MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL MUNICIPAL BUILDING, MONDAY, MAY 10, 1982, 7:30 P.M.

Mayor Nassif called the meeting to order. Present were:

Marilyn Boulton Winston Broadfoot Beverly Kawalec R. D. Smith Joe Straley Jim Wallace

Councilmembers Howes and Pasquini were excused absences. Also present were Town Manager, David Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny.

#### Petitions

Mayor Nassif stated that the petition process would be altered at this meeting according to Council procedure, due to the absence of two Councilmembers. Council was not permitted to discuss petitions without the presence of the full Council. Petitions could, however, be received.

Mr. Phil Rominger, owner of Willow Terrace Apartments, explained to Council that he had recently begun plans to build an addition to Willow Terrace Apartments. Following procedures of the Planning Department, he had requested, unsuccessfully, to have this request placed on the April agenda of the Town Council. He had, however, been informed that he could be placed on the May 10 agenda. He now learned that this request had not been placed on this agenda. Mr. Rominger explained that he had business matters which could not be dealt with until this project could begin. In addition, he felt that the time and expense involved as a result of this delay were immeasurable. He petitioned Council to decide on a course of action to prevent further delay of this request.

Mr. Mike Jennings, Planning Director, explained that time constraints prohibited the addition of this item to the agenda, as the Planning Board had met just one week prior to this meeting. Mr. Rominger had, regrettably, been misinformed regarding the date that this item could be considered by Council.

Mr. Denny explained that as this item was not on the agenda, Council could not take action this evening but added that Council could call a Special Meeting to discuss this matter. Proper advance notice would be required. Council agreed to call a Special Meeting on Wednesday, May 12, 1982, at 7:30 P.M. in the Meeting Room "to consider site plans on Willow Terrace Apartment additions."

There were no other petitions presented to Council.

#### Minutes (April 26, 1982)

Councilmember Straley requested changes in two sections of the minutes of April 26, 1982. COUNCILMEMBER KAWALEC, however, felt that she needed additional time to consider these proposed changes and MOVED TO DELAY APPROVAL OF THE MINUTES UNTIL THE NEXT REGULAR MEETING OF THE COUNCIL. COUNCILMEMBER WALLACE SECONDED THE MOTION. THE MOTION CARRIED 6 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, KAWALEC, SMITH, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER STRALEY OPPOSING.

## $\frac{\text{Manager's Recommended Budget (1982-1983) and Capital Improvements Program }}{(1982-1987)}$

Mr. David Taylor presented the Manager's Recommended Budget to the Mayor and Council, and submitted a copy of the document to the Town Clerk, Mr. David B. Roberts, to be filed in the permanent files of the Clerk's Office.

Mr. Taylor stated that the document was an attempt to meet "the needs and expectations of the Community as expressed at the public forum, (and) legislative goals and objectives as expressed by the Mayor and Council following the public forum..." He also felt that the Recommended Budget represented "a sound financial base for the future."

Mr. Taylor stated that (1) the Recommended Budget was balanced; (2) the tax rate was decreased; (3) town services were continued with only a slight reduction in marginal programs; (4) a competitive pay plan had been devised; and (5) there was a significant reduction in the use of fund balance as compared to the 1981-82 Budget.

An extraction of the Manager's Recommended Budget, the Executive Summary, was available for the public (please refer to the permanent files in the Clerk's Office). Mr. Taylor highlighted and explained aspects of the Budget, as outlined in these documents.

Council had also requested a 5-year budget projection. Mr. Taylor stated that, using the figures for the 1982-83 proposed budget as a base, major categories of revenues and expenditures were considered to effect a two-year projection. Administration did not feel that a five-year program could be clearly defined, and had, therefore, opted for a two-year projection. Projections were outlined, as submitted in the documents.

Mr. Taylor reviewed the "Concluding Remarks":

- General Revenue Sharing is vitally important to the Town of Chapel Hill and we should work extremely hard to ensure its re-enactment.
  - -- The personnel cost reductions recommended for 1982-83 are the backbone for reducing future year tax increases.
  - -- The identification of positions in each department for evaluation and possible elimination when vacancies occur will provide a hedge against 1982-84 personnel cost increases.
  - -- Development of contingency plan for public transportation is essential considering the possible elimination of operating subsidies within the next two years."

The following addition was made to the "Concluding Remarks":

" -- If the tax rate were to be increased by 2¢ this year, and if these funds were held until next year and 1984-85, the long-range financial stability could be significantly improved."

Mr. Taylor expressed appreciation to Council for their advice and to the Department heads for their understanding and cooperation, offering the availability of himself and staff to answer any questions.

Mayor Nassif expressed appreciation on behalf of himself and the Council to the Manager and the staff, commending them for the clarity and conciseness of the contents of the documents.

Mr. Taylor distributed the Management Information System (MIS) to the Council and explained that it was a "line-item" proposal which contained more detailed information than that contained in the Manager's Recommended Budget. (Please refer to the permanent files in the Clerk's Office for a copy of this document.)

Mayor Nassif stated that Council would hold a worksession on Tuesday, June 1, 1982, at 7:30 P.M. A second worksession would be held on Monday, June 7, 1982, at 7:30 P.M. Council would plan to adopt the 1982-83 Budget on June 14, 1982.

Mayor Nassif encouraged Council to use these submitted budget documents and be prepared with questions prior to worksessions, in order to expedite these meetings.

## Community Development Program and Grant Application (1982-83)—Report on Preparation

Ms. Loewenthal highlighted the May 4, 1982, public hearing held by the Planning Board. At the public hearing needs were addressed by the Community Development Program and concerns were expressed by the public. Ms. Loewenthal summarized these concerns to Council. At the public hearing the Planning Board had noted that their top priority was the expansion of housing and living opportunities for low and moderate income people. Staff again requested feed-back from Council regarding these needs or any alternate proposals which might be considered.

Mayor Nassif stated that he wished to impress upon the various committees and boards that the Town could not affect housing without funds from the federal level for subsidizing, even though this Council had given housing top-priority support for years.

There was no discussion from Council.

# Amendment of the Ordinance Establishing the Human Services Advisory Board

Mayor Nassif advised Councilmember Straley that only members voting on the prevailing side of a motion were permitted to entertain a "motion to reconsider." Councilmember Straley could, however, place a motion that would not contradict the previous motion, or could make a statement.

Councilmember Straley stated that he felt that a serious mistake had been made during the recent process of adopting Ordinance 82-R-24 (April 5, 1982) to establish the Human Services Advisory Board. His concern was for the wording in the ordinance that "No Advisory Board member shall be a paid or non-paid staff to a human service agency." He implored other Councilmembers to consider, and possibly move, to either (1) drop the sentences that suggested staff qualification, or (2) amend the current language of the ordinance to suggest that not more than three members of the Advisory Board could serve on the board as a paid staff member of a human services agency.

Councilmember Wallace, who had opposed the original motion (April 5, 1982), supported Councilmember Straley's statements, stating that the "exclusionary principle was objectionable," having the effect of removing the intent of the ordinance to have persons interested in human services serve on this board.

No Councilmembers wished to entertain this motion.

COUNCILMEMBER STRALEY MOVED TO INSERT WORDS INTO ORDINANCE 82-0-24 (the words would be added as the third paragraph of Section 2-121. Membership; terms of Ordinance 82-0-24), as follows:

"For purposes of this Section, a "Human Services Agency" is any organization other than a church that:

- a. Provides counseling or supportive psychological or referral services for people in need of such services, or provides to them basic necessities of life; and
- b. Has an annual budget as measured by the average budget for its previous two completed fiscal years of at least \$20,000.

Also for purposes of this Section, "non-paid staff" of any human service agency means any person who works an average of 20 hours or more per week."

Mayor Nassif felt that (1) this was a motion that would contradict the original motion, and (2) the absence of two Councilmembers would preclude the making of this motion at this time.

### Discussion of Recommendation to Village Companies Foundation Directors Concerning Vacant Seat

Mayor Nassif referenced a letter from Mr. Mebane Pritchett, President of the Village Companies Fundation, which requested a recommendation from Council to fill a vacancy on the Village Companies Foundation Board of Directors. Mayor Nassif submitted the name of Mr. Ken McIntyre as a recommendation from Council for this position.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE NAME OF MR. KEN McINTYRE BE RECOMMENDED TO THE VILLAGE COMPANIES FOUNDATION BOARD OF DIRECTORS TO FILL THE CURRENT VACANCY OF MR. HACKLEY.

Councilmember Boulton wished to recommend Ms. Barbara Booth, but had not been able to contact Ms. Booth to verify her interest in serving on this board. Therefore, Councilmember Boulton requested that Council delay any decision for two days to allow additional time to contact Ms. Booth.

Council member Kawalec felt concern that Mr. Pritchett's letter had requested a Council recommendation by May 20, 1982. She did not feel that this allowed sufficient time to follow current procedures; i.e., advertising the vacancy and Council's consideration of applications. Mayor Nassif asserted that this was a Council recommendation, not a Council nomination. Councilmember Kawalec reminded Council that the Procedures Manual listed this board under "Mayor and Council Appointed Boards and Commissions," with the consent of the Council. As all other boards/commissions followed procedures to fill vacancies, the same should hold true for this board.

COUNCILMEMBER BOULTON MOVED A SUBSTITUTE MOTION THAT BOTH NAMES (BARBARA BOOTH AND KEN McINTYRE) BE SUBMITTED. Councilmember Smith, however, did not feel that a person should be recommended without their consent.

COUNCILMEMBER BOULTON REPHRASED HER SUBSTITUTE MOTION THAT BOTH NAMES BE SUBMITTED, ASSUMING PERMISSION HAD BEEN RECEIVED; IF NOT, ONLY THE NAME OF MR. McINTYRE WOULD BE SUBMITTED. Councilmember Smith did not agree.

Mayor Nassif stated very firmly that he had contacted each Councilmember (with the exception of one) prior to this meeting regarding this issue and it had not been brought to his attention that there might be any disagreement. Any disagreement regarding procedural preference should have been brought to the Council's attention prior to the meeting.

COUNCILMEMBER STRALEY SECONDED THE SUBSTITUTE MOTION.

Councilmember Broadfoot asked Mr. Denny for clarification of Council's right to name members to this board. Mr. Denny responded that the Village Cable franchise initially called for the appointment to the Foundation of two members by the governing body of the Town of Chapel Hill. Since then, however, the Foundation had increased its members and had adopted a set of by-laws. These by-laws now expressly provided that any vacancies occurring on the board would be filled by the Board of Village Cable. However, legal, practical, and political questions could be raised.

Councilmember Broadfoot stated that he would vote against the substitute motion, but asserted to Council that if the motion passed, it would indicate acceptance by Council that Council, indeed, did not have the authority to make appointments to this board. Council would, therefore, be responding with a recommendation for appointment.

Councilmember Kawalec continued to assert her desire to follow procedures for any recommendations to any board. In addition, she felt that she needed more time to consider other possible applicants, feeling that she had not had ample opportunity to do so and was, therefore, not ready to vote.

COUNCILMEMBER BOULTON WITHDREW HER SUBSTITUTE MOTION; COUNCILMEMBER STRALEY WITHDREW HIS SECOND TO THE SUBSTITUTE MOTION.

Councilmember Straley concurred with Councilmember Kawalec's position. He stated that he would vote against the motion and that this vote was not to be considered as a vote against the candidate.

Councilmember Smith felt that Council had known of the need for this recommendation to this board, and had had ample time to consider additional names.

THE MOTION DID NOT CARRY WITH A VOTE OF 4 TO 3, WITH COUNCILMEMBERS WALLACE, BROADFOOT, SMITH, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS KAWALEC, BOULTON, AND STRALEY OPPOSING.

AS THIS MOTION DID NOT FAIL OR PASS, THE MATTER WOULD BE PRESENTED TO COUNCIL AT A LATER MEETING.

## Resolution Regarding Payment of Taxes Owed on Approximately 23 Acres of Land Donated to the Town of Chapel Hill in the Spring of 1981

Mr. Taylor presented background information regarding the donation of 23 acres (near Willow Drive, east of U.S. 15-501 by-pass) in March of 1981. As the Town had received notification that taxes for 1981-82 fiscal year had not been paid, the Deputy Town Attorney researched this matter and concluded that there were no provisions that explicitly controlled this situation. However, general application of the rationale effected the recommendation that Council authorize the administration to pay the tax owned on this property.

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

A RESOLUTION REGARDING PAYMENT OF TAXES OWED ON APPROXIMATELY 23 ACRES OF LAND DONATED TO THE TOWN OF CHAPEL HILL IN THE SPRING OF 1981 (82-R-97)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to pay approximately \$1,800 in taxes owed on the 23 acre parcel donated to and accepted by the Town in March of 1981.

This the 10th day of May, 1982.

THE MOTION CARRIED UNANIMOUSLY.

#### Consent Agenda

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO ADOPT THE CONSENT AGENDA ACCORDING TO THE FOLLOWING RESOLUTION:

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS AND AN ORDINANCE (82-R-98)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the attached resolutions and ordinance:

- a. Authorization to dispose of surplus Town property by auction and sealed bid procedures (82-R-99) and 82-R-100.
- b. Amendment to Community Development project ordinance (82-O-32).
- c. Authorization to hire intern for Transportation Department (82-R-101).

This the 10th day of May, 1982.

THE MOTION CARRIED UNANIMOUSLY.

#### Resolution and an Ordinance Adopted on the Consent Agenda

The following are the resolutions and an ordinance adopted on the Consent Agenda:

A RESOLUTION DECLARING SEVENTY-FOUR ITEMS OF PERSONAL PROPERTY, CONSISTING OF AUTOMOBILES, TRUCKS, HEAVY EQUIPMENT, RECREATIONAL ITEMS, OFFICE FURNITURE AND MACHINES, MISCELLANEOUS MAINTENANCE TOOLS AND EQUIPMENT, AND SUNDRY OTHER ITEMS TO BE SURPLUS AND AUTHORIZING AND DIRECTING THE SALE OF SAID PROPERTY BY PUBLIC AUCTION (82-R-99)

WHEREAS, Article 12 of the General Statues 160A and Section 4.16 of the Charter of the Town of Chapel Hill authorize the Town to dispose of surplus personal property; and

WHEREAS, the Town desires to dispose of certain items of personal property;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

1. That the following items of personal property are hereby declared surplus:

<u>Items</u>	Minimum Bid
One Ford Courier Truck (1975) One Dodge Pick-Up Truck (1971) One GMC Dump Truck (1969) One GMC Cab and Chassis (1974), Scrap One GMC Side-Load Garbage Truck (1969), Scrap Packer body hydraulic system removed One Pontiac 2-Door Car (1969) One Dodge 4-Door Car (1973) Five Plymouth 4-Door Cars (1978) One Plymouth Valiant Car (1976) One Plymouth 4-Door Car (1974)	\$500 \$200 \$9 <b>7</b> 5

Three Calculators One 10-Key Adding Machine Four Secretarial Style Chairs Four Executive Style Chairs One Office Side Chair One Metal Chair One Dining Type Wood Table One Green Swivel Chair One Urinal Two Sinks Three Toilets with Flush Tanks Eight 4'2" x 4'2" Window Casements with Glass Three Sets Overhead Doors with Tracks and Springs Six Interior Wood Doors One 30 Gallon Water Heater One 3' x 6' Sliding Glass Window with Frame Two 3'10" x 3'8" Plate Glass Sections One Antrex Bull Horn One Thermofax Projector One Tennis Ball Machine One A. B. Dick Collator One Acetylene Torch One Cutting Torch with 4 Tips Two Drop Light Assemblies without Wires One Torque Wrench One Tire Balancer One Battery Charger Three Portable Radio Re-Chargers Three Bamboo Screens

- 2. That the Purchasing Agent of the Town of Chapel Hill shall be and is hereby authorized to dispose of this surplus personal property at public auction in accordance with statutory requirements.
- 3. That the public auction is to take place on Saturday, May 29, 1982, at 10:00 a.m., at the Municipal Operations Facility, 1099 Airport Road, Chapel Hill, N. C. (rain date: June 5, 1982, at the same time and place).
- 4. That the terms of sale shall be to the highest bidder (items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum). All sales shall be designated final on the day of the auction.
- 5. That all items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of and assumes no responsibility for any of the items.
- 6. That it shall be a condition of sale that all items purchased shall be picked up and removed from the premises of the Municipal Operations Facility by 3:30 p.m. Saturday, May 29, 1982. Purchaser shall bear sole risk of loss of any items remaining on said premises past the aforementioned time.

BE IT FURTHER RESOLVED that if any of the surplus property is not sold at the public auction, the Town Manager or his designee is hereby authorized to sell said surplus property by advertisement for sealed bids under the provisions of General Statute 160A-268, or by private negotiated sale under the provisions of General Statute 160A-267, choice of method to be determined by the value and sales potential of the item(s) remaining.

This the 10th day of May, 1982.

A RESOLUTION DECLARING ONE HUNDRED AND EIGHT ITEMS OF PERSONAL PROPERTY, CONSISTING OF BUSES, FAREBOXES, FAREBOX VAULTS, A FRONT LOAD DEMPSTER—DUMPSTER "PACKER BODY" AND SCRAP METALS TO BE SURPLUS AND AUTHORIZING AND DIRECTING THE SALE OF SAID PROPERTY BY ADVERTISED SEALED BID (82-R-100)

WHEREAS, Article 12 of the <u>General Statutes</u> 160A and Section 4.16 of the Charter of the Town of Chapel Hill authorize the Town to dispose of surplus personal property; and

WHEREAS, the Town desires to dispose of certain items of personal property;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill:

1. That the following items of personal property are hereby declared surplus:

<u>Items</u>	Minimum Bid
Two 1958 GMC Buses (Scrap) One 1959 GMC Bus (Scrap) Three 1958 GMC Buses Four 1958 GMC Buses Four 1974 Twin Coach GMC Buses Three 1974 Twin Coach GMC Buses One 1975 Twin Coach GMC Buses Two 1974 Twin Coach GMC Buses Thirty-Eight Bus Fareboxes Forty-Seven Farebox Vaults One Front Load Demster-Dumpster "Packer Body" Approximately 5000 lbs. Scrap Metal Approximately 1500 lbs. Scrap Metal	\$ 200 each \$ 300 each \$2,500 each \$4,500 each \$4,500 \$6,000 each

- 2. That the Purchasing Agent of the Town of Chapel Hill shall be and is hereby authorized to dispose of this surplus personal property by advertisement for sealed bid in accordance with the provisions of General Statute 160A-268.
- 3. That all items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of and assumes no responsibility for any of the items.

BE IT FURTHER RESOLVED that if any of the surplus property is not disposed of by sealed bid, the Town Manager or his designee is hereby authorized to sell said surplus property by private negotiated sale under the provisions of General Statute 160A-267.

This the 10th day of May, 1982.

AN ORDINANCE TO AMEND THE "COMMUNITY DEVELOPMENT SMALL CITIES PROGRAM PROJECT ORDINANCE" (82-0-32)

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, 1980, and October 13, 1980, and October 12, 1982, be and the same is hereby amended as follows:

Section 4: Reflect the following increase and decrease in appropriation to activities.

Activity	Cu	ar 1,2,3 rrent oject	Increase	Decrease	Re	ear 1,2,3 evised coject	Year 1 Revised
Acquisition of Real Property	\$	410,365			\$	410,365	\$ 93,870
Disposition of Real Property		6,000				6,000	700
Public Facilities and Improvements		482,450	•			482,450	245,385
Clearance Activities		27,600				27,600	8,200
Relocation Payments and Assistance		191,987				191,987	86,085
Rehabilitation and Preservation		730,115	\$5,000			735,115	199,265
General Administration		184,408				184,408	64,685
Non-Departmental		67,075		\$5,000		62,075	1,810
Total	\$2	,100,000	\$5,000	\$5,000	\$2	2,100,000	\$700,000

This the 10th day of May, 1982.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIRING OF A SUMMER INTERN (82-R-101)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to enter into a contract with the North Carolina Department of Transportation Department as described in the Manager's memorandum on this subject dated May 10, 1982.

This the 10th day of May, 1982.

THE MOTION CARRIED UNANIMOUSLY.

As there was no further business to come before Council, COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, THAT COUNCIL RETIRE TO EXECUTIVE SESSION. THE MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 9:35 P.M.

Joseph L. Nassif, Mayor

David B. Roberts, Clerk

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## TOWN OF CHAPEL HILL

306 NORTH COLUMBIA ST. CHAPEL HILL, N.C., 27514 (919) 929-1111



NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN COUNCIL

**TO:** 

You, and each of you, are hereby notified that the Town Council has called a Special Meeting, to be held in the <u>NEETING ROOM</u> , at 7:30 P.M. on <u>MAY 12</u> , 1982, <u>TO CONSIDER</u> SITE PLANS ON WILLOW TERRACE ADDITIONS.
Mayor
ACCEPTANCE OF NOTICE
We, the undersigned, members of the Chapel Hill Town Council, hereby accept notice of a Special Meeting of the Council, called by Honorable Joseph L. NASSIF, Mayor, to be held in the MEETING ROOM, 306 N. COLUMBIA ST, CHAPEL HILL, N.C.
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James C Wallace

# TOWN OF CHAPEL HILL

306 NORTH COLUMBIA ST. CHAPEL HILL, N.C., 27514 (919) 929-1111



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	NOTICE OF SPECIAL MEETING OF THE CHAPEL HILL TOWN O	COUNCIL
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	R.D. Smilk	
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You	, and each of you, are hereby notified that the Town called a Special Meeting, to be held in the <u>NEET/</u>	NG POOM
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	ACCEPTANCE OF NOTICE	
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we,	the undersigned, members of the Chapel Hill Town Coept notice of a Special Meeting of the Council, call	led by
Hone	orable Joseph L. NASSIF , Mayor, to	pe ueig in
the	MEETING ROOM 306 N. COLUMBIA ST, CHAPEL H	ILL NIC.
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