

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL  
MUNICIPAL BUILDING, WEDNESDAY, NOVEMBER 4, 1981, 7:30 P.M.

Mayor Joe Nassif called the meeting to order.

Present were:

Marilyn Boulton  
Joe Herzenberg  
Jonathan Howes  
Beverly Kawalec  
R. D. Smith  
Joe Straley  
Bill Thorpe  
Jim wallace

Also present were Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny.

Petitions

Mr. Wallace Tew read I Timothy 2:1-5 to the Council and petitioned the Council to make fair and just decisions that were free from selfishness and greed, based on this Scripture.

Josephine Coster, representing the Northampton Terrace Tenants' Association, petitioned "the Chapel Hill Town Council to take strong, effective and appropriate action to oppose the conversion of Northampton Terrace Apartments into condominiums; that the Town Council permit representatives from the Northampton Terrace Tenants' Association to appear at the Council's November 24 work session to make comments on this matter; and that the Town Council proceed expediently to develop a policy concerning the conversion of all existing apartments to condominiums and concerning the rights of tenants in this situation."

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER HOWES, TO RECEIVE THE PETITION.

Councilmember Kawalec explained that work sessions were traditionally the one meeting where the Council held their own discussions and that citizens' comments could be heard at public hearings, regular meetings, and in private conversations. She suggested that if a public hearing were needed for this, then Council could schedule one, rather than having citizens speak during a work session.

COUNCILMEMBER SMITH MOVED AN AMENDMENT TO THE MOTION, SECONDED BY COUNCILMEMBER HERZENBERG, TO ACCEPT BOTH PARTS OF THE PETITION.

THE MOTION CARRIED UNANIMOUSLY.

Council granted the request of Mr. Phil Cohen to speak on Agenda Item #6.

Minutes of October 12, 1981

Mr. Emery Denny, Town Attorney, requested that Council withhold formal approval of these minutes until the next regular meeting. Mr. Denny stated that he wished to compare and verify certain statements with the full transcript of the discussion of Agenda Item #5.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, TO DEFER THE APPROVAL OF THESE MINUTES UNTIL THE NEXT REGULAR MEETING.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation on Future Space Needs for the Chapel Hill Public Library

Mr. Tobin Savage, Chairman of the Feasibility Study Committee (for the expansion and growth of the Chapel Hill Public Library), presented the Committee's recommendation. A report dated January 28, 1981, had requested that the Zoning Ordinance be written so as not to preclude recommended expansion at the Franklin Street site of the Library. Council had concurred. (No recommendation for expansion had been made at that time.)

The Committee presented the following recommendations to the Council:

1. To build a 16,000 sq.ft. main library at a new 2-3 acre site on a main thoroughfare near the growth area of Town: \$1,250,000.00 (to include land, fees, furnishings, building costs, etc.).
2. To turn the existing facility into a branch library that would require certain renovations and modifications: \$65,000 (to include the entrance to a new portico entrance from parking, enlarged entrance steps from parking, completed parking area, building renovations and fees, etc.).

Mr. Savage stated that operating costs for the main and branch libraries would increase the Library's current operating budget by \$85,000 to \$90,000 a year, including additional staffing as well as library materials, equipment, and building operations costs. Board recommendations were based solely on Chapel Hill's needs, even though Chapel Hill did serve Carrboro and County citizens. The committee felt that automation of library systems should limit the need for continuing staff increases.

The Board of Trustees would wait for Council approval of their recommendation before making formal inquiries into the availability of suitable land for the proposed main library.

In response to Councilmember Straley's questions, Mr. Savage stated that funds would not come from the 1981-82 budget.

In response to Councilmember Boulton's question, he stated that by the year 2,000 (based on population growth), the Library would need more than twice the space it presently had.

Ms. Mary Boone, Library Director, stated that average library usage of other communities was two or three books per person; Chapel Hill, however, circulated approximately 10 books per person.

Councilmember Smith felt that this request would be appropriately considered during the 1982-83 Capital Improvements Program. Financial resources could be considered at this time.

COUNCILMEMBER SMITH MOVED TO REFER THE MATTER TO THE MANAGER FOR CONSIDERATION DURING THE 1982-83 BUDGET CONSIDERATION OF THE CAPITAL IMPROVEMENTS PROGRAM.

THE MOTION FAILED FOR LACK OF A SECOND.

Councilmember Herzenberg felt that the matter should be pursued as the Library had not had any expansion of its facilities in more than a decade (with the exception of the expansion of the parking facilities and the basement).

Mayor Nassif felt that Councilmember Smith's motion was appropriate; Councilmember Howes concurred.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO REFER THE MATTER TO THE MANAGER TO BE CONSIDERED AT THE APPROPRIATE TIME IN THE 1982-83 BUDGET AND CAPITAL IMPROVEMENTS PROGRAM.

Councilmember Straley expressed concern that this motion not retard further study (without expenditure of funds) by the Library Board of Trustees.

Councilmember Howes concurred. He felt that the Board of Trustees sought only Council approval, at this time, without monetary commitments.

Councilmember Kawalec felt that it was not too early to consider the issue of cooperation with Carrboro and/or the County.

COUNCILMEMBER HOWES MOVED AN AMENDMENT TO THE MAIN MOTION, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE MATTER TO THE MANAGER FOR RECOMMENDATION DURING THE CIP, AND THAT THE MANAGER ALSO MAKE RECOMMENDATIONS PRIOR TO JUNE CONSIDERATION.

Being concerned about the unavailability of funds to seriously consider any recommendation, Councilmember Smith questioned when such a proposal might be presented for public consideration.

Councilmember Howes outlined steps for the procedure:

1. Manager would present recommendations to the Council.
2. Council would make a decision and inform the Manager as to what to include in the CIP program for the coming year.
3. Adoption of the CIP program.
4. Consideration of financial arrangements, if the proposal went this far.

Councilmember Wallace suggested that the Manager present a report of intent for Council review.

THE MOTION TO AMEND CARRIED UNANIMOUSLY.

Resolution Approving the Location of Open Space for the North Street Subdivision

Ms. Loewenthal stated that the Parks and Recreation Committee had reviewed the revised drawing for this subdivision which shifted a portion of open space toward the north side of the property along Bolin Creek.

There was no discussion.

COUNCILMEMBER HERZENBERG MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING THE LOCATION OF OPEN SPACE FOR THE NORTH STREET SUBDIVISION (81-R-196)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the location of the open space for the North Street subdivision as shown on a revised sketch submitted by the Little Creek Company on November 4, 1981.

Said approval by Council of the open space location is made upon recommendation of the Parks and Recreation Commission pursuant to Stipulation 11 of Resolution 81-R-164 adopted on October 12, 1981.

This the 4th day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Report on Rental Arrangements for Interim Use of Old Police Building by Orange County Women's Center

Ms. Loewenthal reviewed the request by the Orange County Women's Center to eliminate the rental fee for interim use of the old Police building.

Ms. Loewenthal stated that staff recommendation for \$183 per month rental (based on \$2/sq.ft./year) was well below market rates, was intended to help defray costs to the Town for maintenance of common areas of the building would be less than the Center's rental cost for its present facility, and allow rental free parking space.

Mayor Nassif stated that this report was the result of Council action to charge a rental fee; the Center requested to forego this charge by offering services; and Council had requested a recommendation from the Manager. If no further action were taken, the former action to charge this fee would remain.

Councilmember Straley, after having spoken with persons at the Women's Center and the Dispute Settlement Center, stated that he felt that:

1. Rental rates (even though considerably less than market rates) were unaffordable for the Center.
2. The Center did not have need for the 15 free parking spaces offered by the Town. The Women's Center and the Dispute Settlement Center were willing to rent fewer parking spaces elsewhere in the area, and allow the Town the opportunity for rental revenue of up to \$225 per month by leasing the spaces for private use.

Therefore, COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO RESCIND RESOLUTION 81-R-174.

Mayor Nassif felt it was not fair to single out a group for special consideration, as there had been others that had not been similarly accommodated, stating that he would not vote for the motion.

THE MOTION TO RESCIND RESOLUTION 81-R-174 CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, AND WALLACE SUPPORTING, AND COUNCILMEMBER SMITH, AND MAYOR NASSIF OPPOSING.

Councilmember Smith questioned the basis for Councilmember Straley's statement that the rental charge was too much for the Center, stating that a higher amount had apparently been budgeted and was being paid by the Center.

Councilmember Straley suggested that the amount that the Town could realize in rental of parking space could be used to offset the \$111 difference between the \$183 charged to the Women's Center and the \$72 charged by the Dispute Settlement Center.

Mayor Nassif felt that such special considerations could become endless.

Councilmember Straley assured the Council that the Dispute Settlement Center would not object to this special consideration to the Women's Center.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION REGARDING INTERIM USE OF THE OLD POLICE BUILDING AT 100 WEST ROSEMARY STREET (81-R-174a)

BE IT RESOLVED by the Council of the Town of Chapel Hill in regard to interim use of the old Police building pending a determination of the long-term disposition or use:

1. That the following agencies are authorized to use space in the building as shown on the attached drawing with the understanding that they vacate with 30 days' notice:
  - a. The Orange County Women's Center (space in former Detective's suite)
  - b. The Dispute Settlement Center (space in former Crime Prevention office)
2. The above agencies shall pay rent at the rate of \$72 per month and shall reimburse the Town for a share of utility costs of the building pro-rated on the basis of square footage used, and shall be responsible for cleaning of areas which they use.
3. Any refurbishment of these areas by the above agencies shall be subject to the approval of the Town.

This the 4th day of November, 1981.

There was no further discussion.

THE MOTION CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, HERZENBERG, HOWES, KAWALEC, STRALEY, THORPE, AND WALLACE SUPPORTING, AND COUNCILMEMBER SMITH AND MAYOR NASSIF OPPOSING.

#### Report on Bus Driver Uniforms

Mr. Phil Cohen, a bus driver for the Town of Chapel Hill, spoke in opposition to Town bus driver uniforms for the following reasons:

1. He did not feel uniforms were necessary to enhance the system's image.
2. An almost unanimous majority of the passengers felt that uniforms were a frivolous expenditure and actually preferred the present informal dress of the Chapel Hill Transit bus drivers--as had been expressed by citizens through petition (approximately 1,200 passenger signatures), and local media.
3. Uniformed drivers did not necessarily keep the buses on schedule.

He felt that this petition represented an accurate barometer of passenger sentiment and challenged the Council to (1) postpone making the final decision and conduct their own survey of passenger opinion (he offered to come before the Council to publically apologize and donate a week's pay towards the purchase of uniforms if Council's own survey differed from his); and (2) bring the matter before a public hearing.

He felt that this change would affect what citizens considered relevant to the environment of Chapel Hill and the responsiveness of local government to expressed public viewpoints.

Ms. Loewenthal stated that the uniforms were expected to enhance the public's image of the Chapel Hill Transit System, along with the new buses and garage. Uniforms would allow citizens to identify drivers as Town workers and it was important that these persons present a professional appearance. Bus drivers would be involved in the choice of style of uniforms, which would be simple, comfortable and easy to maintain.

Identification badges had been tried, but some drivers either lost or forget to wear them. A dress code had been considered, but this would be difficult to administer and could place a financial burden on some employees of the system.

Councilmember Thorpe felt that if drivers were required to carry their operator's license with them, the drivers could also be required to wear a driver's badge.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, TO TAKE NO ACTION ON THE MATTER.

Mr. Terry Lathrop, Chairman of the Transportation Board, stated that the Board felt that this expenditure could be postponed or dropped indefinitely as they had managed to survive for some time without uniforms.

Councilmember Howes felt that the matter should be put to rest by continuing with plans as outlined in the 1981-82 adopted budget.

THE MOTION CARRIED 6 TO 3 WITH COUNCILMEMBERS WALLACE, KAWALEC, HOWES, BOULTON, SMITH, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS STRALEY, THORPE, AND HERZENBERG OPPOSING.

(Councilmember Herzenberg clarified local media's incorrect assertion (that this decision had been postponed until after the municipal elections as this matter was controversial) by stating that this meeting was being held at this particular date because of conflicting dates with the Annual Meeting of the League of Municipalities.)

Resolution Granting a Sewer Easement to OWASA Across Oakwood Park

Ms. Loewenthal reviewed the request from Mr. Tom Heffner to grant the easement so that he could build houses on three vacant lots on Rogerson Drive. The easement agreement that was developed would protect Town interest regarding construction and maintenance of the sewer line and provide protection of trees along Oakwood Drive and protection of adjacent Oakwood Park property.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER HERZENBERG, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION GRANTING A SEWER EASEMENT TO OWASA ACROSS OAKWOOD PARK (81-R-197)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor be authorized to execute the Easement Agreement granting the Orange Water and Sewer Authority the right to install and maintain a sewer line across Oakwood Park as shown in the plat prepared by Ballentine, Ayers, and Neville, P.A., dated September 22, 1981.

This the 4th day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Consent Agenda

Councilmember Straley requested to remove item #8a from the Consent Agenda (regarding bids for converting Transit vans for use by handicapped persons).

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION, AS AMENDED:

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCES (81-R-198)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts Resolutions and Ordinances on the following items:

- b. Bids for Police Radios (81-R-200)
- c. Agreement with Chapel Hill Housing Authority (81-R-201)
- d. Amendment to Section 21-8 of the Code (81-O-86)
- e. Amendment to Section 21-15 of the Code (81-O-87)

This the 4th day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions and Ordinances Approved on the Consent Agenda

The following resolutions and ordinances were approved on the Consent Agenda:

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR NINE (9) UHF FM VOICE "PERSONAL" PORTABLE RADIOS (81-R-200)

WHEREAS, the Town of Chapel Hill has solicited formal bids on October 16, 1981, and the following bids have been received:

<u>Item</u>	<u>Motorola Communications &amp; Electronics, Inc.</u>	<u>General Electric Company</u>
Nine (9) Portable Radios with Accessories	13,389.30	14,778.00
Installation	531.00	540.00
TOTAL	13,920.30	15,318.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of Motorola Communications and Electronics, Inc., in the amount of \$13,920.30.

This the 4th day of November, 1981.

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF CHAPEL HILL, HEREINAFTER "THE TOWN," AND THE CHAPEL HILL HOUSING AUTHORITY, HEREINAFTER "THE AUTHORITY," FOR SERVICES RELATED TO THE COMMUNITY DEVELOPMENT PROGRAM (1981-82) SMALL CITIES PROGRAM (81-R-201)

BE IT RESOLVED by the Council of the Town of Chapel Hill that Ronald A. Secrist, Interim Town Manager, is hereby authorized to execute the above mentioned agreement.

This the 4th day of November, 1981.

AN ORDINANCE AMENDING SECTION 21-8 OF THE CODE OF THE TOWN OF CHAPEL HILL, RELATING TO TRAFFIC-CONTROL SIGNALS (81-O-86)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 21-8 (B) of the Code of the Town of Chapel Hill is amended by inserting in Section 21-8(B), after the colon in line 5, the following intersections in appropriate alphabetical order:

- By-Pass and Elliott Road
- By-Pass and Sage Road
- By-Pass and Eastowne Drive
- Manning Drive and East Drive to Memorial Hospital
- Manning Drive and West Drive to Memorial Hospital
- Airport Road and Estes Drive

Columbia Street and Mason Farm Road  
 Estes Drive and Caswell Road  
 Estes Drive and Willow Drive  
 Merritt Mill Road and West Franklin Street

This the 4th day of November, 1981.

AN ORDINANCE AMENDING SECTION 21-15 OF THE CODE OF THE TOWN OF CHAPEL HILL, RELATING TO PEDESTRIAN CROSSWALK SIGNALS (81-O-87)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Section 21-15(a) of the Code of the Town of Chapel Hill is rewritten to read as follows:

(a) The Town Manager shall cause to be marked at the locations designated below crosswalks for pedestrian traffic, and shall cause to be erected at such marked crosswalks manually operated traffic lights notifying drivers traveling on said streets to come to a full stop for pedestrians:

East Franklin Street and Pickard Lane  
 East Franklin Street and Porthole Alley  
 South Columbia Street and Fraternity Court  
 South Columbia Street and School of Public Health

This the 4th day of November, 1981.

Resolution Accepting Bids and Awarding of Contract for Conversion of Two (2) Vans (Consent Agenda Item #8a)

Councilmember Straley felt that the title of the resolution inaccurately reflected the number of vans: the number should be "two" and not "three." Upon recommendation of Mr. Denny, Council also decided to delete the "TOTAL" column from the resolution.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION, AS CORRECTED:

A RESOLUTION ACCEPTING BIDS AND AWARDING OF CONTRACT FOR CONVERSION OF TWO (2) VANS (81-R-199)

WHEREAS, the Town of Chapel Hill has solicited formal bids on October 15, 1981 and the following bids have been received:

<u>Bidders</u>	<u>Unit Cost</u>
D & L Van Conversions Bethel Park, Pa.	\$7,082
Ilderton Dodge High Point, N. C.	\$8,948

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bid of D & L Van Conversions contingent upon the necessary concurrence and approval of the North Carolina Department of Transportation and the Federal Highway Administration in the amount of \$14,164.

This the 4th day of November, 1981.

THE MOTION CARRIED UNANIMOUSLY.

#### Boards and Commissions

Planning Board. Council received recommendation of Ms. Mae McLendon from the Planning Board. Councilmember Howes placed the names of Ms. Mae McLendon and Mr. Johnnie Leon Peace, Sr., in nomination.

Historic District Commission. Council received recommendations of Ms. Shelley Hausler, Ms. Susan Gravely, and Ms. Betty Williams to fill the upcoming December 31, 1981 expiration of terms on the Historic District Commission. Council also received the Historic District Commission recommendation that Mr. Gary Freeze be appointed to fill the vacancy created by the resignation of Ms. Georgia Kyser. Councilmember Wallace placed all four recommendations in nomination.

Transportation Board. Councilmember Kawalec reminded Council that it would be good to have representation of handicapped persons, referring to the application and nomination of Mr. John Thomas for membership on the Transportation Board. Councilmember Boulton concurred.

The following Councilmembers voted for the appointment of Mr. John Thomas: Kawalec, Thorpe, Howes, Boulton, Straley, Smith, and Herzenberg; and Mayor Nassif.

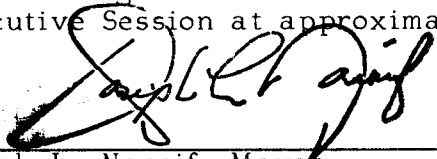
Councilmember Wallace voted for Mr. Paul Kelly.

Mr. John Thomas was appointed to serve on the Transportation Board with a vote of 8 to 1.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADJOURN TO EXECUTIVE SESSION.

THE MOTION CARRIED UNANIMOUSLY.

There being no further business to come before the Council, Council adjourned to Executive Session at approximately 9:10 P.M.



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Joseph L. Nassif, Mayor



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David B. Roberts, Clerk