

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, MUNICIPAL BUILDING,
MONDAY, SEPTEMBER 12, 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
Joseph Straley
Jim Wallace

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

Presentation of Resolutions of Appreciation

Mayor Nassif stated that many years ago a collection of historical pictures had been started for the Town. A recent endeavor to resume this collection was begun by Councilmember Winston Broadfoot, and Mr. Roland Giduz, with the help of the Historical Society of Chapel Hill, the North Carolina Collection at Wilson Library, and The Print Shop of the Village Companies.

As a token of appreciation, Mayor Nassif presented the following Resolutions of Support to Dr. Charles W. Hooker, President of the Historical Society of Chapel Hill; to Mr. James Parker, Framing Manager of The Print Shop and Mr. James A. Heavner, President of the Village Companies; and to Mr. Jerry W. Cotten, Photographic Archivist of the North Carolina Collection at Wilson Library, respectively:

A RESOLUTION OF APPRECIATION TO THE HISTORICAL SOCIETY OF CHAPEL HILL

WHEREAS, the Historical Society of Chapel Hill has given the Town 29 photographic prints of Chapel Hill in the 19th and early 20th centuries for display in the Municipal Building; and

WHEREAS, these prints will enable citizens to learn of the Town's heritage; and

WHEREAS, knowledge of our community's history enhances our understanding of the present; and

WHEREAS, the Historical Society's gift to the Town is an excellent example of how civic organizations have contributed to Chapel Hill's quality of life;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its gratitude and appreciation to the Historical Society of Chapel Hill for its gift of prints of old Chapel Hill.

Presented this the 12th day of September, 1983, to Dr. Charles W. Hooker, President of the Historical Society.

Joseph L. Nassif, Mayor

Marilyn Myers Boulton, Mayor
Pro-tem

Winston Broadfoot

Jonathan B. Howes

Beverly Kawalec

David Pasquini

R. D. Smith

Joseph W. Straley

James C. Wallace

A RESOLUTION OF APPRECIATION TO THE PRINT SHOP OF THE VILLAGE COMPANIES

WHEREAS, the staff of The Print Shop of the Village Companies has framed and matted 29 prints of Chapel Hill in the 19th and early 20th centuries for display in the Municipal Building; and

WHEREAS, the workmanship and materials are of the highest calibre, and demonstrate professionalism and craftsmanship; and

WHEREAS, these prints will enable citizens to learn of the Town's heritage; and

WHEREAS, knowledge of our community's history enhances our understanding of the present;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby expresses its gratitude and appreciation to The Print Shop of the Village Companies for preparing these prints for display in the Town's Municipal Building.

Presented this the 12th day of September, 1983, to Mr. James Parker, Framing Manager of The Print Shop, and Mr. James A. Heavner, President of The Village Companies.

_____ Joseph L. Nassif, Mayor	_____ Marilyn Myers Boulton, Mayor Pro-tem
_____ Winston Broadfoot	_____ Jonathan B. Howes
_____ Beverly Kawalec	_____ David Pasquini
_____ R. D. Smith	_____ Joseph W. Straley
_____ James C. Wallace	

A RESOLUTION OF APPRECIATION TO MR. JERRY W. COTTEN

WHEREAS, Mr. Jerry W. Cotten, Photographic Archivist of the North Carolina Collection at Wilson Library, has selected 29 photographs of Chapel Hill in the 19th and early 20th centuries for reproduction and display in the Municipal Building; and

WHEREAS, the photographs selected by Mr. Cotten show scenes of the architecture and people of Chapel Hill that exemplify the Chapel Hill community in that period; and

WHEREAS, these prints will enable citizens to learn of the Town's heritage; and

WHEREAS, knowledge of our community's history enhances our understanding of the present;

NOW, THEREFORE BE IT RESOLVED, by the Council of the Town of Chapel Hill that the Council hereby expresses its gratitude and appreciation to Mr. Jerry W. Cotten for his contribution to the Town.

Presented this the 12th day of September, 1983.

Joseph L. Nassif, Mayor

Marilyn Myers Boulton, Mayor
Pro-tem

Winston Broadfoot

Jonathan B. Howes

Beverly Kawalec

David Pasquini

R. D. Smith

Joseph W. Straley

James C. Wallace

Mr. Jerry Cotten gave an informative historical presentation of several of the photographs.

Mayor Nassif expressed appreciation on behalf of the Town of Chapel Hill for this contribution to the Town. He stated that the pictures would be hung in the Municipal Building.

Certificates of Appointment

Mayor Nassif presented a Certificate of Appointment to each of the following Board/Commission members:

- Ms. Cassandra Sloop, Community Appearance Commission
- Mr. Walter Baum, Board of Adjustment
- Mr. Robert Joesting, Board of Adjustment
- Mr. Lewis Roland, Board of Adjustment
- Mr. Charles House, Board of Adjustment

Mayor Nassif expressed appreciation to these Board/Commission members for their contribution to the Town and their willingness to serve the Town in this way. He encouraged them to feel free to contact the Councilmembers at any time re questions or suggestions from their respective Board/Commission.

Public Hearing--Proposed Extension of Period for Issuing up to \$3.625 Million in Sanitary Sewer Bonds

Mayor Nassif opened the Public Hearing, stating that these sewer bonds had been approved in a November 1976 referendum. An extension would be to November 1986.

Ms. Loewenthal stated that the 1976 Sanitary Sewer Bond was valid for 7 years. State law allowed an extension of that time from 7 years to 10 years, upon approval by the Local Government Commission. This permission was granted in August 1983. A public hearing and approval by the Council would also be required.

The 1976 bond order provided that the sale of bonds be used "...to provide and improve facilities for the collection, treatment and disposal of sewer, including without limitation sewer lines and a treatment plant and the acquisition and installation of the equipment and machinery required therefore, and the acquisition of the necessary land or rights-in-land...."

Ms. Loewenthal stated that if the Council voted to extend the bond authority period, a mutual agreement between the Town of Chapel Hill and OWASA would be formulated, outlining projects, administrative and accounting details, and the assumption of debt service by OWASA. She continued, "then bids for purchase of the bonds would be validated and opened. Only after the exact sewer projects have been decided and the best interest rate is known would Council consider action authorizing sale of the bonds."

There were no comments from citizens.

Councilmember Broadfoot inquired about recent financial statements of OWASA, indicating a surplus of funds, and the proposal to offer rebates to its customers. In light of the current water shortage situation, he stated that he felt that better use of such monies would be to remove dirt from University Lake, enlarging its water capacity.

Mr. Wayne Munden, Chief Engineer at OWASA, stated that the OWASA Board had made adjustments on the proposed rebates, but that he could not address reasons behind this decision.

Re excavation of University Lake, Mr. Munden stated that two or three dump truck loads of dirt from the lake for every Chapel Hill resident would provide only approximately 1 million gallons of water capacity in the lake. There was also the problem of where to put the dirt. This question had also been addressed during the 1977 water shortage. At that time, it was determined that about 90,000 dump truck loads of dirt removed from the lake would provide only about one day's supply of water. This would involve months of work to complete, and would disturb existing water.

Councilmember Straley questioned if the cost of sewer needs in Chapel Hill had been determined. Mr. Taylor responded that OWASA was currently studying various needs, but that there would be no difficulty in expending the entire \$3.6 million for sewer improvements in the Chapel Hill area.

Councilmember Kawalec questioned the status of suits that OWASA was currently involved in. She felt this would help citizens understand the current problem of water shortage and what might be done.

Mr. Pat Davis, Systems Development Manager with OWASA, stated that OWASA had been granted the power of eminent domain from the Environmental Management Commission (EMC). This decision was appealed by the Cane Creek Conservation Authorities to the North Carolina Court of Appeals. The Court of Appeals vacated the EMC decision, and directed the EMC to revise its findings of fact and issue a decision.

The suit with the Corps of Engineers questioned the Corps' authority to issue a 404 Permit for the Cane Creek project. It also questioned the current validity of the Permit.

Councilmember Smith asked how long would it be before OWASA could provide adequate water, if funds were available. Mr. Davis responded that, if construction could begin today, completion could be anticipated within 4 years. He added that construction of a coffer dam (which would need to be constructed for the main dam) could be completed and usable within approximately 18 months.

Councilmember Broadfoot questioned charges to the University of North Carolina for water per gallon. He stated that charges to the University were less than charges to regular customers. He questioned the extent, under the purchase and sale agreement, that OWASA was obligated to continue this "favoritism."

Mr. Munden responded that the purchase and sale agreement allowed OWASA to pay for the University's sewer facilities through reduced sewer rates charged to the University.

Mr. Pat Davis stated that he would like to be allowed to respond to the Council after he had had time to review the document from which Councilmember Broadfoot received his information. He also wished to confer with Mr. Everett Billingsley, Director of OWASA, and with the OWASA Finance Officer.

Councilmember Broadfoot asked specifically (1) to what extent was the favored treatment to the University on a per gallon basis for water; (2) what was the obligation to continue the favoritism; and (3) what was OWASA's intention if and when the obligation expired.

Mayor Nassif stated that there was a need for OWASA to resolve the court issues with the EMC. Technicalities in law hampered court decisions. Many newer townspersons did not understand the history behind water problems in Chapel Hill. Originally, OWASA was set up under a law that prohibited this type of authority to have condemnation rights. Therefore, OWASA had to petition the EMC for condemnation rights and the right of eminent domain on each individual project. Current problems were not OWASA's fault. Mayor Nassif expressed the Council's support of OWASA'S efforts, as it had supported them in the past.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, THAT THE MATTER BE REFERRED TO THE MANAGER. THE MOTION CARRIED UNANIMOUSLY.

Mayor Nassif declared the Public Hearing closed.

Petitions

--Mr. John McAdams, representing the applicant for the Special Use Request for Colony Lake, petitioned the Council to remove the Colony Lake request from the September 20, 1983, public hearing agenda and place the request on the January 1984 public hearing agenda. He stated that the applicant felt that they needed time to adequately address off-site traffic concerns and to make internal design changes in the site plan.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER SMITH, THAT THE REQUEST BE GRANTED FOR THE REASONS STIPULATED BY MR. McADAMS.

Mayor Nassif asked Mr. Barrett if the motion should be to place it on the agenda, as any negative vote would defeat the motion to grant the petition. Mr. Barrett concurred. If the request were denied, a motion would have to be made at the public hearing and could be passed by a simple majority vote.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER HOWES, A SUBSTITUTE MOTION THAT THIS CONSIDERATION BE PLACED AS ITEM #5a ON THE AGENDA FOR THIS MEETING.

COUNCILMEMBER BROADFOOT, MAKER OF THE MOTION, AND COUNCILMEMBER SMITH, SECONDER OF THE MOTION, WITHDREW THE MOTION FROM THE FLOOR.

The substitute motion now became the main motion. VOTE ON THE MAIN MOTION CARRIED UNANIMOUSLY.

--Mr. Stan Campbell, representing the National Sports Festival, stated that he was available to answer any questions of the Council re Agenda Item #6 (resolution of support for the National Sports Festival).

--Mr. Leonard Van Ness, member of the Chamber of Commerce, stated that he would also like to address the Council re Agenda Item #6 (National Sports Festival).

--Ms. Adele Thomas, a citizen, requested that the Council not support the 1/2% Local Option Sales Tax, as it would also mean an increase in tax on food. She expressed concern for the impact of increased tax on food for poor people of the community.

--Councilmember Howes reminded the Council of the Triangle J Council of Governments' Annual Meeting, scheduled for Wednesday, October 28, 1983. The Mayor of St. Paul, Minnesota, would be the key speaker. The meeting would be at the McKimmon Center in Raleigh, N.C., and would be open to the public.

--Mayor Nassif stated that the Carrboro Board of Aldermen would meet on Tuesday, September 13, to discuss planning control around University Lake. Councilmember Straley volunteered to personally present the "Statement by the Mayor and Town Council of the Town of Chapel Hill on Carrboro Water Quality Task Force Report and Recommendation" (adopted by the Council on March 28, 1983, to the Carrboro Board of Aldermen).

--Mayor Nassif introduced Mr. Judd Barrett, newly-appointed Director of the Chapel Hill Housing Authority. Mayor Nassif stated that Mr. Barrett began the Housing Authority in Suffolk, Virginia, and had directed its program for the past 8 years. Mayor Nassif added that "his accomplishments were impressive."

Minutes (August 22, 25, and 29, 1983)

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER STRALEY, ADOPTION OF THE MINUTES OF AUGUST 22, 1983, AS CIRCULATED. THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO ADOPT THE MINUTES OF AUGUST 25, 1983, AS CIRCULATED. THE MOTION CARRIED.

COUNCILMEMBER KAWALEC MOVED, SECONDED BY COUNCILMEMBER PASQUINI, THAT THE MINUTES OF AUGUST 29, 1983, BE ADOPTED AS SUBMITTED. THE MOTION CARRIED UNANIMOUSLY.

Discussion of Petition re Delay of Public Hearing for Colony Lake Request for a Special Use Permit

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER BOULTON, TO APPROVE THE PETITION OF MR. JOHN McADAMS TO DELAY THE SEPTEMBER 20, 1983, CONSIDERATION OF THE COLONY LAKE SPECIAL USE PERMIT REQUEST, AND RESCHEDULE CONSIDERATION OF THE REQUEST TO JANUARY 16, 1983.

Councilmember Broadfoot felt that if the proposal were to be changed significantly, then the petition should be considered the equivalent of an applicant's withdrawal of an application, or equal to a denial of the request and should, therefore, not be resubmitted for another 12 months. He suggested to Mr. Barrett that the rules of procedure be changed and re-worded to that effect. Mr. McAdams explained that this request had not yet been presented at a public hearing.

Councilmember Smith felt this request was unusual and asked Mr. McAdams if the request to delay consideration was because the Planning Board proposed to recommend denial of the request. Mr. McAdams responded that the delay was to afford time to alter the plans.

Councilmember Boulton felt that the procedure could be firmed up at a later date.

VOTE ON THE MOTION CARRIED 5 TO 4 WITH COUNCILMEMBERS STRALEY, HOWES, BOULTON, PASQUINI, AND WALLACE SUPPORTING, AND COUNCILMEMBERS SMITH, BROADFOOT, KAWALEC, AND MAYOR NASSIF OPPOSING.

Joint Resolution of Support for the National Sports Festival

Mayor Nassif stated that the cities of Raleigh and Durham had previously supported a Resolution of Support for the National Sports Festival, and were now requesting the support of Chapel Hill in the form of a Joint Resolution.

Mr. Leonard Van Ness, speaking on behalf of the Chamber of Commerce, encouraged the Council's support of the National Sports Festival in the Triangle area stating that "we recognize the tremendous investment that a community needs to make for such a festival...but...are encouraged about the investment return to the community."

Mr. Stan Campbell gave a brief background behind the consideration of the Triangle area as a possible site for the 1985, 1986, or 1987 National Sports Festival.

Mr. Campbell stated that "we are not here to ask for monetary support from the Town of Chapel Hill."

Mr. Campbell stated that three cities would be selected from 5 or 6 finalists. This area was among the finalists. A second visit from the Olympic Committee was scheduled for mid October. Mr. Campbell concluded that "it would be wonderful to hand him [Col. Miller, of the Olympic Committee] a copy of this resolution."

Councilmember Broadfoot expressed concern for possible water shortages in this area in 1985, 1986, or 1987, should this area be chosen for such a large event. He stated that he would not, however, oppose the motion.

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

JOINT RESOLUTION (83-R-132)

WHEREAS, the National Sports Festival is the showcase of talent for America's athletic hopefuls for the Pan American and Olympic games; and

WHEREAS, the Festival promotes amateur sports and tests the abilities of athletes over a seven-day period in July of each non-Olympic year, affording athletes the opportunity to compete in all thirty-three sports of the Pan American and Olympic games; and

WHEREAS, the residents of the North Carolina Research Triangle Area - comprised of Chapel Hill, Durham and Raleigh - are deeply involved in and supportive of a wide range of competitive sports; and

WHEREAS, seven colleges and universities located in the three cities are equipped with the best and most efficient accommodations and facilities for sports activities, and where some of the country's finest athletes choose to enroll; and

WHEREAS, the citizens of the Triangle area accept with great pride the challenge of hosting the National Sports Festival, the thousands of participating athletes and officials and the many more thousands of visitors who would attend this prestigious event;

NOW, THEREFORE, BE IT RESOLVED THAT, with the generous support and cooperation of the Triangle area, the joint Councils of the Cities of Raleigh, Chapel Hill and Durham respectfully request the United States Olympic Committee give serious consideration to holding the National Sports Festival in this superbly qualified location in the great State of North Carolina for 1985, 1986, or 1987, not only to further the cause of competitive sports for the youth of our nation, but to share with the athletes, officials and visitors the high quality of life we enjoy in the great North State.

Adopted by the City of
Raleigh-August 2, 1983

G. Smedes York

G. Smedes York
Mayor, City of Raleigh, North Carolina

Joseph L. Nassif
Mayor, City of Chapel Hill, North Carolina

Adopted by the City of
Durham - August 15, 1983
Resolution #5551

Charles B. Markham
Charles B. Markham
Mayor, City of Durham, North Carolina

lm/b3

THE MOTION CARRIED UNANIMOUSLY.

Councilmember Straley asked Mr. Barrett "if...this would involve no commitment of money." Mr. Barrett responded, "yes, sir."

Discussion of the Provisions and Administration of the Chapel Hill Housing Code

Councilmember Broadfoot requested that the Town Attorney submit for Council consideration changes in the language of the Housing Code that would "make certain that it's a voluntary program and that, in the event refusal is denied re access to premise, we get a warrant on probable cause."

Councilmember Broadfoot also wished to have clarified the reason for public housing inspections.

A third concern of Councilmember Broadfoot was "unfit housing outside the C.D. [Community Development] area." He wished the formulation of a Council policy that "without fear or favor we enforce the Code evenly throughout our jurisdiction."

Councilmember Broadfoot stated that a fourth concern was that he did not understand "why it is that we have defined in our Housing Code a rooming house to be a unit with 5 or more strangers in it, and the model Code says 3 or more." He stated that rooming houses were prohibited in R-1 and R-2 districts and felt this should be changed to show 3 or more.

Mr. Taylor stated that the administration would "like for the Council to refer this matter to the Manager, give us the opportunity to study it and make a full report back to you in which we will address each of the items that he has brought forth here tonight...of these four (4)...and would present to you alternative resolutions or ordinances that would accomplish what he has asked to be accomplished, or our recommendation, so that you could vote on them at the time it came back before you." Mr. Taylor stated that this would take approximately 30 to 45 days.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, THAT THE STATEMENT BY THE MANAGER BE ADOPTED AS THAT OF THE COUNCIL AND THAT THE ISSUES REFERRED TO BY MR. BROADFOOT RE THE CODE REQUIREMENTS AND APPLICATION BE SO STUDIED AND A REPORT BE SO MADE WITHIN THE TIME FRAME AS ENVISIONED BY THE MANAGER.

Mr. Taylor responded to Mayor Nassif that the Town's Minimum Housing Code re inspection was not still governed at the Federal level. Such information could be included and addressed in the forthcoming report to Council.

Mayor Nassif asked Councilmembers Wallace and Kawalec if they would agree to incorporate into the motion that THIS MATTER ALSO BE REFERRED TO THE HOUSING AUTHORITY BOARD FOR THEIR REVIEW AND THEIR COMMENTS.

COUNCILMEMBERS WALLACE AND KAWALEC, MAKER AND SECONDER OF THE MOTION, RESPECTIVELY, DID NOT OBJECT TO THE INCLUSION OF THESE WORDS INTO THE MOTION.

Councilmember Broadfoot felt the Manager "should be free to get his sources of information wherever he wants to and not refer a particular department to him."

Mayor Nassif stated that the Board was an autonomous board set up under the Town of Chapel Hill and was not under the Manager. Therefore, he felt that "the request should come from this Board to that Board to make an inquiry."

Councilmember Broadfoot proposed that an amendment to the motion be made to state "THAT WE GET FROM GREENSBORO...HUD...ALL THE APPROPRIATE DOCUMENTATION, INCLUDING THE CUSTOM IN LOCAL UNITS."

Councilmember Wallace stated that he would like to add "THE HOUSING AUTHORITY AND ITS ANTICEDENT ORGANIZATIONS AND CONNECTIONS, WHICH WOULD INCLUDE HUD" because "there could be disagreements or agreements." The Manager would need this information to advise the Council. He wished this to be part of the motion.

Mr. Taylor stated that the Housing Authority's report would be submitted with the Manager's Report, if it were ready. If it were not ready, the Housing Authority would submit its report independently.

VOTE ON THE MOTION (that the statement by the Manager be adopted as that of the Council and that the issues referred to by Mr. Broadfoot re the Code requirements and application be so studied and a report be so made within the time frame as envisioned by the Manager; and that this matter also be referred to the Housing Authority, and its antecedent organizations and connections, which would include HUD, for their review and comments and appropriate documentation, including the custom in local units) CARRIED UNANIMOUSLY.

Ordinance to Amend the "Ordinance Concerning Appropriations and the Raising of Revenues for the Fiscal Year Beginning July 1, 1983" (Law Enforcement Officers' (LEO) Retirement System)

Mr. Taylor recounted that at the August 22, 1983, Council meeting, staff recommended a budget amendment of 1.1% to the Basic System of all Law Enforcement Officers.

Mr. Taylor stated that it was not known during the 1983-84 Budget preparation that the State Legislature required payments to the Basic System. The State Legislature also stated that all police employees must be treated equally, regardless of length of service.

The recommendation at this time was that funds originally allocated for the Special System be reallocated to pay contributions to the Basic System.

Council's consideration of this item had been tabled at the August 22, 1983, meeting, and at Council's request staff had prepared an alternate resolution to provide funds to the Basic System and to provide a 3% contribution (for all police officers) to the Special System.

COUNCILMEMBER SMITH MOVED, SECONDED BY COUNCILMEMBER HOWES, TO REMOVE CONSIDERATION OF THIS ITEM FROM THE TABLE.

THE MOTION CARRIED UNANIMOUSLY. The original motion (moved by Councilmember Wallace and seconded by Councilmember Howes on August 22, 1983, to adopt ordinance 83-O-44a) was now on the floor.

Mr. Taylor explained to Councilmember Pasquini that the wording of the agreement re the Special Funds of the LEO Retirement System was that the employer was committed to make contributions for 24 months. It was also interpreted that the employer could discontinue contributions at any time upon written request, and if contributions were discontinued contributions could not be resumed for 12 months. Mr. Taylor stated that the wording of the agreement was not absolutely clear.

Mr. Taylor responded to Councilmember Straley that proposed resolution 83-R-44c would have the effect of keeping the retirement benefits for all police employees at the same 3% level as that adopted in the 1983-84 Budget for police employees with 10 years or more service.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER BOULTON, A SUBSTITUTE MOTION TO ADOPT ORDINANCE 83-O-44c.

COUNCILMEMBER BROADFOOT MOVED TO AMEND THE SUBSTITUTE MOTION, TO MAKE THE RETIREMENT SYSTEM FOR "ALL TOWN EMPLOYEES ALIKE (IN OR OUT OF LAW ENFORCEMENT) BASED ON SALARY AND YEARS OF SERVICE."

Mr. Taylor stated that it was not within the power of this governing body to deal with these concerns, as these were two separate and different retirement systems.

MAYOR NASSIF RULED THE MOTION TO AMEND THE SUBSTITUTE MOTION OUT OF ORDER. Discussion or vote on the amendment to the substitute motion was still in order.

COUNCILMEMBER PASQUINI MOVED, SECONDED BY COUNCILMEMBER BROADFOOT, TO AMEND THE SUBSTITUTE MOTION BY CHANGING THE 3% CONTRIBUTION TO 1%.

Councilmember Straley stated that he hoped the proposed amendment would be defeated. He felt it was important for the Town to pay for more retirement for police officers.

Mr. Taylor responded to Mayor Nassif that it was his opinion that it was the responsibility of the Town to provide an adequate retirement system for Town

employees. Currently two retirement systems were provided: (1) the Local Government system; and (2) the LEO system, available only to law enforcement officers. Mr. Taylor stated that police employees could choose either the local government system or the LEO system.

Councilmember Broadfoot stated that police officers received at least 20% more retirement contributions than other Town employees. He favored "equity and equality" for all Town employees and opposed the substitute motion.

THE MOTION (to amend the substitute motion by changing the contribution amount from 3% to 1%) FAILED 2 TO 7 WITH COUNCILMEMBERS PASQUINI AND BROADFOOT SUPPORTING, AND COUNCILMEMBERS BOULTON, HOWES, KAWALEC, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF OPPOSING.

THE SUBSTITUTE MOTION (to adopt ordinance 83-O-44c...at a contribution rate of 3%) FAILED 4 TO 5 WITH COUNCILMEMBERS STRALEY, HOWES, BOULTON, AND WALLACE SUPPORTING, AND COUNCILMEMBERS SMITH, BROADFOOT, PASQUINI, KAWALEC, AND MAYOR NASSIF OPPOSING.

COUNCILMEMBER BOULTON MOVED TO RECONSIDER THE VOTE.

MAYOR NASSIF STATED THAT HE WOULD RULE THE MOTION TO RECONSIDER OUT OF ORDER, AS THERE WAS STILL A MOTION ON THE FLOOR (to adopt ordinance 83-O-44a).

Mr. Taylor explained that

1. Proposed ordinance 83-O-44a would make the required contribution of 1.1% to the Basic System.
2. Proposed ordinance 83-O-44b would make the required contribution of 1.1% to the Basic System plus 1% contribution to the Special System.

VOTE TO ADOPT ORDINANCE 83-O-44a (to make the required contribution of 1.1% to the Basic System) CARRIED 6 TO 3 WITH COUNCILMEMBERS KAWALEC, PASQUINI, BROADFOOT, SMITH, HOWES, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS WALLACE, BOULTON, AND STRALEY OPPOSING.

COUNCILMEMBER BOULTON MOVED, SECONDED BY COUNCILMEMBER STRALEY, THAT AN ADDITIONAL CONTRIBUTION OF 1% TO THE SPECIAL BENEFITS FUND BE PROVIDED BY THE TOWN.

Mayor Nassif stated that the motion to add 1% contribution to the Special Fund would have the effect of adopting a separate ordinance which would be designated as ordinance 83-O-44d.

VOTE ON THE MOTION CARRIED 5 TO 4 WITH COUNCILMEMBERS STRALEY, HOWES, BOULTON, PASQUINI, AND WALLACE SUPPORTING, AND COUNCILMEMBERS KAWALEC, BROADFOOT, SMITH, AND MAYOR NASSIF OPPOSING.

The net effect of the two motions (to adopt ordinance 83-O-44a--a required contribution of 1.1% to the Basic System, and ordinance 83-O-44d--to add 1% contribution to the Special Fund) adopted by the Council is as follows:

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (83-O-44d)

WHEREAS, the Council desires that the Town contribute 1% of salaries of Town employee members of the North Carolina Law Enforcement Officers' (LEO) Retirement System to the LEO Special Benefits Fund, in addition to a required contribution equal to 1.1% of such salaries to the LEO Basic Benefits Fund;

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, 1983" as duly adopted on June 27, 1983, be and the same is hereby amended as follows:

ARTICLE I

<u>Appropriation</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
General Fund				
Police				
Administration	208,097		763	207,334
General Services	207,539	0	0	207,539

Patrol	1,204,203	15,400		1,219,603
Grants	27,177		377	26,800
Detectives	226,132		1,802	224,330
Non-Departmental Contingency	59,326		12,458	46,868

This the 12th day of September, 1983.

On the basis of these motions, Mr. Taylor stated that he would recommend the adoption of resolution 83-R-133.

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

A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT FOR EMPLOYER CONTRIBUTIONS TO THE NORTH CAROLINA LAW ENFORCEMENT OFFICERS' SPECIAL BENEFITS RETIREMENT FUND (83-R-133)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town Manager be and is hereby authorized to enter into an agreement with the North Carolina Law Enforcement Officers' (LEO) Retirement System to make employer contributions to the system's Special Benefits Fund.

This the 12th day of September, 1983.

THE MOTION CARRIED 8 TO 1 WITH COUNCILMEMBERS BOULTON, HOWES, KAWALEC, PASQUINI, SMITH, STRALEY, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBER BROADFOOT OPPOSING.

Resolution Encouraging Enactment of the 1/2¢ Local Option Sales Tax in Orange County

Mr. Taylor stated that at the August Council meeting, a request had been made that the Manager prepare a report on the long-term financial status and needs of Chapel Hill, using the Adopted 1983-84 Budget as a guide.

Mr. Taylor stated that Mr. Jim Baker, Finance Director, had updated projected revenue and expenditure figures which predicted that there would be a need for additional revenues over the next two years to meet expected expenditures.

There were two primary ways to meet revenue needs: (1) local option sales tax, and (2) ad valorem tax.

Mr. Taylor stated that he concurred with Ms. Thomas' concerns re sales tax on food (see "Petitions," this meeting) but stated that the State Legislature did not give the option to eliminate this tax. He stated that the purpose of the proposed tax was to help address growing financial needs and reduce reliance on other revenues, such as property tax.

Mr. Taylor stated that if a public referendum were held and defeated, the County Commissioners would not be able to levy the tax for 5 years. One year later, however, a subsequent referendum could be held to consider the tax.

Mr. Taylor stated that the administration encouraged the Council to request the County Commissioners to levy the 1/2¢ Local Option Sales Tax. The method of levying the tax would be up to the County Commissioners.

Mr. Barrett felt that it was too late for this item to be considered by voters at the November polls. Councilmember Broadfoot did not concur with Mr. Barrett. He stated that if action were taken now, the requirements could be met to have this matter considered at the November 8 election.

Councilmember Broadfoot reminded the Council of the cost of holding a Special Election (\$12-15,000) and the 6-month loss in revenue, should the issue not be considered in November.

Councilmember Smith felt that the resolution should state that any action taken by the County Commissioners should be taken after receiving public input. He felt that reduction in other areas could be made as an alternative to tax increases.

Councilmember Wallace stated that he would favor a November referendum, should time permit, but felt that the Council should encourage the enactment at the earliest possible time, and not specify a method. Other wording would be presumptuous of the Commissioners.

Mayor Nassif concurred, but felt that if the County Commissioners held a public hearing and received opposition, a referendum could be held; if there was public support, the Commissioners could enact the 1/2¢ Local Option Sales Tax. He stated that the November election was a municipal election, not a county-wide election; it would, therefore, preclude input from county citizens. He continued that it would be at least November 1984 before the issue could be put to a public vote and that would result in almost 2 full fiscal years from now before funds could be realized. There was no provision that stated that the money had to be spent within the fiscal year in which it was received. The money could be spread out over a 10-year period. He felt that Chapel Hill currently had sound fiscal planning and was ready to plan for the sound use of this revenue.

Mayor Nassif felt that the 1/2¢ Local Option Sales Tax would be more affordable to citizens with lower incomes than an increase in property taxes would be.

Councilmember Smith felt that if Chapel Hill did not get enough revenue from the 1/2¢ tax increase, property taxes would have to be increased in addition, to meet increasing revenue needs. He felt that this question should receive citizen input first and that that message should be conveyed to the County Commissioners.

Councilmember Howes stated that property taxes were currently the only reliable means of support. Alternatives were needed to provide property tax relief. The Local Option Sales Tax was a good alternative. He felt the Council should encourage the County Commissioners to proceed.

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

A RESOLUTION ENCOURAGING ENACTMENT OF THE ONE-HALF CENT LOCAL OPTION SALES TAX IN ORANGE COUNTY (83-R-133.2)

WHEREAS, the N.C. General Assembly in its 1983 Session authorized the enactment of an additional one-half cent sales tax on a local option basis in each County; and

WHEREAS, the Town of Chapel Hill has projected funding needs for future budget years; and

WHEREAS, the one-half cent sales tax would apply to all residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council encourages the Orange County Board of Commissioners to call a Public Hearing to determine community sentiment on this matter as soon as possible.

BE IT FURTHER RESOLVED that the Council finds the enactment of the one-half cent local option sales tax in the best interest of the people of Chapel Hill and Orange County and urges its enactment at the earliest possible time.

This the 12th day of September, 1983.

COUNCILMEMBER STRALEY MOVED, SECONDED BY COUNCILMEMBER SMITH, TO AMEND THE MAIN MOTION BY DELETING THE ENTIRE "BE IT FURTHER RESOLVED..." PARAGRAPH.

COUNCILMEMBER BROADFOOT PROPOSED A SUBSTITUTE MOTION. Mr. Barrett stated that a substitute motion was not in order at this time, because an amendment to the main motion was on the floor.

COUNCILMEMBER WALLACE MOVED TO CALL THE QUESTIONS; THE MOTION CARRIED UNANIMOUSLY.

VOTE ON THE MOTION TO AMEND THE MAIN MOTION (to delete the "BE IT FURTHER RESOLVED..." paragraph) FAILED 2 TO 7 WITH COUNCILMEMBERS SMITH, AND STRALEY SUPPORTING, AND COUNCILMEMBERS BOULTON, BROADFOOT, HOWES, KAWALEC, PASQUINI, WALLACE, AND MAYOR NASSIF OPPOSING.

COUNCILMEMBER BROADFOOT MOVED TO AMEND THE MAIN MOTION BY DELETING THE FIRST "NOW, THEREFORE, BE IT RESOLVED...." CLAUSE AND SUBSTITUTING THE FOLLOWING CLAUSE:

"NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council urges the Orange County Board of Commissioners to place the 1/2¢ Local Option Sales Tax before the voters by referendum at the November 1983 election."

COUNCILMEMBER STRALEY SECONDED THE MOTION.

(Mr. Barrett responded at this time to an earlier question of Councilmember Broadfoot that there would, technically, be time to have this issue come before the voters at the November 8, 1983, election.)

Councilmember Howes stated to Councilmember Broadfoot that the main motion did not preclude the County Commissioners from calling a referendum following a public hearing. He felt that the County Commissioners would be capable of making such a decision on their own.

COUNCILMEMBER WALLACE SUGGESTED THAT THE WORDS "as early as possible" BE SUBSTITUTED WITH THE WORDS "at the earliest appropriate time, in their judgment."

COUNCILMEMBER HOWES, MAKER OF THE MOTION, HAD NO OBJECTION TO THIS SUGGESTED CHANGE IN THE WORDING THE PROPOSED RESOLUTION. (Councilmember Wallace was seconder of the motion.)

Councilmember Kawalec felt that the sales tax could be increased on all items without increasing the sales tax on food. Councilmember Howes stated that this concern would be more appropriately taken up in the General Assembly.

VOTE ON THE PROPOSED AMENDMENT TO THE MAIN MOTION FAILED TO CARRY 3 TO 6 WITH COUNCILMEMBERS SMITH, STRALEY, AND BROADFOOT SUPPORTING, AND COUNCILMEMBERS HOWES, BOULTON, PASQUINI, KAWALEC, WALLACE, AND MAYOR NASSIF OPPOSING.

VOTE ON THE MAIN MOTION (to adopt the following resolution with the accepted word changes) CARRIED 7 TO 2 WITH COUNCILMEMBERS HOWES, BOULTON, BROADFOOT, PASQUINI, KAWALEC, WALLACE, AND MAYOR NASSIF SUPPORTING, AND COUNCILMEMBERS SMITH, AND STRALEY OPPOSING:

A RESOLUTION ENCOURAGING ENACTMENT OF THE ONE-HALF CENT LOCAL OPTION SALES TAX IN ORANGE COUNTY (83-R-133.2)

WHEREAS, the N.C. General Assembly in its 1983 Session authorized the enactment of an additional one-half cent sales tax on a local option basis in each County; and

WHEREAS, the Town of Chapel Hill has projected funding needs for future budget years; and

WHEREAS, the one-half cent sales tax would apply to all residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council encourages the Orange County Board of Commissioners to call a Public Hearing to determine community sentiment on this matter at the earliest appropriate time, in their judgment.

BE IT FURTHER RESOLVED that the Council finds the enactment of the one-half cent local option sales tax in the best interest of the people of Chapel Hill and Orange County and urges its enactment at the earliest appropriate time, in their judgment.

This the 12th day of September, 1983.

Resolution Regarding a Public Forum and a Tentative Timetable for Budget Development in 1984-85

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

A RESOLUTION REGARDING A PUBLIC FORUM AND A TENTATIVE TIMETABLE FOR BUDGET DEVELOPMENT IN 1984-85 (83-R-134)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby calls a public forum at 7:30 P.M. on November 14, 1983, in the Meeting Room of the Municipal Building to receive citizens' comments and suggestions for development of the 1984-85 Budget.

BE IT FURTHER RESOLVED that the Council hereby sets the following tentative timetable for developing the 1984-85 Budget and 1984-89 Capital Improvement Program:

December 19, 1983	Work session to discuss goals and objectives for 1984-85 Budget.
January 12, 1984 (Thursday)	Council work session to discuss Capital Improvements Program.
January 19, 1984 (Thursday)	Additional work session (if needed).
March 12	Manager presents recommended 1984-89 CIP to Council.
March 26	Manager presents Interim Budget Report.
April 9	Public forum on Interim Budget Report.
April 23*	Public hearing for suggestions on use of Revenue Sharing Funds.
May 14	Manager submits Recommended 1984-85 Budget.
May 28*	Public hearings on Recommended Budget; use of Revenue Sharing; transit services; fare and pass prices.
June 11 or 25	Budget adoption.
June 25 or July 11	Adopted Budget document delivered to Council.

*Conflict with observed Easter and Memorial holidays. May be rescheduled to Tuesday, April 24, and Tuesday, May 29.

This the 12th day of September, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Discussion of OWASA Rates**

At this time, Mr. Pat Davis, Systems Development Manager with OWASA, requested permission to respond to an earlier question from Councilmember Broadfoot re UNC water and sewer service. Mayor Nassif granted permission.

Mr. Davis referenced the earlier remarks of Councilmember Broadfoot re OWASA rates to UNC as opposed to regular customers. Mr. Davis requested that the following information re rate structure currently in effect be entered into the record of this meeting:

**On September 26, 1983 (see Council Minutes), Councilmember Broadfoot requested that the records show that he had misinterpreted information re OWASA's rates as showing favoritism to the University of North Carolina.

RESOLUTION ADOPTING SCHEDULE OF RATES AND FEES

WHEREAS, the Authority adopted a Schedule of Rates, Fees, and Charges under Section 501 of the Bond Order on October 26, 1978; and

WHEREAS, Section 501 of the Bond Order provides for the revision of such rates, fees, and charges.

NOW, THEREFORE, BE IT RESOLVED:

1. That the attached Schedule of Rates and Fees be, and it hereby is, adopted as the revised rate policy of Orange Water and Sewer Authority.
2. That the revised rates shall become effective for all service provided on and after January 1, 1982.
3. That the Executive Director is hereby directed to give proper notice as required by the Sale and Purchase Agreements and to take the necessary steps to implement the revised rates and fees.
4. That this Resolution shall be filed with the Trustee and mailed to the Local Government Commission, the Principal Underwriters, and each Holder of Record as required in Section 501 of the Bond Order.

Adopted this 17th day of September, 1981.

Betty B. Sanders
Betty B. Sanders, Chairman

ATTEST:

Ernest F. Patterson
Ernest Patterson
Secretary-Treasurer

ORANGE WATER AND SEWER AUTHORITY

Carrboro, North Carolina

WATER RATES AND FEESService Charge

The purpose of this charge is primarily to recover the fixed costs associated with meter maintenance, service maintenance and customer service. Applicable to all water accounts based on meter size, regardless of amount of water consumed, as follows:

<u>Meter Size</u>	<u>Designation</u>	<u>Amount</u>
5/8" & 3/4"	A	\$ 3.50 per monthly billing
1" & 1 1/4"	B	4.60
1 1/2"	C	7.35
2"	D	10.70
3"	E	19.60
4"	F	29.60
6"	G	57.35
8"	H	129.60

Compound meters will be based on the largest meter size of the group.

A submeter will be billed in full according to the above schedule in addition to the applicable charge for the primary meter.

Meter changes will be billed for the size of the new meter.

Service terminations will be billed for the full month; but new service connections and service connection for a change of customer at a location will not be billed for the initial portion of a billing period.

Commodity Charge

The purpose of this charge is primarily to recover the variable costs of supplying water to an account which are not assignable to another particular service. Applicable to all water accounts based on gallons of water consumed as determined by monthly meter readings, the charge will be a uniform rate for all levels of consumption.

\$1.27 for each thousand gallons.

Designation:

WT-1: All accounts other than (1) Main Campus, University of North Carolina at Chapel Hill and (2) water accounts classified under WT-2.

WT-2: All accounts other than the Main Campus, University of North Carolina at Chapel Hill defined as follows:

1. Metered water not subject to a sewer charge.
2. Metered water service provided on a temporary basis for construction or municipal purposes from a fire hydrant and not subject to a sewer charge. A \$25.00 charge, payable in advance, is made for setting and removing the meter, plus a deposit in an amount related to the cost of the meter and anticipated maximum monthly consumption.

WU-1: All accounts of the Main Campus, University of North Carolina at Chapel Hill other than accounts classified under Schedule WU-2.

WU-2: All accounts of the Main Campus, University of North Carolina at Chapel Hill which are defined as follows:

1. Metered water not subject to a sewer charge.
2. Metered water service provided on a temporary basis for construction purposes from a fire hydrant and not subject to a sewer charge. A \$25.00 charge, payable in advance, is made for setting and removing the meter.

When no meter reading is available due to an inoperative or defective meter or other reason, the consumption will be estimated based on prior monthly use and the bill will be so marked.

Service from a fire hydrant for construction purposes is subject to priority use of such hydrant for fire protection usage.

Private Fire Protection

The purpose of this charge is for providing additional system capacity and water supply for non-public fire protection services such as standpipes, sprinklers, etc. The charge is applicable to all private fire services based on the size of the service lines as follows:

<u>Service Size</u>	<u>Designation</u>	<u>Amount</u>
2 inch	PFP-2	\$ 6.40 per month
3 inch	PFP-3	11.00
4 inch	PFP-4	16.20
6 inch	PFP-6	30.70
8 inch	PFP-8	68.20

Water Hydrant Charge

The purpose of this charge is to recover a portion of the cost of providing additional system capacity and water supply for fire protection. Applicable to

all public and private fire hydrants and appurtenances installed as a part of the water system, the Authority shall own, maintain and repair hydrants and appurtenances. The customer is responsible for the cost of installation of water supply facilities to Authority standards and is responsible for maintenance of all facilities to Authority standards and is responsible for maintenance of all facilities beyond the meter. A detector check meter is required on all fire services. No commodity charge is made for water used for fire protection service. Monthly service charge for each hydrant shall be made as follows:

Designation: WH-1

\$10.50 per month

This service is available to developers, homeowners' association, property managers, counties, municipalities, fire districts, and the University of North Carolina at Chapel Hill.

Subject to the approval and sole discretion of the Authority, a governmental agency may choose to shift the responsibility for payment of the hydrant charges to the water and sewer customers within a definable area under its jurisdiction. The total number of hydrants in that area will be multiplied by the water hydrant charge, and any additional costs incurred by implementing this method will be added to the product. The resultant total will be divided equally among the identified customers. The determined rate will be recalculated and adjusted annually based on the then-current number of hydrants, customers and costs and charged on the regular monthly bills as follows:

Designation: WH-2

Availability Charge

The purpose of this charge is to recover a portion of the costs of providing supply capacity for expanding the water system. Applicable to each connection to a water main, regardless of who may have paid for the installation of the water main to which the connection is to be made, the charge will be paid by each applicant for service prior to approval of the service connection. The charge is composed of two factors, the size of the property in acres and the demand on the system as represented by meter size, and calculated as follows:

\$ 440 per acre, calculated to the nearest tenth of an acre with a one-half acre minimum lot size, plus:

660	5/8" & 3/4" meters
1,100	1" & 1 1/2 "
2,200	1 1/2 "
3,500	2"
7,000	3"
11,000	4"
22,000	6"
50,600	8"

(\$880 " Minimum)

Front Footage Fee

The purpose of this charge is to defray, in part, the cost of installing water mains, valves, and appurtenances which are necessary to provide water service to abutting properties and which have been provided at the expense of the Authority of persons, firms or corporations other than the applicant.

A Front Footage Charge of \$7.90 per foot for each separate connection to an existing water main shall be paid by each applicant who wishes to secure water service therefrom, which charge shall be paid prior to the approval of the application for a service connection; provided, however, that in any instance where satisfactory evidence shows that an applicant for a connection has paid the cost of installation of the main to which the connection is to be made, either by installing the main at his expense and then conveying same to the Authority (or its predecessors) or by reimbursing the Authority (or its predecessors) for the cost of such main, the Front Footage Charge shall be waived.

Service and Meter Installation Charges

The purpose of this charge is to recover costs of extending service from the distribution system to individual properties. This charge is for the installation of a service connection from the water main to the curb or property line and the installation of a meter either at the curb or property line or within the premises. Where the stub out for the service has been previously made and is available and suitable for use the "meter only" charge will apply. The following charges apply to 3/4 and 1 inch service sizes. Charges for larger installations are determined on a time and materials basis. The applicant is responsible for providing a meter box or vault constructed to the configuration and standards of the Authority. Installations within premises are subject to satisfactory easement or license being provided by the applicant.

Complete service installation, 3/4 inch	\$ 330
Complete service installation, 1 inch	410
Meter installation only 3/4 inch	70
Tapping into main line	65

SEWER RATES AND FEES

Service Charge

The purpose of this charge is primarily to recover the fixed costs associated with providing sewer service to an account. This charge is applicable to all accounts receiving sewer service whether or not a commodity charge is applicable.

\$1.93 per monthly billing

Commodity Charge

The purpose of this charge is primarily to recover the variable costs associated with providing sewer service to an account which are not assignable to another particular charge. This charge is applicable to all accounts receiving sewer service based upon the water volume metered or estimated volume of discharge as determined by the Authority, as follows:

Designation:

SW-1: All accounts receiving sewer service in conjunction with water service under the WI-1 water rate schedule for the corresponding period:

\$ 1.29 for each thousand gallons

SW-2: All accounts receiving sewer service in conjunction with water service under the WU-1 water rate schedule for the corresponding period:

\$ 1.05 for each thousand gallons

SW-3 All accounts except SW-4 accounts receiving sewer service but not receiving water service, based upon metered or estimated volume of discharge into the system as determined by the Authority:

\$ 1.29 for each thousand gallons

SW-4 All accounts of the Main Campus, University of North Carolina at Chapel Hill receiving sewer service but not receiving water service, based upon metered or estimated volume of discharge into the system as determined by the Authority:

\$ 1.05 for each thousand gallons

Accounts assigned to the SW-2 designation represent the sewer service connections of the University of North Carolina at Chapel Hill which contribute to the sewer mains that are part of the facilities transferred by the University to the Authority without debt by the Agreement of Sale and Purchase with the State.

High Strength Waste Surcharges

The purpose of this charge is to recover a proportionate share of the operation and maintenance costs from customers whose wastewater discharge into the system is in excess of certain parameters as determined by the Authority. The charge is in accordance with regulations governing the award of Federal wastewater construction grants.

<u>Parameter</u>	<u>% of Sewer Treatment Expenses</u>	<u>Cost (\$)</u>	<u>Loading (Lbs)</u>	<u>Surcharge (\$/lb)</u>
BOD	25	118,000	1,883,600	0.06
Suspended Solids	25	118,000	2,159,200	0.05
NH ₃ -N	25	118,000	275,600	0.43

$$\text{Monthly Surcharge} = (C_1 - 205) (\$0.06) + (C_2 - 235) (\$0.05) + (C_3 - 30) (\$0.43) \\ \times 8.34 \times Q$$

where C_1 = the concentration of BOD in milligrams/liter (mg/l)

C_2 = the concentration of Suspended Solids in mg/l.

C_3 = the concentration of NH₃-N in mg/l.

Q = the total volume of wastewater contributed during the month in millions of gallons

The surcharge only applies to concentrations in excess of those for average domestic wastewater. These concentrations are:

BOD = 205 mg/l

SS = 235 mg/l

NH₃-N = 30 mg/l

Availability Charge

The purpose of this charge is to recover a portion of the costs associated with providing capacity in major plant components for expanding the sewer system. Applicable to each connection to a sewer line regardless of who may have paid for the installation of the line to which the connection is to be made, the charge will be paid for by each applicant for service prior to the approval of the connection. The charge is composed of two factors, the size of the property and the demand on the system as represented by meter size, and calculated as follows:

\$ 300 per acre, calculated to the nearest tenth of an acre with a one-half acre minimum lot size, plus:

450	5/8" & 3/4" meters
750	1" & 1 1/4"
1,500	1 1/2"
2,400	2"
4,800	3"
7,500	4"
15,000	6"
34,500	8"

(#600.00 MINIMUM)

Front Footage Fee

The purpose of this charge is to defray, in part, the cost of installing lateral sewer mains which are necessary to provide sewer service to abutting properties and which have been provided at the expense of the Authority or persons, firms or corporations other than the applicant.

A Front Footage Charge of \$13.00 per foot for each separate connection to an existing sewer main shall be paid by each applicant who wishes to secure sewer service therefrom which charge shall be paid prior to the approval of the application for a service connection; provided, however, that in any instance where satisfactory evidence shows that an applicant for a connection has paid the cost of installation of the main at his expense and then conveying the same to the Authority (or its predecessors) or by reimbursing the Authority (or its predecessors) for the cost of such main, the Front Footage Charge shall be waived.

Sewer Tap Charge

This charge is for making a tap of the applicant's sewer lateral into the line of the Authority. The applicant shall be responsible for opening the ditch, providing adequate working clearance at point of tap, adequately shoring the trench sidewalls, dewatering and such other associated activities as to provide a suitable condition for the Authority to connect the service lateral of the applicant into the facilities of the Authority. The minimum charge is based on a standard service tap onto an eight or ten inch line. Except in extenuating circumstances, sewer service will not be provided unless it is in conjunction with water service.

The charge will be for time and material plus an allowance for overhead, but not less than \$120.00

MISCELLANEOUS CHARGES

Service Initiation Fees

The purpose of this charge is to recover the costs of reconnection of the service after discontinuance and the establishment of account records. Applicable to all accounts which require reconnection of service after service was discontinued due to change of ownership, seasonal occupancy, non-payment of bills or other reasons. The lesser charge for a record change only would not necessitate meter reading or attention to the service connection and would require action by the customer to guarantee payment. The charge applies to each instance and each meter installation through which service has been reestablished as follows:

Designation: WCON	Normal charge	\$ 14.00
	Other than normal working hours	27.00
	Record change only	6.00

Returned Check Fee

Each check for payment made payable to the Authority is accepted subject to collection, and a service fee of \$10.00 will be charged for each instance when such check is not honored for payment by the bank or other institution on which it is drawn.

The service fee shall be added to and become a part of the monies due the Authority for which the dishonored check was drawn and shall be payable upon notice.

Tank Sales

Applicable to the sales of bulk quantities of water to tank trucks or trailers at the filter plant site.

Service charge for each sale	\$3.50 plus:
Commodity Charge per thousand gallons	1.27

Bulk sales are subject to administrative regulations and controls for protection of the system and efficient operations.

Direct Sale of Supplies

Applicable to the direct sale of supplies from inventory to municipalities or contractors, the supplies will be billed at the most recent cost plus a handling charge of 10%.

Boat Rental

Applicable to the use of row boats on University Lake during scheduled hours of operation as determined by the Authority, as follows:

Charge for each boat or canoe	\$ 2.00 for one-half day or 3.00 for full day, plus:
Charge for each person for half day	1.00 age thirteen or over .50 twelve or under

Do WCAP employees get free boat use?

100

Mr. Davis stated that every customer within the OWASA service area was charged a uniform rate of \$1.27 per thousand gallons of water used, regardless of the type of use, or the amount, or the season.

Under the sewer commodities charge, Mr. Davis stated that the University paid a uniform block rate of \$1.05 per thousand gallons of sewer service provided. A regular customer would pay \$1.29 per thousand gallons regardless of the number of thousand gallons of water generated.

Mr. Davis stated that when OWASA assumed the management of systems, no debt was assumed from the University. OWASA did, however, assume some debt responsibilities for both the Town of Chapel Hill and the Town of Carrboro. For this reason, he felt preferential treatment had been given to the University.

Report on Procedures for Review of Cable Television Rates

Mr. Taylor stated that the Council could make a decision between September 1 and November 3 re exercise of rate regulation of the Cable T.V. system for the next two years.

The Council could decide to:

- accept rate modification authority immediately by adopting a resolution; or
- review all rate changes, or review only those rate changes over a certain percentage amount determined; or
- decline rate modification authority by (1) taking no action; or (2) adopting a resolution stating that the Council declined to take that authority.

Mr. Taylor stated that the Council could also decide to hold a public hearing in October to receive citizen input. Mr. Taylor stated that a report could be made to the Council at the October 10 meeting, but felt that the Council should be advised now.

COUNCILMEMBER BROADFOOT MOVED, SECONDED BY COUNCILMEMBER WALLACE, TO SCHEDULE A PUBLIC HEARING ON OCTOBER 24, 1983, TO RECEIVE COMMUNITY SENTIMENT.

Mr. Taylor stated that if it were Council's wish to hold a public hearing, the administration would defer a report until after the public hearing.

VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Designation of Delegate and Alternate for National League of Cities' Congress of Cities

COUNCILMEMBER HOWES MOVED, SECONDED BY COUNCILMEMBER WALLACE, THAT MAYOR NASSIF BE DESIGNATED AS THE DELEGATE FOR THE NATIONAL LEAGUE OF CITIES' CONGRESS OF CITIES.

THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER WALLACE MOVED, SECONDED BY COUNCILMEMBER KAWALEC, NOMINATION OF COUNCILMEMBER HOWES AS ALTERNATE TO THE NATIONAL LEAGUE OF CITIES' CONGRESS OF CITIES.

THE MOTION CARRIED UNANIMOUSLY.

Consent Agenda

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

A RESOLUTION ADOPTING VARIOUS ORDINANCES AND RESOLUTIONS (83-R-135)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby adopts the following resolutions and ordinances as submitted by the Manager.

- a. Resolution closing portions of East Franklin and Henderson streets for the annual Festifall Street Fair (October 2)(83-R-136).
- b. An ordinance to prohibit parking on portions of East Franklin Street and Henderson Street for the Festifall Street Fair (83-O-48).
- c. A resolution authorizing playground improvements at Cedar Falls Park (\$5,500 from developers' payments in lieu of reserving open space)(83-R-137).
- d. Budget amendment for Cedar Falls Playground (83-O-49).
- e. First reading of an ordinance granting a taxicab franchise to Mr. Banter Brooks (2 cabs)(83-O-50).
- f. An ordinance to prohibit parking on the south side of Legion Road near Colony Woods West (83-O-51).
- g. A resolution authorizing a contract for audit of the Town's "Section 15" report to the Urban Mass Transportation Administration (83-R-138).

This the 12th day of September, 1983.

THE MOTION CARRIED UNANIMOUSLY.

Resolutions and Ordinances Adopted on the Consent Agenda

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

A RESOLUTION TEMPORARILY CLOSING PORTIONS OF FRANKLIN STREET AND HENDERSON STREET FOR FESTIFALL '83 (83-R-136)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby directs the closing of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, and Henderson Street between Rosemary and Franklin streets on Sunday, October 2, 1983, from 11:00 A.M. to 8:00 P.M., to allow the holding of the Festifall Street Fair and clean-up of the streets following said fair.

This the 12th day of September, 1983.

AN ORDINANCE TEMPORARILY REMOVING PARKING FROM PORTIONS OF FRANKLIN AND HENDERSON STREETS (FESTIFALL '83) (83-O-48)

BE IT ORDAINED by the Council of the Town of Chapel Hill:

That on the 2nd day of October, 1983, between the hours of 12:45 P.M. and 8:00 P.M. there shall be no parking on either side of Franklin Street between Columbia Street and the western entrance of the Morehead Planetarium parking lot, nor on either side of Henderson Street between Franklin and Rosemary streets.

The Police Department of the Town of Chapel Hill is hereby authorized to cover the parking meters on said streets during such hours on said date. The Police Department is further authorized to remove, tow, and impound automobiles and vehicles of any kind which are parked on said streets during such hours in contravention of the ordinance. In light of the large number of pedestrians expected in the street fair area, the Council hereby determines that vehicles in the restricted area would constitute a special hazard requiring prompt removal. The owner shall be responsible for and pay storage and moving costs of any vehicle removed pursuant to the provisions of this ordinance, and the Police Department shall use reasonable diligence to notify the owner of the removal and storage of such vehicles.

This the 12th day of September, 1983.

A RESOLUTION AUTHORIZING PLAYGROUND IMPROVEMENTS AT CEDAR FALLS PARK (83-R-137)

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager to expend up to \$5,502.60, from the account for payments in lieu of reserving open space as provided by Section 7.9.5 of the Town's Development Ordinance, for playground improvements at Cedar Falls Park. The improvements shall be substantially as described in the Manager's report on this matter dated September 12, 1983, a copy of which shall be retained with the records of this meeting.

This the 12th day of September, 1983.

AN ORDINANCE TO AMEND THE "ORDINANCE CONCERNING APPROPRIATIONS AND THE RAISING OF REVENUE FOR THE FISCAL YEAR BEGINNING JULY 1, 1983" (83-O-49)

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, 1983" as duly adopted on June 27, 1983, be and the same is hereby amended as follows for the purpose of playground improvements as described in the Manager's report of September 12, 1983.

ARTICLE I				
	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Appropriation</u>				
General Fund				
Parks & Recreation				
Parks Maintenance	287,692	5,503		293,195
<u>Revenue</u>				
General Fund				
Other	11,468	5,503		16,971

This the 12th day of September, 1983.

AN ORDINANCE GRANTING A TAXICAB FRANCHISE TO MR. BANTER BROOKS (83-O-50) (first reading)

WHEREAS, Mr. Banter Brooks has applied to the Town for a franchise to operate a taxicab business; and

WHEREAS, it appears to this Council that the public convenience and necessity would be served by granting said franchise and that Mr. Banter Brooks appears to be a proper person for said franchise;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that it grants a franchise to Mr. Banter Brooks to operate a taxicab business upon compliance with and pursuant to the provisions of Chapter 20 of the Town Code.

This the 12th day of September, 1983.

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES (83-O-51)

BE IT ORDAINED by the Council of the Town of Chapel Hill that Chapter 21 of the Code of Ordinances, Town of Chapel Hill be amended as follows:

Section 1. That Section 21-27 of the Town Code of Ordinances, No Parking as to Particular Streets, is amended as follows:

a) By inserting, in appropriate alphabetic order, the following:

<u>Street</u>	<u>Side</u>	<u>From</u>	<u>To</u>
Legion Rd.	south	A point 436' west of centerline of Martin L. King, Jr. Street	A point 50' east of centerline of Martin L. King, Jr. Street

Section 2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 12th day of September, 1983.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR AUDIT SERVICES (83-R-138)

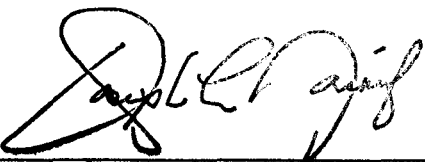
BE IT RESOLVED by the Council of the Town of Chapel Hill that the Mayor of the Town of Chapel Hill be and is hereby authorized to enter into a contract with the firm of Touche Ross & Company for audit services required by Section 15 of the Urban Mass Transportation Administration covering activities in the 1982-83 fiscal year.

This the 12th day of September, 1983.

Nominations--Community Appearance Commission

Councilmember Howes nominated Ms. Karen Davidson for appointment to the Community Appearance Commission.

As there was no further business to come before the Council, the meeting was adjourned at 10:24 P.M.



Joseph L. Nassif, Mayor



David B. Roberts, Clerk