

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,  
MUNICIPAL BUILDING, MONDAY, SEPTEMBER 27, 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  
Joseph Straley

Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Emery Denny. *Councilmember Wallace was absent (Rye)*

Certificates of Appointment

Mayor Nassif presented Certificates of Appointment to Mr. Phil Rominger (Community Appearance Commission), and Mr. Nicholas Holland (Personnel Appeals Committee), expressing his and Council's appreciation for their service to the Town in this capacity.

Petitions

Mr. Robert Page, by written petition, requested the release of the remaining balance of two letters of credit for improvements in Timberlyne Office Park South as follows:

- |                                      |             |
|--------------------------------------|-------------|
| 1. Street (Kingston Drive Extension) | \$33,300.00 |
| 2. Utilities                         | \$ 7,700.00 |

Mr. Page informed Council that this request to the Town Engineer and to the Town Manager had been denied. Mr. Page stated that all of the improvements had been completed and OWASA had taken over the utilities for continuous maintenance. He, therefore, did not concur with denial of the request.

Mr. Page refuted reasons for denial:

1. Kingston Drive Extension was outside of the Town limits; therefore, there was no valid one-year warranty. Timberlyne Associates would be responsible for maintenance of the street until such time that the street was annexed by the Town or came under the state system.
2. Each owner of an office lot was aware of his responsibility for street maintenance and was "under no delusion that the Town is responsible."
3. Annexation of the area could not be predetermined at this point.

Mr. Page requested that the Town inspect streets immediately after utility companies installed lines in developments such as this.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER SMITH, TO REFER THE MATTER TO THE MANAGER TO BE BROUGHT BACK TO COUNCIL ON THE NEXT AGENDA.

Mr. Jim Kitchen, representing the Town Relations Committee of the Student Government of the University of North Carolina, expressed the "...wholehearted support of the Council's proposed Task Force on Alcohol-Related Issues...." (Please refer to files in the Clerk's Office.)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO RECEIVE THE PETITION. THE MOTION CARRIED UNANIMOUSLY.

No more petitions were presented to Council

Minutes (September 13, 1982; Special Meeting of September 20, 1982)

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE MINUTES OF SEPTEMBER 13, 1982, AS CORRECTED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO ADOPT THE MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 20, 1982, AS SUBMITTED. THE MOTION CARRIED UNANIMOUSLY.

Joint Meeting with Board of Adjustment

The following members of the Board of Adjustment were introduced: Velverton Land, Douglas Ludy, Marcia Herman-Giddens, James Bullard, Johnnie Peace, Robert Joesting, Bob Peoples, Walter Baum, and Lewis Roland.

Mr. Grainger Barrett, Deputy Town Attorney, outlined various aspects of the Board of Adjustment. The Board was the Town's Zoning Board of Appeals, and consisted of seven members (appointed by the Town) and three members (appointed by the County), with one Town alternate, and two County alternates.

The duties of the Board were to hear appeals of decisions made by Town zoning administrators (Building Inspector, Historic District Commission, Community Appearance Commission, etc.) and to issue variances of the Zoning Ordinance requirements.

A 4/5 affirmative vote (or 8 votes) was required to reverse a decision of a Town Board or zoning administrator or to move in favor of an applicant with a variance.

Mr. Barrett explained to Councilmember Broadfoot that the reason for the 4/5 affirmative vote required to reverse a decision or to grant a variance was to "add an element of regularity to the proceedings of persons with the expertise on a day-to-day basis and to avoid decisions that might be based on emotionalism or favoritism." Councilmember Broadfoot favored a similar high vote for the granting of Special Use Permits by Council.

Mr. James Bullard, Vice Chairman of the Board of Adjustment, expressed appreciation for Council and staff support. He stated that the Board did not consider itself a legislative body, but a quasi-judicial body...a conservative interpreter of the law, representing fellow citizens and the community at large to protect private property. In addition, the Board of Adjustment tried to be "sparing in granting variances."

Mr. Bullard reviewed the five issues that the Board of Adjustment had considered during the past year. He explained that each issue varied according to citizen sentiment. Major concerns of the Board centered around the need to monitor stipulations that had been imposed, as the Board of Adjustment had no arm by which to monitor/assure compliance. He requested that Council consider ways to address this concern.

Mayor Nassif suggested that it might be helpful for Council to clarify the the current ordinance.

Councilmember Smith felt that the Town Attorney would have the power to follow up and enforce any variance stipulations issued by the Board of Adjustment.

Mr. Denny informed Councilmember Smith (re who would be responsible for following up a situation where a significant tree might be involved) that no one could follow up on an issue regarding a 4-foot oak, if the tree itself were designated as a significant tree. If the intent was to preserve the area that the tree occupied, then a provision could be put in the variance and enforced by the Building Inspector.

Councilmember Howes felt that Council might consider transferring the authority to grant Special Use Permits to the Board of Adjustment.

Councilmember Broadfoot proposed a 4/5 vote of Council to grant a Special Use Permit.

Mr. Bullard concurred with Councilmember Straley's comments that the Board of Adjustment was conservative in its decisions and that only fairly significant cases were reviewed by the Board.

Mr. Denny added that State law defined areas that constituted a variance. This helped determine whether a case could be considered by the Board of Adjustment.

Mayor Nassif expressed appreciation to Board members for their participation in the worksession and encouraged members to ask Council's guidance where needed.

#### Council Task Force on Alcohol-Related Issues

Councilmember Boulton suggested to Council the formation of a community task force on alcohol-related problems to deal with concerns in a uniform manner. The proposed list of representatives for this Task Force is as follows:

University Students (selected by the student government)  
 University Administrator (selected by the Chancellor)  
 Public School Students (two--one from the high school and one from a junior high school--to be selected by the principals)  
 High School Personnel (selected by the principal)  
 School Board Member (selected by the group)  
 Community Advisor to Drive-A-Teen (Reverend Gordon Dragt)  
 Parent of a Teen  
 Bar Owners (one representing the association)  
 Convenience Store Owners (one representing the owners)  
 District Attorney's Office  
 Judge (Councilmember Boulton proposed Ms. Patricia Hunt)  
 Police Department

Councilmember Boulton stated that Mr. Barber had suggested a member of the ABC Board.

The Council would need to select only one member; the other members would be from organized bodies.

The charge, as suggested by Councilmember Boulton, would be that the Task Force isolate solvable problems in a manner that the group could handle in problem locations around Town.

Councilmember Broadfoot expressed his hope that the purpose of the Task Force would be to reduce the amount of drinking in Chapel Hill. He asked Mr. Kitchen if the concern he had expressed was a concern for alcohol abuse. Mr. Kitchen responded that the Town Relations Committee was concerned with all of the ramifications of a drinking problem.

Councilmember Howes supported Councilmember Boulton's idea and the subsequent formulation and adoption of a resolution calling on other interested parties in Town to join with the Chapel Hill Town Council in starting this enterprise which reflected the continuing concern of the Council for a problem which had not gone away.

Councilmember Smith asked Councilmember Boulton what constituted "convenience stores." Councilmember Boulton responded that her primary intent was convenience stores, but that this could also include grocery stores. She stated that she had asked the Chamber of Commerce to select store owners from their membership to serve.

Councilmember Smith asked what public school grades would be represented. Councilmember Boulton responded that her intent was to have one 9th grade student (representing the junior high schools), and one 11th grade student (representing the high school). Councilmember Smith concurred.

Councilmember Smith asked Mr. Kitchen how widely he and his committee represented the UNC student body. Mr. Kitchen felt that the committee adequately represented the entire student body.

Councilmember Kawalec felt that it was important to set specific terms for members of the Task Force or a time when Council would reauthorize the existence of this group.

Councilmember Boulton stated that she hoped the group would meet to perform their task, report to Council, then disband.

Councilmember Straley proposed a one-year life span with a final report to Council on what type of Advisory Board or Committee might be established to carry on this work.

Councilmember Straley wished to add to the proposed charge to this Task Force:

1. To isolate and define solvable alcohol-related problems.
2. To propose solutions and identify agencies that would be effective in these solutions.
3. To generate a community-wide understanding and a community-wide cooperative spirit by encouraging the establishment of alcohol-related educational programs.

Councilmember Boulton concurred. She envisioned the Task Force as returning to their group or areas that they represented and make suggestions of things this group could do among themselves. She did not feel that the Task Force should waste time on studies that had already been done by other concerned groups in the past.

Councilmember Pasquini asked Councilmember Boulton if she had not considered Alcoholics Anonymous or half-way houses for alcoholics, as they did not deal directly with students. Councilmember Boulton responded that she had primarily contacted groups that had a good deal of contact with students and who could offer expertise and be resource people. Some Alcoholics Anonymous members had contacted her to offer their assistance with Drive-A-Teen, etc. In addition, the Rotary Club had established a group to help educate citizens on drunk driving. She would like to see social action groups interfaced with Task Force members rather than just represented.

Councilmember Straley felt that there was the risk that the group could become too large to be effective. Councilmember Straley concurred with the suggestion of a member from Alcoholics Anonymous.

Councilmember Broadfoot supported Councilmember Boulton's proposal for the Task Force. He felt that the Task Force could report to Council with information on how to deal with the problems in the Chapel Hill community. He favored a duration limit on the Task Force. He favored an unstructured committee as words tended to confine the group. Councilmember Straley did not concur, as it would be naive to expect results without establishing goals. A report to Council in one year would be desirable.

Councilmember Smith expressed his hope that the Task Force would stir up community action in reducing the drinking problem. He felt that an ex-officio member of the Task Force, representing the General Assembly, would give state representatives a better idea of what issues were involved.

Councilmember Boulton requested that Rosemary Waldorf, Assistant to the Mayor, contact the various groups requesting that they select their representative(s). She proposed that the "Parent of a Teen" be designated as the Chairperson, as that person did not represent any group and would be the only person that Council would select. She welcomed suggestions.

Councilmember Boulton responded to questions from Mayor Nassif:

- Bar owners and convenience store owners would be selected by the Chamber of Commerce.
- Ms. Patricia Hunt might serve as representative of the judges.
- The high school principal could contact one of the junior high school principals requesting that a representative be selected.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT (1) A RESOLUTION BE DRAWN UP BY THE MANAGER FOR THE NEXT MEETING THAT WOULD OUTLINE THE PURPOSES AND TERMS OF THE TASK FORCE, SUCH OUTLINE NOT TO CONFINE THE GROUP, AND (2) REPRESENTATIVE NAMES BE AVAILABLE FOR COUNCIL'S CONSIDERATION AT THAT TIME.

Councilmember Straley felt that a 6-month interim report could be included in the resolution.

VOTE ON THE MOTION WAS UNANIMOUS.

Ordinance Concerning a Program of Deferred Compensation for Town Employees

Mr. Taylor informed Council that the management desired to make a deferred compensation plan available to Town employees as a fringe benefit, optional to each employee. There would be no cost to the Town (i.e., no matching contributions, etc.) other than necessary computer program changes.

This plan would allow employees to set aside, through payroll deduction, a portion of their income for retirement purposes before it was taxed. Twenty-five percent of an income, not to exceed \$7,500, was the maximum amount allowed to be set aside.

Deferred Compensation Plans were a type of tax shelter and allowed the employee to put this money into a savings plan for future retirement before taxing. In doing this, taxes would be deferred until the money was withdrawn, usually at retirement when income, and therefore taxes, would be less.

If Council approved the request, the Town would receive proposals from local and national companies in this business. Management would analyze and select a plan or plans which best suited employee needs.

Mayor Nassif questioned if the wording in the proposed ordinance offered multiple plans to employees. Mr. Taylor responded that many investment options could be offered by a single entity.

Councilmember Howes asked if other communities in North Carolina were offering these plans on a broad scale basis to all employees. Mr. Taylor responded affirmatively and added that a maximum of approximately 50% participation could be expected at any one time.

Councilmember Straley questioned why insurance companies did not make this plan available to Town employees, generally. Mr. Taylor responded that for the plan to qualify as a Deferred Compensation Plan, it had to be approved under the Internal Revenue Code. The Town would maintain ownership of the money until it was withdrawn. The money would have been invested by the corporation, hopefully making money for the Town.

Mr. Taylor informed Councilmember Smith that several technical and professional employees had inquired about the possibilities of offering such a plan to Town employees, but the "rank and file" had not made such requests. He did not anticipate more than 50% employee participation.

Councilmember Broadfoot asserted that an employee would have to live on less than their current net pay to take advantage of this. Mr. Taylor stated that this plan operated on the theory that most people were currently involved in a saving program after taxation. This plan would offer a type of savings program before tax deductions.

Mr. Taylor explained that the ordinance stated Council's endorsement of the availability of the concept of a Deferred Compensation Plan. The resolution gave the Manager the authority to proceed administratively.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER KAWALEC, TO ADOPT THE FOLLOWING ORDINANCE:

AN ORDINANCE CONCERNING A PROGRAM OF DEFERRED COMPENSATION FOR TOWN EMPLOYEES (82-O-71)

BE IT ORDAINED by the Council of the Town of Chapel Hill that a new section be included in the Personnel Ordinance, to be Section 14-64.1:

The Town may offer a program of Deferred Compensation qualifying as such under the Internal Revenue Code as an optional benefit to full and part time Town employees.

This the 27th day of September, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Concerning a Program of Deferred Compensation for Town Employees

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION CONCERNING A PROGRAM OF DEFERRED COMPENSATION FOR TOWN EMPLOYEES (82-R-173)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager is authorized to solicit proposals for a deferred compensation program, to select and execute a contract on behalf of the Town of Chapel Hill with the plan (or plans) which best meet(s) the needs of employees who would participate in deferred compensation and to offer the plan(s) as a optional benefit to full and part time Town employees. In making such selection, the Manager shall consider such aspects as fees and charges, communication with and reports to participants, rate of return, investment vehicles, financial soundness and experience, and performance.

This the 27th day of September, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolution Authorizing an Encroachment Agreement

Mr. Taylor informed Council that Mr. Lunsford Long of 116 Mallette Street had begun to build a brick retaining wall at this property. Town staff had questioned if this wall were in the Town's right-of-way.

After discussion of the matter with Mr. Long and after extensive survey work, staff concluded that the wall was being constructed in the right-of-way. Mr. Long, however, did not concur with Town opinion.

To resolve the issue, it was suggested, with the concurrence of Mr. Long, that Council be requested to approve an encroachment for this wall within the right-of-way with a "hold harmless" provision that Mr. Long would remove the wall from the right-of-way at any future request of the Town, and at Mr. Long's expense.

Mr. Long requested that he be allowed to retain the position that he did not necessarily agree that the wall was in the right-of-way and that he be allowed to reserve the right to have the issue adjudicated at a future time.

Management felt that, under the circumstances, the request was reasonable.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING AN ENCROACHMENT AGREEMENT (82-R-174)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to enter into an agreement satisfactory to the Legal Department with the owner of the property at 116 Mallette Street, described as Lot 12 of Block B, Chapel Hill Township Tax Map 86, to allow the construction and maintenance of a brick wall in the right-of-way of Mallette Street claimed by the Town, under substantially the following conditions:

1. The wall shall be constructed no closer than one foot from the back of the existing curbing along Mallette Street and not greater than 3 feet high.
2. The owner, including future owner(s), of the above - described property at 116 Mallette Street shall agree to indemnify and hold the Town harmless from damages or claims which may result from or relate to the construction or maintenance of the wall within the Town's right-of-way.
3. The Town reserves the right to require the owner or future owner(s) of the above-described property to remove the wall from its right-of-way at said owner's expense if such removal is determined by the Town to be necessary or desirable for improvements within the Mallette Street right-of-way.
4. The signing of the encroachment agreement shall not prejudice Mr. Long's right to obtain a judicial determination of the exact location of the Town's right-of-way on Mallette Street.

The Manager is authorized to make minor modifications in the terms of the agreement as the Manager deems necessary and appropriate and to execute such agreement with Mr. Long on behalf of the Town.

This the 27th day of September, 1982.

Councilmember Straley felt this could go before the Board of Adjustment. Mr. Taylor stated that anything constructed in the Town's right-of-way required permission from the local legislative body. The question was "where was the right-of-way." Mr. Taylor felt that the right-of-way had been approved beyond a reasonable doubt.

Mayor Nassif asked what would happen if other persons wished to construct walls. Mr. Taylor felt that each case would have to be considered individually with advance permission from the legislative body. He assured Mayor Nassif that this would not be allowed for each and every request. Rights-of-way were for public use and no encroachment should be allowed to exist except in extenuating circumstances.

Mr. Denny stated that State Statutes were clear that rights-of-way were for public use. However, both Statutes and decided cases recognized that it was not always necessary for all rights-of-way to be used for public purposes. Therefore, a "temporary basis" encroachment, under certain circumstances wherein rights-of-way were not needed for other purposes, was permitted. The burden of reason for granting or denying an encroachment request lay with the legislative body. Encroachment would be permitted if the right-of-way was not needed at that time for public purposes. In this case, Mr. Denny stated that the walking area was being preserved for public purposes.

Mayor Nassif asked if this encroachment would be recorded on a future deed, should the property be sold. Mr. Denny responded that it could be recorded on the deed. He responded that the encroachment did not make the area involved a part of the lot. It was a permitted encroachment into a public right-of-way outside of the deed.

Mayor Nassif stated that Mr. Long "felt" that the property line was where the wall was and that future parties might also "feel" that way. He wished to understand how future owners would know that the Town had entered into an agreement for this encroachment.

Mr. Taylor stated that the intent was to record the encroachment in the office of the Register of Deeds in Orange County.

Mr. Denny felt that the issue was, as a matter of policy, if Council wished to approve an encroachment agreement with Mr. Long for his wall at this time on this street at this location.

Councilmember Smith asked if there were stakes on the property which indicated the extremities of the lot.

Mr. Barrett explained that Town engineers had attempted to re-establish the property lines of the owners on the west side of Mallette Street based on deeds dating before the Civil War.

Councilmember Smith asked if the Town engineers and Mr. Long and counsel had agreed to where the property lines were. Mr. Barrett felt that all had agreed on where the property lines were, but the problem was finding where the right-of-way on the west side of Mallette Street was in 1864.

Councilmember Broadfoot asked if any further construction of the wall had taken place since the question of right-of-way was raised by the Town. Mr. Long explained to Councilmember Broadfoot that "an agreement in principle" had been set before Council approval, and work had resumed. Councilmember Broadfoot asserted to Mr. Long that to act before Council approval was "a risky thing to do."

Councilmember Broadfoot recounted the procedure outlined: (1) if the Town wished to improve the roadway the owner would be responsible for removing the wall; (2) the owner, because he did not concur with the location of the right-of-way, was allowed to contest the location of the right-of-way line at a future date. Councilmember Broadfoot asserted that if, at a later date the Town instructed the owner to remove the wall, this would be an ideal time for the owner to contest where the right-of-way line was before he complied with Town direction. Councilmember Boulton felt that the issue should be to convince Mr. Long that the right-of-way line was where the Town had established it to be. If he did not agree, he should move the wall.

He felt that Mr. Long would "see us in court" if the Town ever directed removal of the wall. He felt that there was no difference in this agreement and doing nothing. He questioned what would be accomplished by approving this agreement.

Mr. Taylor stated that Mr. Long would be agreeing to hold the Town harmless if the wall were ever involved in an accident.

Mr. Denny stated that the wall would only come into question if the Town ever decided to widen that street any significant number of feet. Should that occur, this would be only one of many problems to be faced at that time.

Councilmember Broadfoot felt that the Council would be better off making no decision.

Mr. Denny stated that Council's decision would either (1) require Council to authorize the Town Attorney's Office to file suite to seek a restraining order or a mandatory injunction to remove the wall, or (2) the Council would be asked to deal with right-of-way encroachment agreements from other citizens. The question was if this issue was worth fighting over at this time. The Manager's recommendation under the existing circumstances was "no."

Councilmember Smith asked Mr. Denny if the Town had adequate information re boundary lines to hold up in court.

Mr. Denny responded that an answer at this time would predetermine the results of any future litigation. He asserted that it was a very rare occurrence to find stakes, follow deed directions, and end up with well-defined property lines.

VOTE ON RESOLUTION 82-R-174 CARRIED 6 TO 2 WITH COUNCILMEMBERS BROADFOOT, HOWES, KAWALEC, PASQUINI, STRALEY, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS SMITH AND BROADFOOT OPPOSING.

#### North Carolina League of Municipalities--Designation of Delegates

Councilmembers Straley, Howes, and Kawalec planned to attend the North Carolina League of Municipalities Meetings in Greensboro.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, NOMINATION OF COUNCILMEMBER HOWES AS DELEGATE TO THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES MEETINGS. THE MOTION CARRIED UNANIMOUSLY.

Mr. Taylor would forward the information to the League.

#### North Carolina Arts Council Local Government Challenge Grant Application--Request to Withdraw the Item from the Agenda

Mayor Nassif stated that this issue had resulted in a 4/4 vote during the September 13 Council meeting and was to be brought back on this agenda.

The Parks and Recreation Commission and Parks and Recreation Department and the Manager requested withdrawal of this item from the agenda to allow reconsideration of the project.

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT THIS MATTER BE WITHDRAWN FROM THE AGENDA TO BE PRESENTED TO COUNCIL FOR CONSIDERATION AT A LATER DATE. THE MOTION CARRIED UNANIMOUSLY.

#### Elliott Woods and Chase Park Apartments--Request to Report on November 8 Meeting re Recreational Equipment

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO GRANT THE REQUEST TO REPORT ON NOVEMBER 8 RE RECREATIONAL EQUIPMENT FOR ELLIOTT WOODS AND CHASE PARK APARTMENTS.

THE MOTION CARRIED UNANIMOUSLY.

#### Consent Agenda

Councilmember Broadfoot requested removal of item "c" (re agreement for sale of bus passes to credit card holders) from the Consent Agenda.



COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION ADOPTING VARIOUS RESOLUTIONS (82-R-175)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the resolutions submitted by the Manager in regard to the following:

- a. Bids for surplus buses and related equipment (82-R-176)
- b. Annual Shrine Club Fish Fry at University Mall October 8, 1982 (82-R-177)

This the 27th day of September, 1982.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions Adopted on the Consent Agenda

The following resolutions were adopted on the Consent Agenda:

A RESOLUTION ACCEPTING BIDS FOR THE SALE OF SURPLUS BUSES, FARE BOXES AND FARE BOX VAULTS (82-R-176)

WHEREAS the Town of Chapel Hill has solicited formal bids on August 5, 1982 and the following bid(s) have been received:

Item		Raleigh Transit Service	Barkers Auto Salvage
1. Veh. No.	Year/ Model		
529	1958/GMC		\$ 50.00
530	1958/GMC		\$ 50.00
531	1958/GMC	\$ 250.00	\$ 75.00
535	1958/GMC	\$ 250.00	\$ 75.00
536	1958/GMC	\$ 250.00	\$ 75.00
538	1958/GMC		\$ 50.00
542	1958/GMC	\$ 250.00	\$ 77.00
545	1959/GMC		\$ 53.00
546	1958/GMC		\$ 26.00
779	1959/GMC	(no bid)	(no bid)
701	1974/Twin Coach		\$257.00
702	1974/Twin Coach	\$4,500.00	\$328.00
703	1974/Twin Coach	\$4,500.00	\$318.00
705	1974/Twin Coach	\$2,000.00	\$207.00
706	1974/Twin Coach		\$187.00
707	1974/Twin Coach		\$ 67.00
708	1974/Twin Coach		\$227.00
711	1974/Twin Coach		\$107.00
712	1974/Twin Coach	\$1,000.00	\$227.00
700	1975/Twin Coach		\$287.00

Item	Raleigh Transit Service			Barker Auto Salvage		
	Qty.	Unit Price	Amount	Qty.	Unit Price	Amount
2. 38 Fare Boxes w/vaults	10	10.00	100.00	38	1.00	38.00
3. 9 Spare Vaults	5	5.00	25.00	9	.10	.90
	Total		\$13,125			\$2,781.90

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town accepts the bids of Raleigh Transit Service in the amount of \$13,125.00 for buses 531, 535, 536, 542, 702, 703, 705, 712, 10 fare boxes with vaults and 5 spare vaults and the bid of Barker Auto Salvage in the amount of \$1,065.00 for buses 701, 706, 708, 711 and 700; and

BE IT FURTHER RESOLVED that the bids on buses 529, 530, 538, 545, 546, 707 and the remaining fare boses and fare box vaults be rejected.

This the 27th day of September, 1982.

A RESOLUTION APPROVING A TEMPORARY EVENT IN A PARKING AREA (82-R-177)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the request by the Orange County Shrine Club for a fish fry from 8 A.M. to 8 P.M. on Friday, October 1, 1982, in the University Mall parking lot with the following conditions:

1. The eating and cooking areas shall be separated from vehicular traffic and parking as described in the application submitted to the Town by Mr. Eugene Brandt.
2. The event shall be located in the area used on October 2, 1981, as shown on a sketch included with the Shrine Club's application for the event in 1981.
3. The Orange County Shrine Club's representatives at the fish fry shall comply with reasonable directives of the Town's Police and/or Fire Chiefs, or their designees, as may be necessary to protect the safety of persons and property in the vicinity of the fish fry.

This the 27th day of September, 1982.

Resolution Authorizing an Agreement for Sale of Bus Passes to Credit Card Holders

Councilmember Broadfoot opposed the Town's involvement in the business of plastic credit and at a cost to the Town.

Mr. Godding, Director of the Transportation Department, informed Council that only the university offered ways to extend payments for bus passes (payroll deduction for employees and semester billing for students).

Increases in prices of bus passes made purchases difficult for some persons. Credit cards offered an easier method of payment. This would not necessarily help lower-income patrons who would probably not own credit cards; no system was available for them at this time.

Councilmember Broadfoot suggested that a raise in prices would compensate for the 3% loss to the Town. Mr. Godding explained that to pass on the cost of credit card use to its customers would violate the bank agreement. The "credit card customer" could not be charged more for a bus pass than a "cash customer." It would be permitted, however, to give a discount for cash payment. In this instance, the Town proposed to pay the fee.

Mr. Godding explained to Councilmember Broadfoot that the 3% fee was based on the amount of the transaction; i.e., a 75¢ charge for all sales under \$30 and \$1 charge for all sales above \$30.

Councilmember Broadfoot asked if other towns were using credit cards. Mr. Godding responded that he had not considered other towns, but that Chapel Hill was atypical in that there was a university that offered the opportunity to extend the payments and also that Chapel Hill had a high rate of pass sales.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, ADOPTION OF THE FOLLOWING RESOLUTION:

A RESOLUTION AUTHORIZING AN AGREEMENT FOR SALE OF BUS PASSES TO CREDIT CARD HOLDERS (82-R-178)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Manager to enter into an agreement with Central Carolina Bank to allow the Town to accept major credit cards in the sale of Town bus passes.

This the 27th day of September, 1982.

THE MOTION TIED 4 TO 4 WITH COUNCILMEMBERS HOWES, BOULTON, STRALEY, AND SMITH SUPPORTING, AND COUNCILMEMBERS KAWALEC, BROADFOOT, PASQUINI, AND MAYOR NASSIF OPPOSING. The item would be carried to the next agenda.

Notification of Vacancy

Council was notified of three expiration of terms on the Historic District Commission on December 31, 1982.

Nominations for Transportation Board

There were no further names placed in nomination by the Council.

Councilmember Howes referenced a memo from the Deputy Clerk informing Council that the university student body was represented on the Transportation Board by member, Sally Hadden.

There being no further business to come before the Council, the meeting was adjourned at 9:27 P.M.



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Joseph L. Nassif, Mayor



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David B. Roberts, Clerk