

MINUTES OF A MEETING OF THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,  
MUNICIPAL BUILDING, MONDAY, APRIL 25, 1983, 7:30 P.M.

Mayor Joseph L. Nassif called the meeting to order. Councilmembers present were:

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

Also present were Town Manager, David R. Taylor; Assistant Town Manager, Sonna Loewenthal; and Town Attorney, Grainger Barrett.

General Revenue Sharing Funds in 1983-84 Budget--Public Hearing

Mr. Taylor stated that the public hearing had been advertised on the grounds that General Revenue Sharing Funds would either be re-enacted or not re-enacted, so that the "full story" would be before the public.

Mr. Taylor explained that if the current Revenue Sharing Program were renewed by Congress, the Town could expect to receive approximately \$593,915 in General Revenue Sharing Funds (with approximately \$25,000 of interest earnings and \$70,000 in prior year Fund Balance). It was proposed that approximately \$559,915 of these funds would be used for General Operating purposes (to include debt service payment), and approximately \$129,000 of these funds would be placed in a Capital Improvement Reserve Fund.

If Congress did not extend the Revenue Sharing Program beyond October 1983, the Town would receive \$274,900 in Revenue Sharing Funds, with approximately \$15,000 in interest earnings and \$70,000 in prior year Fund Balance, or a total of \$359,900 for General Fund operating purposes.

No citizens or Councilmembers spoke regarding General Revenue Sharing Funds.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO REFER THE MATTER TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif closed the public hearing.

Petitions

Councilmember Howes introduced Mr. David Rahling from Dragor, Denmark. He stated that Mr. Rahling was a visiting Research Associate in the Center for Urban and Regional Studies, a former member of the Town Council of Dragor, and currently Chair of the Dragor Board of Building Preservation.

Mr. Rahling presented a gift of friendship to the Town of Chapel Hill from his hometown of Dragor--a book of building and historic preservation in Dragor.

Mr. Rahling stated that he had been given the Gold Key of Chapel Hill when Councilmember Jim Wallace was Mayor of Chapel Hill and that the Key now decorated the wall in the Mayor's Office in Dragor. Mr. Rahling presented a letter addressed to the Mayor and Council from the Mayor of Dragor. Mayor Nassif accepted the gift on behalf of the Town of Chapel Hill and read the letter from the Mayor which extended greetings to Chapel Hill and expressed appreciation for the Key of Chapel Hill.

No other petitions were presented.

Minutes (March 28, 1983)

Councilmember Straley stated that ordinance 83-O-15b contained a grammatical error which should be corrected. The error was in SECTION 1, 7.8.3. The wording should be changed FROM "...zoning districts and...." TO "...zoning districts for a lot which...."

Mr. Barrett advised that this correction did not constitute an amendment to the ordinance. The Council had no objection to this correction.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE MINUTES OF MARCH 28, 1983. THE MOTION CARRIED UNANIMOUSLY.

(April 11, 1983)

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, ADOPTION OF THE MINUTES OF APRIL 11, 1983. THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, SMITH, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER STRALEY OPPOSING. Councilmembers Straley and Kawalec stated that they would bring corrections to the April 11, 1983, minutes at a later date.

#### Ordinance Amending Article VIII of the Chapel Hill Town Code of Ordinances

Mr. John Thomas, Chair of the Transportation Board, was present to answer questions re the proposed ordinance.

COUNCILMEMBER SMITH MOVED TO AMEND THE PROPOSED ORDINANCE AS FOLLOWS:

(In Sec. 2-134, paragraph (c), amend as follows:)

AFTER the words "...make comments and recommendations to the..."

ADD the words "Manager and to the"

BEFORE the words "...Council with respect thereto."

Councilmember Boulton asked Mr. Barrett if other ordinances for Town Boards/Commissions stated that "a member shall only be reappointed once"?

Mr. Barrett responded that the wording of ordinances that established various Town Boards/Commissions varied. This question was, however, addressed in the Council's Procedures Manual (resolution 79-R-80). Council's recommendation in the Procedures Manual was that terms "should" be limited to two full terms.

Councilmember Broadfoot felt that there should be uniformity in the wording of these ordinances that established Town Boards/Commissions. There were differences in words relating to who a particular Board/Commission advised, and what powers and duties a given Board/Commission had. In addition, wording of these powers was unclear.

Councilmember Broadfoot did not agree with the statement in the memorandum that a non-resident member of the Transportation Board would be allowed to complete his/her present term once the ordinance were adopted. Mr. Barrett felt that the ordinance would apply to members appointed by the Council after the adoption of this ordinance.

VOTE ON THE MOTION TO ADOPT THE FOLLOWING ORDINANCE CARRIED UNANIMOUSLY:

AN ORDINANCE AMENDING ARTICLE VIII OF THE CHAPEL HILL TOWN CODE OF ORDINANCES (83-O-21)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Article VIII of Chapter 2 of the Town Code of Ordinances is rewritten to read as follows:

#### ARTICLE VIII. TRANSPORTATION BOARD

Sec. 2-130. Created; named.

There is hereby created a Transportation Board for the Town of Chapel Hill.

Sec. 2-131. Membership; terms.

The Transportation Board shall consist of nine (9) members appointed as hereinafter provided, who shall be residents of the Town. The terms of office shall be three (3) years, or until the members' successors are appointed and qualified. Members may be appointed to succeed themselves.

The terms shall be staggered so that three (3) members' terms expire on the 30th day of June of each year.

Sec. 2-132. Appointment; vacancies.

The members shall be appointed by the Mayor and Council. Vacancies shall be filled in the same manner as the original appointments.

Sec. 2-133. Meetings; chairman.

The Transportation Board shall regularly hold meetings at such times and places as it shall determine. It shall select a chair from its members, and such other officers as it deems appropriate, to serve for a term of one year.

Sec. 2-134. Duties; powers.

The Transportation Board shall have the following powers and duties:

- (a) Advise the Council, Town Manager and Manager's staff concerning the operations of the public transit system for the Town of Chapel Hill.
- (b) Make recommendations to Council and the Town Manager concerning matters of policy relative to the transit system, the network of streets and other public ways, and issues of traffic safety affecting the community.
- (c) Review the Transportation Department budget and make comments and recommendations to the Manager and to the Council with respect thereto.
- (d) Approve route changes, headways, and schedule changes as recommended by the Town Manager or Transportation Director within the budgetary and service levels authorized by Council.
- (e) Advise the Council and Town Manager, and coordinate with the Planning Board, on transportation planning for the community.
- (f) Advise the Council and Town Manager regarding the planning, development and operation of on-street and off-street parking and parking facilities under the Town's control.
- (g) Advise the Council and Town Manager regarding taxi and other franchise carrier operations within and around the town.

This the 25th day of April, 1983.

Reports--Council Liaison

Orange County Human Services Advisory Commission. Councilmember Broadfoot informed the Council that the Dispute Settlement Center, the Orange Congregational Mission, the Volunteers for Youth, Planned Parenthood, and the Chapel Hill Human Services Advisory Board were now members of the Orange County Human Services Advisory Commission. A Task Force on Discrimination had been established by the Commission to determine a solution re discrimination in Orange County. A Child Care Subcommittee Report had been adopted by the Commission that addressed child care needs for working mothers. A Committee on Case Management had been formed to assist persons, through the use of computers, who sought information on agencies providing human services.

Triangle J Council of Governments (COG). Councilmember Howes stated that COG's Preliminary Budget would be presented at its April 27, 1983, meeting. No increase in the dues for member governments was proposed. COG had applied to be the grantee of a foreign trade zone for the Research Triangle region. COG was also seeking to identify issues relating to growth of the Research Triangle region through its Horizons Unlimited Program. Persons of the private sector and government officials would be meeting to develop specific guidelines for dealing with problems of economic development. A forum on this issue would be held April 27, 1983, at the National Institute for Environmental Health Sciences, Research Triangle Park. Councilmember Straley felt it was important for the Mayor and Council to attend this meeting.

Councilmember Broadfoot felt that COG should increase its financial dependence on user fees. Councilmember Howes responded that a schedule of fees was used for projects which required significant allocation of staff time.

Joint Orange Chatham Community Action (JOCCA). Councilmember Straley stated that funding of the Community Services Block Grant made it possible for JOCCA to exist. Enormous cuts in federal funds (combined with the decreased value of the dollar) had created hardships for JOCCA. Other agencies provided funds to support some of JOCCA's programs and Councilmember Straley expressed his appreciation, on behalf of JOCCA, for the support Chapel Hill had provided in the past. A current problem was in providing enough food for the nutrition programs with current funds. He anticipated that JOCCA would again request funds for these programs from Chapel Hill this year.

Councilmember Straley responded to Councilmember Broadfoot that an interpretation JOCCA had received for what constituted "indirect costs" had made it virtually impossible for JOCCA to maintain the 15% level for indirect costs in the operation of the Headstart Program.

#### Reports--Quarterly

Mr. Taylor reviewed the Quarterly Reports that had been submitted to the Council.

Mr. Taylor informed Councilmember Straley that the results of two recent surveys conducted by the Transportation Department (one on residents' attitudes about the local transportation system, and another on cost allocation for reduced service during the University's spring break) would be made available to the Council within the next several weeks.

Councilmember Straley felt that a worksession on the proposed Performance-Based Pay system was necessary. He felt that the "Work Planning" reports that were required seemed to contain "an awful lot of bureaucracy," and he questioned its effectiveness. Mr. Taylor responded that the supervisor would meet with his/her employees to prepare a written report on the duties and responsibilities of each individual's job and what would be expected from the individual during the next period of time. Such plans would be developed annually, but would be updated quarterly. He stated that he was currently advising his own staff of what he expected from them in the form of reports, studies, accomplishments over a specific period of time, and what time schedules would be followed in meeting these requirements. This same procedure would be followed between the staff and the employees.

This system provided a basis for merit salary increases. Both parties understood what was expected and both parties would know, up front, what constituted unsatisfactory performance.

"Work Plans" were for persons whose job responsibilities required initiative, planning, thinking through a situation, and relating to employees under their direction. In addition, "Work Standards" were for employees whose responsibilities did not require individual initiative. These standards would be developed by the departmental supervisor and his/her employees. Bus drivers and sanitation laborers, for example, would be in this category. Supervisory people would be under "Work Plans."

Councilmember Straley questioned how the rating of "above expected level," "at expected level," or "below expected level" would be applied.

Mr. Taylor explained that supervisors and their employees would work together in determining what constituted "standard."

Councilmember Straley asked if it were possible for an employee to be promoted out of his/her pay range if he/she had reached the top step in his/her pay range. Mr. Taylor responded that the staff was still studying ways to reward employees who were at the top of their range, but who performed at an outstanding or "above standard" level.

Councilmember Broadfoot referred to the report for the Department of Human Services, asking why "legal problems" were the chief complaints handled by this Department and how did the staff handle persons with legal problems.

Mr. Taylor responded that once the staff determined the situation to be a "legal problem," the caller would be referred to the Dispute Settlement Center or other agency which would provide assistance. The Department did not try to solve legal problems for clients.

Mr. Taylor stated that approximately 46% of the calls received involved some type of consultation. Consultation during the early stages of a problem could possibly prevent the situation from reaching the crisis stage.

Resolution Scheduling a Special Public Hearing for June 20, 1983

Ms. Loewenthal explained that there were several reasons that caused the staff to consider requesting a public hearing in June:

- OWASA wished to continue their accelerated schedule for construction of a Nunn Mountain water storage tank. The recent decrease in interest rates had resulted in a dramatic increase in development in the northern part of Chapel Hill. The storage tank would provide fire flow needs and improve domestic water pressure for existing and planned developments.
- The Town had specified that a Certificate of Occupancy would not be granted for the Timberlyne Shopping Center until sufficient fire flow were provided. Staff felt that Phase I of the shopping center could probably be occupied without completion of the water storage tank, but that Phase II could not be occupied without its completion.
- The deadline for applying for the May 23 public hearing had passed. Developers would now have to wait until the September public hearing to present requests. Staff felt that other requests would be submitted for a June public hearing, if one were scheduled, due to this sudden increase in development.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, ADOPTION OF RESOLUTION 83-O-63.

Mayor Nassif felt that many townspeople would be out of town after the University and Chapel Hill High School graduations. Since the OWASA proposal would probably be controversial, a public hearing should be scheduled when a majority of townspeople would not be away, unless it could be demonstrated that OWASA "absolutely could not wait until September."

Mr. Everette Billings, Executive Director of OWASA, informed the Council that developers of the shopping center proposed to install a sprinkler system. OWASA had offered to install on-site pump stations to boost pressure in this area until the Nunn Mountain water storage tank could be put in place. OWASA could not assure that the current system's water pressure would be adequate for the sprinkler system.

Mr. Billingsley stated that Phase I of the shopping center was proposed for completion in the fall of 1983. OWASA proposed completion of the water storage tank in the first quarter of 1984. Mayor Nassif questioned how completion of the water storage tank in 1984 could help if the proposed development was scheduled for completion in 1983. He did not feel that a delay until a September public hearing was crucial. In addition, a delay would afford townspersons the opportunity to attend the public hearing.

Councilmember Boulton requested that the Manager mail notices of the proposed public hearing prior to the University's and the high school's graduation.

Mr. Taylor explained that Phase I could be completed without the sprinkler system being activated, because of its size. If the developers knew that the water pressure would be made available, they could plan to install the sprinkler system and not activate it until a later date. Phase II could not be built until a sprinkler system could be activated because of Code requirements for a structure of this size.

Mr. Billingsley felt that the Special Use Permit process needed to be started, and a Distribution Study should be completed before this project was begun. An earlier public hearing date would be helpful.

Councilmember Kawalec felt that the Council should act swiftly and at the community's convenience to process all development requests. The summer season did not stop businesses from continuing, even though townspersons were away from Town for a period of time.

Councilmember Broadfoot questioned if the storage tank could be placed within the Timberlyne Subdivision, as this was the area that needed it.

Mr. Billingsley explained that other areas such as North Forest Hills, Seawell School, Chapel Hill High School, and the Carol Woods Retirement Center needed the water storage tank and added pressure for assurance of water quantity and fire protection. The proposed tract for the water storage tank was a 29-acre tract on the west side of Piney Mountain Road (near the end). The property was owned by the Orange Water and Sewer Authority and was one of the higher points in the community. He further explained that the northern area of Chapel Hill was considerably higher than other areas of Chapel Hill. This topographic difference made it necessary for some residences to use booster pumps to obtain adequate water pressure. Water pressure also dropped when fire hydrants were used by the Fire Department.

Councilmember Pasquini questioned if the primary reason for the request was the construction of the Timberlyne Shopping Center. Mr. Billingsley responded that the intent to accelerate the schedule was to provide better service for the northern residential areas and to address problems of accommodating all construction, both current and future.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, TO CEASE DEBATE. THE MOTION CARRIED 5 TO 4 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS STRALEY, SMITH, PASQUINI, AND BROADFOOT OPPOSING.

VOTE ON THE MOTION TO ADOPT THE FOLLOWING RESOLUTION CARRIED 7 TO 2 WITH COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, STRALEY, AND WALLACE SUPPORTING, AND COUNCILMEMBER SMITH AND MAYOR NASSIF OPPOSING:

RESOLUTION SCHEDULING A SPECIAL PUBLIC HEARING FOR JUNE 20, 1983 (83-R-63)

WHEREAS, there has been and continues to be substantial new development proposed on the north side of Town; and

WHEREAS, the currently proposed and immediately foreseeable development on the north side of Town has placed and will place severe demands on OWASA to provide water service in the area; and

WHEREAS, the public interest requires that such water service be provided on a timely basis so as not to impede appropriate and orderly development; and

WHEREAS, in order to provide such service, OWASA must construct and place in service a new water tank in the area; and

WHEREAS, without such a water tank, water pressure may be inadequate to prudently serve the public interest and safety; and

WHEREAS, OWASA's proposed water tank site will require a special use permit from the Town of Chapel Hill;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council declares that an emergency exists and calls a special public hearing for June 20, 1983 at 7:30 p.m. in the Meeting Room of the Municipal Building, 306 N. Columbia Street.

BE IT FURTHER RESOLVED, having called such public hearing, that Council will hear such other matters as may appropriately come before it on the agenda.

This the 25th day of April, 1983.

#### Resolution Regarding Settlement of a Suit by Community Developers, Inc.

Mr. Barrett explained that the Town showed records of having received \$920 in fees charged to developers as part of the Town's policy prior to OWASA's ownership of the water and sewer system. Mr. Barrett stated that it was felt that defenses could be used in this suit, but that pursuit of the litigation "would easily cost that amount. We recommend settling for that."

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

A RESOLUTION REGARDING SETTLEMENT OF A SUIT BY COMMUNITY DEVELOPERS, INC. (83-R-64)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it approves settlement of the Community Developers, Inc., vs. OWASA and the Town of Chapel Hill lawsuit, as follows:

The Town agrees to remit to Community Developers, Inc., an amount equal to sewer fees of approximately \$920 collected by the Town with respect to the sewer line at issue in this lawsuit, solely to avoid the inconvenience and expense of further litigation and not in any manner as an admission of liability, provided Community Developers, Inc., dismisses this lawsuit with prejudice, mutual releases from claims are executed by the parties, and OWASA remits to Community Developers, Inc., certain funds as agreed to by it and Community Developers; and the Town Manager is authorized to execute on behalf of the Town and on the advice of the Town Attorney all necessary or desirable papers and documents relating thereto.

This the 25th day of April, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Ordinance Providing for Temporary One-Way Streets

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER WALLACE, ADOPTION OF THE FOLLOWING ORDINANCE:

AN ORDINANCE PROVIDING FOR TEMPORARY ONE-WAY STREETS (83-O-26)

BE IT RESOLVED by the Council of the Town of Chapel Hill that on the 21st day of August, 1983, between the hours of 8 A.M. and 5 P.M.:

Raleigh Street shall be limited to one-way traffic, flowing north from South Road to Franklin Street; and

Cameron Avenue/Country Club Road shall be limited to one-way traffic, flowing east from Columbia Street to Gimghoul Road.

This the 25th day of April, 1983.

Councilmember Broadfoot felt that the Manager should be given the authority to work out the details of this type of request.

Councilmember Howes did not concur.

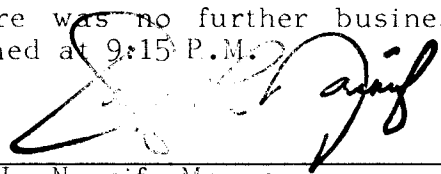
VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Appointment to the Firemen's Relief Fund Committee

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO APPOINT COUNCILMEMBER BROADFOOT TO SERVE ON THE FIREMEN'S RELIEF FUND COMMITTEE.

THE MOTION CARRIED UNANIMOUSLY.

As there was no further business to come before the Council, the meeting was adjourned at 9:15 P.M.

  
Joseph L. Nassif, Mayor

  
David B. Roberts, Clerk