

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
MUNICIPAL BUILDING, JANUARY 25, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton
Winston Broadfoot
Jonathan Howes
Beverly Kawalec
David Pasquini
R. D. Smith
Joe Straley
Jim Wallace

Also present were Ms. Sonna Loewenthal, Assistant Town Manager; Mr. Ron Secrist, Interim Town Manager; and Mr. Grainger Barrett, Deputy Town Attorney.

Certificates of Appointment

Mayor Nassif presented Certificates of Appointment to the following newly appointed Board/Commission members:

Transportation Board. John Thomas.

Historic District Commission. Susan Gravely, Shirley Hausler, Gary Freeze, and Betty Williams (absent).

Planning Board. Mae McLendon (absent).

Mayor Nassif expressed appreciation to these members for their willingness to serve the Town in this way.

As this was the last meeting of the Town Council that Mr. Secrist would attend in the capacity of Interim Town Manager, Mayor Nassif expressed his own personal appreciation for the excellent working relationship that had existed between his own office and that of the Town Manager.

In addition, he presented Mr. Secrist with the following Letter of Appreciation from the Mayor and Town Council:



JANUARY 25, 1982



*Town of Chapel Hill
North Carolina 27514*

OFFICE OF THE MAYOR

January 25, 1982

LETTER OF APPRECIATION TO INTERIM TOWN MANAGER

RONALD A. SECRIST

Dear Ron:

It is an honor and a pleasure for us to tell you how deeply we appreciate the superb job you have done as Interim Town Manager. Perhaps only our admiration exceeds our gratitude. This task fell to you during an extremely difficult time, and you fell to it as only a capable leader can. Your coolness and your helpfulness carried us through an unusually difficult budget. In guiding us through the budget, our most important responsibility, you demonstrated the qualities of a good Manager: thoroughness, objectivity, fairness, and courage.

The highest tribute of all has been paid you many times over. The excellent staff who work with you have had nothing but praise for your performance and your working methods. During your tenure of eight months, the Town's work force has been cohesive, dedicated and good-spirited. Our employees have supported you because they respect you. We think this achievement deserves special recognition.

We thank you for your responsiveness to the Council, to your staff, and to the citizens of Chapel Hill; for the fine quality of your recommendations to Council; and for your unswerving professionalism. We are proud to have you in Chapel Hill Town government. The Council hopes our service with you, and yours for the Town, will be long and happy.

The Council is pleased to make this letter a part of the permanent record of the Town of Chapel Hill.

Marilyn Myers Boulton
Marilyn Myers Boulton, Mayor Pro-Tem

David Pasquini
David Pasquini, Council Member

Winston Broadfoot
Winston Broadfoot, Council Member

R. D. Smith
R. D. Smith, Council Member

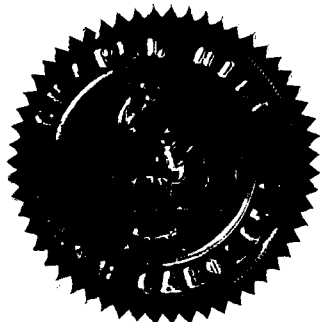
Jonathan B. Howes
Jonathan B. Howes, Council Member

Joseph W. Straley
Joseph W. Straley, Council Member

Beverly Kawalec
Beverly Kawalec, Council Member

James C. Wallace
James C. Wallace, Council Member

Joseph L. Nassif
Joseph L. Nassif, Mayor



Mr. Secrist expressed his appreciation for this honor and thanked the Council, Mayor and Town staff for their confidence and support during his appointment as Interim Town Manager.

Petitions

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE PETITION ITEM FROM MS. CAROL HAKAN (to close part of Carolina Avenue right-of-way, near Roosevelt Drive) BE CONSOLIDATED WITH AGENDA ITEM #8c. THE MOTION CARRIED UNANIMOUSLY.

Minutes

January 8, 1982. Deferred until February 8, 1982.

January 11, 1982. COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO APPROVE THE MINUTES OF JANUARY 11, 1982 AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

Report on the Old Police Building

Mayor Nassif had recently met with Ron Secrist, Interim Town Manager, Richard Whitted, Chairman of the Orange County Board of Commissioners, and Ken Thompson, County Manager, to discuss the "911" situation, informing them that it would be more economical to move "911" to the new Courthouse on Franklin Street (900,000 sq.ft.). This was agreeable to those present at the meeting; however, the County Commissioners would still need to take action and advise Council of such, after which Council would need to take action. The move would be planned for possibly summer or early September. Sheriff's Department space was not resolved (as 500 sq.ft. of floor space and 17 parking spaces were needed, and this was not available). The County would pay for renovations; the Town would provide utilities and janitorial services.

Mayor Nassif stated that the close proximity to Southern Bell was an advantage, as lines were already available. The antenna could probably stay where it was on the old Police Building and a cable could be run from there to the new location. Alternative locations were the top of the NCNB Plaza or the top of the North Carolina Memorial Hospital, should the old Police Building be sold.

Report on Alternative Patrol Vehicles

Mr. Secrist reviewed evaluative material on the existing police vehicles, presented recommendations for future acquisitions, and reviewed the diversification of the Town's present fleet.

Previously, Town practice had been to purchase Town vehicles from State contract. Mr. Secrist stated that there were only two vehicles currently offered on State contract that were equipped with "police packages" (i.e., heavy-duty, police-related items): Ford Fairmont and Chevrolet Impala.

Combining data comparison and Town experience, staff planned to purchase seven (7) Chevrolet Impalas for patrol use (as opposed to the Ford Fairmont) for the following reasons:

1. Better braking and suspension, acceleration and comfort characteristics.
2. Gas mileage equivalent to mid-sized vehicles currently in use.

The Impala, or a similar vehicle, was recommended for patrol use. However, a subcompact would be appropriate for detective, administrative, or other Town uses.

Mr. Secrist informed Council that this purchase would exceed the budget by \$1,900. This amount could be accommodated with other funds in the Police Department budget.

Councilmember Kawalec opposed the change to a larger vehicle: (1) she felt that the annual savings of \$1,500/year/car was a significant savings to the Town, and (2) she felt that Council should follow the same energy conservation measures that it requested of its citizens.

Councilmember Smith did not feel that money was the only issue to be considered. He expressed concern for safety factors of personnel in differing weather conditions, especially now that officers operated on 12-hour shifts. Comfort was also a factor.

Councilmember Howes questioned reasons behind personnel's "lack of acceptance." Mr. Secrist stated that general personnel feelings were in regards to insufficient interior spaces and feelings of being less safe in the smaller vehicles. He asserted that staff's choice of the Impala related to durability aspects and not personnel acceptance. Mileage ratings were equivalent to current Mercury Zephyr statistics.

Councilmember Kawalec referenced the fact that the Impala did not meet the occupant protection standards in 30 and 35-mph collisions; therefore, it could not be considered too much safer. In addition, the matter of comfort was an individual preference.

Mr. Secrist informed Council that the Town could advertise for bids, but purchase on State contract would be more economical.

In response to a question from Councilmember Pasquini, Mr. Secrist stated that the "life" of a patrol car was approximately two years, or 50,000 miles. Afterwards, the cars were used for detective or administrative purposes. If a car proved to have good maintenance records, the life could be extended to three years.

Police Chief, Herman Stone, stated that the seven new cars would go on patrol. The cars they would replace had 60,000 to 90,000 miles on them and were worn out (Plymouth Volaries). The Toyotas were currently used as back-ups and spares.

Councilmember Wallace concurred with staff recommendation for Impalas, as he felt that the interior spaces were not adequate for a good number of the larger officers. Necessary police apparatus in the vehicles as well as that worn by officers accounted for even less interior space.

Chief Stone stated that staff and personnel were not adverse to using small cars. Personnel had experienced problems with Toyota seats breaking. There was also a need for heavier front-end suspension and heavy-duty shocks.

Mr. Secrist informed Council that the Impalas were 8-cylinder cars with heavy-duty police transmissions. There was no gas mileage difference between the 6-cylinder and 8-cylinder cars.

Mayor Nassif reminded staff that fuel conservation would still be required in the next budget.

Councilmember Straley felt that staff should continue to look at an intermediate sized, American-made model.

Mr. Secrist explained that Town could possibly get a "deal" with this size purchase, but only four American-made cars were offered that were equipped with the "police package" and two of these four were on State contract.

Resolution Approving Proposed Changes in the Charter of the Triangle J Council of Governments

Councilmember Howes informed Council that the proposed change, as recommended by the Triangle J Council of Governments, would allow the COG the flexibility to reduce its quorum requirements without consent of member governments.

Mr. Brad Barker, Executive Director of the Triangle J Council of Governments, stated that Chapel Hill had contributed approximately \$12,000 to the COG budget. He expressed appreciation for the invaluable services rendered by both Councilmembers Howes and Kawalec.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO ADOPT THE FOLLOWING RESOLUTION:

A RESOLUTION APPROVING PROPOSED CHANGES IN THE CHARTER OF THE TRIANGLE J COUNCIL OF GOVERNMENTS (82-R-16)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the revised Charter of the Triangle J Council of Governments as attached to a letter from Mr. Robert B. Heater dated December 2, 1981.

This the 25th day of January, 1982.

TRIANGLE J COUNCIL OF GOVERNMENTS
100 PARK DRIVE P. O. BOX 12276 RESEARCH TRIANGLE PARK, N. C. 27709 (919) 549-0551

December 2, 1981

MEMORANDUM

TO: Chairmen and Mayors
FROM: Robert B. Heater, Chairman
SUBJECT: Charter Review

The Council has completed revisions of its Charter. The Charter has not been updated since its adoption in 1972.

Many changes are of a "housekeeping" nature while a few others are more substantive. The latter are discussed below.

Each member government (of which there are 35) must act upon changes to the Charter.

We would appreciate your placing this matter on the agenda for your next Commission or Council meeting. Action is requested before January 5, 1982. A notarized copy of the minutes approving such Charter should be sent to the COG.

A copy of the present and proposed Charter is attached, with each section side by side for easy comparison.

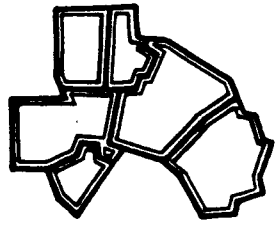
If there are questions or comments which you wish to discuss prior to placing the matter on your agenda please call me at 467-6141, Ken Harmon the Chairman of the Committee which reviewed this matter, or Bradley Barker, the Executive Director (549-0551).

The main changes are: (1) quorum requirements will be taken from the Charter to the By-laws which will be 40% of the Delegates; (2) to continue the full Board with the authority to adopt the annual budget and program of work but to also give it sole authority with respect to hiring of the Executive Director; (3) continue the Executive Committee's authority as at present but add the authority to accept Federal and other grants; (4) to call the Council assembled the Board of Delegates in order to distinguish it more readily from other advisory councils; (5) to remove the restrictions requiring only delegates to chair advisory committees and remove restriction limiting some in number of members to 15.

Attachment

RBH:pah

- APEX • BENSON • BROADWAY • CARRBORO • CARY • CHAPEL HILL
- CLAYTON • DURHAM • FOUR OAKS • FUQUAY-VARINA • GARNER
- GOLDSTON • HILLSBOROUGH • HOLLY SPRINGS • KENLY • KNIGHTDALE
- MICRO • MORRISVILLE • PINE LEVEL • PITTSBORO • PRINCETON
- RALEIGH • ROLESVILLE • SANFORD • SELMA • SILER CITY
- SMITHFIELD • WAKE FOREST • WENDELL • ZEBULON
- CHATHAM COUNTY • DURHAM COUNTY • JOHNSTON COUNTY
- LEE COUNTY • ORANGE COUNTY • WAKE COUNTY



PRESENT

PROPOSED DRAFT 5

TRIANGLE J COUNCIL OF GOVERNMENTS
CHARTER RESOLUTION
OF

(County or Municipality)

NO CHANGES

WHEREAS, with the other county and municipal governmental units, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognizes that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or regional development; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council of governments:

NO CHANGES

ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure to the benefit of all governmental units adopting it.

NO CHANGES

ARTICLE II

Name. The name of the regional council of governments hereby established is the Triangle J Council of Governments.

ARTICLE III

Purpose. The purposes of the Council are:

1. To serve as a forum for discussion of governmental problems of mutual interest and concern;
2. To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:
 - (1) human resource development and human relations.
 - (2) housing, public and private.
 - (3) health care and hospital services.
 - (4) recreation
 - (5) sanitation and refuse disposal.
 - (6) communications
 - (7) transportation
 - (8) water, sanitary sewer, electric power and other utility services.
 - (9) air, water and other environmental pollution.
 - (10) commercial and industrial development.
 - (11) law enforcement.
 - (12) welfare
 - (13) fire protection and prevention.
 - (14) regional land use planning.
 - (15) manpower development and training.
 - (16) conservation and development of natural resources.
3. To promote inter-governmental cooperation;
4. To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units;
5. To serve as a vehicle for the collection and distribution of information concerning matters of area-wide interest; and
6. To review upon request of any governmental unit within State Region "J" applications of that unit for any grant in aid, federal, state or private.
6. To review upon request of any governmental unit within the Triangle J region applications of that unit for any grant in aid, federal, state or private; and
7. To provide services to local governments and residents in the area known as the Triangle J Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a manner which is mutually satisfactory, and shall respect the autonomy of all local governments within the State Region J.

ARTICLE IV

Membership.

1. The initial membership of this Council of Governments shall consist of the general purpose local governmental units of and in the counties of Chatham, Durham, Johnston, Lee, Orange, and Wake, known as State Region J which adopt a resolution identical hereto on or before June 30, 1972.

2. Any municipality or county in Region J which is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon the unanimous vote of approval of the existing members. Notice of such application for admission shall be given each member by the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken. The vote shall be deemed to be unanimous unless one or more votes against the admission of said governmental unit are cast.

3. All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates of the Council.

4. Any special purpose governmental agency in State Region J involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of a majority of the membership attending any meeting at which a quorum is present. An affiliate member shall pay no assessment, but the Council may charge each affiliate member a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

PROPOSED

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a manner which is mutually satisfactory, and shall respect the autonomy of all local governments within the Triangle J Region.

ARTICLE IV

Membership.

1. The initial membership of this Council of Governments shall consist of the general purpose local governmental units of and in the counties of Chatham, Durham, Johnston, Lee, Orange, and Wake, known as the Triangle J Region which adopt a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.

2. Any municipality or county in Triangle J Region which is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by the existing members. Notice of such application for admission shall be given each member by the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.

3. All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.

4. Any special purpose governmental agency in Triangle J Region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of a majority of the membership attending any meeting at which a quorum is present. An affiliate member shall pay no assessment, but the Council may charge each affiliate member a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations

PROPOSED

ARTICLE V

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty days prior to the end of the fiscal year.

NO CHANGES

ARTICLE VI

Representation

1. Each member governmental unit shall be entitled to a delegation of two persons, one primary delegate and one alternate delegate. Each delegate shall be an elected member of the governing body of the member governmental unit he represents. Each delegate, both primary and alternate, shall be selected by name by the governing body of the member unit in any manner consistent with law and the regulations concerning the governing body, and his name shall be certified to the Council by the governing body.

2. Each primary delegate shall have primary responsibility for representing his member governmental unit at all Council meetings and actions. In the event of the inability of the primary delegate to attend or otherwise participate in a Council meeting or action, the alternate delegate shall exercise his responsibility of representing his member governmental unit at the appropriate meeting or action. Only one delegate may represent a member governmental unit at any meeting; provided, however, that both primary and alternate delegates may attend any regular or called meeting and may participate in any discussion or debate.

3. The term of office of each primary delegate and each alternate shall commence upon the date of his appointment to the Council by the governing body of the member governmental unit he represents and the term shall continue at the pleasure of the governing board, unless the delegate shall sooner resign or cease to be an elected member of said governing board, in which case his term shall expire on the effective date of such event.

ARTICLE VI

Governing Board.

1. The governing board of the Council of Governments shall be known as the Board of Delegates, which shall be constituted as described below.

2. The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternative delegates. All delegates and alternates shall be elected members of the governing bodies of member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner prescribed by the Bylaws of the Council.

3. The term of office of each delegate shall commence upon the date of his appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the names of its delegate and any alternative(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may be permitted to vote on any matter.

4. Each member shall certify to the Council the names of its delegate and alternate prior to the first Council meeting after June 30 of each year. Only an individual who has been duly appointed and certified to the Council as a delegate or as an alternate delegate may be permitted to vote on any matter. The member local governments shall also appoint and certify a successor to fill any vacancy created by the death, removal, resignation, or ineligibility of a delegate.

5. It is the intent of this charter that all delegates to the Council shall have demonstrated an interest in the sound development of Region J.

ARTICLE VII

Meetings. Regular meetings of the Council shall be held quarterly to receive reports from its standing committees and to conduct necessary business. Additional regular meetings may be held as considered appropriate by the Council. Special meetings of the Council may be called by the Chairman, or by any three members thereof. All meetings shall be open to the public.

At least two days' written notice shall be given of any special meeting of the Council. It shall state the time, place, and purpose of the meeting, and may be sent by telegram. Any member may waive notice as to himself.

ARTICLE VIII

Quorum and Voting Requirements

4. A majority of the delegates to the Council shall constitute a quorum at any regular or special meeting of the Council. The affirmative vote of two-thirds of the delegates of the Council present shall be necessary to act favorably on any matter, except that an affirmative vote of a majority of all delegates shall be necessary for the adoption of the annual budget, adoption of the annual program of work, and resolutions related to Federal applications by the Council itself.

4. The delegates shall be compensated, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to Triangle J Council of Governments.

5. It is the intent of this charter that all delegates to the Council shall have demonstrated an interest in the sound development of Region J.

ARTICLE VII

Meetings. Regular meetings of the Board of Delegates shall be held monthly to receive reports from its standing committees and to conduct necessary business. The Chairman may cancel the regular meeting if he determines that there is no need for the meeting. Special meetings of the Board of Delegates may be called by the Chairman, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by telegram. At least twenty-four hours oral notice shall be given of any committee meeting to all committee members. Any member may waive notice as to himself.

ARTICLE VIII

Quorum and Voting Requirements

1. Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any Committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his or her absence, by an alternate delegate of the member government.

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2. The quorum shall be established in the By-laws. The affirmative vote of a simple majority of representatives present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board or any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.

3. Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.

4. At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.

5. Proxy voting is not allowed.

2. At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.

3. On a vote for which weighted voting as herein defined has not been called, any delegate shall be entitled to one vote, and it shall be counted to determine if the necessary number of votes has been attained in the question before the Council.

4. Proxy voting is not allowed.

ARTICLE IX

1. At the first regular meeting of the Council, and annually thereafter, the Council shall elect a chairman, a vice chairman, a secretary, and a treasurer to serve for one year or until their successors have been duly elected. The Council may also elect such additional officers as the Council finds to be necessary in the proper performance of its duties.
2. The chairman shall preside at all meetings of the Council and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Council. The chairman shall have the same voting rights as other members.
3. The chairman may appoint such advisory committees as he finds to be necessary or desirable.
4. The vice chairman shall perform all of the duties of the chairman in the absence of the chairman, or in event of the inability of the chairman to act, and shall perform such other duties as the Council may delegate to him.
5. All other officers elected by the Council shall perform such duties as may be prescribed by the Council.

Finance Matters

1. On or before the 15th day of April every year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year commencing July 1.
2. The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit, with the per capita (based on the latest decennial census) share for each member governmental unit being the same.

ARTICLE X

5. All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

Finance Matters.

1. On or before the 15th day of April each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year commencing July 1.

2. The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit with per capita (based on the latest decennial census) share for each member governmental unit being the same. No reduction or exception shall be made in the instances where the population figures of two or more governmental units reflect an overpopulation.

ARTICLE IX

Officers of Board of Delegates.

1. At the first regular meeting of the Board of Delegates, and annually thereafter, the Board of Delegates shall elect a chairman, a vice chairman, a secretary, and a treasurer to serve for one year or until their successors have been duly elected. The Board of Delegates may also elect such additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.
2. The chairman shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The chairman shall have the same voting rights as other members.
3. The chairman may appoint such advisory committees as he finds to be necessary or desirable.
4. The vice chairman shall perform all of the duties of the chairman in the absence of the chairman, or in event of the inability of the chairman to act, and shall perform such other duties as the Board of Delegates may delegate to him.

ARTICLE X

PROPOSED

3. A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.

4. Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budgets and, after adoption of its own budget, shall forward to the Council Treasurer its share of the budgets.

5. All local appropriations to the Council shall be made in accordance with the Municipal or County Fiscal Control Act, as may be appropriate.

6. The treasurer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever. The treasurer of the Council shall, before entering upon his duties, post a surety bond and conditioned upon the faithful discharge of his duties in an amount and form fixed by the Council. All monies received for the Council shall be deposited into a separate bank account, shall be earmarked for the use of the Council, and shall be paid out on checks signed by the accountant and countersigned by the treasurer or chairman of the Council. The countersigning officer shall countersign such checks only when they are within the amount of appropriations made according to the budget of the Council.

7. The Council may designate a Council employee or with the agreement of the governing body involved, designate one of the City or County Accountants as the official Council Accountant to perform the function of the City or County Accountant under the Municipal or County Fiscal Control Act insofar as post-budget approval of expenditures is concerned.

8. It shall be the duty of the Council to require the books and accounts of the treasurer of the Council to be audited annually by a certified public accountant or by a public accountant registered under Chapter 93 of the General Statutes. A copy of the annual audit shall be forwarded to each member county and municipality.

3. A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.

4. Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer his share of the budget.

5. All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.

6. The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.S. 159-25. Finance officers shall be bonded as required by G.S. 159-29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another officer designated for this purpose by the Council. The countersigning officer shall countersign such checks only when they are within the amount of appropriations made according to the budget of the Council.

7. The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.

8. It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

ARTICLE XI

Committee Structure

1. The Council may establish an Executive Committee, other committees of the Council itself, and technical and advisory committees.
2. Executive Committee. The executive committee, if created by the Council, shall consist of the Chairman of the Council and two delegates from each county. The chairman shall serve as a voting delegate and will fill one of his county's allotted seats on the executive committee. All delegates on the executive committee except the Chairman shall be selected by a caucus of the Council delegates representing each governmental unit within each county.

The executive committee shall be authorized to act for the Council on all matters other than the adoption of the budget, the adoption of the annual program of work, and the approval of resolutions relating to federal applications to be considered by the Council itself.

3. Technical and Advisory Committees. The Chairman may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process. These committees may consist of up to fifteen members and shall be chaired by a member of the Council. They should not be composed only of executive directors and administrative persons of agencies directly affected.

The Council shall commission these committees with the responsibility of advising on the individual studies and reporting to the Council on their progress and final recommendations.

ARTICLE XII

Annual Report. The Council shall prepare and submit an annual written report of its activities, including a financial statement, to the participating governmental units.

ARTICLE XI

Committee Structure.

1. The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
2. Executive Committee. The executive committee shall consist of twelve Delegates, two from each county in the Region. The officers of the Council shall automatically be members, and will thereby occupy that number of the two seats allotted to their county. Each county government will occupy one seat on the committee. The other seat from each county will be occupied by a municipal Delegate from that county. The municipal Delegate will be chosen by a vote of all the municipal Delegates from that county.

The executive committee shall be authorized to act for the Board on all matters other than the adoption of the budget, the annual program of work and appointment of the executive director.

3. Technical and Advisory Committees. The Chairman may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

NO CHANGES

ARTICLE XIII

ARTICLE XIII

Powers, Duties and Functions of the Council. Within the limits of funds and personnel available, the Council:

1. Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (and any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.

2. Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

(a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to be an existing committee, in which case the petitioning members shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member to representation on any particular committee granted hereinabove is asserted, the Chairman of the Council shall designate the membership of all committees.

(b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in this Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member

ARTICLE XIII

ARTICLE XIII

Powers, Duties and Responsibilities of the Council. The Council, within the limitations of funds and personnel provided by the participating governmental units and others, has the following powers, duties, and responsibilities:

1. To study governmental problems common to the governmental units within Region J as the Council deems appropriate; including but not limited to matters affecting health, safety, welfare, education, economic conditions, regional planning, and regional development;

2. To promote cooperative arrangements and coordinated action among the participating governmental units and others;

3. To make recommendations for review and action to the participating governmental units and other public agencies which perform functions within Region J with respect to matters affecting the said region;

4. To serve as an informational clearinghouse and, as a reviewing agency, with respect to federal, state, and local services or resources available to assist in the solution of problems;

5. To request and receive contributions of research assistance from its own agencies, private research organizations, civic foundations, institutions of higher learning and other organizations; to receive and use or expend, in accordance with the provisions of this charter, any aid or assistance monetary or otherwise, which is contributed to the Council from any public or private source, provided that such expenditures must be in accordance with approved budgets;

6. To contract with the State of North Carolina and the United States of America, or any agency thereof, for services;

such Council) and private and civic sources. The Council may provide matching funds, grants, or services, received from any source, to or for any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.

(c) To meet with, consult with and act in concert with any county or municipality or any agency of the State, Federal government, civic organization, private organization or any other in the furtherance of the purposes and objects within its jurisdiction.

(d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with and pursuant to the provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).

(e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.

(f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter or the laws of North Carolina.

(g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions pursuant to which such agency is established, consistent with the powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to, the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the laws of North Carolina.

7. To employ personnel, purchase equipment, rent office space and enter into contracts to the extent that such activities are authorized by general or special budgets and are within the limits of funds appropriated for the Council by the participating governmental units and others for such purposes;

8. To perform and carry out such other powers, duties and responsibilities as may be authorized by Chapter 160A, Article 20, Part 2 of the General Statutes of North Carolina, except insofar as the same may conflict with the provisions of this Charter;

9. To adopt, amend or repeal by two-thirds vote such rules, regulations and bylaws relating to the procedure to be followed by the Council as the said Council shall find to be appropriate; and

10. To act as the official reviewing agency of the participating governmental units for all programs, federal, state or private, requiring regional review.

(h) To contract with and provide services to local government units within Region J.

(i) To serve as an informational clearinghouse and, as a reviewing agency with respect to Federal, State and local services or resources available to assist in the solution of problems.

(j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.

(k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.

(l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.

It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

PRESENT

- 13 -

PROPOSED

NO CHANGES

NO CHANGES

ARTICLE XIV

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3) of the participating governmental units in the Council of Governments.

ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one of the member governmental units. If such dissolution is effected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975
February 18, 1976

(This letter and revised Charter are on file in the Clerk's Office.)

THE MOTION CARRIED UNANIMOUSLY.

Report on Second Quarterly Progress Reports

Mr. Secrist reviewed progress from July 1 through December 31, 1981, and projects and issues that would be facing the Town during the next quarter and the remainder of the fiscal year.

The report contained a financial summary of the first half of the fiscal year. Revenues and expenditures were in line with budget estimates. He commended staff for their efforts and submitted the report to Council.

There were no questions from Council.

Consent Agenda

Councilmember Howes asked to delete Consent Agenda Item "b" (scheduling of Town Council meetings). Councilmember Straley asked to delete Consent Agenda Item "e" (project ordinance amendment--Small Cities Grant).

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

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND ORDINANCE (82-R-17)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the attached ordinances and resolutions in regard to the following:

- a. Approval of Educational Leave for Lt. Robert Brooks (82-R-18)
- c. Resolution of Intent to Consider Closing of Portion of Carolina Avenue Right-of-way and Calling Public Hearing March 15, 1982. (82-R-19)
- d. Budget Amendment (82-C-6)

This the 25th day of January, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions/Ordinance (adopted by the Consent Agenda)

The following ordinance /resolutions were adopted on the Consent Agenda:

A RESOLUTION APPROVING EDUCATIONAL LEAVE (82-R-18)

WHEREAS, the Council of the Town of Chapel Hill has approved a program of educational leave for employees of the Town of Chapel Hill as outlined in Section 14-88 of the Personnel Section of the Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Manager is hereby authorized to enter into an agreement with Lieutenant Robert Brooks for educational leave according to the stipulations in Section 14-88 of the Code of Ordinances of the Town of Chapel Hill.

This the 25th day of January, 1982.

A RESOLUTION OF INTENT TO CONSIDER CLOSING AN UNOPENED PORTION OF CAROLINA AVENUE AND CALLING A PUBLIC HEARING (82-R-19)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider permanently closing an unopened portion of Carolina Avenue beginning approximately 135 feet west of Franklin Street and extending for a distance of approximately 278 feet across Chapel Hill Township Tax Map 57, Block B, Lot 4A.

JANUARY 25, 1982

BE IT FURTHER RESOLVED that the Council hereby calls a public hearing on the question of closing said right-of-way at 7:30 p.m. on March 15, 1982 in the Meeting Room of the Municipal Building, 306 N. Columbia Street.

This the 25th day of January, 1982.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1981" (82-O-6)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Budget Ordinance entitled an "Ordinance Concerning Appropriations and the Raising of Revenue for the Fiscal Year Beginning July 1, 1981" as duly adopted on June 29, 1981, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriations</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund:				
Mayor and Council	\$ 85,338	\$ 1,977		\$ 87,315
Legal	\$ 93,590	\$15,200		\$108,790
Police				
-Administration	\$233,531	\$ 3,000		\$236,531
-Detective	\$200,382	\$ 4,000		\$204,382
Grants Funds	\$ 52,025	\$ 3,177		\$ 55,202
Library Operations	\$471,979	\$ 2,000		\$473,979

ARTICLE II

<u>Revenue</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund:				
Police Contributions	\$ -0-	\$ 3,000		\$ 3,000
Police Training Grant	\$ -0-	\$ 4,000		\$ 4,000
Contingency	\$ 28,489		\$17,177	\$ 11,312
Grants Fund	\$ 52,025	\$ 3,177		\$ 55,202
Library Operations	\$471,979	\$ 2,000		\$473,979

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

This the 25th day of January, 1982.

Ordinance Regarding Dates of Certain Council Meetings

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, ADOPTION OF THE FOLLOWING ORDINANCE, AS AMENDED:

AN ORDINANCE REGARDING DATES OF CERTAIN COUNCIL MEETINGS (82-0-5)

BE IT ORDAINED by the Council of the Town of Chapel that the Council hereby amends its regular meeting schedule for the spring and summer of 1982.

1. The meeting originally scheduled for April 12 is rescheduled to Monday, April 5.
2. The meeting originally scheduled for May 25 is rescheduled to Monday, May 24.
3. The meeting originally scheduled for July 5 is rescheduled for Tuesday, July 6.
4. Council shall not hold a regular meeting after July 12 until August 23.

This the 25th day of January, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance to Amend the "Community Development Small Cities Program Project Ordinance"

It was clarified for Councilmember Straley that the reference (in the Housing Authority Minutes) of a position vacancy that would not be filled was not related to information contained in this ordinance.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER HOWES, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (82-0-7)

BE IT ORDAINED by the Council of the Town of Chapel Hill that the Project Ordinance entitled "Community Development Small Cities Program Project Ordinance" as duly adopted on February 11 and October 13, 1980, and October 12, 1981, be and the same is hereby amended as follows:

Section 4: Reflect the following increases and decreases in appropriations to activities.

<u>Activity</u>	<u>Year 1,2,3 Current Project</u>	<u>Increase</u>	<u>Decrease</u>	<u>Year 1,2,3 Revised Project</u>
Acquisition of Real Property	\$ 409,550			\$ 409,550
Disposition of Real Property	\$ 6,000			\$ 6,000
Public Facilities & Improvements	\$ 462,600			\$ 462,600
Clearance Activities	\$ 27,600			\$ 27,600
Relocation Payments and Assistance	\$ 198,490		\$ 6,728	\$ 191,762
Rehabilitation & Preservation	\$ 730,115			\$ 730,115
General Administration	\$ 171,990	\$11,018		\$ 183,008
Non-Departmental	\$ 93,655		\$ 4,290	\$ 89,365
TOTAL	\$2,100,000	\$11,018	\$11,018	\$2,100,000

This the 25th day of January, 1982.

JANUARY 25, 1982

THE MOTION CARRIED UNANIMOUSLY.

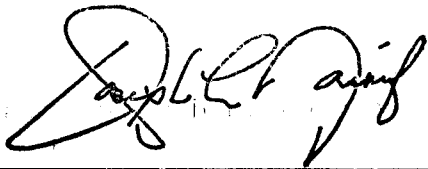
Appointments

Board of Adjustment. Council voted to fill two alternate member seats:

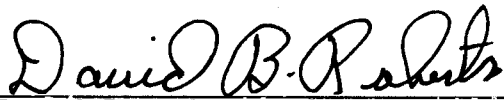
- (9) Johnnie Leon Peace, Sr.: Councilmembers Pasquini, Kawalec, Wallace, Broadfoot, Boulton, Straley, Smith, Howes, and Mayor Nassif.
- (7) Robert Joesting: Councilmembers Pasquini, Kawalec, Wallace, Boulton, Straley, Smith, and Howes.
- (2) Edward Boer: Councilmember Broadfoot, and Mayor Nassif.
- (0) Shann Tracy: No votes.

Mr. Johnnie Leon Peace, Sr., and Mr. Robert Joesting were appointed to fill the alternate member positions on the Board of Adjustment.

As there was no further business to come before the Council, the meeting was adjourned at 8:52 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk