whether or not this use should be allowed. They also asked the Board to consider a change to the zoning ordinance to prevent institutional uses in this neighborhood.

Mr. Rindfuss contended that the group is not a church, that it is a fraternity and should need a special use permit. Dr. Gertrude Willis felt the use was an encroachment on the neighborhood. She was concerned about the traffic and parking in the area, especially with the children present. Alderman Smith asked for a legal opinion as to whether the group was a fraternity and would need a special use permit. Mr. Denny stated he had advised the Director of Planning that he would need additional information as to what the group was doing before he could give an opinion. The Director was now trying to contact a representative of the organization to get this information. Mr. Jenne asked if the group was determined to be a fraternity, did the Board wish the matter to come back before it or to go to the Planning Board. Alderman Howes wanted the Planning Board to look at the issue of institutional uses in the area. THE MOTION WAS CARRIED UNANIMOUSLY.

Resolution Authorizing Submission of a Solar Energy Grant Application

ALDERMAN EPTING MOVED, SECONDED BY ALDERMAN SMITH, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 3B.)

Alderman Vickery asked if the solar heating would be considered for other buildings. Mr. Jenne responded that it would, but that the municipal building had been chosen first because of its visibility in the community. Alderman Boulton was concerned that it would take 10 years to realize any savings. Mr. Jenne pointed out that the savings would be only to the Town, but the municipal building would be a kind of laboratory for the community. It is hoped that the cost of solar heating will go down in the future after experimentation. Alderman Vickery thought the experiment a good idea, and suggested that the amortization was probably conservative, so that savings might be realized sooner than expected.

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A RESOLUTION AUTHORIZING SUBMISSION OF A SOLAR ENERGY GRANT APPLICATION

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town Manager is hereby authorized to file a grant application with the U.S. Department of Energy under the Federal Solar Demonstration Program for the installation of solar heating devices at the Municipal Building.

This the 12th day of December, 1977.

Mr. Whitfield did not feel that energy sources would give out as soon as many people claimed. He felt alternative sources would be developed. As solar technology was in its infancy, he did not believe it feasible to put solar heating in the municipal building because of the cost. He thought the experimental system would be a detriment to the town. He recommended the Board re-examine the proposal.

Mr. Bob Thompson stated that with electrical rates going up, solar energy would be economical. Solar energy is not experimental, and he thought it very practical.

Alderman Cohen stated there were enormous subsidies to the electrical industry; they were just not as visible as the federal subsidies for solar energy. Alderman Vickery stated that if some flaw were found, the town could refuse to implement the system. But, the best job should be done on the application that could be. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Resolution - Tax Releases

ALDERMAN SMITH MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 4A.)

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

Resolution Accepting Bids and Awarding of Contract for One Cab and Chassis Equipped with One Vacuum Sweeper Body

ALDERMAN COHEN MOVED, SECONDED BY ALDERMAN THORPE, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 4B.)

Alderman Epting reported that in a seminar at the conference in San Francisco, he had learned the importance of coordinating urban runoff programs with cleaning programs of the town. He asked if the street sweeper was one which would vacuum up the trash. Mr. Jenne answered yes. Mr. Hooper discussed the letter which had been sent to the Board by Mr. Strum. He explained that there were a number of hidden costs, such as training in the use of the machine, left off the retail price sheet. The staff felt after looking at other towns which had bid this equipment, that Chapel Hill had received a comparative price. THE MOTION WAS CARRIED BY UNANIMOUS VOTE OF 8 TO 0.

Future Agenda Items

Alderman Vickery asked for a worksession with the audit committee, one with the OWASA members, and a worksession on the budget guidelines. The worksession with the audit committee was set for Thursday, December 15, at 7:30.

Alderman Howes asked that instead of a worksession with just the Chapel Hill representatives of OWASA, that a session be held with all members of OWASA, to which the governing bodies would be invited. He also suggested that reports on the League meeting be given at the worksession on Thursday.

Alderman Cohen asked that the staff prepare a list showing benefits for part-time employees and benefits for full-time benefits.

Alderman Smith asked for a discussion on an affirmative action plan. Mr. Jenne agreed that a worksession with the Board should be held to decide the guidelines for such a plan.

Alderman Epting asked that Mr. Denny give the new members a set of rules, ordinances and procedures of the Board. Mr. Denny said this would need to be updated first.

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

ON MOTION MADE AND SECONDED THE MEETING WAS RECESSED FOR THE PURPOSE OF HAVING A WORKSESSION TO DISCUSS THE LAND USE PLAN WITH THE PLANNING BOARD. After the worksession, Mayor Wallace called the meeting to order. ALDERMAN HOWES MOVED, SECONDED BY ALDERMAN EPTING, ADOPTION OF THE FOLLOWING RESOLUTION. (See page 4C.)

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

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

RESOLUTION - TAX RELEASES

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

<u>NAME</u>	<u>REC. #</u>	<u>AMOUNT</u>	<u>REASON</u>
William C. Blackman & Lee	00638	\$ 4.20	Listed a 1971 Buick; owned a 1970.
Richard D. Courtright & Patricia	01556	64.51	Not in Town on 1-1-77 (in University Heights).
Lewis Edwards	02100	5.60	Listed a 1972 Ford LTD; owned a 1973 Chevrolet Vega.
Laurie J. Gentry	02680	5.15	Listed by mistake. Property located in Raleigh.
Glen L. Guy & Alice	02950	57.12	This tract is the common area for the last phase of the Oxford Cond. Therefore, it is included in their values.
James A. Joyce & Norma	03919	62.72	Lot taken out of Tract #3219 from G. D. Bell c/w Tract #5958 was not correct. Split had to be deleted.
Lt. John Robert Kesler	09672 (1976)	28.59	In military; exempt from personal property tax.
Kenneth J. Levin & Diane	04417	7.84	Listed a 1975 Fiat; owned a 1974.
Robert M. Miller	05213	8.40	Listed a 1976 BMW; owned a 1975.
Richard J. Moody & Susan	05305	63.84	Listed 3 mobile homes that are not in Town.
B. B. Sparrow	06992	18.65	7 cows and 1 tractor which are not in Town.
Rudolph Tempesta & Nancy	07351	9.18	Listed a 1977 Oldsmobile; owned a 1976.
Irvine B. Watkins & Jessica, Jr.	07792	4.76	Listed a 1971 Volkswagon; owned a 1969.
Wendelin J. Watson	07809	23.17	Listed a 1977 Datsun; owned a 1972.

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Preston Weaver	07833	7.56	Listed a 1975 Ford; owned a 1974
American Lease Plans	08302	68.55	Wrong figure used in pricing equipment.
Norman F. Jackson* & Patricia	#32-122-21	245.60	Agreement signed on Feb. 4, 1976.

*In consideration of the above easement, the Town hereby agrees to remit to Norman Jackson and wife or their heirs and assigns the sewer tap-on fee (\$45.60) for a single house connection and the outfall acreage charges that would otherwise be levied under Section 23-71 of the Chapel Hill Code of Ordinance against the tract across which the above described easement runs.

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that it finds the taxes on the above listed persons were levied through clerical error, and in the discretion of the Board should be released to the taxpayer. IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

This the 12th day of December, 1977.

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A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR ONE CAB AND CHASSIS EQUIPPED WITH ONE VACUUM SWEEPER BODY

WHEREAS the Town of Chapel Hill has solicited formal bids on One Cab and Chassis equipped with One Vacuum Sweeper Body and the following bids have been received:

<u>Bidder</u>	<u>Bid</u>		
	<u>Alternate A</u>	<u>Alternate B</u>	<u>Alternate C</u>
Central Engineering Company Milwaukee, Wisconsin	\$65,900	\$63,651	\$58,635
J. J. Turner, Inc. Cleveland, Ohio	66,740	65,030	59,810
N. C. Equipment Company Cary, North Carolina	64,624	61,889	56,800

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Town accepts the bid on Alternate A by North Carolina Equipment Company in the amount of \$64,624 and that it be awarded the contract.

This the 12th day of December, 1977.

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A RESOLUTION ADOPTING THE LAND USE PLAN MAP AND REPORT PORTION OF THE COMPREHENSIVE PLAN

WHEREAS the duties of the Planning Board include:

"... to prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area ... to establish principles and policies for guiding action in the development of the area ..."; and

WHEREAS the Planning Board, in carrying out these duties has prepared the Land Use Plan of the Comprehensive Plan, consisting of a Map and Report; and

WHEREAS the Planning Board feels that adoption of this Plan by the Board of Aldermen is essential not only for continued progress on the Comprehensive Plan but also for consideration of development requests which are made of the Town;

THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the Board hereby adopts the Land Use Plan of the Comprehensive Plan.

This the 12th day of December, 1977.

James C. Walker

David B. Roberts